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**Promoting Education and Employment for Women and Girls as Foundations
for Effective Human Trafficking Prevention**

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I. INTRODUCTION

Despite a growing awareness of the problem of human trafficking, many of the underlying problems that cause trafficking are not being sufficiently addressed. While prevention is often discussed as a crucial element in the fight against trafficking, many states lack prevention programming, legislation, or have programming that consists solely of awareness-raising media campaigns. This report will focus on advances in prevention programming that address root economic causes of trafficking by utilizing education and employment for girls and women.

A. Overview of Human Trafficking Problem

Human trafficking is modern-day slavery: an industry that once operated in the public sector centuries ago has today become a hidden, often private phenomenon where its victims are sex slaves working as prostitutes, factory and field workers, restaurant employees, and domestic workers in seemingly ordinary homes. It has become the fastest growing illicit enterprise in the world today,¹ and ties for second place with illegal arms trafficking behind the number one criminal enterprise of drug smuggling.²

Because human trafficking operates in the private sphere, reliable numbers on victims are difficult to come by. Most worldwide estimates hover around 800,000 persons per year trafficked globally³ with 12.3 million people in some form of slavery at any given moment.⁴ Women

¹ Polaris Project, What is Human Trafficking?, http://www.polarisproject.org/index.php?option=com_content&task=view&id=26&Itemid=86 (accessed Mar. 29, 2009).

² Admin. for Children & Families, U.S. Dept. of Health & Human Services, *Fact Sheet: Human Trafficking*, http://www.acf.hhs.gov/trafficking/about/fact_human.html (last visited May 10, 2009).

³ *Trafficking In Persons Report*, U.S. Department of State at 7 (2008)

⁴ *Trafficking In Persons Report*, U.S. Department of State at 7 (June 2010).

account for at least 56% of trafficking victims worldwide and represent an overwhelming majority of sex trafficking and domestic worker trafficking victims.⁵ Human trafficking and forced labor occur in nearly every country: from the United States where estimates range from 20,000 to 50,000 victims are trafficked in annually,⁶ to rising economic powerhouse countries like Brazil with a huge child sex trafficking problem (between 250,000 and 400,000 children annually),⁷ to Russia where estimates range from 35,000 to 60,000 women are trafficked out annually.⁸ Because human trafficking is a ‘hidden’ crime and systematic reporting of trafficking is not yet standardized, it is safe to assume these statistics are conservative estimates.

B. Root Causes of Human Trafficking –Vulnerability from Unemployment

While poverty is a root cause of human trafficking, it is the lack of employment opportunities at home combined with a desire to seek out potential employment opportunities in other countries that helps create vulnerability to human trafficking.⁹ Even when the risk of human trafficking is known, economic desperation drives people to take risks involving their personal safety. Sex trafficking and domestic labor trafficking in particular are driven by gender disparity, lack of education but most of all by a lack of viable employment.¹⁰

Other human rights issues exacerbate human trafficking. Statelessness increases vulnerability as lack of identification and migration documentation make it less likely a trafficking victim will seek out government resources. Armed conflict and natural disasters

⁵ Id. at 34.

⁶ Julie Marie Lopiccolo, *Where Are the Victims? The New Trafficking Protection Act's Triumphs and Failures in Identifying and Protecting Victims of Human Trafficking*, 30 Whittier L. Rev. 851, 857 (2007).

⁷ *Trafficking In Persons Report*, U.S. Department of State at 85 (June 2009).

⁸ E.V. Tiurukanova, *Human Trafficking in the Russian Federation: Inventory and Analysis of the Current Situation and Responses*, at 21, Institute for Urban Economics for the UN/IOM Working Group on Trafficking in Human Beings, Moscow, 2006.

⁹ *The Nature of Human Trafficking*, International Office of Migration, available at <http://www.iom.int/jahia/Jahia/pid/676>, last accessed January 30, 2011.

¹⁰ Id.

increase vulnerability to trafficking as people are forced to flee from their homes and communities. This displacement separates people from their sources of income, traditional social networks, language, and health services among other things. The lack of these crucial services increases the likelihood that vulnerable people will choose to migrate for risky and uncertain employment. Physical and mental disabilities also increase vulnerability to trafficking. In communities where most residents are just subsisting, people with disabilities are even more marginalized as their ‘otherness’ prohibits them from availing themselves of whatever education and employment may be available. This marginalization makes disabled individuals particularly attractive to traffickers who may view them as ‘easier to control’.

