

World Trade Organisation

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The new buzzword in economic and social analysis is globalisation, but few commentators have bothered to address it in relation to the sex industry. Here *Liz Kelly* looks at the ways trafficking in women has become a global issue, and at what we know about it in relation to the UK.

Trafficking of human beings, and of women for sexual exploitation in particular, has become a major international issue in the last few years. Every week another international meeting/conference/seminar takes place or a new report is published. Much of this material restates what has previously been said, calls for action and locates trafficking within both an organised crime and human rights framework. Very little explores the sex industry or looks at the issues it raises with respect to policies on prostitution more generally. In fact, there is a studied reluctance to do this - everyone can agree that trafficking for sexual exploitation is a bad thing, especially if it is defined as a 'contemporary form of slavery', but no-one agrees about prostitution and the sex industry or 'economic migration'. This last term is rather mysterious to me, once I think about it - hasn't migration (leaving aside movements of individuals and groups because of political repression) always been about economics to some extent - from nomadic peoples who move between climates and seasons to ensure their own survival to movements between poorer and richer countries? The terrain on which debates about trafficking in women now take place internationally is increasingly ground where the fissures about prostitution narrow the exchange and limit curiosity.

For a radical feminist this can seem like being in hall of mirrors, where the realities of women's lives are distorted and contorted to fit into acceptable international frameworks where at one point people will acknowledge the range of ways women are recruited and exploited, and at another insist that we must talk in terms of 'force' and 'slavery'. There is consensus that traffickers are adept at reading local, regional and international politics, targeting women whose lives and possibilities have been disrupted and diminished by economic, political and social dislocation. What there is far less recognition of is that women are trafficked *into* countries that have existing sex industries which can absorb them, and are often, but not always, trafficked *from* countries where there is an indigenous sex industry: that the sexual exploitation by and through prostitution is minimised, even ignored.

To operate in this field one is yet again confronted with the dilemma of deciding whether to work within the distortions and make some small progress or to try to shatter the mirrors and risk losing either a place in the discussion or the limited commitment to action from those with the power to do something on a significant scale. This piece, however, does not attempt to answer this perennial tension for feminists, but raises some questions that are seldom, if ever, explored in policy debates on trafficking in women, and summarises the little we know about the UK.

Defining terms - what's in a name?

The place where these debates become most obvious - and protracted - is in how to define trafficking in women. More time is devoted to this issue in most international meetings than is ever spent exploring what should be done. As someone who has emphasised the importance of definitions for many years, I was surprised to discover a sense of frustration and irritation with this process (which seems to occur across a range of issues at the international level). The more I witnessed or read about these endless circular discussions, the more I began to suspect that this was not just about ideological differences. The longer prevarication and disagreement prevails the longer states and organisations can put off doing anything. And the deep rifts between feminist global coalitions working on trafficking (especially, but not only the Coalition Against Trafficking in Women [CATW] and the Global Alliance Against Traffic in Women [GAATW]) have, unintentionally, fed into this excuse for inaction. Repeatedly in policy documents, the incomparability of definitions between states, between institutions within states, and across research studies is cited as a serious barrier to progress.

As an exercise for a study Linda Regan and I conducted for the Home Office (see later), we looked at a number of definitions (including those used by CATW and GAATW) from the perspective of what they concurred on. The short versions of the two feminist definitions were:

All acts involved in the recruitment and/or transportation of a woman within and across national borders for work or services by means of violence or threats of violence, abuse of authority or dominant position, debt bondage, deception or other forms of coercion (GAATW, 1999).

Sex trafficking; the recruitment, transportation within or across borders, purchase, sale, transfer, receipt or harbouring of a person for the purpose of prostitution or exploiting the marriage or such a person (CATW, 1999).

They agree on a number of key dimensions:

- Neither rely on force, but include a range of control strategies and coercive contexts which vitiate consent.
- Both include traffic *within* and across borders.
- Both attempt to capture all those who facilitate trafficking.

