

# Bringing Human Rights into the Debate on the Global Trafficking of Women: Assessing the Feminist Rights-Based Approach<sup>\*</sup>

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## Introduction

Often perceived as a major turning point in history, the fall of the Berlin Wall significantly altered the socio-political, economic, and security dimensions of the global 'landscape'. In eliminating the 'bipolar' world order that had persisted in the aftermath of WWII, the demise of the Soviet Union and subsequent removal of the associated geopolitical barriers set the stage for the geographical expansion of globalisation within a new world order. The end of the Cold War facilitated a "renewed scope for further globalisation" unimpeded by communist resistance (Clark 143). It was, however, "more unstable and less predictable" than the previous world order (McRae and Hubert 15) as globalisation "constitutes a — process of uneven development that fragments as it coordinates...[such that] the outcome is not necessarily, or even usually a generalised set of changes acting in a uniform direction, but consists in mutually opposed tendencies" (Giddens in Guillen 245). As a result of its uneven character and associated consequences, globalisation has shaped a world which is uncertain and unfamiliar in its capacities. This has prompted insecurities and concerns about threats that are extremely challenging for national and transnational institutions to manage.

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<sup>\*</sup> Note: An earlier version of this article was originally published in *Potentia* with incomplete references. This is a corrected version.

Human trafficking is a phenomenon that has been called as a 'global disease' and engenders an alarming concern for policy makers and academics alike. Statistics reveal a terrifying trend, suggesting that, globally, between 600, 000 to 800, 000 individuals are trafficked annually, eighty percent of whom are women (Heyzer in Truong et al. 102). Human trafficking is the third largest and most profitable transnational activity in the world (with an annual revenue of \$9.5 billion US), preceded only by the drug and gun trades (Di Nicola in Lee 60; Lugosi 2). Such statistics identify human trafficking as a great threat -- a threat of global proportions, devastating the very human life upon which it is predicated. Human trafficking, ultimately, violates "the sanctity and quality of humanity" (Ebbe in Ebbe and Das 39).

The 2000 United Nations (UN) Convention Against Transnational Organised Crime defines trafficking as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other force of coercion, of abduction, of fraud, of deception, of the abuse of power or of the position of vulnerability or of the giving or receiving of payments or benefits to achieve a concept of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour, or services, slavery, or practices similar to slavery, servitude or the removal of organs (UN in Aas 37).

This definition suggests that human trafficking is a multi-dimensional and complex phenomenon, involving a number of concerns including drug trafficking and abuse, violation of immigration laws, extortion, child trafficking, child labour, forced prostitution, slave labour, sexual slavery, and the exploitation of female migrants. This article will draw on the Convention's definition of human trafficking, identifying it as an intricate

phenomenon, multi-dimensional in nature. The article will first discuss human trafficking within the context of globalisation, acknowledging the complexity involved in human trafficking. Second, it will present three theoretical approaches to human trafficking: the economic, the criminal, and an emerging feminist rights-based approach. Third, it will provide a detailed examination of three international efforts to combat human trafficking. The article will first analyse the International Police Executive Symposium, followed by an analysis of the Council of Europe Convention on Action against Trafficking in Human Beings. The article will then discuss the United Nations Convention against Transnational Organised Crime as well as its supporting protocol: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. These organisations have been carefully chosen as each resembles one aspect of the global effort to combat trafficking. The article will identify the limitations to the criminal and economic approaches, and in so doing, it will demonstrate that the feminist rights-based approach addresses the short-comings of each approach by contextualising human trafficking as a human rights issue specific to women. This approach provides valuable insight into the fight against human trafficking by stressing the interrelationship between gender equality, prostitution, and women's labour migration within the context of globalisation.

