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***The Gendered Dimensions of
Sex Trafficking***

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The critical thing about understanding trafficking: The only people who know what's happened from beginning to end are the women in it.

I first arrived in Bosnia and Herzegovina (BiH) in 1996 with the essential goal to explain the inner workings of the ICTY to several of the local women's NGOs. Once there, I became totally engaged — 'hooked' is a better word — on the passion and enthusiasm emanating from these women. They wanted, not only to transform their own lives, but to create a society in which the rights of women were both respected and applied. Resolutely denying that this was feminism, they were advocating that agenda clearly (later, much later feminism was indeed embraced). Unfortunately, I feel that this enthusiasm was betrayed not only in terms of the sex trafficking that took place, but rather the failure to understand and consequently address the obstacles that prevented women's full participation in designing the future of their own country.

I became aware of sex trafficking in 1997. Around that time, I was approached by a judge in Zenica who informed me that she was witnessing a very odd phenomenon: non-Bosnian women kept coming in front of her, arrested by the police for prostitution. Because prostitution is a strict liability offence in Bosnia and Herzegovina, she had to fine and deport them. She was aware that there were rumours of similar cases in other parts of Bosnia and Herzegovina as well, but the nature and extent was not clear. The most common explanation was that they were prostitutes seeking to make money from the 80,000 (mostly male) internationals that were in Bosnia and Herzegovina at the end of the conflict. For me this incident, although small, proved to be the first indication of a growing sex-trafficking problem; countless more were to follow.

I candidly admit that I was naïve. I had not worked on trafficking before and had not anticipated doing so in post-conflict Bosnia and Herzegovina. It could and should have been anticipated and prevented. I now know that numerous actors knew it was happening but chose not to act. The rhetoric of "boys will be boys" prevailed and would have continued to do so but for the refusal for women's NGOs to be silent witnesses to what was happening and their readiness to work with those of us from the international community who would not be complicit, to stop it.

Using the experience of the local women's NGOs, we created a situational, or ad hoc, response related directly to the conditions on the ground. This meant dealing with both the victims themselves, as well as the institutions in charge of creating anti-trafficking policies. At the same time, however, the complete picture was missing; indeed, only in retrospect has it become easier to explain and analyze what was going on.

This unique post-conflict environment emerged from a variety of different international organizations — each composed of diverse nationalities with their own procedures and varying levels of immunity. This complicated picture was then imposed on an already fragile state. It's easy to imagine the chaos that such a situation created — there simply were no procedures or legal frameworks designated to deal with the enormous trafficking problem. Today, in 2012 all of this information is available. We have a clear understanding of the problem; we know what works and what doesn't; we've issued reports, written academic treatises, made movies. There is nothing more to say — except to pose the question: why is this still allowed to happen elsewhere?

I am therefore not writing this chapter to add to the already substantive body of existing research and documentation. Instead, I want to highlight that despite all we know the institutional counter-trafficking responses are ineffective and inadequate. Sex trafficking is just as pervasive and rampant as ever. In fact, as I am writing this chapter trafficked women are still labelled and identified as prostitutes, organized crime acts with impunity, and customers of trafficked women believe they are simply satisfying their masculine needs.

The issue is why? Why are we unable to apply what we know in a coherent, integrated and above all, practical response to sex trafficking within the context of conflict, post-conflict, and militarized situations? And finally, why have these hard-earned lessons not been applied to non-conflict areas, such as our own cities and nation states?

The gendered dimensions of sex trafficking

The entire trafficking cycle from beginning to end is highly gendered: from the root causes that make women vulnerable to trafficking, to the normalization and implicitness of demand, and the gendered institutional responses and policy approaches to anti-trafficking.

I cannot emphasize enough that the insistence on prioritizing law enforcement, migration and prostitution above human rights as the key factors of anti trafficking response is to perform a profound misdiagnosis which has lasting and very negative consequences for the women trafficked.