The only significant differences were that CATW highlight sexual exploitation of/through marriage (which both the UN and Council of Europe now include in their discussions of trafficking) and include anyone who profits from/exploits a trafficked woman. These agreements and commonalities reflect the increasing knowledge about trafficking in women and the new forms that it is taking. In this context - where coercion, debt bondage, abuse of authority and threats and deception are recognised as forms of exploitation and human rights abuses - one might expect that this would have clarified problems with the simplistic distinction between 'forced' and 'free' prostitution that has dominated the international debate in recent years (see *T&S* 38). But no, it returns again and again, resulting in policy papers and research that are internally inconsistent - where the language of 'force' and 'slavery' sits alongside evidence of multiple forms of power and control. The connections with, and implications for, other forms of violence against women are never addressed - probably because most do not really see trafficking as 'gender violence'.

Feminists have spent decades arguing for wider understandings and definitions of domestic violence, rape and sexual assault, sexual harassment - to move us away from narrow legal definitions which only recognise physical force and physical injury. Drawing on women and children's accounts, we have documented a continuum of forms of power and control, and, at least with respect to domestic violence, have been successful in establishing this as the generally accepted perspective and definition. To do the opposite with respect to trafficking seems strange to say the least. The only justification can be to avoid the unresolved and difficult debates on prostitution, or at a more prosaic level, to defend 'turf' and position in the increasingly competitive world of international lobbying by NGOs.

Some have argued strongly that trafficking of women should be seen as one form of illegal migration, and there are undoubtedly connections here that are important. The patterns of movement in some parts of the globe are similar, and the same individuals and gangs are involved in aspects of the transportation. But these links should not deflect from a number of crucial differences. Reducing trafficking in women to just one form of illegal migration means that the exploiters in countries of origin and destination become invisible and the sexual exploitation irrelevant - other than as a form of forced labour or debt bondage. Facilitating illegal migration is usually limited to delivering the person to the country they wish to enter: at this point they are left to their own devices. In some instances they may be being trafficked in order to work in sweat shops, or other industries for minimal remuneration, but none of these forms involve being raped as part of the process, as many women from Albania and Moldova have reported in recent research¹.

With trafficking for sexual exploitation, women are delivered to individuals or organisations who are parties to the transaction and who intend to sexually exploit her. They have invariably paid a fee for the 'delivery' of one or more women, which is then translated into a debt that she has to repay through prostitution. To define women who have been trafficked as economic migrants requires redefining traffickers and procurers as providing some form of desired service to women seeking 'work'. It is not economic migration when women are made to stand naked in the street and are literally bought and sold, as they are in the Arizona market in Bosnia.

This perspective also fails to address the meanings and consequences of sexual exploitation for women if and when they return home. Whilst there is increasing attention to 'return and reintegration' programmes, few, if any, of them choose to engage with what it means to have been prostituted in any circumstance, let alone the specific ones for trafficked women. Given that stigma attaches to women in prostitution and is even more intense in countries where culture and religion involve notions of honour, failing to explore these issues means women are left vulnerable to social exclusion, and because of this, to re-trafficking or involvement in the sex industry in their home country. The good intentions of NGOs are rooted in a belief that by viewing women as 'forced' this will in turn mean that they are seen as 'deserving victims' by the community and re-integration will be unproblematic. This optimism is not supported by what we know about other forms of violence against women - the most extreme example being the rejection by families and communities of women who have been raped during conflict. Woman blaming persists in all cultures, although its virulence and precise content may vary. Nor does this strategy reflect what we know about what enables women to not just leave prostitution, but re-construct (and for some construct for the first time) a sense of self as deserving of respect and dignity. A recent evaluation of a project in London working with young women in prostitution made clear that building relationships in which women

felt worth something, and within this being able to discuss the realities of prostitution, was the foundation for further change seeming possible².

Another possible reason why NGOs and human rights groups might choose the language of 'slavery' and 'force' is to circumvent the increasingly ambivalent, if not hostile, attitude amongst western governments to migrants and asylum seekers. The growth in Western Europe of stricter immigration and border controls, alongside a narrowing of rights to accommodation and financial support for asylum seekers, creates a context where making arguments for 'special cases' can soften the impact at least for some. But 'special cases' have to be 'special' - different from the majority. In the process some trafficked women will be designated as 'deserving' and others less so.