#### Globalisation, Transnationalism, and Human Trafficking:

According to Richard Falk, globalisation has become "the most satisfactory descriptive label for the current historical era...for better or worse" (1). As such globalisation has become highly popularised and is invoked to infer a wide range of

issues within the present world order. Due to its “all-encompassing” nature, “globalisation is used to explain everything at a cost of leaving nothing that is not still shrouded in haze and mystery” (Clark 143-4). Evaluating the various relevant issues and political consequences considered to be the by-products of globalisation is therefore beyond the scope of this article. The article is, instead, concerned with globalisation insofar as it grants the reader a convenient frame of understanding, allowing the reader to think about human trafficking as an issue of transnational dimensions. As scholars such as Helen O’Neil argue, globalisation is a dynamic, multifaceted phenomenon with social, cultural, geographical, and security-related elements (21-2). It thus signals a substantial shift away “from a world of discrete but independent national states to the world as a shared social space” - a world that is continually shaping and re-shaping the organisation of social, political and economic interrelationships (McGrew in Baylis et al. 18). That is, within globalisation “the cumulative scale, scope, velocity, and depth of contemporary interconnectedness is dissolving the significance of the border and boundaries which separate the world into its some 193 constituent states or political spaces” (Rosenau in Baylis et al. 18). Held et al. explain this in their definition of globalisation, defining globalisation as:

A process (or a set of processes) which embodies a transformation in the spatial organisation of social relations and transactions—assessed in terms of their extensity, velocity, and impact—generating transcontinental or interregional flows and networks of activity, interaction and the exercise of power (16).

Some scholars argue that globalisation signifies the end of the Cold War victory (Reynolds 3-4; Clarke 143). Such scholars contend that globalisation has become an instrument to “satisfy the demands of the victors” in the post-Cold War era (Clark 143).

Ian Clark asserts that globalisation reflects a set of “fundamental dynamics that have persisted between the Cold War and post-1990 periods” such that it has integrated significant elements of the Cold War era and ensured their continuity within the post-1990 world order (139). However, this is a bold interpretation of globalisation and an in-depth investigation is required to determine whether it is fully legitimate.

The fall of the Berlin Wall was “clearly indicated in the renewed scope for further globalisation” as it had the opportunity to “encompass the world, after the resistance from the Soviet bloc had been defeated” (Clark 143). The fall was seen to signify the ‘borderless’ and uneven nature of globalisation. It has been argued that globalisation embodies a shift in the way we think about socio-political space as it reflects the transformation of “geography from a barrier to a connector”, thereby creating a borderless world (Keohane in Baylis et al. 194). Jan Art Scholte explains that this process of ‘global interconnectivity’ has been constituted by open-border interactions, cross-border interactions, and trans-border interactions (Scholte in Clark 36). These complex and dynamic interactions, facilitated by contemporary technological advances, bring the world within closer reach of all its occupants, for better or for worse.

The uneven quality of globalisation refers to the division of the world into ‘winners’ and ‘losers’ (O’Neil 30-1; Heyzer in Truong et al. 103). Globalisation theorists such as Phillip McMichael, claim that the ‘fundamentalism of neo-liberalism’ is correlative of globalisation and has benefited some in the global North (i.e. economically and technologically), while disadvantaging a vast proportion of those in the global South by reducing wages and privatising public goods (235). Anthony Giddens asserts that

this is a fundamental shortcoming of globalisation, which represents the highest stage of capitalism as the driving mechanism of neo-liberalism (15). David Harvey, a distinguished anthropologist, describes globalisation as ‘a spatial fix’ which fuels capitalism’s greedy drive to achieve profit maximisation through geographical expansion and restructuring (24-5). Essentially, capitalism is “addicted to geographical expansion much as it is addicted to technological change and endless expansion through economic growth” (Harvey 24).

The growth of capitalism within globalisation has signified a world order which is highly unstable and unpredictable in its scope and capacity. As such globalisation constitutes a “process of uneven development that fragments as it coordinates...[such that] the outcome is not necessarily, or even usually a generalised set of changes acting in a uniform direction, but consists in mutually opposed tendencies” (Giddens in Guillen 245). Due to its uneven character and consequences, globalisation has shaped a world which is uncertain and unfamiliar in its capacities. As Chris Rumford contends, this highlights a paradox that exists within the concept of globalisation: on the one hand it connotes that the world is becoming increasingly smaller and interconnected, while on the other hand, it indicates that this same world is larger, more complex, and more dangerous and threatening in its capacity (632). It is within the framework of this paradox that human trafficking is conceptualised as a formidable transnational issue. Louis Shelly draws on the linkage between globalisation and human trafficking arguing that:

Globalisation ...has facilitated the rise of human trafficking by marginalizing many rural communities, impoverishing women and children in many regions, and accelerating rural to urban migration. Increased speed and ease of money movement...facilitate not only the laundering of traffickers' profits but grand corruption (40).

