

TRAFFICKING IN WOMEN AND CHILDREN AS VULNERABLE GROUPS: TALKING THROUGH THEORIES OF INTERNATIONAL RELATIONS

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Abstract

Human trafficking is a global issue involving almost all countries. It is an issue that affects people of all ages, races, ethnicities, and gender throughout the world. This highly profitable trade poses a relatively low risk of capture or conviction when compared with trade in drugs and arms. The traffickers have a constantly regenerating commodity, the human body is very resilient in what it is able to withstand as far as pain and betrayal for the victims are concerned. Their targets are often children and young women, and their ploys are creative and ruthless, designed to trick, coerce and win the confidence of potential victims. This article will be analyzed from the perspective of International Relations theories, focusing particularly on feminist theory, absolutist theory, constructivist theory, conflict theory and trauma theory within the framework of international politics.

Keywords: Human Trafficking, International Relations, Theories, Women and Children

Introduction

Combating human trafficking is high on the contemporary humanitarian agenda because it violates the basic human rights to life and liberty of a significant proportion of the world's population, most of whom are socially, economically and politically vulnerable.⁵³ Moreover, traffickers challenge State sovereignty by the contravening of immigration laws and legal provisions against exploitation. The call for action was given by the UN protocol against trafficking in persons especially women and children in

⁵³ Kamala Kempadoo, ed, (2005). *Trafficking and Prostitution Reconsidered* (Michigan: Paradigm Publisher, 2005) 159.

Palermo 2000,⁵⁴ which laid down a definition of trafficking and made it incumbent upon the signatory nations to prevent, trafficking, prosecute traffickers, and assist victims. Since then, many countries have criminalized the offence of trafficking, organized awareness generation programs in the source areas, rescued victims, and prosecuted traffickers.

However, despite the number of activities, the flow of persons into the channel of victimization does not appear to have ended or even diminished. Nevertheless, reality would be disregarded if we do not acknowledge the enormity of the challenges of combating trafficking. This trend indicates that while a large part of the efforts are concentrated towards rescuing victims and prosecuting traffickers after trafficking has occurred, more attention is required to understand why trafficking especially in women and children continue to grow at an alarming rate⁵⁵

In order to understand the complex issue surrounding trafficking of women and children as vulnerable groups, the paper gives the basic understanding of the various theories that can and have been used to address the trafficking industry. Sex trafficking has been debated amongst theorists, and they have given full account of why many women and children are being affected by trafficking. Sex trafficking has proved to be a highly controversial issue among feminist theorist and human rights activists. The deep seated theoretical debate involves competing arguments and assumptions about the Palermo protocol, the nature of politics, the consequences of inequality, and the causes of sexual difference and the possibility of social and economic change in women and children. The study deals with theories for better understanding, the inequalities that exist between women and men, the social divisions and the political disagreements, in line with international relations feminist theory, abolitionist theory, constructivist theory, conflict theory and trauma theory.

Feminist Theory: Women and Children, Coercion or Consent?

The majority of literature on human trafficking originates within feminist schools of thought. Authors backing this anti-prostitution perspective suggest that “all prostitution constitutes a human rights violation.”⁵⁶ Feminists were the first to write about the issue and it is in this arena that the most heated debates take place. According to Charlesworth and Chinkin, women all over the globe are culturally, socially, economically,

⁵⁴Human Trafficking.<http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menuaside>. Retrieved March 02, 2010.

⁵⁵Anne Gallagher.“Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis” *Human Rights Quarterly*, 23, (2001) 977.

⁵⁶Doezema, Jo.ed.s. *Global sex workers: rights, resistance, and redefinition* (London:Routledge, 1998) 37.