Whatever the reason, the focus of discussion and debate on the unhelpfully simplistic distinction between 'forced' and 'free' prostitution means that many of the most interesting questions do not get asked.

Shifting sands

Some of these questions are: what is happening in the sex industry internationally, why and what this tells us. It is not just that trafficking in women has increased dramatically in the last decade, but that sex industries globally are increasingly populated by foreign women. Many, but not all, will have been trafficked. Some women from countries where they face limited employment opportunities do migrate legally to work in the sex industry, others are able to pay for their (illegal) migration to be facilitated but are not controlled on arrival, since they are not indebted to anyone. But these are the exceptions, rather than the rule, and there is still the open question of how they find routes into the sex industry in a foreign country; the only accounts which shed light on this suggest that women who are already involved act as informal recruiters when they return home. How organised this is remains unclear.

Many - probably most - countries across the globe are implicated in trafficking. The conventional distinctions designate them as sending, transit and/or destination countries. There is some acknowledgement that it is possible to be all three, with indigenous women being trafficked outwards, parts of the country being used as transit routes between two other countries, and women being trafficked in from still other countries. But current analysis tends to locate countries on either side of the origin/destination divide, with the former being characterised by poverty and the latter by relative affluence. With respect to affluent countries this is broadly accurate. But the reality for poorer countries is considerably more complex, since they have become destination countries for women from their even more poverty-stricken neighbours, and part of transit can involve 'breaking' women through sexually abusing and prostituting them en route to another destination. Some examples will illustrate these processes. In India street prostitution increasingly involves girls and young women trafficked from Nepal, Laos and Cambodia. In the Balkans, whilst Albanian and Kosovar women are trafficked west, young women from Moldova, Romania and the Ukraine are trafficked into, and through, Albania, Bosnia and Kosovo. These accounts from research done by Vlore Women's Hearth *Through the Traffic of Women* illustrate this, and the diffuse nature of those who facilitate trafficking:

Olga, Kristina, Natalia and Silvia are all from different towns in Moldova. They were caught by the police in Vlora (Albania), while waiting to depart for Italy. The same people recruited them. Escorted by a man they travelled to Romania... the itinerary continues in Belgrade, where they are greeted by a couple who took away their passports and 1,400 deutschmarks. A few days later they were taken to Montenegro where other people met them to wait a few more days...[then a complicated journey through Albania involving three further stops]. Throughout this month long journey the girls are guarded by men who rape and ill-treat them regularly. During their stay in Belgrade, Montenegro and Albania, girls undertake daily prostitution, paying tariffs set by their companions who are trying to get some 'middleman profits' since they are not the 'real' exploiters.

E, from a village in Albania lived in difficult economic circumstances, with a paralysed mother. At the age of 14, her father sold her... to a young man who often came to their village for 'business'. Raped and drugged, she was sent to Italy for prostitution, escorted not by the man who bought her, but another exploiter from another town.

Recent information from Holland, Italy and the UK show that the majority of women in certain locations - the windows in Amsterdam and The Hague, call flats in Soho, and street prostitution - are foreign women. As evidence from across Europe increases, certain consistent patterns of movement are emerging: some seem to be purely about geographic proximity of borders - such as the links as between Albania and Greece and Italy; others reflect the relative size of the existing sex industry, meaning more trafficked women can be absorbed, such as the Netherlands and Germany; and some reflect historic links between countries including those of colonialism.

I have no wish to suggest that underpinning this shift is a well organised international conspiracy - at the day-to-day level there are many small scale operators involved, who women know vaguely, if at all. This makes tracing and prosecuting traffickers very difficult. At the social level there must be some factors that might explain these processes. But there is a remarkable lack of curiosity or interest in either noticing this shift, or seeking to understand and explain it. Why are sex industries across the globe increasingly populated by migrant and trafficked women? One part of the answer has to be the scale of profits involved; having someone who is hugely in debt, or who has been literally sold or kidnapped, means that she works for virtually nothing, and the profit margin goes to the exploiter - whether they are a pimp, a flat or brothel owner, or part of a modern mafia. But such profits are not possible without demand, demand from men to pay for sex with women who are 'other', who do not speak their language, who have less power and status in general than women who are nationals, and, therefore with respect to what Julia O'Connell Davidson calls the 'prostitution contract'. That this is increasingly the case and that one of the things exploiters and customers alike enjoy about 'foreign' women is the fact that they are more likely to have sex without condoms and not draw lines about which sexual acts they will and will not do, raises a number of fundamental questions for those who have sought to argue that women in prostitution have considerable control over their 'work'. It confirms what Julia O'Connell Davidson argues - that what men are buying is control over another's body, and more than this: that there is a large market for having total control.