Human trafficking scholars generally acknowledge that the phenomenon is not something new (Coontz and Griebel 48; Jahic and Finckenauer 25). While some argue that the practice dates back to the beginning of civilisation (Bales 126; Obokata 10), most agree that the current global phenomenon of human trafficking is rooted in recent history. Some trace it back to the 1980s, when most human trafficking victims were from developing continents, particularly Africa and South America (Coontz and Griebel 49; Jahic and Finckenauer 25). Such scholars also note that it extended far beyond these regions to attain a global dimension after the demise of the Cold War and the subsequent emergence of new Eastern and European states, thereby coming to demand international recognition.

#### Theorising Human Trafficking: Advocating a Feminist Rights-Based Approach

There are two traditional theoretical perspectives focused on controlling human trafficking: the criminal and the economic (Laczko and Thompson 25; Beeks and Amir 11). The former "considers trafficking as a criminal activity", emphasising law enforcement's responsibility to identify and classify victims and utilise legal measures to contain traffickers (Beeks and Amir 11). As Phyllis Coontz and Catherine Griebel explain:

Much of the renewed interest in trafficking among western governments was an extension of growing concern with transnational crime, particularly with such

activities as money laundering, drug trafficking, and the trade of weapons, human organs and people (49).

In treating human trafficking as one aspect of transnational crime that can be addressed through legal versus illegal classifications, the criminal approach minimises the complexity of its processes and overlooks the human rights of the victims, specifically those who fall into “a quasi-legal” realm (Laczko and Thompson 28; Lugosi 6). Those in this realm almost achieve the official legal status of ‘victim’ or ‘refugee’, but may not fulfil the exact criteria granting legal authorities the flexibility to delegate them as a victim, or not.

In contrast to this is the economic perspective, which rests on the premise that economic factors constitute the principal drivers of human trafficking (Laczko and Thompson 25). This is problematic as this is precisely why victims are vulnerable to traffickers (Laczko and Thompson 25-6). The economic perspective further reflects the liberal-economic assumption, suggesting that the advancement of “equal opportunit[ies] to work and accumulate material wealth will” lead to the elimination of human trafficking altogether (Lugosi 6). While the economic perspective is considered a legitimate approach, one of its chief shortcomings is its inability to address the vulnerability of victims subjected to trafficking due to non-economic factors (Laczko and Thompson 25-7), particularly those trapped in military conflict zones (Ebbe and Das 21).

In response to the limitations of the criminal and economic perspectives, a rights-based theory has emerged to reconceptualise the global problem and management of human trafficking. This perspective sheds new light on both the causes and the effects

of human trafficking by taking a human rights approach to conceptualizing, theorizing and addressing the practice (Obokota 35). As a framework of analysis, the rights-based theory focuses on the recognition and examination of human rights norms and principles violated by human trafficking. The theory acknowledges rights to life, work and health, and prohibitions against torture and slavery, among others (Obokata 35). The theory goes further, however. It is also a framework of action, invoking the legal obligations of both individual states and the international community to eliminate trafficking, safeguard its victims, and hold traffickers accountable through prosecution (Obokata 35).

The human trafficking literature consistently acknowledges the disturbing fact that approximately 600, 000 to 800, 000 human beings are trafficked annually (Heyzer in Truong et al. 102). A large percentage of these victims are women. As the Central Intelligence Agency (CIA) and Federal Bureau of Investigation (FBI) report, roughly 45, 000 to 50, 000 women and children are trafficked annually into the United States (Richard in DeStefano 13). The numbers are equally disturbing for Western European countries, as the International Organisation for Migration (IOM) reports an estimated 500, 000 women and children are the annual victims of trafficking to Western Europe, most of whom arrive from the Newly Independent States (NIS) of the former Soviet Union (IOM in Ebbe and Das 18). As eighty percent of trafficking victims are women, gender is a central issue in the rights-based approach to human trafficking (Di Nicola in Lee 60). Consequently, a Feminist Rights-Based Approach (FRBA) to trafficking has emerged, enhancing the literature by applying a 'gender lens' to the phenomenon of human trafficking.

