

International Movement for Fraternal Union among Races and Peoples

U I F E R

Seminar
on
Human
Trafficking

Kathmandu
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Turning
tears into
Power

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1. Some introductory remarks

1.1. THE SEMINAR

- *About 60 persons coming from 15 countries and four continents, concerned about the expansion of trafficking of persons in the world, met in Godavari (close to Katmandu) in Nepal from March 22 – 31, 2014. They gathered to strategize on how to fight more effectively against this infamous commerce. At the end of the meeting, the participants adopted a plan of action to be implemented at the local as well as the International level.*
- *The seminar was organized jointly by UFER and two Nepalese organizations: Shakti Samuha, the first Nepalese organization created by survivors of human trafficking and Pourakhi that has as its goal to create a favorable environment where the rights of migrant Nepalese women are respected.*
- *The program of the seminar allowed us to hear the voices of victims and to listen to the presentations on the situation in different countries (Canada, Congo-RDC, Equador, Haiti, Honduras, India, Italy, Nepal Netherlands). A good balance between days of work in the form of talks and exchange and days of excursions allowed us to meet some local Associations on their own territory, to discover Nepal with its temples and historical sites like Bhaktapur and Nagarkot and, above all, it favored contacts and informal exchange among the participants.*

1.2. THE REPORT

This report is not an account of everything that happened during the session. It is rather a working document that could serve a double purpose:

- Remind us of the personal and group decision taken during the session.
- Provide us with a synthesis of information that we exchanged so that it may serve as basic material for all those who accept to create an awareness in their own environment

2. Human trafficking, generalities and common elements

2.1. CLARIFICATION OF CONCEPTS THERE IS A NEED TO MAKE A DISTINCTION BETWEEN TRAFFICKING AND SMUGGLING, MAINLY OF MIGRANTS

- While trafficking implies a coercion, smuggling is done with the consent of the person. Trafficking can be done within the same country, smuggling always implies the entry, illegally, into another country. Finally, the purpose of trafficking is the permanent exploitation of a human being by the trafficker while the relationship between the person smuggled and the trafficker

stops after the crossing of the boarder. The migrant can be exploited later on, this is not inherent to the smuggling.

2.2. RISK FACTOR: WHAT IS IT THAT MAKES CERTAIN HUMAN GROUPS MORE VULNERABLE FOR TRAFFICKING?

- **The feudal character.** The dominant classes in all historical periods (kings, oligarchs, corporation, superior castes) always used women and exploited the work of men.
- **Ethnicity:** Indigenous people, tribes, nomadic groups, are vulnerable when they are minorities and isolated, and often more traditional.
- **The patriarchal system** does not grant any rights to women and girls which makes them easy target. Some married women choose to leave because it appears to them the only means of escaping a violent husband and some choose to leave because it is the only means of finding work.
- **Political instability.** Displaced populations on roads and in camps are at the mercy of traffickers. Populations who live in combat zones are at the mercy of more or less regular troops (Maoist bands in Nepal and the North of India, rebel or regular troops in Congo...)
- **Climate change.** Natural catastrophes ever more frequent cause entire populations to be displaced at a scale that makes them vulnerable to exploitation.
- **Globalization.** The only rules of the world market are those of maximum profit (new mines, fracking) and a very cheap labor force. This phenomenon is at the origin of new migrations and new vulnerabilities.
- **Poverty**
- The isolation of **rural areas**
- **The lack of instruction and information.**