politically and legally unfavored compared to men. This inferiority functions at different levels in communal, local, national, regional, international and familial.⁵⁷ Feminist approaches have broadly divided into two opposing camps, as outlined below. The first camp is represented by the Coalition against Trafficking in Women (CATW). Kathleen Barry is the founder of the contemporary movement. Her book, *Female Sexual Slavery*, first published in 1979,⁵⁸ deals with this issue. For Barry, female sexual slavery is both trafficking in women and prostitution. She dismisses the economic approach discussed above as it leaves the sex and power angle unchallenged.⁵⁹ The cause of trafficking is sexual domination and the only way to end it is to stop women's oppression. Members of CATW, such as Donna Hughes and Laura Lederer, view prostitution as a violation of women's human rights. They have fought for the abolition of prostitution to be included in international and national laws on human trafficking.⁶⁰ For CATW, trafficking contains all forms of transportation and recruitment for prostitution, without exception, whether or not deception or force took place.⁶¹ For Hughes, trafficking is a problem of supply and demand with the sex industry (and men) creating the demand to which the traffickers recruit the supply (women).⁶² Victims are all women who are trafficked for exploitation in the sex industry. No woman could ever willingly choose to be a prostitute; thus any woman who migrates for the purpose of prostitution (whether coerced or not) is a trafficking victim.⁶³ The solution for Hughes is to make prostitution illegal, as the absence of a legal sex industry would mean there would be less demand.⁶⁴

The second camp is represented by the Global Alliance against Trafficking in Women (GAATW) whose intellectual roots lie in the second wave of feminism. Also known as the sex work position, feminists in this camp view prostitution as a legitimate form of labor and migration for prostitution as a means of escaping from poverty.⁶⁵ They firmly disagree with the CATW position that consent in trafficking is irrelevant, and argue

⁵⁷Hilary Charlesworth and Christine Chinkin.*The Boundaries of International Law* (Manchester: Juris Publishing, 2000) 4.

⁵⁸ Kathleen Barry. *Female Sexual Slavery*(New York: NYU Press, 1984) .

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹An Introduction to CATW. <http://www.catwinternational.org/about/index.php>. Retrieved April 22, 2010.

⁶² Donna M. Hughes. "The Natasha Trade: The Transnational Shadow Market of Trafficking in Women", *Journal of International Affairs*, 53 (2000) .

⁶³Ibid.

⁶⁴Ibid.

⁶⁵Elzbieta M. Gozdzik and Elizabeth A. Collett."Research on Human Trafficking in North America: A Review of Literature", *International Migration*,43(2005) .

that trafficking only exists where the use of force or deception is present.⁶⁶ GAATW authors note that other forms of labor need to be included in a definition of human trafficking, however, in their writings they continue to focus exclusively on trafficking for prostitution. GAATW authors such as Kamala Kempadoo and Siriporn Skrobanek argue that trafficking in women is a structural problem. It is the globalization of the patriarchal capitalist system that is at the root of trafficking.⁶⁷ As Hugh Johnston states, “global capitalism has warped the lives of third world women from marginalized communities by feminizing poverty and migration and by criminalizing migrants.”⁶⁸ Migration has become a survival strategy and as a result women are placed in positions that make them vulnerable to trafficking. To successfully end human trafficking, the structural problems that brought about its rise need to be addressed (locally and globally), borders need to be further opened to migration, and individual human rights safeguarded.

Feminist Debate on Vulnerability of Women and Children

CATW authors argue that the GAATW position is damaging to women and particularly to women in prostitution. By accepting prostitution as a legitimate form of labor they are supporting the worst form of female oppression. On the other hand, GAATW points to the simplistic view CATW has of trafficking, their failure to address the causes, and their suppression of female agency. These debates have monopolized much of the discussion on human trafficking, with damaging effect. On the other hand focusing on the United Nations universal anti trafficking protocol, there is no doubt that the Palermo protocol has set standard for preventing, suppressing and punishing traffickers, yet it turned out to be a big feminist lobby, the lobby that went to the extent of being divided into two different groups, namely, the human right/caucus and the coalition against trafficking in women (CATW). The human right/caucus viewed and legalized prostitution as a work, and that it should not be seen as a different category or a different type of labor. The reason is built upon the fact that women and children are being trafficked for many services that include agriculture and sweatshop labor, they fear that the trafficking protocol should not turn into an anti-prostitution document. If an adult woman voluntarily decides to engage in this activity, meaning nobody has forced her to do so, then absolutely the trafficking protocol and the trafficking per se does not exist. They called upon the protocol to

⁶⁶ Ibid.

⁶⁷ Siriporn, Skrobanek, N. Boonpakdee, and C. Jantateero. *The Traffic in Women: Human Realities of the International Sex Trade* (Basingstoke: Palgrave Macmillan, 1997).

