

UNDERSTANDING THE LINK BETWEEN HUMAN TRAFFICKING AND VIOLENCE AGAINST WOMEN

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Violence Against Women

Definition:

- “Any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”

DEVW (UN General Assembly in its resolution 48/104 of 20 December 1993)

Accordingly, violence against women encompasses but is not limited to the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

From the final document of the Fourth United Nations World Conference on Women, 1995 §114

Trafficking of Women:

Based on the UN definition of Human Trafficking:

- “The recruitment, transportation, transfer, harboring or receipt of **women**, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a **woman** for the purpose of exploitation.”

For the original definition see UN Trafficking Protocol, 2000



How are these definition connected?

What are the similarities and differences?



Types of Violence Against Women

Violence Against Women Act (VAWA)

In addressing the subject of sexual assault, domestic violence, and other criminal and unlawful acts that particularly affect women

- ‘(2) **CHILD ABUSE AND NEGLECT.**—any recent act or failure to act on the part of a parent or caregiver with intent to cause death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm.
- ‘(6) **DOMESTIC VIOLENCE.**— includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
- ‘(8) **DATING VIOLENCE.**—violence committed by a person—
 - ‘(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ‘(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - ‘(i) The length of the relationship.
 - ‘(ii) The type of relationship.
 - ‘(iii) The frequency of interaction between the persons involved in the relationship.
- ‘(4) **CHILD MALTREATMENT.**—physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.
- ‘(9) **ELDER ABUSE.**—any action against a person who is 50 years of age or older that constitutes the willful—
 - ‘(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or
 - ‘(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, Mental anguish, or mental illness
- ‘(23) **SEXUAL ASSAULT.**—The term ‘sexual assault’ means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.
- ‘(24) **STALKING.**—engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - ‘(A) fear for his or her safety or the safety of others; or
 - ‘(B) suffer substantial emotional distress.

Human Trafficking Presence in VAWA

- Violent Crime Control and Law Enforcement Act of 1994 (VAWA)
-----N/A-----
- Victims of Trafficking and Violence Protection Act of 2000 – TVPA (VAWA 2000)
 - ▣ Provisions for VAWA and Trafficking bundled in the same bill:
 - **DIVISION A - TRAFFICKING VICTIMS PROTECTION ACT OF 2000**
 - **DIVISION B - VIOLENCE AGAINST WOMEN ACT OF 2000**
- Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005)
 - ▣ Duration of T VISA
 - ▣ **STATUTE OF LIMITATION** for Human Trafficking-Related Offences

Q: Should Trafficking be added as a crime to VAWA?

Federal Funding for TVPA & VAWA

- OVW funded few anti-trafficking projects, mostly for national TA to SA & DV groups (Family Violence Prevention Fund)
- OJP has received the majority of appropriations for Human Trafficking
 - ▣ OVC – victims services
 - ▣ BJA – law enforcement taskforces
- DHHS office of Refugee Resettlement
 - ▣ Rescue and Restore – public awareness
 - ▣ USCCB – per capita reimbursement contracts



Types of Trafficking

Trafficking for the Purpose of:

□ Sex

- ▣ Sex trafficking in which a commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age.

□ Labor

- ▣ The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude peonage, debt bondage or slavery.

US Federal Trafficking Victims Protection Act, 2000

Sex Trafficking

“Sex Trafficking” means the recruitment harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

US Federal Trafficking Victims Protection Act, 2000

Sex trafficking is complex for the same reasons than human trafficking, but also because it is one type of “sexual slavery”

Other types:

- single-owner sexual slavery
- ritual slavery
- slavery for primarily non-sexual purposes where sex is common or permissible

Effective analytical and action framework must address the interconnection of
SEX TRAFFICKING & SEXUAL SLAVERY and:

1. Labor migration and globalization
 - ❑ “Feminization of poverty”
2. Structures of inequality and oppression
3. Patriarchal structures of power

1. Labor migration and globalization:

Labor migration: movement of people from poverty, conflict zones, crisis situations, as immigrants, refugees, internally displaced persons.

Globalization: global market that creates a growing demand for cheap, low-skilled labor in both developed and developing countries (agriculture, food processing, construction, domestic service, labor-intensive manufacturing, sex work).

2. Structures of inequality and oppression:

Based on:

- gender
- age
- race and ethnicity
- poverty
- deception

that affect every level of society: family, community, country...