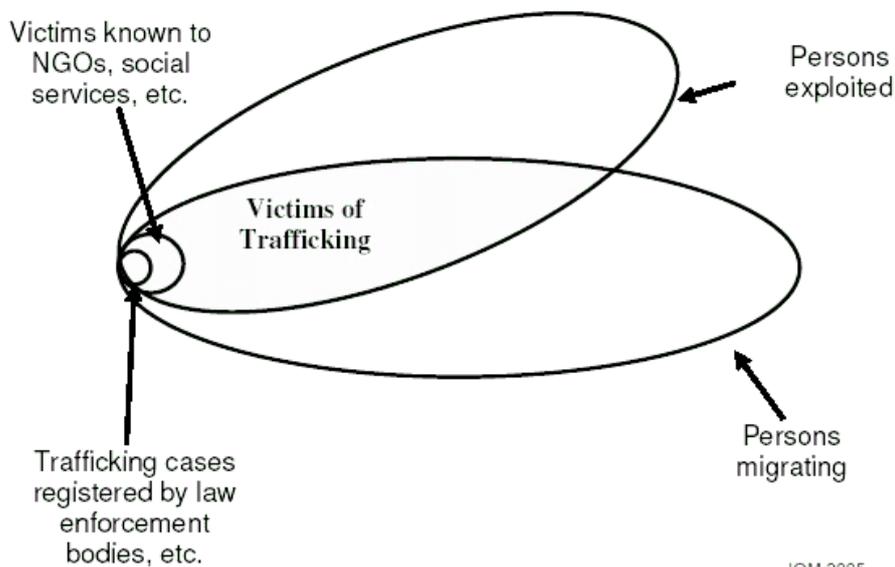
2.3. STRATEGIES OF THE TRAFFICKERS

- **Going where the victims live** by entering and becoming familiar with their world and making promises of a better life, e.g. work or studies...
- **Kidnapping** persons who have no protection in populations at risk
- **Making the trafficked persons totally dependent** by holding their official papers, keeping them in an illegal status, creating situations of indebtedness without end by not paying them, destroying their self-esteem, shutting them in, isolating them...
- **Corrupting** persons at all levels of power : public officials, police
 - To be able to pursue trafficking with impunity and use of loopholes in existing laws
 - To hinder any project that would lead to laws or amendments to existing laws that could destroy trafficking.

The financial means of the traffickers are such that nothing seems to be able to stop them.

2.4. THE SCALE OF THE TRAFFICKING

- *Its economic importance* represents \$32 billion per year. Human trafficking is one of the three principal world markets, next to arms and drugs.
- **12 300 000 persons** in the world are trafficked at any one time, the total of persons trafficked are 20,4 million.
- **55 to 60%** of trafficked persons are **women**.
- **27%** of trafficked persons are so **in their own country**
- *Proportion of identified victims*



2.5. SOME CURRENT CHARACTERISTICS OF TRAFFICKING

- Despite some real amelioration of legislation in a number of countries, **human trafficking is on the increase** at all levels.
- There is a notable shift of importance **from sexual trafficking to forced labor** because at the international level there are laws against **sexual trafficking**, but few against labor trafficking. This is a special problem for domestic work:
 - It is not protected because it is not considered work.
 - It is very difficult to legislate against it because in most countries the ruling class uses domestic workers.
- Human trafficking for **organs** is also becoming important.
- The migrations and hence trafficking show more and more **a female face**
- Despite world-wide campaigns, **child trafficking** is especially important. It can be considered a crime against humanity because it violates the right to parental care, education and development

- *The proportion of women* is decreasing in some regions of the world due to policies of birth control or to the social status of the women. Both are at the origin of feticides or infanticides of females. This situation is at the origin of a new traffic. The women of the neighboring countries are used and sold to be married. Even though some marriages are successful, many women become “slave” spouses.
- *In order for sexual trafficking to function* in some regions there is a strong pressure on men to use the services of prostitutes. In some way the men, too, are victims of trafficking.
- *The Terrorism Act* has as its side effect that collective resistance and manifestations, especially against corrupt governments, are declared terrorist acts and therefore prohibited and eliminated leaving a void that is often filled by criminals or criminal organization like the mafia or gangs.