⁶⁸ Hugh Johnston and Sona Khan eds. *Trafficking in Persons in South Asia: Final Report of a Workshop with Participants from Bangladesh, Sri Lanka, India, Nepal, Pakistan, and Canada* (New Delhi: Shastri Indo-Canadian Institute, 1998).

differentiate between adults, especially women and children. Contrary to the view of CATW, they stated loudly that all forms of transportation, recruitment for prostitution, whether it is by deception or force should be banned completely. That it is a huge violation of human rights. The vast majority of government officials lean in this direction. They voiced the opinion that trafficking had to include situations where individuals who consented to do sex work and consented to travel, even if deception or force was involved. Their position is that women's consent to indulge in sex activities is baseless and meaningless.⁶⁹

Women and Children from Absolutist Stands

The absolutist theory generally defines trafficking in women very broadly. Instead of including specific terms or phrases that indicate particular practices, the definition generally includes all encompassing terms such as sexual exploitation to describe an objectionable situation. For instance, Hughes offers the following definition: “trafficking is a practice that involves moving people within and across local or national borders for the purpose of sexual exploitation. Trafficking may be the result of force, coercion, manipulation, deception, abuse of authority, initial consent, family pressure, past and present family and community violence, economic deprivation, or other conditions of inequality for women and children.”⁷⁰ As prostitution is considered sexual exploitation within this perspective, assisting a woman in her attempts to migrate in order to find work in another country is deemed to be trafficking.

Barry's definition of trafficking is broad and involves the categorization of prostitution of any kind as exploitative. She asserted that “assumption that trafficking in women and children was different from street prostitution was invalid”.⁷¹ She continues by saying “female slavery is present in all situations where women or girls cannot change the immediate conditions of their existence where regardless of how they got into these conditions they cannot get out, and where they are subject to sexual violence and exploitation.”⁷² Prostitution, thus, underpins the trafficking industry. According to Barry, “trafficking in women is the oldest, most traditional form of procuring for prostitution. It predates sex industrialization and is extensive in primarily rural, poor and pre-industrial societies. Traffickers are traders in human beings who either buy women from husbands, buy children from parents, fraudulently promise them well-paying jobs or lucrative

⁶⁹ Rachel Masika, ed.2002. *Gender, Trafficking and Slavery*(Oxford: Oxfam, 2002).

⁷⁰ Donna M. Hughes. 2000. “The ‘Natasha’ Trade: The Transnational Shadow Market of Trafficking in Women”, *Journal of International Affairs*, 53(2000) .

⁷¹ Kathleen Barry. *Female Sexual Slavery* (New York: NYU Press, 1984) .

⁷² Ibid.

marriages at the other end, or they abduct them. Trafficking take their acquisitions to market via overland routes or through the more sophisticated crime gangs.”⁷³ The abolitionist Barry made it crystal clear that trafficking is a global phenomenon and occurs both between and within nations.

Women and Children According to Constructivism

Constructivism plays a role in ideas and norms at the international level, especially on issues of the environment, human rights and women’s rights, and the extent to which domestic and international levels interact with respect to norms. From this theoretical vacuum arose constructivists who were concerned that the “content and source of State interests and the social fabric of world politics”⁷⁴ were being ignored. Constructivism is one the of the IR theorists that try to explain the changing nature of world politics, especially as the world became more globalized and democratized, and actors other than the state became more involved in world affairs and gained influence. Mertus states that “constructivism provides a lens through which one can analyze the social structure of the international system.”⁷⁵ Constructivism emphasizes that the international system is comprised of “social relationships.”⁷⁶ The identity and interests of states are “socially constructed products of learning, knowledge, cultural practices, and ideology.”⁷⁷

According to constructivists, non-state actors mobilize within and across borders, creating a variety of new entities and phenomena, and informing a better understanding of the interaction between the domestic and international realms. One way this collaboration can be framed is by naming them “transnational advocacy networks.”⁷⁸ Transnational advocacy networks become available or come to light, through which the medium of communication between government and domestic groups are blocked or in cases whereby such communication medium are not sufficient to solve conflict, thereby setting the “boomerang pattern of influence.”⁷⁹ A boomerang pattern can develop as domestic groups avoid a non-active state to establish transnational alliances with international organizations and other domestic nongovernmental organizations in other countries. This

⁷³ Ibid.

