

2. Conceptual framework

In December 2000, the United Nations approved the International Convention Against Organized Trans-national Crime, which includes a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. As it contemplates all the modes and purposes of trafficking in people and includes sexual exploitation, forced work and organ extirpation, this Protocol is the most complete and elaborate international instrument at the moment (CIM XXXI Delegate's assembly, 2002).

As a basic framework, this article adopts the general definition referred to in the Protocol, which identifies this activity as:

“The recruitment, transport, transfer, shelter or reception of people, by means of a threat, or by the use of force or other restraining methodologies, kidnapping, fraud, swindle, power misuse or vulnerable people abuse, or by the supply or acceptance of payments or profits to obtain consent for the control of one person over another, with the purpose of exploitation.”

It also states that “the victim's consent for the trafficking of people with the purpose of exploitation... will be irrelevant in the cases where threat or the use of force or other restraining methodologies, kidnapping, fraud, swindle, power misuse or vulnerable people abuse, or by the supply or acceptance of payments or profits to obtain the consent for the control of one person over another, with the purpose of exploitation” (UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000).

2.1 Conditions for the Traffic in Women

Throughout the world, trafficking in women for the purposes of sexual exploitation or women's forced work constitutes a “hidden economy” with enormous profits. Its dimensions can be compared to those of the traffic in drugs or weapons, though traffic in women poses relatively less risk to those who perpetrate it. Like that of drugs or weapons, the traffic in women is executed by means of national and international networks of traffickers, who take advantage of women searching for ways to alleviate poverty with false promises of opportunities and jobs.

Though poverty and unemployment are essential to traffickers' success in recruiting victims, they do not constitute causes of trafficking, but rather conditions for it. Not all poor communities will become recruiting ground for traffickers. The presence of the networks through which the traffic will take place is critical; the existence of trafficking networks is a fundamental condition in facilitating the crime. Generally speaking, the conditions that enable and facilitate the crime of traffic are many and varied. A great portion of these conditions can be linked to the recent trend toward economic globalization.

The conditions that enable and facilitate traffic can be summarized as follows. The presence of these conditions individually and in combined forms enhances the

probability that a country or region will be prone to trafficking, to operating as an export zone, as a passage point between other destinations, or as a receptor of victims.

- **Conditions of Possibility:** The characteristics of globalization that promote transnational interconnections comprise an important condition for the possibility of traffic. Commercial and financial liberalization, advances in transportation, the communications revolution, and the increasing economic disparity between developed and underdeveloped countries (promoting the desire to migrate) are all conditions that enable perpetrators to traffic. As mentioned above, the existence of organized crime networks is essential to the execution of traffic.

“There is little institutional development in Latin American in relation to the perfected practices of traffic networks, which are aided by the development of new technologies. The Internet, for example, with scarce crime legislation that is little known and of difficult application, and the improvement in world trade”. (interview with Assorati).

- **Conditions of Facility:** Institutional fragility in “exporting” and intermediary countries, the debilitation of the State’s regulatory capacity and corruption in administrative and judicial bureaucracies and in security mechanisms are all conditions that facilitate the work of traffickers. Inefficient regulatory frameworks, weakened by neoliberal economic and structural adjustment policies, limit the ability of affluent countries to manage the free transit of people and provoke illegal migration, creating passageways that facilitate traffic in women. Especially where migration regulations are tightened, states create the opportunity for traffickers and smugglers to operate. States can also facilitate traffic by failing to pass or to enforce effective labor legislation, creating a niche in which criminal networks can easily exploit women or other laborers. Wars and consequent forced displacement also facilitate traffic.
- **Conditions of Opportunity:** Neoliberal and structural adjustment policies have been critical to creating opportunity for traffickers to recruit victims in Latin America. Such policies have not only deepened poverty worldwide, but also have had dramatic effects on labor markets. Increased flexibilization of labor and a growing precariousness in work conditions are two major trends, both of which are more pronounced in the cases of women. There is a parallel trend of feminization of labor markets.

The feminization of labor markets is related to the global trend towards the feminization of survival, whereby families rely increasingly on women’s paid labor for sustenance. In turn, academics also note a feminization of migration, as more and more women search for labor opportunities in foreign markets, hoping to support families through remittances. The process as a whole has created vast opportunity for the recruitment of traffic victims, who are generally lured by promises of work in foreign markets.