3. Patriarchal Structures of Power:

The work of women in the global economy, and in an unequal world, is a reflection of traditional gender roles.

Capital Patriarchy:

- maids
- nannies
- home health care workers
- low paid manufacturers
- domestic workers
- mail order brides
- sex workers

Informal Economy



According to Allan Johnson:

“A society is patriarchal to the degree that it promotes male privilege by being *male dominated, male identified, and male centered*. It is also organized around an obsession with **control and power**, and it involves as one of its key aspects the **oppression of women**.

In a patriarchy, all people males and females, participate.”

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**The consequences of Patriarchy are
manifested in social problems such as:**

Domestic violence, sexual violence, commercial
sexual exploitation... **TRAFFICKING**

Similarities b/w Violence Against Women & Trafficking

Both exist as part of a patriarchal system of power and control in which:

- ❑ Women and girls experience gendered violence
- ❑ The norm is the subordination of women
- ❑ Women are dehumanized and objectified
- ❑ Women are perceived as commodities
- ❑ Sexual violence is used as primary tool of power and control

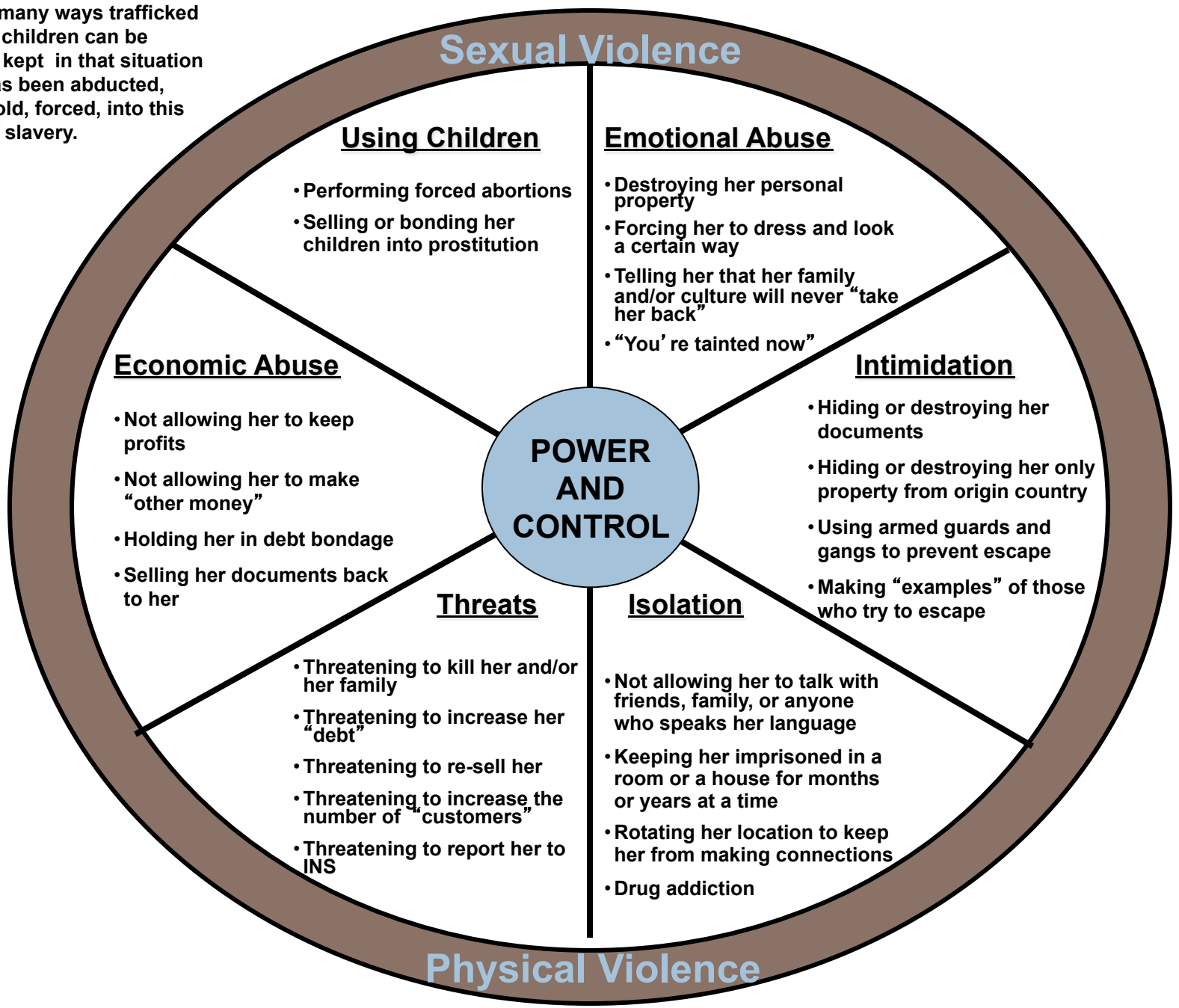
Similarities 2

- Gender becomes sexualized, especially under heterosexuality, creating gender inequality
- A sexual hierarchy exists
- The use of women within the sex trade is the eroticization of power and control
- Violence against women is fundamental to the construction of masculinity as is trafficking
- Each structure and institution along this continuum of violence exacerbates the exploitation of women