The FRBA foregrounds the feminist critique of the sex trade focusing on the links between globalisation, prostitution, and human rights. According to this approach, one of the fundamental conditions of human trafficking is that it is a patriarchal practice that reflects “a system of domination of man over women . . . transcend[ing] different economic systems, eras, regions and class” (Boonzaier and Sharp 154). This standpoint does not align easily with more conventional understandings of the industry as the FRBA posits a correlation between human trafficking and increases in women’s labour migration, referred to as the ‘feminisation’ of labour migration (Heyzer in Truong et al. 103). Female labourers are much cheaper than male labourers to import from poor regions as ‘typical’ jobs, such as housekeeping, caregiving, and working in the fast food industry, require minimal education. This change in the pattern of global labour migration is salient to feminist groups seeking to advance FRBA. Attracted by what, to them, is economic gain, migrant women workers often choose or are forced to leave countries where their lives are characterised by poverty and/or a lack of opportunity. The evolution of women’s roles in industrialised and developed countries has meant that many women no longer work in the home or in low-paying, low-skilled positions. This has resulted in a larger migration of women into these countries that ultimately translates to an increase in trafficking (Heyzer in Truong et al. 105).

The demand for cheap women’s labour has opened up an avenue for illegal and trafficked labour which has exposed female migrants to large scale human rights abuses. Not only do the traffickers charge high fees, but once migrants arrive at their destination, it is common practice for employers to withhold pay from already-low

wages. Forced to seek other work in order to survive, women may have no choice but to turn to prostitution. While this trend has gained attention in recent years, feminist efforts to address the issue of prostitution have been frustrated by pro-prostitution advocates who, in relatively recent years, sought to rename prostitution 'sex work' (Jeness in Jeffreys 70). From an FRBA perspective, this change in terminology was carefully devised to re-define prostitution characterised by "deviant sexual behaviours to a job like any other" (Jeffreys 5). The characterisation of prostitution as simply 'any other job' overlooks the human rights abuses suffered by migrant female labourers.

In addition to this, by focusing on the causes and effects of human trafficking, the FRBA advocates a multidimensional approach that considers the interplay between an array of factors, including poverty, torture, inhuman actions towards others, slavery, forced labour, kidnapping, and forced migration. All of which constitute distinct categories of human rights violations and "must be addressed adequately", and individually, if human trafficking is to be effectively fought and eradicated (Obokata 35). These issues become complicated when human trafficking victims fall prey to kidnapping and forced prostitution, as some immigration and law making officials would argue that traffickers themselves are victims of their own limited choices (Aronowitz in Siegel et al. 87). The FRBA responds to these rather narrow perspectives, asserting that the measures used to confront trafficking must foreground its horrendous violation of the human rights of trafficked persons, who need help in order to defend these intrinsic rights. In other words, "the focus should be on protecting the trafficked victims' rights rather than exposing them to additional hardship [such as] testifying in a trial, or being exposed to danger" (Aas 38).

In linking globalisation, prostitution and human rights, the FRBA contends that international human rights establishments have yet to fully 'catch up' with the process of globalisation (Heyzer in Truong et al. 112). Though women who cross borders to work have the intrinsic right to fair and reasonable working conditions, in reality, the two rights have remained disconnected as they fall under the territorial sovereignty of the 'nation-state'. Which can be defined as:

a modern phenomenon, characterised by the formation of a kind of state which has the monopoly of what it claims to be the legitimate use of force within a demarcated territory and seek to unite the people subjected to its rule by means of homogenisation, creating a common culture, symbols, values, reviving traditions and myths of origin, and sometimes inventing them (Guibernau 47).

The obligation to provide for these rights is primarily relegated to the nation-state in which the individual resides, not other states or the global community (Heyzer in Truong et al. 112). Quite simply, if the human rights of a migrant woman who has been the victim of trafficking are ignored by the state in which she resides and that state does not protect her, violations of her rights are of no concern. By taking such issues into account, the FRBA is ground-breaking in that it exposes such shortcomings in transnational efforts designed to combat and eradicate human trafficking.