The US Department of State’s most recent annual Trafficking in Persons report (US TIP) noted several troubling government practices that are hindering the fight against trafficking. Among the practices creating vulnerability: the systematic lack of education of girls and women which prevents them from joining the economic mainstream, barriers to citizenship and statelessness, as well as guestworker programs that give employer/sponsors near total control over their employees and harsh internal migration controls which force people into the underground economy.¹¹ All of these government practices are directly related to either lack of education, unemployment, dangerous working conditions or all three.

Although there are many methods to reducing the occurrence of forced labor, this report focuses on the access and attainment of education by girls and gainful employment by women as a means of preventing vulnerability to human trafficking. In the Commission on the Status of Women’s Fifty-first session summary in 2007, paragraph 37 of the agreed conclusions states:

¹¹ *Trafficking In Persons Report*, U.S. Department of State at 31 (June 2010).

The unequal access of girls to education, including non-formal education and training, was reported as linked to increased vulnerability to sexual and commercial exploitation and abuse. Steps taken to address that situation included setting up vocational training centres to improve economic and educational opportunities for girls, and encouraging families to ensure that girls and boys had equal access to school through, inter alia, awareness-raising campaigns on the importance of girls' education and the provision of financial incentives for families.

This report will expand on the realities of unequal access to education and attainment of gainful employment for girls and women while promoting best practices in the field of human trafficking prevention by showcasing holistic programming that moves beyond awareness-raising campaigns.

II. ACCESS TO EDUCATION AND EMPLOYMENT

A. Gender Inequality in Education

In many parts of the world, there is a distinct lack of will in educating girls. In agricultural societies especially, parents prioritize traditional gender roles in which daughters forego education in order to stay at home, help raise their siblings and perform household labor while sons are sent to school. This cycle perpetuates gender stereotypes that contribute to girls and women being valued primarily as domestic workers and sex workers.

Sixty percent of primary school-age children (about 60 million)¹² who are not in school are girls.¹³ The gender gap in primary school completion is more than 10 percent which means millions more girls are dropping out of primary school.¹⁴ Even when girls are ostensibly provided for educationally, there's no guarantee that they will learn the types of basic skills that

¹² UNESCO, *Education for All Global Monitoring Report 2003/4*, Paris, 2003.

¹³ USAID, *Education Strategy: Improving Lives Through Learning*, April 2005, available at: http://www.usaid.gov/our_work/education_and_universities/documents/education_policy05.pdf

¹⁴ UNICEF, *State of the World's Children 2004*, New York, 2003.

decrease their vulnerability and keep them safe from trafficking. According to a report from the Council on Foreign Affairs, 1 in 3 African and South Asian girls cannot read, write or perform simple arithmetic upon completing primary school.¹⁵ Some children experience trafficking as a *part* of their formal education: the US TIP report (2010) noted that in Senegal, thousands of children from ages 4- 12 attend Koranic schools where they are not actually educated at all but forced to beg on the streets while facing brutal punishment from their teachers.¹⁶

This lack of access to a comprehensive and authentic educational experience robs girls of very real gains that decrease vulnerability: improved health, decreased fertility, improved community status, and continued educational gains in future generations.¹⁷ For example, the increased education of girls leads to higher wages and a greater productivity return on investment than men.¹⁸ With increased education comes a greater likelihood that an educated woman will enter the formal labor sector¹⁹ which keeps the underground trafficking market at bay. In fact, increasing the economic level of women in African and South Asia has been shown to increase the per capita income growth by nearly 1 percent.²⁰ In addition, increased education has been linked to reduced fertility, leading to smaller and more sustainable family sizes.²¹

Prevention programming with education of girls as a key component not only ameliorates vulnerability to trafficking but is positively correlated with increased economic gains. And while

¹⁵ Barbara Herz & Gene B. Sperling, *What Works in Girls' Education: Evidence and Policies from the Developing World* at 19, Council on Foreign Affairs, 2003.

¹⁶ *Trafficking In Persons Report*, U.S. Department of State at 31 (June 2010).

¹⁷ *Supra* n 13.

¹⁸ *Supra* n 15.

¹⁹ *Id.* at 23.

²⁰ Stephan Klasen, *Does Gender Inequality Reduce Growth and Development? Evidence from Cross-Country Regressions*. Policy Research Report on Gender and Development Working Paper No. 7. Washington, D.C.: World Bank, 1999.