Trafficking also questions some of the ways in which the processes of globalisation have been represented. Two processes tend to be highlighted. First, that transnational companies are able to

move production to locations where labour is cheap, and labour laws weak. Secondly, that in many industrialised countries certain low-paid, essential infrastructure jobs are becoming harder to fill, and migrant labour is increasingly needed to clean streets, hospitals etc. Neither of these processes 'fit' trafficking precisely, and exploring why might raise interesting questions about gender and globalisation.

What we know about trafficking in women

There is considerable agreement in the literature about what makes women vulnerable to trafficking:

- Poverty - economic hardship, economic transition and structural adjustment programmes all differentially impact women.
- Conflict and social dislocation.
- Gender inequality - it is not an accident that women and girls are those who are trafficked for sexual exploitation.
- Family loyalties and responsibility - through, for example, agreeing to migrate for work in order to pay a debt for mortgaging family land.
- Social exclusion - more marginalised groups are often targeted, such as hill tribes in Nepal, the rural poor in Albania, young unemployed professional women in Eastern Europe.
- Myths about 'the west' - traffickers exploit naïveté and unrealistic ideas about how much it is possible to earn, and how people live in western countries.
- The desire for a better life.

There are five basic ways in which women are trafficked:

- Complete coercion through abduction, kidnapping or being sold by one's family. This is thought to be rare, but there is increasing evidence of this taking place in Albania and Kosovo, and it is more common in parts of Asia; girls and young woman are the primary targets.
- Deception by promises of legitimate employment/entry: women believe that they will be working in restaurants, bars or are entering for marriage.
- Deception through a legitimate marriage to a young man 'with prospects' who is working abroad, who when the couple arrive in this country becomes an abusive pimp.
- Deception through half-truths, such as that they will be employed in entertainment, dancing or even stripping.
- Deception about the rewards and conditions of work: some women are fully aware that they are migrating to work in prostitution, but they are unaware of the extent to which they will be indebted, intimidated, exploited and controlled.

Women who are deceptively recruited are led to believe that they can travel to a rich western country and earn large amounts of money in a short space of time, which they can then use to move themselves and their families out of poverty and despair. The reality is that the amount of debt is so great that it takes months and months to pay off, during which time they receive no payment. If they reach the point of having paid it off, they are then told they have incurred additional debts for accommodation and other expenses, and/or that their earnings are being held for them or sent home for their families. The majority of trafficked women who are either identified by the police, and/or who make contact with NGOs report that they have made little if any money.

Should women protest at their treatment, a series of threats will be made to friends and family. Should these levels of coercion still not produce compliance, physical and sexual violence will be used.

The ways women are exploited, therefore, include:

- being deceived about what their life will be like;
- not being allowed to control the number of clients;
- not being allowed to negotiate sexual practice;
- having their earnings taken at source;
- having their movements and options controlled through removal of papers;
- threats to themselves and/or threats to their families.

The consequence is that women have little, if any, control over their bodies or lives, and it is this reality which has led some feminists to call this a condition of sexual slavery. In the late twentieth century, international NGOs and the UN talk of 'contemporary forms of slavery' - where individuals are more disposable and the rights and forms of ownership are temporary rather than life long.