3. Some regionally specific characteristics

3.1. NEPAL

- *The history and the culture of the country created favorable conditions:*
 - The women were used as sexual objects first by the Ranas, and by the British and Indian army, even the American army in Vietnam later on.
 - For some indigenous populations being chosen for the temple as a prostitute was an honor for the family.
- *The patriarchal system* in force
 - Hinders women to move freely which gives an added attraction to the offers of traffickers.
 - Does not allow the woman to give the citizenship to her children which turns them practically into persons without citizenship if the mother is not married.
- *The completely open border with India* facilitates the work of the traffickers.

3.2. INDIA

- Favorite receiving country of trafficked persons from Nepal.
- Sending country of slave workers to the Gulf countries
- Important migrations and without any security from poor rural areas into its own big cities

3.3. CAMBODIA

- The successive armies and also the foreigners who came for the reconstruction of the country created a *culture of brothels*. The brothels are many, open and visible.
- The young women who work there are essentially imported from neighboring countries by traffickers.
- This situation is responsible for the increase of *HIV* in the country

3.4. VIET-NAM

- The traffic of young women towards Cambodia with destination brothels.
- The Chinese traffickers are looking especially for young girls from the tribes of the north to marry them. Even though there are some happy endings, many become slave-spouses.

3.5. HONDURAS

- **Organized crime** has a hold on most of the country
 - Corruption is at all levels of power. Nobody can be trusted.
 - The regime of terror is maintained by threats, assassinations (especially women) and kidnappings
 - In this context the traffickers can function with impunity and assassinations because nobody dares to file a complaint.
- The government took the land of the peasants at the profit of large plantations like palms. The conditions are such that they do not allow for a safe, dignified and secure life, hence **massive migrations** towards the cities and then across borders. These migrants are first at the mercy of urban gangs to which they need to belong in order to survive and then of coyotes in order to cross the borders. The coyotes ask a heavy price and often profit from the situation to exploit the migrants and reduce them to slaves. In case of rebellion, they are killed as example. In all this, women are especially vulnerable.
- **Activists** (especially women) who fight against trafficking are threatened and **risk their lives** each day.

3.6. ECUADOR

- At the same time **source, place of transit and destination** of traffic
- Child trafficking in order to turn them into **beggars** (generally outside the country)
- Trafficking in order to provide cheap labor to the **plantations** (in the country)
- A number of refugees, especially women **flee Columbia** and become very vulnerable to all sorts of exploitation.
- **"Loverboys"**, are the principal means to take women. They are men who settle in the village with the intent of having the women fall in love with them, an easy way to deliver them to traffickers.
- **The constitution** protects human rights as well as the right of nature and the government has created **institutions to fight against the traffic**.
- **In reality**, these rights are practically not practiced, most political action is criminalized and the governmental institutions are inefficient. The true work is done by the NGOs.

3.7. HAITI

- Very important are the **voluntary migrations** because of the extreme poverty. Many go to the Dominican Republic, the only neighboring country that needs free labor in the sugar fields.

Recently the DR sent back Haitian refugees that were born there after 1990. They are really not Haitians, have no place to go, no means to earn their living, no identity.

- **Child trafficking** is enormous (almost 300,000). They become domestic slaves (“restavek”). They are generally entrusted, given or sold by the family to a known person or family member in the hope of a better life. The number is probably higher after the earthquake that created many orphans. This is a problem that nobody pays attention to because it provides many families with free domestic labor that can be exploited without mercy and without protection

3.8. NORTH AMERICA

- **USA**. Many immigrant women without papers and generally from Central America become slaves and are imprisoned in brothels by men of their own community who, too, are illegally in the USA.
- **CANADA** : 80% of the **traffic is internal**. The main victims are **native women** of whom an important number disappear or are killed. The Government closes its eyes and refuses to investigate.
- **CANADA** : since 2002 **development of laws** that are destined to protect migrants and victims and punish the traffickers. These laws seem relatively ineffective because there are few successful convictions.

3.9. KOREA

- **The poverty in North Korea** is such that many young people try to flee to China
- They are first at the **mercy of coyotes** that assist in crossing the river that separates the two countries
- Many boys are returned to North Korea or killed by the Chinese police. **The girls** are received and **sold into marriage**.