⁷⁴ Checkel, Jeffrey T. “The Constructivist Turn in International Relations Theory”, *World Politics*, 50 (1998).

⁷⁵ Julie Mertus. “Considering Non State Actors in the New Millennium: Toward Expanded Participation in Norm Generation and Norm Application”, *International Law and Politics*, 32 (1998).

⁷⁶ Ibid.

⁷⁷ Harold Hongju Koh. “Transnational Legal Process”, *Nebraska Legal Review*, 75 (1996).

⁷⁸ Keck and Sikkink. *Activists Beyond Borders* (New York: Cornell University Press, 1998).

⁷⁹ Ibid.

international networking can facilitate outside pressure on the unresponsive state through information sharing of empowered domestic groups. Furthermore, Keck and Sikkink argue that boomerang strategies are most common in campaigns where the target is a state's domestic policies or behavior.

The boomerang pattern makes a significant contribution to theorizing how and why transnational activism develops. A boomerang pattern works in the following way: NGOs in State A (assumed to be a developing country) experience blocked access to their government when they try to advocate for a change in the state's behavior or policies, usually with regard to human rights and environmental campaigns. NGOs in State A reach out to NGOs in State B (assumed to be a developed country) who then successfully engage their own government (without blocked access) in order to put pressure back on State A to change its behavior or policies. International organizations are believed to facilitate the pressure and be in direct contact with the NGOs from State B, but not from State A. When presented visually, an arrangement of activism and pressure are directed to State A.⁸⁰

According to Keck and Sikkink, a transnational advocacy network includes "those relevant actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services."⁸¹ As they break down a transnational advocacy network into its components, they describe the networks as developing on issues that have 'high value content' and where the information on the issue cannot always be proven. The point of the networks is to exchange information in order to gain leverage over more powerful actors, such as organizations or states. Networks are most commonly populated by activists who belong to nongovernmental organizations. Network actors promote norm implementation by placing pressure on other actors to adopt policies in line with the agenda of the network and to comply with standards that have been accepted internationally.

As framing is an integral, strategic tool employed by advocacy networks to make an issue understandable to a variety of actors, a human trafficking network of advocates has established different tools to forge support and maintain continued attention to this issue from governments and international organizations. How trafficking is framed at the national level influences national policies on trafficking. Furthermore, different national frames that emerge can influence whether or not there is a well-accepted international definition of trafficking or if there is a considerable debate about what trafficking is and what causes it. Framing at the national level

⁸⁰ Ibid.

⁸¹ Ibid.

influences the kind of policy and program responses one sees at the international level.⁸² Therefore, towards our focus, constructivism is a useful theory that analyzes the role of nongovernmental organizations vis-à-vis the state, especially when it concerns a transnational problem of trafficking in women and children, when a state is no longer supreme in addressing the endemic for which it is not necessarily the perpetrator, but to which it may be complicit.

Vulnerable Women from Conflict Theory

Conflict theory is based on the sociological fundamental idea that crime is caused by the economic and social drives within society. Conflict theory can help explain the thoughts and reasoning behind human trafficking. It argues that what could better explain the struggle between classes, human trafficking, and the victims versus the traffickers, than conflict theory. Conflict perspective of society stressed the existence of different value system and norms that influence the efforts of people to establish rules and to regulate behaviors.⁸³ Karl Marx's concept surrounding social conflict theory states that there is a constant conflict between two groups. We cannot think of more conflict than that of a victim at the hands of perpetrator. In all societies, one of the most important status groups for determining people's chances in life has been their gender. In almost every case, women are markedly inferior to men in their access to wealth, power, autonomy, and other valued resources, in no almost no case are they superior.⁸⁴ Conflict theory explains that the powerful and the haves are able to take things from the haves-not with economic ways or with force.