#### Global Arrangements to Combat Human Trafficking: Mandates and Limitations

In recent years a number of global strategies have been employed to contain human trafficking. International police agencies, for example, have become increasingly involved in the monitoring of human trafficking. One of the most well-known of these agencies is the International Police Executive Symposium (IPES), which investigates the causes of human trafficking and seeks various approaches to controlling it. Founded

in 1994 by Dilip K. Das as a Not-For-Profit educational corporation, the IPES holds four-day annual meetings to address issues directly related to the policing profession. The organisers of the annual summit invite ministers of interiors, police commissioners and chiefs, and members of Criminal Justice elites from over 60 countries to discuss their views on various aspects of policing through both formal and informal dialogue. All parties involved are required to formulate discussion papers on the various issues from the vantage point of their respective country.

IPES promotes the belief that effective policing is the most important means for advancing standards of living throughout the world, regardless of country of residence. It pursues effective policing through professional practices, the international exchange of ideas between police forces from different nations, and supporting research in all problems pertinent to the welfare of humanity. As such the agency has the potential to play a significant role in the fight against human trafficking.

The IPES's eleventh annual summit was held in Vancouver, Canada, in 2004. With the theme "Criminal Exploitation of Women and Children", police practitioners, government officials, academics, and researchers from 43 countries representing the continents of Africa, Asia, Australia, Europe, North America, and South America were in attendance. The emerging viewpoint suggested trafficking "was not a menace that the police can tackle alone: it is a very complex phenomenon that is baffling to the police" (Ebbe and Das xi). The IPES, thus, acknowledges that trafficking is a complex phenomenon involving a range of issues, such as organised crime, drug trafficking and drug abuse, violations of immigration law, extortion, and various forms of violent crime.

The members also agreed that both short- and long-term strategies are essential if solutions to trafficking are to be found and recognised that the scope of trafficking which victimises women and children is unknown as it far exceeds official statistics. The members attributed this to a lack of collaboration between trafficking victims and police, suggesting that mistrust in police, in addition to a fear of persecution, retaliation, and arrest, often deter victims from seeking help (Ebbe and Das xii-xiii).

There are a number of fundamental concerns regarding the way in which IPES treat the problem of trafficking, particularly among those who advocate a rights-based approach. For example, the language, measures, and structure of the IPES is limited in that criminalisation is its chief concern. This is apparent in the parties who are invited to its annual meetings, as those present are largely ministers, police commissioners and chiefs, and members of Criminal Justice elites (Das and Ebbe 244). The IPES also emphasises criminalisation on its website, where it identifies its main focus: to advance policing measures through formal and informal dialogue and debate. The organisation reiterated this focus at its 2004 meeting in Vancouver, where it acknowledged that trafficking is a complex phenomenon involving a number of dimensions including “organised crime, drug trafficking and abuse, violation of immigration laws, extortion, trafficking in human beings and various forms of violent crime” (Kratcoski Kratcoski). At the 2004 meeting, the IPES also put forth both short- and long-term strategies to address human trafficking. One short-term strategy proposed that “police become more focused on the criminals perpetrating the victimisation and less focused on the criminal activity of those who are victimised” (Kratcoski and Kratcoski). Many of the speakers

concluded that the long-term strategies should be based on sound intelligence and an in-depth understanding of the reasons for crimes against women and children. Some stressed the significance of producing research data to support “legislation changes and the implementation of crime prevention policies” (Kratcoski and Kratcoski). Others suggested police priorities and the deployment of resources must be altered and called for existing legislation, designed to eliminate discrimination against women and children and to promote their interests, to be enforced (Kratcoski and Kratcoski).

The 2004 Vancouver Symposium clearly reveals that criminalisation is the organisation’s chief focus. This does not mean, however, that the IPES has completely neglected the concerns of human rights activists and feminist groups. On its website, the IPES states, “policing is a moral profession with unflinching adherence to the rule of law and human rights as the embodiment of humane values” (IPES). While human rights are acknowledged by the IPES, as shown by the example of the 2004 Symposium, human rights concerns must not only be recognised, but also thoroughly reflected in an organisation’s policy recommendations and its short and long-term strategies.

In recent years regional efforts to combat the growth of human trafficking have intensified. A notable example of such efforts is the 2005 Council of Europe Convention on Action Against Trafficking in Human Beings, which was finally enforced in 2008 with the agreement of 46 states (Lugosi 6). The 2005 Convention produced a document outlining the following key objectives:

- A) To prevent and combat trafficking in human beings, while guaranteeing gender equality;
- B) To protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;
- C) To promote international co-operation on action against trafficking in human beings (Council of Europe in Lugosi 7).