3.10. THE EUROPEAN UNION AND THE SPECIAL ROLE OF ITALY

- **The geographic situation** of Italy makes it the privileged destination of migrants chased by poverty from Africa or Eastern Europe. The women and men are ready to do anything to join the “European paradise”. They represent an enormous market for the traffickers who ask for a lot of money to bring them to Italy and they also can sell them as slaves- sexual or labor.
- Since 1958 **Italian law prohibits** for a third person to profit in one way or another from the work of prostitutes (owners of brothels, sponsors). Actually a new law allows victims of sexual work access to social services such as health, education, professional formation...
- **Lampedusa** is the main port of entry into Europe for African migrants. Before arriving there, they generally have a terrible journey and many die on the way.
- **The refugees** who arrive in Europe can only ask for asylum in the first country of arrival which makes Italy and Greece especially vulnerable. A recent decision of the European Court allows refugees to choose the country in which they want to apply. But that is only for refugees, not for migrants.

- Even *migrants from within the European countries* are not all treated equally when applying for a work permit in another country of the Union.
- The essential idea is that *Europe is a fortress* where no one can settle except political refugees or persons who have exceptional professional qualifications.
- This closed door provides an ideal context for traffickers who feed and exploit the illegal population in Europe. The “sleep merchants” for instance rent minute and unhealthy spaces for enormous sums to illegal workers who cannot complain.

3.11. THE NETHERLANDS - A SPECIAL LEGISLATION

- *Prostitution is legal* in the Netherlands, hence the only question is to know whether the prostitution is forced or not.
- *The laws* allow that traffickers are prosecuted and women who are forced into prostitution can be liberated. They are really applied.
- *The prostitutes* that freely exercise this profession have the same rights and protections as all workers. They may no more work the streets, but behind windows, in brothels or at home (on internet).
- The only problem for *their client* is to be certain that the prostitute is registered (not forced) because in the latter case he is in conflict with the law.

3.12. CONGO

- *Forced labor of the Pygmies.* The fact that they progressively left the forest (their natural milieu) made them more vulnerable to exploitation by the Bantous. They make them work as slaves without pay, brutalize them (sometimes to death). Children of mixed heritage are socially excluded.
- Forced labor in military camps of *rebel groups*. Rape of women, all forms of sexual maltreatment and murder of children are weapons of war. The children are raised to work in the mines and as child soldiers. (A central question is where do the weapons come from because no country in Africa is producing them. Without these weapons, the rebel groups would not exist.)
- *Forced marriages in the sects.* A law authorizes anybody to create a new church. The sects multiply with success. Some use this law for the pretext of sexual practices that give all rights to the men who transform the women into sexual objects without any choice.
- As long as the *wealth of the country* does not profit the inhabitants by giving them a decent life, it is difficult to reach the end of this exploitation of people by people. This situation is still always conditioned by the colonial past of the country.

3.13. ETHIOPIA - ERITREA

- The Eritrean refugees settled in South Sudan are kidnapped and sold to traffickers *of the Sinai Peninsula*. Some are tortured until the family pays a ransom. Others feed the world traffic of

organs. Most die in the course of this process. As of today, 30,000 persons are affected by this traffic.

- Many young and poor Ethiopian women are **trafficked to the Gulf countries**. The recruitment agencies, some legal, promise them a better life. The families go into debt to pay the traffickers. The women are reduced to slavery, robbed of identity and freedom, without possibilities to get out of this situation.
- Many Ethiopian who work in **Saudi Arabia** have recently been sent back to Ethiopia where they have no place to go nor means to earn a living.

4. Existing Actions – On-Going Projects

The actions listed are of local, national or international associations. Their work is all the more efficient because they collaborate, are complementary and form a network.