For this very reason, I argue instead that sex trafficking must be approached from a gender perspective. This consequently implies three steps; first, a gendered understanding of the problem; secondly, an analysis of how gender affects institutional cultures, and finally, recognition of the agency of the women involved.

In the following pages I will outline the gendered nature of the trafficking cycle and advocate a response to trafficking that is based on the lessons learnt (and re-learned) throughout my time in Bosnia and Herzegovina.

1. Political Economy of migration

The rich do not migrate unless it is for tax purposes. The poor, however, have a myriad of reasons for leaving their homes; including, but not limited to, escaping violence and persecution, gaining economic opportunities, and increasingly escaping environmental destruction. Yet who moves, the methods they use to do so, and finally the labor they end up doing is ultimately determined by age, sex and gendered assumptions. Sex trafficking is therefore the direct result of gender assumptions, expectations, and inequalities.

Yet beyond the root causes of sex trafficking, the contemporary institutional response is also gendered. The “rescue” model for “damsels-in-distress” — the common institutional response automatically brings in the issue of morality from a gender perspective.

Those that refuse the fairy-tale rescue are no longer seen as innocent victims, but as whores who do not recognize potential salvation. No application of morality is made to the men who use them. This slanted viewpoint is then exacerbated by the migration approach in the misconception that women are better off at home regardless of the reality that home can be a place of poverty, violence and persecution. Every element of this process must be addressed, if a real solution is ever to be found.

The conditions enabling sex trafficking emerge from the contemporary capitalist economic systems. It is the free market in extremis — capitalism without rules or regulations. Most of the women trafficked to Bosnia and Herzegovina, for instance, came from the former Soviet satellite states of Moldova, Romania and Ukraine, which walked into the brick wall of free market capitalism after the collapse of state controlled economies, and saw real poverty during the transition; this, in turn, forced many women to seek economic opportunities abroad and consequently made them vulnerable to traffickers.

As Jacqui True explains in her upcoming book “The Political Economy of Violence Against Women”, the liberalization of markets has “created new spaces of gender violence (True 2012: 19). It should be noted that approximately 30 % of those trafficked into Bosnia and Herzegovina said that the reason they decided to migrate was to escape violence at home. It also explains how traffickers could operate so freely. True goes on to state that sexual violence against women is integrally linked to the material basis of power — a power that is, more often than not, specifically male. This is important because it makes a direct link between capitalist systems and the perpetuation of gender inequality. Because men already inhabit positions of power, it is easier for them to exploit other groups. Women thus become more vulnerable.

Such an analysis can be applied to sex trafficking in virtually all conflict, post-conflict or militarized zones, from Bosnia and Herzegovina, Kosovo and East Timor to Afghanistan, Iraq and Haiti. International actors, in particular “well-resourced” men are perceived to create a demand for the creation or expansion of the sex industry. Traffickers understand this and seek to fulfil the demand. In reality, therefore, the very structures of post-conflict areas create a perceived need for sex trafficking and a particularly exploitative situation for women.

By definition peacekeepers are engaged in countries where peace is tenuous and where pre-conflict norms have been undermined or replaced. The presence of large numbers of internationals, mainly men in uniform, in and of itself has a destabilising effect on the social and economic environment and contributes to the continuation and escalation of militarised societies. Such negative impact is compounded when there is a failure, as in Bosnia and Herzegovina, to include women in decision-making processes, thereby excluding them from the newly created economic and political institutions. The immediate post-conflict situation is the period in which real transformation can occur, but it demands real inclusivity which to date has been noticeably absent. As Jacqui True illustrates, “rarely do international actors make policy that seeks to achieve core economic and social rights and resources as a major way to end violence and foster peace (UN News Center 2009; True 2012: 212).

