Human Rights and Sex Trafficking

Despite laws against slavery in practically every country, an estimated twenty-seven million people live as slaves. Kevin Bales, in his book *Disposable People: New Slavery in the Global Economy* (University of California Press, Berkeley, 1999), describes those who endure modern forms of slavery. These include indentured servants, persons held in hereditary bondage, child slaves who pick plantation crops, child soldiers, and adults and children trafficked and sold into sex slavery.

A Life Narrative

Of all forms of slavery, sex slavery is one of the most exploitative and lucrative with some 200,000 sex slaves worldwide bringing their slaveholders an annual profit of $10.5 billion. Although the great preponderance of sex slaves are women and girls, a smaller but significant number of males—both adult and children—are enslaved for homosexual prostitution.

The life narrative of a Thai girl named Siri, as told to Bales, illustrates how sex slavery happens to vulnerable girls and women. Siri is born in northeastern Thailand to a poor family that farms a small plot of land, barely eking out a living. Economic policies of structural adjustment pursued by the Thai government under the aegis of the World Bank and the International Monetary Fund have taken former government subsidies away from rice farmers, leaving them to compete against imported, subsidized rice that keeps the market price artificially depressed.

Siri attends four years of school, then is kept at home to help care for her three younger siblings. When Siri is fourteen, a well-dressed woman visits her village. She offers to find Siri a “good job,” advancing her parents $2,000 against future earnings. This represents at least a year’s income for the family. In a town in another province the woman, a trafficker, “sells” Siri to a brothel for $4,000. Owned by an “investment club” whose members are business and professional men—government bureaucrats and local politicians—the brothel is extremely profitable. In a typical thirty-day period it nets its investors $88,000.

To maintain the appearance that their hands are clean, members of the club’s board of directors leave the management of the brothel to a pimp and a bookkeeper. Siri is initiated into prostitution by the pimp who rapes her. After being abused by her first “customer,” Siri escapes, but a policeman—who gets a percentage of the brothel’s profits—brings her back, whereupon the pimp beats her up. As further punishment, her “debt” is doubled from $4,000 to $8,000. She must now repay this, along with her monthly rent and food, all from her earnings of $4 per customer. She will have to have sex with three hundred men a month just to pay her rent. Realizing she will never be able to get out of debt, Siri tries to build a relationship with the pimp simply in order to survive.

The pimp uses culture and religion to reinforce his control over Siri. He tells her she must have committed terrible sins in a past life to have been born a female; she must have accumulated a karmic debt to deserve the enslavement and abuse to which she must reconcile herself. Gradually Siri begins to see herself from the point of view of the slaveholder—as someone unworthy and deserving of punishment. By age fifteen she no longer protests or runs away. Her physical enslavement has become psychological as well, a common occurrence in chronic abuse.

Siri is administered regular injections of the contraceptive drug Depo-Provera for which she is charged. As the same needle is used for all the girls, there is a high risk of HIV and other sexual diseases from the injections. Siri knows that a serious illness threatens her and she prays to Buddha at the little shrine in her room, hoping to earn merit so he will protect her from dreaded disease. Once a month she and the others, at their own expense, are tested for HIV. So far Siri’s tests have been negative. When Siri tries to get the male customers to wear condoms—distributed free to brothels by the Thai Ministry of Health—some resist wearing them and she can’t make them do so.

As one of an estimated 35,000 women working as brothel slaves in Thailand—a country where 500,000 to one million
prostituted women and girls work in conditions of degradation and exploitation short of brothel slavery—Siri faces at least a 40 percent chance of contracting the HIV virus. If she is lucky, she can look forward to five more years before she becomes too ill to work and is pushed out into the street.

**Thailand’s Sex Tourism**

Though the Thai government denies it, the World Health Organization finds that HIV is epidemic in Thailand, with the largest segment of new cases among wives and girlfriends of men who buy prostitute sex. Viewing its women as a cash crop to be exploited, and depending on sex tourism for foreign exchange dollars to help pay interest on the foreign debt, the Thai government can’t acknowledge the epidemic without contradicting the continued promotion of sex tourism and prostitution.