As illustrated above, structural adjustment policies and the implementation of the neoliberal model on a world scale, create many such conditions for the implementation of traffic. As Hughes (2000) notes, “The growth of shadow economies and transnational criminal networks ... are negative manifestations of globalization, arising from expanding economic, political and social transnational linkages that are increasingly beyond local and state control. An important component of globalization is the transnational linkages created by migration. Increased migration also serves as a cover for traffickers in transporting women to destinations in the sex industry”.

It should be noted that Latin American governments have accepted almost without resistance the implementation of structural adjustment policies proposed by the Washington Consensus, such as the opening of the economies and deregulation of capital flows, which have spearheaded economic globalization. The consequences have been increasing poverty, unemployment and, above all, unequal distribution of resources with a high level of wealth concentration that makes Latin America the most economically inequitable region of the world.⁷ Therefore, in that globalization creates conditions for traffic, Latin America is a prime target for traffic networks.

2.2 The Value Chain of the Traffic in Women

Despite its implications, the trafficking in women is neither considered in trade debates nor is it incorporated in international trade agreements, although such agreements are increasingly more comprehensive (for example, they not only consider commodities transactions but also investments and services, including professional services). Nevertheless, the economic circuit of this modern gendered slave market includes a process of production (recruitment) in exporting countries or regions, a demand in importing countries, and local and trans-national distribution channels.

The analysis of trafficking in women requires the consideration of all the links that increase value from ‘exporting’ countries or regions to ‘importing’ countries or regions and means to study economic, political, social and cultural linkages between the places concerned. Durano (2005), in her work about migration in the Asian Pacific region, utilizes the concept of value chains, and the relationship between migration systems with the international provision of care services, as a form of international trade. This article purports to apply a similar methodology to identify the relevant components of the hidden market of trafficking.

Kurian (2004) suggests that a value chain approach, similar to that used in production networks, can offer insights into the analysis of “the benefits and costs of this global trade in care services”⁸. “One of the challenges to using the value chain approach is that many of these services have not attained “industry” status or, in some instances, achieve “industry” status⁹ in a notorious sense for many policymakers, for

⁷ Eclac, *Panorama Social de América Latina*, 2004.

⁸ Kurian, 2004 Qtd in Durano, Marina (2005), *Women in International Trade and Migration: Examining the Globalized Provision of Care Services*, Grant from the Ford Foundation to the International Gender and Trade Network-Asia.

⁹ The concept of “industry” status is related to the level of formality surrounding the organization of industrial production, that is, whether the production of a service is formal or informal or whether the production of a service is a market activity or a non-market activity. However, the concept of status is not limited to these organizational forms.

example, “sex industry”. Indeed, this lack of status inhibits the formulation of economic policy that recognizes the relationship between production and reproduction” (Durano, 2005).

Compared with the valuation in the commerce of goods, the recruitment networks and the local and transnational traffickers are the merchandisers that work to satisfy a market demand, that could be national (from rural to urban zones, from poor to rich regions) or international (from underdeveloped or developing countries to developed countries, from south to north). Taking into account this demand-driven mechanism, the recruitment and trafficking agencies select their victims according to stereotypes preferred in the final destination market. The demand of a particular race or ethnic stereotype promotes offers and is a condition that propitiates the traffic in countries that can satisfy this demand.

It is possible to identify the main links of the value chain and to analyze its main characteristics. The description of these links and of their key actors allows the identification of eventual points of vulnerability, which could facilitate the definition of action and policies to unlink the chain.

- **The First Link**: is the family, community or place that provides the human resources (women traded) as the initial step in the value creation.

The trafficked women proceed frequently from the lowest economic and social status of their society, and their families have no economic or political power ability to appeal to authorities or to confront powerful networks (drugs cartels, for example) to stop the crime. Recruiters take advantage of this vulnerable situation to coerce victims with threats that involve their families. Not all women are physically forced or kidnapped. In many cases, women agree to be transferred after deception or false promises.

Such coercion is made possible by the low quality of work available to women in the Latin American region. Though women’s participation in the paid labor force increased in the last decades of the twentieth century throughout the region, the posts created were and are of low quality. Women’s options are generally underpaid, unstable, without benefits, and often dangerous. Such conditions are particularly evident in export-driven sectors, which have grown substantially due to trade liberalization (Infante and Vega-Centano, 1999).