The preamble to the document articulates these objectives while reaffirming the commitment on the part of the signatories to cooperate in combatting human trafficking. The document is comprehensive in that it references all forms of human trafficking, and includes trafficking in labour for the sex and other trades as well as in human organs and mail-order brides (Lugosi 9). In addition, several references are made to human rights; for example, Article 1 of Chapter I specifies that “to protect the human rights of the victims of trafficking, [state parties are obliged to] design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution” (Council of Europe). Chapter III is concerned with promoting and safeguarding the rights of victims; it also identifies the pursuit of gender equality as a means to fight trafficking. This chapter is supplemented by Articles 13, 14 and 15 that bring a legal perspective to bear on how trafficked persons are to be managed (Lugosi 12).

There are a number of concerns regarding the 2005 Council of Europe Convention. While it appears that the Convention is predicated upon recognition of a rights-based approach and gender equality, an in-depth review of its central document reveals that

this may not be the case. In reality the Convention explicitly stresses criminality as the means to address human trafficking (Lugosi 16). For example, chapter V of the Convention is concerned with putting “investigative and prosecution procedures” in place (Lugosi 13), while Article 27, section 1, suggests that “investigation and the possibility of prosecution must not be based on victim accusation or report” (Lugosi 13). This is, as Lugosi asserts, “a double-edged sword” as, on the one hand, coercion could be “implied ... if a victim fe[els] compelled to testify”, while on the other hand, “not basing an investigation upon victims’ accusations or reports [silences victims and] could lead to the under-reporting of crimes” related to human trafficking (13).

In addition to this, section 3 stresses that “any relevant agencies offering services and assistance should be allowed” (Lugosi 13) to “support the victim... during criminal proceedings”, providing they have the victim’s consent (Council of Europe in Lugosi 13). This provision is problematic, however, in that it denotes that those “who choose to pursue legal action are favoured insofar as [gaining] access to support services and resources” (Lugosi 13). Thus, as Lugosi opines, “[i]f a given policy claims to support human and not just legal rights, then clauses should explicitly state that all trafficking victims should be offered all possible resources and access to services regardless of choosing to pursue legal action or not” (13).

Further, the preamble to the Convention references a number of UN Resolutions targeting the trafficking of women for the purpose of prostitution (Council of Europe in Lugosi 16). The victims are described as ‘forced prostitutes,’ the ‘work’ they perform as ‘forced prostitution,’ labels that carry a social stigma (Edlund and Korn in Lugosi 16),

while at the same time signifying at least some degree of freedom of choice even as they downplay the conditions of slavery under which they are held (Lugosi 16). What is obscured here, according to Lugosi, is the true plight of the victims of whom all, or at least the great majority, are 'abused migrants' as opposed to prostitutes (16). In highlighting criminality, this shifts the issue of human trafficking away from the rights-based approach.

The most comprehensive and well-organised effort to combat human trafficking is the United Nations Convention against Transnational Organised Crime and its supporting protocol: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. The trafficking protocol was introduced to the UN's General Assembly in November of 2000 and was ready to be signed at a conference in Palermo, Italy in December of that same year. The protocol came into being in December of 2003, when it was signed by 117 countries including. In 2004, it was ratified by 52 countries (Williams 334).

The protocol was created for two primary purposes: to criminalise and control traffickers' activities, and to shield and support its victims. Criminologist Andrea Di Nicola explains that the objectives set by the protocol take "a three-pillar approach" to the eradication of human trafficking (Di Nicola in Reichel 196). Di Nicola identifies these three pillars as repression, prevention, and protection and assistance. Under the pillar of repression, states are obliged to pass laws and regulations to criminalise trafficking in persons and to ensure that persons who commit, assist, or partake in any trafficking activities are punished (Article 5). Governments are also responsible to tighten their

borders, monitor the vehicles that cross their borders more effectively, and implement sophisticated identity check processes (Article 11).