²¹ *Supra* n 15 at 4.

prevention programming is a requirement of state parties to the Palermo Protocol,²² the educational component itself is a guaranteed human right in a host of international conventions and instruments, especially for women and girls. By including a comprehensive educational component in prevention programming, not only are problems of under-education being ameliorated, but education-based treaty rights are being promoted. These include:

Convention on the Rights of the Child (CRC) includes provisions requiring free compulsory education as well as the encouragement of secondary school development and vocational training. It also encourages state parties to provide special services, including education, to the disabled child.²³ The CRC Optional Protocol requires state parties to use educational means to promote awareness of the trafficking (referred to as ‘sale’), prostitution and pornography of children.²⁴

Convention on the Elimination of Discrimination Against Women (CEDAW) guarantees equal rights in the educational field, including the same access, same curriculum, same chances at receiving scholarships and of particular note: “elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education.” There is also a separate provision aimed at the promotion of economic development and literacy of rural women in particular.²⁵

International Convention on Economic, Social, and Cultural Rights (ICESCR) contains provisions that address the right to education for everyone, including free compulsory primary education, as well as secondary training programs that are to be made generally available. In

²² The *Palermo Protocol* is the premier international human trafficking instrument. It is part of the *Convention against Transnational Organized Crime* which is also known as the *Palermo Convention*.

²³ Convention on the Rights of the Child, art. 23.3, 28, and 29.

²⁴ Convention on the Rights of the Child, Optional Protocol, art. 9.2.

²⁵ Convention on the Elimination of Discrimination Against Women, art. 10 and 14.2(d).

addition, the convention requires state parties to come up with a progressive plan to implement free compulsory primary education within 2 years.²⁶

In addition, the *Convention on the Elimination of All Forms of Racial Discrimination* (CERD) and the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (CMW) contain provisions relating to the right to education in relation to stateless individuals and migrant children.²⁷

B. Moving Beyond Education to Gainful Employment

Increased access to education, by itself however, will only ameliorate part of the problem of human trafficking. For example, even well-educated middle class women from the former Soviet bloc countries are also particularly vulnerable to sex trafficking. The fall of communism had an exponentially worse effect on women due to a severe conservative backlash which accompanied the privatization of the economy.²⁸ This new private market economy retained male-dominated industries and provided better opportunities for men, leading to unemployment rates of up to 80% for women and a 40% reduction in wages comparable to men.²⁹ It is imperative that human trafficking prevention programs address the needs for women to achieve gainful employment with a fair, livable wage.

Access and attainment of gainful employment provide opportunities for women to not only increase their financial situation and self-sufficiency, but also to improve health status, community status, and provide educational opportunities for their children. Since the majority of

²⁶ International Convention on Economic, Social, and Cultural Rights, art. 13 and 14.

²⁷ Convention on Elimination of All Forms of Racial Discrimination, art. 5(e)(v) and International Convention on the Protection of the Rights of All Migrant Workers...art. 30, 43, and 45.

²⁸ Kathryn Farr, *Sex Trafficking: The Global Market in Women and Children*, Worth Publishers: New York, 2005 at 10-11.

²⁹ *Id.* at 11.

the underemployed and undereducated are women, increasing their full participation in the formal labor economy allows for efficient distribution of labor resources. Effective prevention programming should include a comprehensive employment component that encompasses basic skill-building to job creation and placement, thereby increasing their economic empowerment. When women are better equipped to enter and stay in the formal job market, their economic gains contribute to smaller, healthier, and better educated families.³⁰ Employment-based economic initiatives for women aid state parties in complying with a host of employment conventions and treaty obligations, including:

International Labor Organization (ILO) supervises two conventions that address forced labor in particular: No. 29 – Forced Labor Convention (1930) and No. 105 – Abolition of Forced Labor. These conventions require state signatories to suppress the use of forced labor and to make forced labor a punishable offense.

CRC recognizes that children have a right to be protected from economic exploitation and requires state parties to create standards regarding minimum age limits for employment, working hours and conditions, and penalties for employer violations.³¹

CEDAW contains provisions which set out broad standards for prohibition of discrimination against women in employment. In addition, the convention requires state parties to take all appropriate measures to ensure that women enjoy the same employment opportunities as men including free choice of employment, job security, and equal pay. Special provisions are provided for the economic development of rural women.³²

³⁰ *Supra*, n 15.

³¹ Convention on the Rights of the Child, art. 32.

³² Convention on the Elimination of Discrimination Against Women, art. 11(a), 11.1, and 14.2(e).