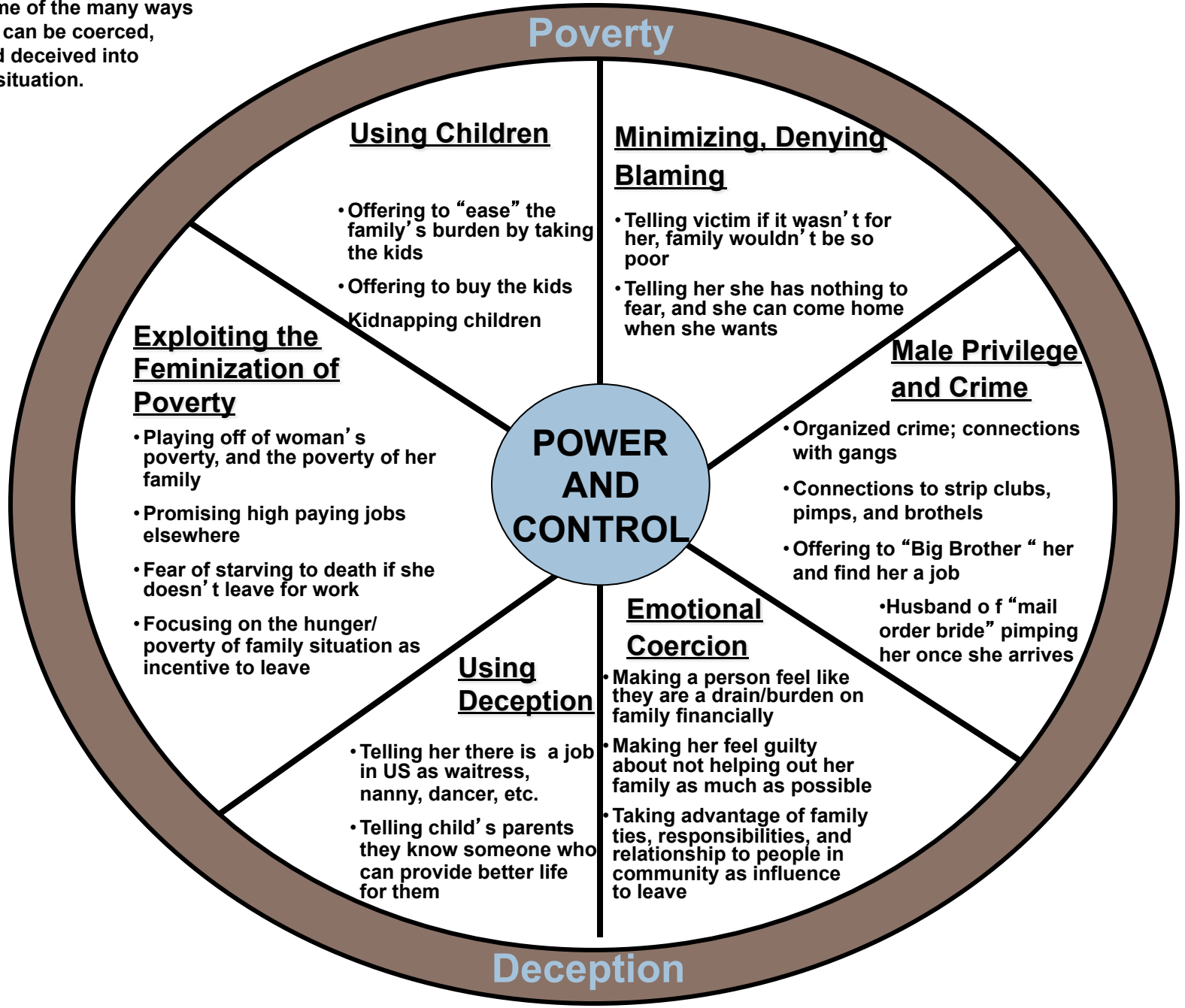
Similarities 3

- ❑ This violence is manifested through battery, rape, sexual coercion, sexual objectification, and prostitution.
- ❑ The actions of traffickers reflect how women are viewed in general, as different, less than human and deserving of treatment which highlights their subordinate position.
- ❑ Human trafficking and other types of violence against women are violations of Human Rights and Women's Security.

This Power and Control Wheel depicts the many ways trafficked women and children can be abused and kept in that situation once she has been abducted, deceived, sold, forced, into this new form of slavery.



This Power and Control Wheel depicts some of the many ways individuals can be coerced, tricked, and deceived into trafficking situation.




Key Differences:

- While in Domestic Violence, Dating Violence, Sexual Assault, Child Sexual Abuse, Stalking, Military Sexual Trauma, etc. the majority of perpetrators are men, in trafficking cases a significant number of traffickers or trafficking brokers are women.
- Some of the female perpetrators of trafficking have never experienced violence, and but see the violence as necessary part of the business.

Differences 2

- Other female traffickers are former victims of trafficking themselves and rising in the ranks is their way of attempting to escape violence (e.g. known as “bottoms” in prostitution)
- Another significant difference is the fact that traffickers are profit driven, while for other perpetrators of violence against women it is rarely the main motive.




These “differences” are also closely connected to the notion of patriarchy where ALL people, men and women are socialized in the same manner:

“Significant number of traffickers or trafficking brokers are women...

“... some see violence as necessary part of the business.”
Socialization of power and control.

(Both men and women sell girls, women and boys openly knowing they will be raped and quite possibly killed).



“Traffickers are profit driven, while for other perpetrators of violence against women it is rarely the main motive.”

→ Capital patriarchy

= Women as commodities!

In Closing...

The relationship between an individual and a social system can be described by two movements:

- 1) Each of us is shaped by social systems