Under the pillar of prevention, governments are called upon to take appropriate measures in order to impede trafficking. One of the most popular measures is the implementation of an information campaign wherein governments focus on ‘informing potential victims’ about trafficking, its “causes and consequences”, and the penalties for engaging in activities pertaining to trafficking (Di Nicola in Reichel 197). To this end, state parties are asked to pass legislation that obliges citizens to learn about the exploitation characteristic of trafficking and its social, cultural, and educational dimensions (Article 9). Another prevention measure is the requirement that states collaborate bilaterally and even multilaterally to address poverty and underemployment. These measures aim to “reduce the vulnerability” of “women and children to trafficking” (Di Nicola in Reichel 197).

The third pillar of protection and assistance falls under Articles 6, 7, and 8 and obliges state parties to protect trafficked victims residing within their borders. This pillar emphasises the idea that the basic rights of migrants should be respected and protected. This would ensure that victims can stay in the host country temporarily until it is appropriate for them to leave or attain refugee status so that they can stay permanently. Under this pillar, should the victims return home, states would provide them with safe passage. States would also readily provide victims with medical and psychological treatment and would help them navigate the legal process of laying charges against their traffickers (Di Nicola in Reichel 198).

FBRA advocates have a number of concerns regarding the UN Protocol. The Protocol foregrounds criminalisation and undermines the significance of the rights-based approach. According to Ann D. Jordan, an international human rights attorney, the Protocol has failed to make good use of the “historic opportunity to incorporate [human] rights into an international treaty” on human trafficking (31). It “fails to extend meaningful rights” as it only indirectly acknowledges that women are the primary victims of trafficking (Coontz and Griebel 52). In addition to this, the language used to delineate states’ obligations to safeguard victims is problematic due to “its indirect treatment of women and tentative language regarding the obligations of the state to guarantee victims’ civil rights” (Coontz and Griebel 52). Due process and unconditional protection are primary examples of this problem. As the Protocol gives a priority to criminalisation, deportation, and border control measures, it also becomes a “supply-side approach” in that it confers the chief responsibilities for human trafficking to law enforcement (Coontz and Griebel 52). Issues pertinent to the demand side such as the economic disparity between developed and developing countries are often overlooked. The Protocol ultimately “contradicts and compromises the gains that have been made to ensure gender equality through the international legal system” (Coontz and Griebel 52). Advocates of the FRBA therefore consider it absolutely crucial for the UN Protocol to work beyond the ‘3 Ps’ - prevention, prosecution, and protection - and focus on the actual lives of trafficking victims.

Conclusion: The Way Forward

This article has referenced globalisation as a dynamic, broad, and sometimes contradictory phenomenon in order to put forth a comprehensive analysis of human trafficking as a complex process requiring an equally complex set of policy initiatives to address its causes and effects. It has discussed three global policy efforts to address human trafficking: the International Police Executive Symposium, the 2005 Council of Europe Convention on Action against Trafficking in Human Beings, and the United Nations Convention against Transnational Organised Crime and its supporting protocol, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. These efforts all failed to recognise the FRBA's chief concern that the victims of human trafficking are primarily humans, not criminals or objects of profit-making per se. This recognition is critical and must be thoroughly reflected in the stated mandates and objectives of global efforts against human trafficking, rather than simply mentioned or inferred, superficially, in official documentation.

The FRBA does not deny the validity of the criminal and economic approaches to trafficking. Instead it proposes that these approaches are better conceptualised when informed by the language of human rights. This conceptualisation clarifies the various social problems which often lead individuals to fall prey to human trafficking, while also providing a more in-depth understanding of traffickers' circumstances (as opposed to simply classifying them as criminals). The FRBA's aim is to not only carefully examine the process of human trafficking, but to investigate the issues pertinent to its causes and consequences; as a result, it has the potential to promote "a holistic response to the act" (Obokata 35).

It is within this context that feminist groups who advocate for the FRBA have linked globalisation, prostitution, and human rights. In asserting this interconnection, they have concurrently sought to transform the meaning that is attached to prostitution within the current capitalist paradigm. As the well-known feminist scholar Sheila Jeffreys states:

Presently, a massive capitalist industry is being constructed worldwide to exploit women as the “last colony”. The idea that prostitution is just “work” and “choice” and “sex” directly supports this brutal exploitation (5).