By encouraging investment in the sex industry, sex tourism creates a business climate conducive to the trafficking and enslavement of vulnerable girls such as Siri. In 1996 nearly five million sex tourists from the United States, Western Europe, Australia, and Japan visited Thailand. These transactions brought in about $26.2 billion—thirteen times more than Thailand earned by building and exporting computers.

In her 1999 report *Pimps and Predators on the Internet: Globalizing the Sexual Exploitation of Women and Children*, published by the Coalition Against Trafficking in Women (CATW), Donna Hughes quotes from postings on an Internet site where sex tourists share experiences and advise one another. The following is one man’s description of having sex with a fourteen-year-old prostituted girl in Bangkok:

> Even though I’ve had a lot of better massages . . . after fifteen minutes, I was much more relaxed . . . Then I asked for a condom and I fucked her for another thirty minutes. Her face looked like she was feeling a lot of pain . . . . She blocked my way when I wanted to leave the room and she asked for a tip. I gave her 600 bath. Altogether, not a good experience.

Hughes says, “To the men who buy sex, a ‘bad experience’ evidently means not getting their money’s worth, or that the prostituted woman or girl didn’t keep up the act of enjoying what she had to do . . . one glimpses the humiliation and physical pain most girls and women in prostitution endure.”

Nor are the men oblivious to the existence of sexual slavery. One customer states, “Girls in Bangkok virtually get sold by their families into the industry; they work against their will.” His knowledge of their sexual slavery and lack of sensitivity thereof is evident in that he then names the hotels in which girls are kept and describes how much they cost!

As Hughes observes, sex tourists apparently feel they have a right to prostitute sex, perceiving prostitution only from a self-interested perspective in which they commodify and objectify women of other cultures, nationalities, and ethnic groups. Their awareness of racism, colonialism, global economic inequalities, and sexism seems limited to the way these realities benefit them as sex consumers.

**Sex Traffickers Cast Their Nets**

According to the *Guide to the New UN Trafficking Protocol* by Janice Raymond, published by the CATW in 2001, the United Nations estimates that sex trafficking in human beings is a $5 billion to $7 billion operation annually. Four million persons are moved illegally from one country to another and within countries each year, a large proportion of them women and girls being trafficked into prostitution. The United Nations International Children’s Emergency Fund (UNICEF) estimates that some 30 percent of women being trafficked are minors, many under age thirteen. The International Organization on Migration estimates that some 500,000 women per year are trafficked into Western Europe from poorer regions of the world. According to *Sex Trafficking of Women in the United States: International and Domestic Trends*, also published by the CATW in 2001, some 50,000 women and children are trafficked into the United States each year, mainly from Asia and Latin America.

Because prostitution as a system of organized sexual exploitation depends on a continuous supply of new “recruits,” trafficking is essential to its continued existence. When the pool of available women and girls dries up, new women must be procured.
Traffickers cast their nets ever wider and become ever more sophisticated. The Italian Camorra, Chinese Triads, Russian Mafia, and Japanese Yakuza are powerful criminal syndicates consisting of traffickers, pimps, brothel keepers, forced labor lords, and gangs which operate globally.

After the breakdown of the Soviet Union, an estimated five thousand criminal groups formed the Russian Mafia, which operates in thirty countries. The Russian Mafia trafficks women from African countries, the Ukraine, the Russian Federation, and Eastern Europe into Western Europe, the United States, and Israel. The Triads traffick women from China, Korea, Thailand, and other Southeast Asian countries into the United States and Europe. The Camorra trafficks women from Latin America into Europe. The Yakuza trafficks women from the Philippines, Thailand, Burma, Cambodia, Korea, Nepal, and Laos into Japan.