The extent of trafficking in the UK

Various 'guesstimates' of the global and regional scale of trafficking in women for the purposes of sexual exploitation have been published. There are seldom any calculations provided to support the figures, and they can appear to be 'back of the envelope' calculations; but the paucity of data - there are no accurate figures for any EU country - means that estimates and extrapolations are all that have been possible. Researching trafficking presents a number of almost insuperable problems: the activity itself is illegal, and therefore, hidden; few, if any, exploiters would participate; and even if one had access to women, many do not speak the language of the country they are resident in and/or may be too intimidated to speak.

In the UK, until recently, we had little more than anecdotes, which enabled a view that it was not 'our' problem. In 2000, Linda Regan and I conducted the first contemporary study using interviews with police services (36 of the 42), immigration and NGOs to try and assess the extent of trafficking into the UK. What follows draws on that report and an unpublished update done in early 2001.

We found a total of 71 women in 1998 - based on 18 confirmed trafficking cases from five police forces, although the majority of cases and women were located in London. The women involved came from Albania, Brazil, Czech Republic, Hungary, Lithuania, Portugal, Romania, Slovenia, Spain, Thailand, and the Ukraine. All were in off-street locations: call flats, walk up flats, massage parlours and saunas, and in all but one case, the local police had a 'pro-active' approach to prostitution and/or a vice unit.

The most recent information from CO14 (the section of the Metropolitan Police with designated responsibility for trafficking in women) is that over the last two years, 501 foreign women have been identified working in Soho, of whom half were from the Balkans, and a further 98 were in other parts of London. They estimate a year on year increase of 20% within Soho of foreign women for the last five years - there were hardly any women from the Balkans in the call flats in 1995; now they are estimated to be 80% of the women working from them. Whilst it is not possible to say all

these women have been trafficked, CO14 believe the majority of them have been. We found indicators of more significant problems, including: inconclusive police investigations outside London; media reports of trafficked women in local brothels where the local police reported not having a problem; evidence of the UK being used as a transit country for girls and young women being trafficked from West Africa to Italy. One London health project for women in the sex industry had 1,385 'contacts' between July and September 2000, 508 of which were recorded as women from the Balkans and Eastern Europe ('contacts' is not the same as individuals - some women may have had more than one contact in the time period). The problem is therefore larger than the confirmed cases, they are the tip of an iceberg of considerably greater proportions.

Apart from CO14, which has a pro-active response to trafficking, most police services have a reactive response; responding either to cases where women report themselves (as a few escape and do) or to the rare customers who communicate to the police women's distress and wish to be 'rescued'. Our survey found that only nine police areas were able to provide any information about the scale of the sex industry in their area; in each case this related to a small location in which prostitution (usually 'on-street') was concentrated. There were only two police forces in the survey which regularly monitored their local 'sex market'. As well as having minimal knowledge, prostitution, especially off-street, tended to be responded through a reactive, nuisance-based, approach.

Most police forces, therefore, have no mechanisms to assess whether there is a local problem, meaning it is unlikely that trafficked women or traffickers and exploiters will be detected. The exception here will be cases involving those unusual punters who listen to women's complaints and make a report to the police.

This led us to pose the question whether the lack of monitoring of off-street prostitution creates - albeit unintentionally - 'zones of toleration' within which traffickers can operate with virtual impunity. In recommending increased monitoring of the sex industry we were acutely aware that recommending any increase in the policing of prostitution would be met with hostility from some women in the sex industry and some of the organisations which support them. We argued that any shift in policy must take place within a clear, shared national framework that is based on human rights principles for all those involved. Monitoring off-street prostitution should be understood as a necessary strategy to guarantee that neither children nor trafficked women are in those locations, and to ensure the absence of coercion and violence with respect to local adult women and men. There are possibilities here for inter-agency work with local authorities who are responsible for licensing many of the premises concerned, and monitoring by health and safety officers - rather than police officers - within a local Crime Reduction Partnership was floated as idea worth piloting.