That the percentage of Latin American women working for wages has increased over time does not imply economic parity between the genders. Women’s participation remains strikingly lower than men’s. In fact, statistics in the region show women’s unemployment has been significant in recent decades. As one might anticipate, the majority of Latin American countries have higher figures for women’s unemployment than those for men. The gendered disparity in income in Latin America is similarly disturbing (ECLAC, Gender Unit).

Structural adjustment policies have been central to the creation of such a precarious and flexibilized labor market for Latin American women. In turn, families build survival strategies to confront the resulting poverty that incorporate women’s migration in search of better or any paid work. With minimal access only to unstable,

dangerous and underpaid employment in communities of origin, women's migration for work becomes a last resort for family survival. Some families even resort to the sale of young children.

“As a result of desperate economic conditions or because of the hope of finding better levels of life, women and children are driven to believe through swindles that the work offered in other countries is legal. The attraction of relatively well paid jobs abroad, that don't require language skills or other abilities, like domestic work, is sufficient for a number of children and women to fall naively into the hands of recruiters and traffickers”. (CIM, 2002)

According to the CIM Coordinator of the Project “The Fight Against the Traffic of People,” Mercedes Assorati, “Latin America is a paradise for trafficking because it has corrupt governments, weak institutions, illiteracy, and familial and gendered violent situations, which create a climate in which potential victims feel ‘there is nothing to lose.’ To these circumstances, it is necessary to add short temporal horizons, where people are predisposed to emigrate. On the other hand, inadequate legislation and short penalties, add up to the naturalization of these practices that increases their tolerance in civil society, preparing the ground for the recruitment in Latin America”. (interview with Assorati)

Cultural factors in the origin communities of the trafficked women can encourage them to accept the offers. In fact, in some societies, feminine migration, relative autonomy, and a disposition to find labor opportunities away from home have a social legitimacy. This factor provides an additional explanation for the differences between countries: In the Dominican Republic the predisposition to emigrate is much more common than in more restrictive countries. Some regional cultural patrons propitiate a naturalization of prostitution and of gendered violent situations, that not only help women to see prostitution an option for means of subsistence, but also discourage them to ponder the risks of migration.

- **Second link:** Recruitment Agencies

Recruitment Agencies are the connection between local recruiters, women that are seeking opportunities and work outside their communities of origin. Normally, the recruitment is made according to particular characteristics or abilities of women, related to the preferences of the demand market in the final destination, whether the purpose is forced work (needlework, for example) or work in the sex or entertainment industry (age, physical characteristic, racial or ethnic characteristics) . When talking about illegal recruiters, risks are plainly much more.

Recruitment agencies and local officials obtain profits from this link to the destination market. The weakness of the local bureaucracy and corruption facilitate the transit through countries' borders even in apparently legal conditions by helping to obtain visas, study permissions, etc. As aforementioned, such bureaucratic inefficiency and corruption are symptoms of debilitated regulatory frameworks, made weak in order to accommodate neoliberal agendas.

“Prosecutors and judges are in contact. They themselves grant permissions to leave the country, in the case of a minor, paying 100 U\$S for passage to Posadas, entering Argentina as a tourist”¹⁰.

In many countries, recruitment networks operate with almost complete impunity, with officials entrusted with the enforcement of the law frequently facilitating and profiting from this link. In some cases, even if the victim manages to escape, the police or the migration authorities will return the victim to her captors.

The more frequent conditions of recruitments include deceit and false promises of a decent job as workers in factories and maquilas, or in service work at restaurants, bars, hotels, houses and other locales. After promises of prosperity, women are forced into sexual slavery to repay transport costs and other debts. “Control is maintained through violence and threats, debt and fines, restricted access to incomes, physical restrictions and the use of armed guards, and demonstrations of impunity by means of open cooperation with authorities. The initial investment in migration and the lack of visible alternatives once in a foreign place, leave women and children without options. The risk of deportation, devolution or institutionalization (in the case of children) maintain many victims’ silence about their situation”. (CIM, 2002)

A journalistic report in Argentina found that recruiters and kidnappers, linked to the perpetrators of document falsification, transporters and owners of prostitutes, making a living through the buying and selling women, adolescents and children, are functioning as trade alliances between families (family mafia) that allow importation and exportation as an internal traffic from province to province. There are mothers that delegate the power of their “business” to their sons, married couples that enlarge the network by employing their brothers in law, and even ex-couples, some separated for years, that maintain a commercial link through the business of sexual exploitation¹¹.