A Global Problem Meets a Global Response

Despite these appalling facts, until recently no generally agreed upon definition of trafficking in human beings was written into international law. In Vienna, Austria, during 1999 and 2000, 120 countries participated in debates over a definition of trafficking. A few nongovernmental organizations (NGOs) and a minority of governments—including Australia, Canada, Denmark, Germany, Ireland, Japan, the Netherlands, Spain, Switzerland, Thailand, and the United Kingdom—wanted to separate issues of trafficking from issues of prostitution. They argued that persons being trafficked should be divided into those who are forced and those who give their consent, with the burden of proof being placed on persons being trafficked. They also urged that the less explicit means of control over trafficked persons—such as abuse of a victim’s vulnerability—not be included in the definition of trafficking and that the word exploitation not be used. Generally supporters of this position were wealthier countries where large numbers of women were being trafficked and countries in which prostitution was legalized or sex tourism encouraged.

The CATW—140 other NGOs that make up the International Human Rights Network plus many governments (including those of Algeria, Bangladesh, Belgium, China, Columbia, Cuba, Egypt, Finland, France, India, Mexico, Norway, Pakistan, the Philippines, Sweden, Syria, Venezuela, and Vietnam)—maintains that trafficking can’t be separated from prostitution. Persons being trafficked shouldn’t be divided into those who are forced and those who give their consent because trafficked persons are in no position to give meaningful consent. The subtler methods used by traffickers, such as abuse of a victim’s vulnerability, should be included in the definition of trafficking and the word exploitation be an essential part of the definition. Generally supporters of this majority view were poorer countries from which large numbers of women were being trafficked or countries in which strong feminist, anti-colonialist, or socialist influences existed. The United States, though initially critical of the majority position, agreed to support a definition of trafficking that would be agreed upon by consensus.

The struggle—led by the CATW to create a definition of trafficking that would penalize traffickers while ensuring that all victims of trafficking would be protected—succeeded when a compromise proposal by Sweden was agreed to. A strongly worded and inclusive UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons—especially women and children—was drafted by an ad hoc committee of the UN as a supplement to the Convention Against Transnational Organized Crime. The UN protocol specifically addresses the trade in human beings for purposes of prostitution and other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, and the removal of organs. The protocol defines trafficking as:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

While recognizing that the largest amount of trafficking involves women and children, the wording of the UN protocol
clearly is gender and age neutral, inclusive of trafficking in both males and females, adults and children.

In 2000 the UN General Assembly adopted this convention and its supplementary protocol: 121 countries signed the convention and eighty countries signed the protocol. For the convention and protocol to become international law, forty countries must ratify them.

**Highlights**

Some highlights of the new convention and protocol are:

- The various criminal means by which trafficking takes place, including indirect and subtle forms of coercion, are covered.
- Trafficked persons, especially women in prostitution and child laborers, are no longer viewed as illegal migrants but as victims of a crime.
- The convention doesn't limit its scope to criminal syndicates but defines an organized criminal group as "any structured group of three or more persons which engages in criminal activities such as trafficking and pimping."
- All victims of trafficking in persons are protected, not just those who can prove that force was used against them.
- The consent of a victim of trafficking is meaningless and irrelevant.
- Victims of trafficking won't have to bear the burden of proof.
- Trafficking and sexual exploitation are intrinsically connected and not to be separated.
- Because women trafficked domestically into local sex industries suffer harmful effects similar to those experienced by women trafficked transnationally, these women also come under the protections of the protocol.
- The key element in trafficking is the exploitative purpose rather than the movement across a border.

The protocol is the first UN instrument to address the demand for prostitution sex, a demand that results in the human rights abuses of women and children being trafficked. The protocol recognizes an urgent need for governments to put the buyers of prostitution sex on their policy and legislative agendas, and it calls upon countries to take or strengthen legislative or other measures to discourage demand, which fosters all the forms of sexual exploitation of women and children.