4.1. ACTIONS OF DIRECT ASSISTANCE

- Give the **victims and survivors** the possibility to escape, to return to their country, to find rehabilitation and to integrate into the social fabric.
- Group the workers of **informal sectors** to help them out of their isolation, know their rights and reinforce their strength.
- Look for the **disappeared**.
- Save the **enslaved children** and help them build a future.
- Assure the **protection of women**
- Create **hospitality centers** where the protection of trafficked persons is assured.
- **Follow the road of the “caravans”** of the traffickers in order to try to find and save men and women.

4.2. ACTIONS TO CHANGE THE SOCIO-ECONOMIC CONTEXT

Here the issue is diminishing the need to migrate in order to find a better life somewhere else.

- Improvement of **conditions of life and work** of the populations at risk in order to make migration less attractive.
- Fight against **all forms of racism** (caste system, sexism, tribalism, ethnic conflicts...) that render entire populations fragile.
- Develop laws and programs for that the **inevitable migrations** may happen without danger.
- Create **open schools** for anybody to be able to continue schooling and formation.
- Promote the **equality of men and women** to give women the right to citizenship, property, personal salary, healthcare, education, existence...

- **Recognize and protect domestic workers.** Change the mentalities about domestic work so that it is recognized as “good” work rather than “bad” work.
- Participate in the **struggle for democracy** because it provides a better context for the creation of laws against human trafficking.
- **Maintain hope** even in the most violent contexts that seem not to have any solution.

4.3. ACTIONS THAT MODIFY AND USE LEGISLATION IN FAVOR OF VICTIMS

- **Mobilize pressure groups, advocates and lawyers to**
 - Create new laws
 - Introduce amendments to fix problematic laws
 - Put in place judicial tools that allow for the application of existing laws
 - Use the appropriate laws to ameliorate individual and collective situations
- Research **loopholes** and propose ways to close them.
- **Clarify concepts and vocabulary** (e.g. what are the criteria that define forced labor or child labor or trafficking...)
- Allow the victims to bring their situation before the court and support them until **the sentencing of the guilty** (e.g. assume the costs of transportation, their defense, psychological support...).
- Assure the **protection of witnesses** that law violations may be prosecuted.

4.4. ACTIONS OF PREVENTION AND EDUCATION

- **Content and destination of information**
 - Information on the extent, the causes and the mechanics of the traffic in order to alert public opinion of all countries
 - Sensitize political leaders, social services and the police force
 - Destroy the illusions by showing the reality of the maneuverers of the traffickers and the life of trafficked persons (reality feedback) in order to avoid new victims.
 - Spread widely contact and emergency addresses.
- **Means of formation and information**
 - Campaigns in the media (radio or television programs)
 - Use of the Internet (Web, Facebook, Twitter, You Tube.....)
 - Programs that describe the populations at risk (street theatre ...)
 - Publication/distribution of pamphlets and flyers
 - Mass demonstrations in the streets
 - Information booths in strategic places (e.g. airports)
 - Creating awareness in the schools for boys and girls
 - Use of existing groups like Unions to spread information.
 - A « hotline » (24/7) for emergencies
 - A resource center for information and documentation for use by Associations.