- **Third link:** Trafficking Networks.

This link establishes the nexus between the local recruiting agent and the agent located in richer regions and industrialized countries. The conditions of contemporary globalization and trade liberalization propitiate the strengthening and expansion of national and transnational trafficking networks, with relatively low risk and high profits.

“Privatization and liberalization of markets have created wider and more open marketplaces throughout the world. Another important component of globalization, computer communication technologies, has enabled an increased volume and complexity of international financial transactions, which increases opportunities for transnational crime and decreases the probability of detection and apprehension. This technological aspect of globalization enables the money gained through illegal activities, like trafficking in women, to be transferred and laundered”. (Hughes, 2000)

The networks that traffic women are modern slave traders. Transnational traffickers take advantage of the increasing trends in women’s migration. In the receiving country, women are more vulnerable because they lack family and friends, and also because of the illegality of their situation. If the police discover her, a woman

¹⁰ Paraguayan Informant, qtd. in Grupo Luna Nueva, 2005

¹¹ Clarín Journal: “Tráfico de mujeres: un negocio de mafias familiares”, Special Report

is arrested and deported. The trafficked women can be exploited to make a large profit. Research by the IMO show that since trafficked women receive little of the money they earn, the profits for traffickers are enormous.

Hughes (2000) points out that the corruption of officials through bribes and even the collaboration of officials in criminal networks enables traffickers to operate in communities and states. “As the influence of criminal networks deepens, the corruption goes beyond an act of occasionally ignoring illegal activity to providing protection by blocking legislation that would hinder the activities of the groups. As law enforcement personnel and government officials become more corrupt and members of the crime groups gain more influence, the line between the state and the criminal networks starts to blur. This merging of criminal networks and the government seems to have occurred in many of the states that have emerged out of the Soviet Union.¹² Under these circumstances it is difficult to intervene in the succession of corruption, collaboration, crime and profit¹³”. Hughes (2000)

- **Fourth link:** The Demand

When the traffic of women is analyzed, often one of its principal components is overlooked: the existence of the demand for trafficked women, with actors willing to pay for entertainment or sex services by their own disposition and free will. Hughes (2000), points out that although trafficked women can be found almost anywhere, even in quite unexpected places, the destinations for most trafficked women are countries and cities where there are large centers of sex industry and where prostitution is legalized or widely tolerated.

The demand for prostitution is heavily dominated by men, while the majority of victims of traffic are women. Many theorists on prostitution have noted a relationship between men’s inclinations toward buying sex and social constructions of masculinity, so that the consumption of commercial sex becomes, in many circumstances, an expression or assertion of masculinity (Anderson and Davidson, 2002). As such, the relationship between supply and demand in sex work is absolutely gendered and grounded in relationships of hierarchy and power between women and men and has acquired new dimensions with the advent of neoliberal globalisation. While there are indications of an increasing traffic in trans-sexual people, this trend would not indicate a challenge to gender power relations, which do not have an automatic association to biologic sex.

Though clearly connected to gender subordination, the demand for trafficked women is a challenging subject for analysis. In their 2002 study on the demand for trafficked sex and domestic workers, Bridget Anderson and Julia Davidson emphasize the factors which complicate their analysis. For example, the blurred line between trafficked persons and other exploitable persons makes studying the demand for trafficked women as a separate category difficult. Analysts must also struggle to draw conclusions from sparse and complicated data because of the difficulties in studying illicit activity and few complete studies on the subject.

¹² Brunon Holyst, “Organized crime in Eastern Europe and its implications for the security of the Western world,” in *Organized Crime-Uncertainties and Dilemmas*, eds. Stanley Einstein and Menachem Amir (Chicago, Illinois: The Office of International Criminal Justice, 1999): 67-93.

¹³ Vladimir Isachenkov, “Soviet women slavery flourishes,” *AP Online*, 6 November 1997.

Anderson and Davidson also note that the demand for any commodity, and particularly that of commercial sex, is much more complex than a simple reflection of consumer need. Rather, demand is constructed out of social norms and stigmas and is influenced heavily by the actions and inactions of the State and other powerful players, who can affect consumer desire or make the sale of certain commodities possible or profitable. Furthermore, there is ample evidence that demand for a commodity often increases *in response to* an abundance of the product and not *vice versa*. This reverse trend is particularly evident in the work of exploitable persons, who often perform labor that did not exist prior to the supply of an abundant and vulnerable labor force (Anderson and Davidson, 2002).