ICESCR requires state parties to take affirmative steps, including education and training, towards the realization of the right to work in freely-chosen employment. In addition, the convention recognizes the right to work for just and favorable working conditions, particularly with regard for equal remuneration for women. The convention also requires state parties to provide special protection to children to protect them from economic and social exploitation.³³

CMW contains provisions that guarantee that migrant workers will be treated the same as nationals with respect to wages, job safety, and other working conditions as well as receive the same access to vocational opportunities and placement services. The convention also requires equal treatment with respect to protection against dismissal, unemployment benefits, and access to public work schemes intended to combat unemployment.³⁴

CERD requires state parties to undertake to prohibit discrimination by race, color, national or ethnic origin in employment and in particular guarantees “the rights to work, to free choice of employment, to just and favorable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favorable remuneration...”³⁵

III. PREVENTION

A. Re-emphasis Regarding the “Three Ps”

Most of the legal frameworks regarding human trafficking legislation on both national and international levels involve the “Three Ps” of Prosecution of traffickers, Protection of trafficking victims, and Prevention strategies. While there has been a marked increase in anti-trafficking legislation worldwide and a growing recognition of the need for comprehensive

³³ International Convention on Economic, Social, and Cultural Rights, art. 6, 7(a)(i), and 10.3.

³⁴ International Convention on the Protection of the Rights of All Migrant Workers...art. 25, 43, and 54.

³⁵ Convention on Elimination of All Forms of Racial Discrimination, art. 5(e)(i).

victim services, prevention strategies are still focused heavily on awareness-raising campaigns. Although attainment of education and gainful employment is promoted as a necessary ingredient in prevention, to date there has been no comprehensive push to prioritize education and employment as a primary means of attacking the root cause of human trafficking.³⁶

B. Lack of Affirmative Language for Prevention in Legal Instruments

While some domestic country legislation addressing human trafficking contains references to prevention, it is usually dealt with as a national action plan which generally does not have the force of law.³⁷ Most prosecution and protection provisions, by contrast, require the state to take positive steps. The vagueness of the requirements regarding prevention decreases the incentive for states to implement effective programming that often include increased associated costs as well as outcomes with less visceral impact than imprisoning traffickers or rehabilitating trafficking survivors.

The United Nations Office on Drugs and Crime (UNODC) has produced a Model Law that looks to the Palermo Protocol for influence. This model uses language that *requires* that state parties address prevention beyond media campaigns by attacking the underlying causes of trafficking through social and economic initiatives.³⁸ For example, Article 9 of the Palermo Protocol contains five provisions that specify state parties' affirmative requirements in preventing human trafficking.³⁹ The US federal anti-trafficking law, revamped and reauthorized

³⁶ Jonathan Todres, *The Importance of Realizing "Other Rights" to Prevent Sex Trafficking*, 12 *Cardozo J.L. & Gender* 885, 887-888 (2006).

³⁷ See *Trafficking In Persons Report*, U.S. Department of State (June 2010). The overwhelming majority of countries' prevention activities listed were awareness-raising media campaigns and not mandated economic initiatives.

³⁸ *Model Law Against Trafficking in Persons* at 83, UNODC, 2009.

³⁹ "States *shall establish*" prevention programming; "*shall endeavor to undertake* measures" such as social and economic initiatives; "shall adopt or strengthen" measures that ameliorate underlying causes and decrease demand (emphasis added) – these are all examples of the Protocol's affirmative language.

in 2008, includes a separate section for prevention in which the first provision is entitled “Economic alternatives to prevent and deter trafficking.”⁴⁰ While the US federal law is one of the most (if not the most) comprehensive anti-trafficking legislation in the world currently, even its prevention language falls short of requiring affirmative steps. While prevention programming authority is vested in the president, he *may* choose among several subsections of economic alternatives which include, inter alia, girls’ education, promotion of women’s economic self-sufficiency, and job-training. This also means that the president has discretion to choose to focus solely on granting NGOs funding to raise awareness.

None of the four emerging economic powerhouse countries, collectively known as the BRICs (Brazil, Russia, India, and China), has actual statutes that require, or even suggest the government role in preventing human trafficking in their respective nations.⁴¹ While Brazil, China and India have *National Action Plans to Combat Trafficking in Persons* which ostensibly discuss prevention means, Russia is still way behind in even acknowledging prevention as a means to fight human trafficking.⁴² It is very troubling that these countries, who all experience pervasive human trafficking and whose economies are projected to surpass the G6 by 2050,⁴³ have no comprehensive legal measures identified to deal with prevention programming.

C. Prevention as a Means for Attaining Access to Education and Employment

Strengthening human trafficking prevention programs by focusing on the right to education and the right to gainful employment not only decreases girls and women’s vulnerability to traffickers but positively conflates with other gender equity goals including

⁴⁰ 22 U.S.C.A. § 7104(a).

⁴¹ See *Trafficking In Persons Report*, U.S. Department of State (June 2010).

⁴² *Id.* at 281.

⁴³ Goldman Sachs Global Economics Paper No. 99, *Dreaming With BRICs: the Path to 2050*. October 1, 2003.

increased self-sufficiency, decreased gender-based violence, and decreased gender discrimination as well as contributing to broader goals such as increased access to health, peace-building and economic development.