As Raymond says in the *Guide to the New UN Trafficking Protocol*:

The least discussed part of the prostitution and trafficking chain has been the men who buy women for sexual exploitation in prostitution... If we are to find a permanent path to ending these human rights abuses, then we cannot just shrug our shoulders and say, "men are like this," or "boys will be boys," or "prostitution has always been around." Or tell women and girls in prostitution that they must continue to do what they do because prostitution is inevitable. Rather, our responsibility is to make men change their behavior, by all means available—educational, cultural and legal.

Two U.S. feminist, human rights organizations—Captive Daughters and Equality Now—have been working toward that goal. Sunita Sandesham of Equality Now says that when her organization asked women's groups in Thailand and the Philippines how it could assist them, the answer came back, "Do something about the demand." Since then the two organizations have legally challenged sex tours originating in the United States and have succeeded in closing down at least one operation.

**Refugees, Not Illegal Aliens**

In October 2000 the U.S. Congress passed a bill, the Victims of Trafficking and Violence Protection Act of 2000, introduced by New Jersey Republican representative Chris Smith. Under this law penalties for traffickers are raised and protections for victims increased. Reasoning that desperate women are unable to give meaningful consent to
their own sexual exploitation, the law adopts a broad definition of sex trafficking so as not to exclude so-called consensual prostitution or trafficking that occurs solely within the United States. In these respects the new federal law conforms to the UN protocol.

Two features of the law are particularly noteworthy:

1. In order to pressure other countries to end sex trafficking, the U.S. State Department is to make a yearly assessment of other countries' anti-trafficking efforts and to rank them according to how well they discourage trafficking. After two years of failing to meet even minimal standards, countries are subject to sanctions, although not sanctions on humanitarian aid. “Tier 3” countries—those failing to meet even minimal standards—include Greece, Indonesia, Israel, Pakistan, Russia, Saudi Arabia, South Korea, and Thailand.

2. Among persons being trafficked into the United States, special T-visas will be provided to those who meet the criteria for having suffered the most serious trafficking abuses. These visas will protect them from deportation so they can testify against their traffickers. T-non immigrant status allows eligible aliens to remain in the United States temporarily and grants specific non-immigrant benefits. Those acquiring T-1 non-immigrant status will be able to remain for a period of three years and will be eligible to receive certain kinds of public assistance—to the same extent as refugees. They will also be issued employment authorization to “assist them in finding safe, legal employment while they attempt to retake control of their lives.”

A Debate Rages

A worldwide debate rages about legalization of prostitution fueled by a 1998 International Labor Organization (ILO) report entitled The Sex Sector: The Economic and Social Bases of Prostitution in Southeast Asia. The report follows years of lobbying by the sex industry for recognition of prostitution as “sex work.” Citing the sex industry’s unrecognized contribution to the gross domestic product of four countries in Southeast Asia, the ILO urges governments to officially recognize the “sex sector” and “extend taxation nets to cover many of the lucrative activities connected with it.” Though the ILO report says it stops short of calling for legalization of prostitution, official recognition of the sex industry would be impossible without it.

Raymond points out that the ILO’s push to redefine prostitution as sex work ignores legislation demonstrating that countries can reduce organized sexual exploitation rather than capitulate to it. For example, Sweden prohibits the purchase of sexual services with punishments of stiff fines or imprisonment, thus declaring that prostitution isn’t a desirable economic and labor sector. The government also helps women getting out of prostitution to rebuild their lives. Venezuela’s Ministry of Labor has ruled that prostitution can’t be considered work because it lacks the basic elements of dignity and social justice. The Socialist Republic of Vietnam punishes pimps, traffickers, brothel owners, and buyers—sometimes publishing buyer’s names in the mass media. For women in prostitution, the government finances medical, educational, and economic rehabilitation.

Raymond suggests that instead of transforming the male buyer into a legitimate customer, the ILO should give thought to innovative programs that make the buyer accountable for his sexual exploitation. She cites the Sage Project, Inc. (SAGE) program in San Francisco, California, which educates men arrested for soliciting women in prostitution about the risks and impacts of their behavior.