In the case of trafficked women, the reverse trend is also evident. The authors note that the demand for commercial sex appears to increase where the price of commercial sex decreases due to an abundant supply of vulnerable and cheap prostitutes. In her study of sex tourism in Latin America, Adriana Piscitelli (2005) draws a clear connection between poverty and increased interest in sex tourist sites. Particularly evident in Argentina, an incredibly important site for Latin American traffic, Piscitelli notes an extreme hike in the interest of sex tourists surrounding the economic collapse of 2001.

Therefore, by enacting neoliberal economic policies that lead to poverty and unemployment, states may influence the demand for trafficked women by enabling an increase in the supply of vulnerable women. States can also influence demand by structurally facilitating the traffic in women. For example, by tightening migration restrictions, states create incentive for the operation of illegal traffic and smuggling where there may not have been. By de-prioritizing labor protections, states create a “safe” space for the exploitation of people. The relationship between inadequate labor protections and traffic in women is evident. Where states enforce labor laws, traffic does not occur. (Anderson and Davidson, 2002).

The valuation of particular types of female bodies is another important component for analysis of the demand for trafficked women. Traffickers do not deem profitable any type of female body; the value of a trafficked woman to her exploiters is determined by the demand for certain ages or physical characteristics.

“It must be taken into account that diverse actors and people operate and contribute to traffic for the purpose of sexual exploitation, such as the direct demanders of these people, brothels and organizations that need a particular kind of person for prostitution” (Interview with Assorati).

The preference for certain characteristics is determined by a complicated formula incorporating race and gender hierarchal stereotypes and beliefs. Often consumers of commercial sex in the developed world express a preference, reminiscent of the exploitation of colonized women, for women deemed “Other,” whose bodies are exoticized and coded as more wildly sexual. At the same time, consumer preferences can also reflect racial hierarchies by placing more value on women with European attributes – light skin and hair (Anderson and Davidson, 2002). Piscitelli found in her study that Argentine women were preferred by sex tourists for reportedly having a more European look, combined with a Latin (Othered) sexuality.

2.3 Trafficking in women: an open chain.

In the analysis of migration, there is a fifth link that is the nexus between migrants and their homes in origin communities, which benefit through remittances, closing the circuit of the chain. But this is not the case with traffic in women, where profits do not bring benefits for the community of origin. On the contrary, the “dirty money” is laundered to buy legitimate business and properties for traffickers.

One point that requires more exploration and investigation is the fate of victims when the amount of gain and benefit that kidnappers can extract from them starts to decrease because of old age, illness or physical deterioration. It is possible that they are transferred to poorer networks or even returned to their communities of origin. According to some testimonies of returned women, they are received with resentment by their communities, who ignore the lived experience of the women, expecting them to arrive with profits obtained in the work abroad¹⁴.

2.4 International Trade and Sex Industry

Durano (2005) finds a relationship between the increasing trends in female migration, transnational care services and trade agreements. The agreement around service transactions, which addresses the supply of highly skilled professionals, explicitly excludes permanent migration to another country and the guarantee of citizenship, employment or residence on a permanent basis.

Nevertheless, the author notes that: "A differentiation between recruitment, smuggling and trafficking is necessary, especially in the entertainment and tourism industries. ... The nature of work in the entertainment industry, especially for women migrant workers, can include dangers, such as being pushed into prostitution and violence ... Confusions arising from the inability to differentiate among these movements can lead to the formulation of policies that deny opportunities of work for women" (UNIFEM).

In WTO negotiations around the General Agreement on Trade in Services (GATS), the entertainment industry is classified under professional occupational services (Mode 4). But in many cases, the entertainment industry hides prostitution and commercial sex work. It is difficult to assess if the liberalization in trade in services may exacerbate the trafficking in women.

The situation describes a global market that is strictly regulated through immigration policy. At present, immigration policies are implemented as separate and autonomous from the trends towards economic integration (Durano, 2005). Restrictive policies facilitate the illegal trafficking in women. Sassen (2000) argues that the view towards immigration has to change in recognition of the linkages between migration and integration and the related linkages between state sovereignty and multilateral economic agreements.

¹⁴ Interview with M. Assorati