Being trafficked into the UK

It is rare for women to be trafficked into the UK through entirely illegal methods, such as false floors of trucks, although we came across cases where parts of the journey from countries of origin involved this kind of transportation and a number of the women most recently detected talked of coming in via these methods. Entry into the UK typically involves women presenting themselves at ports of entry with variations of legitimate and illegitimate documentation. They may have a real or false passport, a legitimate or forged visa, or one which is legitimate but has been obtained through

duplicitous means (many women from Central and Eastern Europe no longer need visas). A male English-speaking escort, who will pose as her husband/boyfriend or a relative, accompanies most trafficked women. Some traffickers instruct women to apply for asylum on arrival, knowing that the process will take at least a year. On arrival in the UK women are usually transferred from the trafficker to the brothel owner/pimp with whom the traffickers are dealing. False papers will be taken back by the trafficker at this point, and the woman's passport will invariably be handed over to the person to whom she is now indebted, who has 'paid' for her. It is at this point that many women discover the extent to which they have been deceived. For some it is the fact that there is no legitimate employment and that they are expected to work in prostitution, for others that it is prostitution and not stripping or lap dancing, and for still others that they will earn little if anything until they have paid off a large debt. For most, the conditions in which they live and work are not what they expected; rather than their own room/apartment they are sharing with a number of other women; instead of enjoying a cosmopolitan city they work long hours, six or seven days a week.

Most women have a debt of £8,000-£15,000, which they have to repay before they make any money. The most common way they are required to do this is to work 'for free' for a specified number of customers - this strategy ensures that there are no financial records, which have in the past been used as evidence in prosecutions. Once that debt is paid women may begin earning money - but they will also have amassed new debts: for accommodation, for the rent of the flat they work from etc, and also have to save for the cost of their journey home. Few earn anything close to the money they had been promised, and many return home with nothing at all to show for the months they have sexually serviced men.

What is to be done?

Changes in law, policy and practice must not do further harm, nor increase the potential harms to women. For example, it is difficult to see how strategies to increase detection at points of entry, where they are not based on strong intelligence, will achieve anything more than harassment of women travelling from certain destinations. There is little likelihood of such a strategy being effective in detecting and prosecuting traffickers. Equally, a policy focusing primarily on detecting and removing women both denies them their right to redress and may have the unintended impact of simply increasing demand - as appears to be happening currently in the Netherlands and Australia. Summary expulsion can have dramatic effects on women, since it defines and treats them as criminals, and returns them to contexts where there is minimal support and where, in the absence of protection, they may be swiftly re-trafficked to another destination. Such policies punish the victim, whilst having minimal impact on the exploiters.

A yawning gap in provision in the UK is that there is no specialist NGO working with trafficked women; providing them with safe housing, advocacy and support is extremely difficult. In such a context it is not surprising that on detection most women request to be returned home. This was one the recommendations at the end of *Stopping Traffic*, but whilst the government has expressed concern, no progress has been made to date.

It is now EU policy that member states should arrange for trafficked women who agree to give evidence in a legal case to be granted temporary residence rights; at least four countries have enacted law to this effect, but the UK has no official policy, although women in this situation have

invariably been given leave to remain. This is a minimal position for women whose human rights have been grossly violated within the EU. A more just position would be to recognise, and enable, applications for asylum under the Geneva Convention, with trafficking counting as gender violence.

There is also a need to develop a legal framework with appropriate penalties which provides redress for all the ways in which women's human rights are violated by traffickers and exploiters and is effective in prosecuting these crimes. It should also include rights for women to sue their exploiters. Too little of the work to date has addressed ways of enhancing law enforcement, finding effective methods for disrupting criminal networks and increasing the costs to exploiters at all levels. Prevention efforts in origin countries have, in the main, focused on young women offering them advice about the dangers of accepting offers of work abroad. Including measures directed at the young men who recruit would provide some balance in these responses, and daring to target demand would be a radical step.

These measures would have some impact, but while the huge differences in wealth between countries not only exist but become more acute and women's inequality remains unchanged, there will always be young women desperate enough to believe promises of a better life. And there will always be and men (and some women) from their own countries and elsewhere ready to exploit their desire for something better.

References

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Notes

1. See, for example, recent statistics from the International Organisation of Migration offices in Kosovo and Bosnia, and a study by Vlora Women's Hearth, 2000 - www.iom.ipko.org / www.iom.ba

2. See, Liz Kelly and Rachel Wingfield, 2001, *Worth Less or Worth More? An Evaluation of the Maze Marigold Project*.

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