Legalization advocates argue that the violence, exploitation, and health effects suffered by women in prostitution aren’t inherent to prostitution but simply result from the random behaviors of bad pimps or buyers, and that if prostitution were regulated by the state these harms would diminish. But examples show these arguments to be false.

In the pamphlet entitled Legalizing Prostitution Is Not the Answer: The Example of Victoria, Australia, published by the CATW in 2001, Mary Sullivan and Sheila Jeffreys describe the way legalization in Australia has perpetuated and strengthened the culture of violence and exploitation inherent in prostitution. Under legalization, legal and illegal brothels have proliferated, and trafficking in women has accelerated to meet the increased demand. Pimps, having even more power, continue threatening and brutalizing the women they control. Buyers continue to abuse women, refuse to wear condoms, and spread the HIV.

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Prostituted women are even more marginalized and tightly locked into the system of organized sexual exploitation while the state, now an official party to the exploitation, has become the biggest pimp of all.

The government of the Netherlands has legalized prostitution, doesn’t enforce laws against pimping, and virtually lives off taxes from the earnings of prostituted women. In the book *Making the Harm Visible* (published by the CATW in 1999), Marie-Victoire Louis describes the effects on prostituted women of municipal regulation of brothels in Amsterdam and other Dutch cities. Her article entitled “Legalizing Pimping, Dutch Style” explains the way immigration policies in the Netherlands are shaped to fit the needs of the prostitution industry so that traffickers are seldom prosecuted and a continuous supply of women is guaranteed. In Amsterdam’s 250 officially listed brothels, 80 percent of the prostitutes have been trafficked in from other countries and 70 percent possess no legal papers. Without money, papers, or contact with the outside world, these immigrant women live in terror. Instead of being protected by the regulations governing brothels, prostituted women are frequently beaten up and raped by pimps. These “prostitution managers” have practically been given a free hand by the state and by buyers who, as “consumers of prostitution,” feel themselves entitled to abuse the women they buy. Sadly and ironically the “Amsterdam model” of legalization and regulation is touted by the Netherlands and Germany as “self-determination and empowerment for women.” In reality it simply legitimizes the “right” to buy, sexually use, and profit from the sexual exploitation of someone else’s body.

**A Human Rights Approach**

As part of a system of organized sexual exploitation, prostitution can be visualized along a continuum of abuse with brothel slavery at the furthest extreme. All along the continuum, fine lines divide the degrees of harm done to those caught up in the system. At the core lies a great social injustice no cosmetic reforms can right: the setting aside of a segment of people whose bodies can be purchased for sexual use by others. When this basic injustice is legitimized and regulated by the state and when the state profits from it, that injustice is compounded.

In her book *The Prostitution of Sexuality* (New York University Press, 1995), Kathleen Barry details a feminist human rights approach to prostitution that points the way to the future. Ethically it recognizes prostitution, sex trafficking, and the globalized industrialization of sex as massive violations of women’s human rights. Sociologically it considers how and to what extent prostitution promotes sex discrimination against individual women, against different racial categories of women, and against women as a group. Politically it calls for decriminalizing prostitutes while penalizing pimps, traffickers, brothel owners, and buyers.

Understanding that human rights and restorative justice go hand in hand, the feminist human rights approach to prostitution addresses the harm and the need to repair the damage. As Barry says:

Legal proposals to criminalize customers, based on the recognition that prostitution violates and harms women, must . . . include social-service, health and counseling and job retraining programs. Where states would be closing down brothels if customers were criminalized, the economic resources poured into the former prostitution areas could be turned toward producing gainful employment for women.

With the help of women’s projects in many countries—such as Buklod in the Philippines and the Council for Prostitution Alternatives in the United States—some women have begun to confront their condition by leaving prostitution, speaking out against it, revealing their experiences, and helping other women leave the sex industry.

Ending the sexual exploitation of trafficking and prostitution will mean the beginning of a new chapter in building a humanist future—a more peaceful and just future in which men and women can join together in love and respect, recognizing one another’s essential dignity and humanity. Humanity’s sexuality then will no longer be hijacked and distorted.

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