4.5. ACTIONS AT THE LEVEL OF INTERNATIONAL INSTITUTIONS

- *Conventions prior to the creation of the United Nations*
 - Suppression of “White Slavery”: an accord in 1904 and an International Convention in 1910.
 - International Convention for the suppression of traffic of women and children in 1921 and of women of all ages in 1933.
 - International Convention on Slavery in 1926. .
 - Convention for the suppression of human trafficking and sexual exploitation in 1949.
- *Starting at the middle of the 20th century*, international decisions are taken *within the framework of the United Nations*.
 - The struggle against trafficking becomes a priority objective.
 - Depending on the institutions, the accent is either on Security or on Human Rights
 - In 2000 the UN Convention on Transnational Organized Crime is signed in Palermo. It has three objectives: suppress and punish trafficking, especially of women and children – fight against smuggling of migrants – prohibit the production and illicit sale of arms. The States that signed one of these three protocols are obliged to adapt their legislation and to apply it.
 - The United Nations have a complex structure and many components. A number of them adopted resolution to fight human trafficking: The General Assembly, the Human Rights Council, ECOSOC, the Security Council, the United Nations Office on Drugs and Crime...
 - In 2007 the UN.GIFT project is born (United Nations Global Initiative to Fight Human Trafficking) which defines a common strategy to fight against human trafficking at the level of States and non-governmental actors.
- In addition to the UN International institutions, States group together to act *on a regional plan*, like the International Centre for Migration Policy Development » (ICMPD) of the European Union, the “Bali Process”, ASEAN, COMMIT (Coordinated Mekong Ministerial Initiative Against Trafficking), the Action Plan of Ouagadougou, AU<COMMIT Campaign, The Organization of American States...
- In addition to the States, *the NGOs* are present everywhere and throughout in the fight against Human Trafficking (see in the attachment references to some of these Associations)

The only way to put an end to the exploitation of workers is to obtain International legislation that will regulate the whole question of work conditions and the migration of workers.

5. Action Plan

5.1. AWARENESS RAISING

- Share information, documentation and reflection on issues discussed in the seminar
 - o with our organizations, networks, friends, family, colleagues, students ...
 - o through various events, meetings, round-tables, concerts, marathons, pizza evenings ...
- Translate material and information in local languages.
- Send information on local situations to UFER.
- Disseminate literature on human trafficking (such as the book written on the story of a young Nepalese).
- Publish articles, letters to the editor.... in local press.
- Produce material and documentation on the issue.
- Place messages on daily used products related to human trafficking or child labour.

5.2. DIRECT ASSISTANCE

- Be alert to identify victims of trafficking in our own environment.
- Assist and inform vulnerable people around us (« restavek » children, under-paid workers, homeless, etc.).
- Train and involve students in this assistance.
- Look for sources of financing to support small local projects.
- Empower and heal survivors by providing them with opportunities to express themselves through art, for example, giving them the possibility of playing a role in assisting other victims...
- Use spiritual resources to heal the survivors of trafficking.
- Look into the possibility to start projects for safe return of survivors in The Netherlands where the Grail is established.

5.3. ADOPTION AND IMPLEMENTATION OF LEGISLATION

- Assist victims to bring complaints to national & international mechanisms. Inform grass roots organizations of the result of the procedure.
- Lobby at local level for the ratification and the implementation of the Palermo Protocol & the ILO Convention 189 on Domestic Workers.

- Examine the possibility for an organization or a group of organizations to request consultative status with the United Nations.
- Support the decriminalization of undocumented migrants or refugees crossing the borders for work or asylum.

5.4. FORMATION, SEMINARS, RESEARCH

- Organize a seminar on alternatives to violence.
- Take into account the dimensions of health & well being of the victims in studies and projects.
- Do research on the problem of democratization of borders.
- Do research on the situation of « restavek ».

5.5. NETWORKING

- Expand our collaboration with other associations and networks around us and at the international level.
- Use social networks (Facebook, Twitter, Blogs, Websites) & other electronic tools (Skype, etc.).
- Expand and share documentation and educational tools. Translate them into the local language when appropriate.
- Provide support to campaigns initiated in other countries against human trafficking.

5.6. UFER

- Inform and advise interested organizations on the procedure to obtain consultative status with the Economic and Social Council (ECOSOC) of the United Nations.
- Provide a platform to and assist representatives of NGOs that do not enjoy consultative status to bring their case to the United Nations.
- Provide information on Practical Guides produced by the Office of the High Commissioner for Human Rights on how to work with human rights mechanisms.
- Disseminate information on human trafficking through the Website & the Newsletter.
- Support initiatives on issues related to trafficking for forced labour.

1. Annex

2. Annex 1. Kathmandu Declaration
3. Annex 2. Resources & references
4. Annex 3. Some photos