Bosnia and Herzegovina again exemplify this analysis. After the war the material and physical bases of power remained very much in the hands of men, partly as a result of the Dayton Peace Agreement, and partly as a result of the policies of the international community. In particular the Disarmament, demobilisation and reintegration process prioritised male access to employment and economic resources and gave particular protection to the politically powerful war veterans. One of the most infamous characteristics of the Bosnian war — the high level of violence perpetrated against women — was virtually ignored in the transitional political and economic arrangements.

Because gender equality is not seen as an integral part of the peace-building process, women’s rights are commonly put on the back burner. Ironically, this oversight in the context of peacekeeping then allows an entire criminal industry to develop around the exploitation of women, a fact that clearly prevents the creation of any true stability or peace.

2. Peacekeeping Economies

There is considerable research, which documents that the presence of UN missions in post-conflict countries has historically contributed to the emergence of a separate economic sphere serving the interests of UN personnel and other peacekeeping and reconstruction workers.¹ The peacekeeping economies are highly gendered and create certain norms for the economic roles of men and women post-conflict.

In BiH and other post-conflict countries this economic sphere includes “the creation of a new market for prostitution in response to the arrival of the UN peacekeeping forces”². Formal employment opportunities are limited in the post-conflict transition period and there is almost always a need for women to sell sex as a means to their own and their families’ survival.

The development of a market for prostitution is one of the main conditions and contributing factors to the phenomenon of sex trafficking, but trafficking and slavery can only be fully understood and responded to by taking into account the other enabling forces.

In Bosnia and Herzegovina sex trafficking was facilitated by the following factors:

- During the conflict a well-established organized criminal cadre, multi-ethnic in character, had provided guns, food, alcohol and anything else that would generate money and power. This meant that following the conflict many of the political and economic elite were already indebted to these illicit entrepreneurs — who in turn used this pre-existing black market to traffic women.

¹ Working paper entitled *UN Peacekeeping Economies and Local Sex Industries: Connection and Implications*, Kathleen Jennings and Vesna Nicolic-Ristanovic, 2009.

² *Collateral Damage*, p. 68f; for more detailed information see also Jennings and Nicolic-Ristanovic, p. 9ff

- In addition to the continuation of a well-formed criminal network, the borders of BiH remained largely unprotected. If there was anyone at a crossing he most likely was not getting paid and it was easy to ensure that the large numbers of women crossing the Sava River from Serbia went unnoticed. Consequently, women and their traffickers could enter Bosnia and Herzegovina with relative ease.
- The above situation was then compounded by a culture of complicity and silence. The sex trafficking market extended all over BiH, and spread rapidly from the entry point of Bijelina in the North East to a variety of other locations. Opposition proved impossible, because those in power, including men in international organizations, became patrons. This implied that everyone trusted the silence of the other, and all in the international community could ultimately rely on diplomatic immunity to cover their crimes.
- The local population was trying to overcome the ravages of conflict and remained largely ignorant of the brutal reality of sex trafficking. They believed that the evolving situation was simply one of international prostitution providing necessary services for international workers.
- There was no rule of law.

The combination of these factors created the perfect storm.

Over time it also became apparent that there was direct involvement of peacekeepers in the actual trafficking itself. Women were recruited in the Commonwealth of Independent States and Eastern Europe. They were transported through Serbia, usually given false documents, and then moved into BiH, where they were sold, many of them at the notorious Arizona market. Once sold, the women would be taken to the next bar, night club, brothel or café, where they would be forced to serve up to twenty men a day, seven days a week. The charging rate was higher for internationals than for locals, and the bar owners would pay off the initial investment within a few days. After that it was pure profit. The women usually had to work off their debt incurred in transportation, board and lodging, as well as make-up and clothes. Furthermore, women had to pay interest and endure penalties for ill health, not satisfying the client, and a variety of other reasons.

Appalling, the violence inflicted upon these trafficked women resembled the very violence that Bosnian women experienced during the war. This time however, protected by diplomatic immunity, the perpetrators were not prosecuted.