On the contrary, human trafficking is able to do both. In almost all trafficking scenarios the traffickers are the men and the victims women, and most likely children. Focus is on separating the powerful from the haves-not, taking away their family, their tradition and all their connection to their community, as power would be looked at in human trafficking. The general thoughts behind social conflict theory are the general premise that is surrounding human trafficking. The traffickers, who are the more powerful group, use their power to exploit groups with less power than themselves. In regard to the victims of the trafficking, with the constant separation between the classes, society has only driven a further division between the classes.⁸⁵ The theory can be applied to the fact that society cannot stop until poverty

⁸² Ibid.

⁸³ Donald J. Shoemaker. *Theories of Delinquency: An Examination of Explanations of Delinquent Behavior* (New York: Oxford University Press, 2009).

⁸⁴ Ruth A. Wallace, Alison Wolf. *Contemporary sociological theory: expanding the classical tradition* (New Jersey: Prentice Hall, 1999).

⁸⁵ Ibid.

and other classes divisions are rectified. The traffickers have the money, the victim's passports and other documentation, and there is no way for the women to get out, without money, so they try and work their way out with prostitution and the cycle continues seamlessly, due to the traffickers making the rules and the control they have over all the families. Conflict theory is a good example that explains trafficking in women and children.

Women, Children in Trauma Theory

Fear and trauma are two primary tools that are used in control of the victim in human trafficking. This theory is based upon being a victim of crime, or a natural disaster. It insists that there is a social utility in remaining unaware of abuse when the perpetrator is a caretaker. According to Freyd, traumatic events differ from right angles in the degree of fear and betrayal, depending on the context and characteristics of the event. Research suggests that the distinction between fear and betrayal may be important to post traumatic outcomes.⁸⁶ Human trafficking is all about betrayal, pain and punishment of the victim. The victims' entire experience is about the trauma of being trafficked. If they survive and are rescued, they will not be able to just forget about their experiences, they will re-experience this trauma and the crime over and over the rest of their life. The fundamental problem associated with traumatic experience is that victims keep repeating the same destructive interpersonal behaviors without even recognizing the pattern of repetition and without acquiring the knowledge to manage the high emotions surrounding the change.⁸⁷

To sum up, Jo Doezema has conducted a brief comparison on the similarities between the White Slave Trade discourse and the contemporary dominant discourse around trafficking in women (for purposes of prostitution). She examines the discourse at a global level and is concerned with the similarities in how the victims (women) are portrayed. In both cases she finds that there are imaginary definitions of the victims as innocent virginal victims and that this is a reflection of societal fears around women's independence, sexuality, and migration. The result of these imaginary views is that women who migrate to work in the sex industry are viewed as bad women who deserve what they get. The human rights of these women who have actively set out to make a living are not respected.⁸⁸

⁸⁶ Jennifer J. Freyd. *Betrayal Trauma: The Logic of Forgetting Childhood Abuse* (Cambridge: Harvard University Press, 1998).

⁸⁷ Sandra L. Bloom. "The Sanctuary Model of Organizational Change for Children's Residential Treatment", *The International Journal for Therapeutic and supportive Organizations*, 26 (2005).

⁸⁸ Doezema, Jo.eds. *Global sex workers: rights, resistance, and redefinition* (London:Routledge, 1998).

Traffickers have remained in control, and they manipulate to control not only the victims of trafficking, but all players involved in this terrible crime. For this and other reasons, the following section will examine in details the rules and responsibilities, through international community's cooperation. The African Union and Nigerian developmental pattern and policies trying to put an end to the endemic. To elaborate the significance of cooperation and of the study, the chapter concludes with exploring sources, and transits to destination countries as well as drawing an analogy between the main source States.

Conclusion

In this study several theories help to illuminate the actors and the activities involved in trafficking in women and children, Constructivism is a helpful theoretical tool to anatomize the role of nongovernmental organizations concerning or in relation to the state, especially when it concerns a transnational problem on human trafficking. Feminism is useful to understanding the relationships amongst the different critical camps that have been instrumental in setting the agenda and framing the debates. Feminism sheds light on the difficulties surrounding trafficking issues, especially when it involves women's bodies and the state. Absolutists condemn prostitution totally, asserting that even assisting a woman in her attempts to migrate in order to find work in another country is deemed as trafficking. Furthermore, Conflict theory says women's trafficking is caused by the economic and social drives within society. Additionally, Trauma theory holds that human trafficking is all about betrayal, pain and the punishment of women and children.

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