Queer theorists, pimps, pro-prostitution activists, and sex tourists, alike, support the notion that prostitution is a work undertaken by choice. Feminists argue that these actors are unified in terms of their objectives, which overemphasise prostitution’s function of creating capital. They claim that this view is implicitly accepted among policy makers at both the national and international levels and challenge it in striving to establish a framework which refuses to defend men’s exploitation of women in prostitution. The most plausible way to achieve this is to “fight prostitution as a violation of women’s human rights” (Jeffreys 6), which comprehensively refocuses the issue on those who manage prostitutes and procure their services, rather than prostitutes themselves. Those who abuse women as prostitutes or potential prostitutes and those who profit from their exploitation should be targeted and punished, while prostitutes and those in danger of becoming prostitutes are supported and protected.

In advancing this understanding of prostitution, the FRBA provides new insights into the larger phenomenon of globalisation. For example, globalisation is seen to have integrated a set of ‘fundamental dynamics’ that have endured from the Cold War to

post-Cold War era (Clark 139), thereby ensuring the continuity of these dynamics within the post-1990 world order. The FBRA examines and debates this state of affairs in order to deconstruct the status quo of human trafficking, which they consider critical in the fight against it. It thus enriches the criminal and economic approaches to human trafficking, which pre-date the demise of the Cold War. It is critical for the advocates of these approaches to integrate the FBRA, as it brings human rights to the fore in approaching human trafficking as a violation of women's rights and dignity.

As the majority of human trafficking literature focuses on the interconnection between globalisation, capitalism and labour migration (Anderson 5-6; Chang and Kim 2; Heyzer in Truong et al. 102-05; Jordan 28-9), the FRBA has the capacity to both advance and enlighten. To this end the literature would benefit from comprehensively and systematically expanding its analyses of the link between human rights and labour migration. Therein, it could focus on the different rights which are at issue - the rights of minority groups, the right to health, and labour rights - and relate them to specific aspects of globalisation (such as the globalisation of information technology and the contemporary world's cosmopolitan culture). In elucidating the interconnection between globalisation, labour migration, and human rights, the FBRA approach should also systematically examine the aspects of human trafficking relevant to victims who are either forced to leave their countries of origin or kidnapped. This is a critical focus and its significance should not be minimised by the presumption that trafficking victims are first and foremost victims of choice. Consultant to the UN Global Program against Trafficking Human Beings, Alexis Aronowitz, acknowledges that, "while trafficking may

be initiated by the kidnapping and forced prostitution of the victim, in more cases than not, the victim willingly leaves the country of origin” (Aronowitz in Siegel et al. p. 87). While this view is supported by official statistics and emphasised by human trafficking experts, kidnapping and forced prostitution are underreported and should remain a key issue for organisations seeking to eradicate the problem of trafficking.

The FBRA must comprehensively address the significance of both “consent victims” and “forced victims” and emphasise that both undermine the human rights of victims and threaten their dignity as human beings. The criminal approach is limited as it continues to focus on the illegal aspects of human trafficking for victims as well as traffickers, such as bypassing immigration laws. As a result the organisations which employ this rhetoric do not recognise that the victims of trafficking are first and foremost humans, not criminals or objects for profit.

A statement made by Benjamin Barber fittingly concludes this article, “[w]e have, in effect, globalised most of our vices and almost none of our virtues” (Barber in Bateman and Epp 17). The FBRA shares this view in acknowledging that for organisations which aim to combat human trafficking to implement mechanisms protecting human rights, those rights must also be “actively claimed by those who hold them” (Heyzer in Truong et al. 113). In other words, the victims of trafficking themselves must be aware of their intrinsic rights and trust that law and policy makers will protect those rights, while law and policy makers must accept without question that the rights are an entitlement to those from whom they have been taken away. Given that women are the primary victims of human trafficking, this highlights the need to individually and

collectively empower women through institutional instruments such as effective policy, legal measures, state accountability, and effective community regulations. For such empowerment to not only occur, but to actually impact the fight against human trafficking, it must be supported by an environment which is transparent in its acknowledgement of individual and collective human rights claims. At this moment in time, and in-light-of the status quo of international affairs, this appears to be nothing but a 'pipe dream'. However, the increasing acknowledgement of the FRBA's legitimacy suggests that a major shift within organisations targeting human trafficking is within the realm of possibility.

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