Neither scholars nor practitioners have sufficiently researched the impact of trafficking on the formal economic development of BiH. There are, however, some notable exceptions — Michael Pugh, for instance, has done some interesting work on the black economy in post conflict BiH. What is obvious is that trafficking becomes the occupation of preference when it is the most lucrative economic activity in the area. With a high level of unemployment, becoming part of the trafficking economy becomes increasingly attractive. Furthermore, these jobs — whether they be driver, security guard, procurer, or a middle man — are unregulated, untaxed, and involved laundered profits. In effect, these easy employment opportunities block the development of a formal economy and consequently prevent the prospect of a successful economic transition. Indeed, it is for this very reason that anti-trafficking strategies must be seen as absolutely integral for a successful post-conflict transition.

3. Peacekeeping Culture: Hegemonic masculinities

“I will not dictate for morality, boys will be boys.”

Jacques Paul Klein, Special Representative of the Secretary General BiH

When I first raised the issue of sex trafficking at a senior staff meeting in the UN in BiH, the men present giggled. It seems unbelievable, but that was in fact not an unusual response. In order to understand what happened in Bosnia and Herzegovina and elsewhere, it is crucial to understand the institutional culture

that not only condoned, but by the very absence of action, facilitated sexual abuse and exploitation and consequently allowed perpetrators to walk away unpunished.

The involvement of peacekeepers in sexual abuse, and in human trafficking in particular, results from a combination of factors, which include:

- A culture of male privilege
- A belief in the concept of natural masculine needs
- The perception of immunity based on UN peacekeeper status
- Impunity due to lack of accountability mechanism
- Lack of inadequate formal training
- Peer pressure (“pack mentality”)

Prostitution in Bosnia and Herzegovina was illegal and peacekeepers were explicitly told it was illegal. However, this did not prevent UN personnel from visiting the bars and brothels that sprang up all over Bosnia and Herzegovina. Internationals believed that frequenting the brothels was a natural part of “being boys.” To participate was taken for granted.

A Pakistani friend, for instance, told me that after he was picked up from the airport in Sarajevo, his peers immediately took him to where they were going on Saturday nights. There was incredible pressure to fit in and when he refused, he ended up in fistfights. This story demonstrates that going to the brothels together was an act of male bonding, à la ‘we all do something that’s a little bit off limits, but *very* male’. As a peacekeeper it is important to be part of the ‘gang’. Excluded from this community, far away from home, you have none.

I still have memos from International Police Task Force officers, who attended parties where trafficked women had been brought in for entertainment, and who left in protest. When these men wanted to complain, they felt that if they said anything *at all*, they would be ostracized and even put at risk. They reported to us because they felt that something had to be done about these occurrences, but being too scared, they were not prepared to come forward. To object, in other words, would break the pack mentality.

In 2009 the Watson Institute at Brown University issued a report on sexual exploitation and abuse in the context of peacekeeping missions.³ The authors observed that “there is a widespread belief among peacekeepers in the idea of an unchangeable ‘(male) human nature’ and a hydraulic/disciplinary model of male sexuality” (Watson Institute; Lutz, Gutmann, Brown 2009: 7). Such an understanding of male sexuality, is reductionist and in my view dangerous. It inevitably leads to the excuse that sexual exploitation and abuse is something that men do to satisfy needs and it is natural, something they are entitled to and something that can perhaps be regulated, but not prevented.