- 2) We make social systems happen

As we participate in social systems, we are shaped by *socialization* and by *paths of least resistance*.

Alternatives to the Status Quo



People make systems happen, but people can also dismantle the existing systems and make systems happen differently.

When systems happen differently, the consequences are different as well.

Changing Patriarchy & Dismantling Oppression



“Changing patriarchy is not simply a matter of changing individual habits or thoughts because patriarchy is a system that includes cultural ideas about men and women, the web of relationships that structure social life, and the unequal distribution of power, rewards and resources that underlies privilege and oppression.”

Going Against the “Paths of Least Resistance”

The “paths of least resistance” are the easiest possible or most acceptable avenues of response or action or thought shaped by social systems. We follow them because they seem either obvious or correct.

Sometimes the fact that other paths exist is not obvious until someone chooses to subvert the norm and takes an alternate route.

The person/s who go outside of the paths of least resistance in order to change the status quo is often the focus of resistance, whether in the form of outright violence or simple social disapproval.

Communities Working Together to Create Social Change

- Utilizing Anti-oppression Lens
- Addressing Common Challenges
- Pulling Resources
- Capitalizing on successes of DV, SA and other anti-violence movements to address Human Trafficking
 - ▣ Safe Horizon, NY
 - ▣ Sojourner Peace Center, WI
 - ▣ WCASA

Human Trafficking Program at WCASA

- Philosophy
 - ▣ Victim-centered
 - ▣ Anti-oppression lens
- Scope of the Program
 - ▣ Addressing full spectrum of HT in SA
 - Why not sex trafficking only?
- Level of Involvement
 - ▣ Grassroots / Statewide / National
- Coordinated Response Framework
 - ▣ SART & CCR Models

Program Overview

- Training
- Technical Assistance
- Resources
- Referrals
- Policy
- Research / Data Collection
- Program Development
- Coalition Building

Implementation Challenge: Ensuring Sustainability

Q: Other examples of intersections b/w HT and SA/DV?

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Questions?

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