The Watson report observes that senior staff generally responded with disciplinary measures to cases of sexual exploitation and abuse, (administrative in nature and not commensurate with the crime committed), and displayed little awareness that they were dealing with a fundamentally gendered issue. However, as Lutz et al conclude, naturalizing male biology and condoning sexual exploitation and abuse towards women “not only fundamentally misunderstands the nature of human sexuality, male or female, but also presents rape and exploitative sex as a function of a simple sexual desire and drive, not, as most contemporary theorists of rape tell us, a function of power, domination, and gender inequality” (Watson Institute; Lutz, Gutmann, Brown 2009: 7)

³ Watson Institute for International Studies Brown University Catherine Lutz, Matthew Gutmann, and Keith Brown: Conduct and Discipline in UN Peacekeeping Operations. Report submitted to the Conduct and Discipline Unit Department of Peacekeeping Operations United Nations October 19, 2009

Senior staff giggled at my concern about sex trafficking because they knew it was going on and kept silent. They knew it was a part of the routine to visit brothels and they knew there were rumours about where the girls servicing their men were coming from. They did not regard prostitution as problematic and they also did not really care about the issue at all, but they *did* know that recognizing trafficking as a reality would put them and their boys in breach of the law.

However, as long as the UN and other peacekeeping organizations such as NATO themselves do not recognize this culture of masculine privilege and the excuse of naturalized biology as an issue, as long as the patriarchal model of peacekeeping is not revised from the inside, it will be very difficult to change.

Policy approaches to counter-trafficking responses

Policy approaches to anti-trafficking responses differ depending on the respective mandate of the individual organization working on the issue. These approaches can easily be divided into three categories — migration, law enforcement and human rights, with migration and law enforcement being pre-eminent.

Bosnia and Herzegovina are the perfect example of how these responses became institutionalised, ultimately to the detriment of the rights of the women trafficked. There is a very comfortable policy nexus to this institutionalisation. The emphasis on law enforcement is emphatically linked to migration concerns and the modus operandi reflects gender stereotyping.

Mention has already been made of how the police response was related to attitudes towards prostitution. The migration response is a continuum of that and is epitomized by how the International Organisation for Migration developed its programme. Whilst there were and are some committed and responsive individuals in IOM the doctrine of the organization is that of “a market oriented service provider”. Hence the “system which works” is for the benefit of the pay masters, i.e. the members states whose main concern is with migration and organised crime, and who do not prioritise the rights and the well being of the women, which become incidental to the overall aim.

Dividing the process into three broad phases is useful, though it must be understood that there was considerable overlap.

- Phase 1 (1997 onwards) — response ad hoc involving NGOs and some elements of the International Community
- Phase 2 (1999-2003) — IOM has funding and control of responses
- Phase 3 (post 2003) — peacekeepers leave, consolidation of the — real prostitution/migration approach: “good” victim, “bad” victims (you don’t want help, you must be a prostitute)

Phase 1 — the *ad hoc* period

Roughly from 1997 to 2000, victim assistance was organized by the Local NGOs and private actors from the international organizations. It cannot be claimed that this was the panacea but, if victims were able to get to a shelter, then it was their agenda which was prioritized. Health care, psychosocial support, food, shelter and legal advice to a greater or lesser degree, depending on funding and good relations by the NGO with the authorities. Women who wanted to return home were assisted to do so and the model established by the NGO Lara working out of Bijelina provided a blueprint as to what a human rights approach should look like.

During this period the issue was only just getting onto the radar screen of the IC. Hence IOM had little in the way of funding and was, in fact, a reliable partner in terms of getting documents regularized so that women could return home, and leaving the rest to the NGOs.

From 2000 this approach was taken up by the government and for a short period, there was real progress. The approach taken by Lara was given a legal basis, mainly by the work of the Office of the High Commissioner for Human Rights with the Ministry of Human Rights and with backing of the task force of the stability pact. Under a temporary Instruction, Women would not be taken to police stations but straight to

shelters, they could remain without police intervention for 10 days, the shelter manager would then inform the authorities if a woman was in need of an humanitarian visa and one would then be given, enabling the woman to remain pending her recovery or the finding of a solution. During that period there would be police contact but with the shelter manager, not necessarily at the police station. A woman would not be obliged to tell the police anything other than to identify herself. In fact, many women gave a great deal of information, because they felt safe, because they would not have to testify and because there was no linkage to the provision of support and forced repatriation.

This period was ended when the government came under considerable pressure from the IC, in particular the US, to get more prosecutions. The so called Vlasic procedures then changed the dynamic, reintroducing immediate interviews with the police. That, coupled with the dominance of the IOM fundamentally subverted the human rights approach.

Phase 2 — IOM in Bosnia and Herzegovina

IOM sold itself as the perfect one stop shop: they would provide shelter, access to victims for law enforcement and repatriation — clearly, the perfect model! This framework enabled them to more or less take over the NGO network as virtually all funding for trafficking was made through IOM. They entered into assistance arrangements with NGOs which consequently gave IOM authority to demand certain standards of control and conduct. Women would not be allowed to keep phones, jewellery, could not share clothes, and fraternize freely with other women. One woman, for instance, emphatically stated that she was not trafficked and simply wanted to go home. Yet, the authorities kept her in the shelter for over eleven months. This was because the IOM only reimbursed NGOs for the care of victims that behaved appropriately. This meant that the women had to talk to the police, return home willingly and participate actively in the reintegration program. At the same time, the IOM ran all of these programs, and clearly benefited from such a strict procedure.

The dominant narrative in this process thus became one of victimization. The women needed to be portrayed as quiescent, naïve individuals who would passively follow what had been pre-ordained by Law Enforcement and/or the IOM — surrendering all agency and decision-making capacity. Women who did not perform this role would not be considered trafficked.

Furthermore, those who returned faced the major problem of stigmatization. It would be known that she had worked as a “prostitute” and make finding a job, or a stable place in society, practically impossible. Some states, for instance, responded by refusing exit visas for women under the age of 30 for their protection but also to avoid having their image tarnished by association with” prostitutes.”

The attitudes regarding migration, prostitution and the ingrained gender bias that this provoked were epitomised during an OSCE meeting on law enforcement. The representative of Moldova was emotional as he described the plight of a young male who was trafficked to Kosovo. His next sentence was “and we have hundreds of women working as prostitutes in Israel.”

Conclusion

I reiterate— there is nothing more to be said. We have researched and we have understood the problem, and yet our response continues to be fundamentally flawed. If we are serious about adequately responding to the problem of sex trafficking, we need to address both the supply and demand side, and develop a better institutional response toward victims of trafficking.

On the supply side we must create other alternatives for women. As explained over and over again, women are vulnerable to sex trafficking because opportunities in their countries of origin are prejudiced. This means that real economic opportunities need to be developed to provide viable choices.

Women must be included in post-conflict reconstruction. They have to gain a voice if they are to truly enter and influence the newly formed political and economic institutions. It cannot be emphasized enough that real gender equality is an integral part of peace and development and that there is an obvious need to introduce special measures to get women into positions of authority.

Secondly, the demand side needs to be countered. The UN and NATO must move beyond their zero-tolerance policy toward real accountability. A zero-tolerance rule with no legal procedures to give it depth is nothing more than resigned acceptance. Peacekeepers and other personnel who commit crimes related to sex trafficking should not enjoy immunity but instead be prosecuted in full. “Boys will be boys” rhetoric is simply no longer an acceptable excuse. Instead peacekeepers must be trained to identify and help sex trafficking victims. They have to understand that accepting or tolerating sex trafficking undermines the success of the very work they have signed up to do.

Finally, last but not least, we need to listen to the women, as they are the only people who truly understand the process from start to finish. The current institutional responses of both the IOM and law enforcement ignore the human rights of the individual trafficked victims. Instead of acting in the best interest of the women, victims of sex trafficking are merely returned to their countries of origin regardless of the conditions in which they left. The trauma and damage suffered is ignored. Women need to be provided with other alternatives; whether it be third country resettlement, the right to remain for a period in the country of first destination, or, if desired, the opportunity to return home. Trafficking victims are not criminals, nor are they passive victims. It is their rights and their agency which must be respected.