As prevention methods, education and gainful employment increase standards of living that help keep women and girls out of the reach of traffickers. When girls have access to education, they are physically protected in classrooms and psychologically building a sense of agency through their academic achievements. Skill-building and job training provide tools for women to manifest their sense of agency and self-sufficiency. However, these important accomplishments will mean very little if there are no jobs or other employment opportunities for them to take advantage of.

Potential victim-centered strategies that work take a holistic approach to preventing human trafficking by addressing education, child care, skills training, job creation and community capacity-building. By addressing the various root causes surrounding poverty, effective prevention programs create an environment where a cultural shift in valuing lives of girls and women can happen. In addition, prevention programming that involves the ground level presence of sponsors and leaders working directly with vulnerable populations help provide positive examples that combat stereotypes of women.

D. Examples of Effective Prevention Programming

The UNODC is the only United Nations organization that is dedicated to combating human trafficking on a state by state level.⁴⁴ As noted above, the UNODC has written a Model Law for states to adopt and provides prosecutors with toolkits specifically aimed at human

⁴⁴ UNODC on human trafficking and migrant smuggling. Retrieved at: <http://www.unodc.org/unodc/en/human-trafficking/index.html?ref=menuaside>.

trafficking. Most tools are designed for creating legislation (for parliamentarians) or implementing new human trafficking laws (law enforcement). However, UNODC's main toolkit contains a comprehensive chapter focused on prevention.⁴⁵ The chapter contains 19 tools designed to address root causes, raise awareness, and discourage demand. It should be noted that reducing vulnerability is the core concept not only in prevention but rehabilitation as well. Many of the same effective practices such as job training and capacity building work to keep women and girls out of the reach of traffickers and keep survivors from being re-trafficked.

In 2008, the UNODC worked with the government of India to produce the "Compendium of Best Practices on Anti Human Trafficking by Non-Governmental Organizations." This volume of best practices includes a section highlighting 14 prevention-specific programs run by NGOs in collaboration with multiple stakeholders. Most of these programs go beyond awareness-raising campaigns by incorporating economic empowerment, capacity building, and local input at a grass-roots level. In one program located in Hyderabad, where construction is the main industry, a local NGO partnered with a building company to make sure that the workers, many of whom are migrants, were not being trafficked. The company agreed to hire only workers who were at least 14 years of age,⁴⁶ created a day-care center, and paid for the salaries of the children's teachers, among other things. This program is also credited with dramatically decreasing the number of child beggars around the building site.⁴⁷ In another multi-state program, a local NGO partnered with Microsoft to train vulnerable youth (over 14 years old) in

⁴⁵ *Toolkit to Combat Trafficking in Persons*, UNODC, Global Programme Against Trafficking in Human Beings at 417 – 500, 2008.

⁴⁶ A minimum age of 14 marks a progress of sorts: child labor is technically not illegal in India and is commonplace; the CRC and ILO Convention No. 182 on Child Labor do not enumerate a specific age minimum for employment. See Amelia Gentlemen, *Children's Domestic Labor Resists India's Legal Efforts*, February 18, 2007. Available at http://www.nytimes.com/2007/02/18/world/asia/18iht-india.4637103.html?_r=1

⁴⁷ UNODC, *Compendium of Best Practices on Human Trafficking by Non-Governmental Organizations* at 12-14, 2008.

computer programs. The program takes the crucial further step by ensuring job placement of each student, with special emphasis on girls' training.⁴⁸

Not For Sale (NFS), based out of northern California, is multi-faceted anti-trafficking campaign that supports local trafficking awareness, provides training on recognizing trafficking victims, and funds prevention and rehabilitation projects all over the world. In their Cambodian factory project, NFS acts as a bridge between vocational training and employment. Not only does NFS have an ownership stake in the garment factory, they also make sure that the factory employs up to 80 human trafficking survivors, while providing them with a stipend (during training), paying them above minimum wage and overtime, as well as providing them with child care. They also receive basic health care, literacy classes in English and Khmer, as well as internet classes and office skills for those with management potential.⁴⁹

Prerana is an US government-funded Indian-based NGO that provides education and shelter to trafficking victims and 'night-care' centers for children of the red-light district.⁵⁰ They also lobby for anti-trafficking legislation in India and promote women's economic empowerment programming.

The Nepal Youth Foundation works to combat the system of *kamlari*, the forced servitude of Nepali girls primarily through rescue and rehabilitation, but their programming also includes holistic strategies that not only prevent *kamlari* survivors from being re-trafficked but also decrease vulnerability of other disadvantaged girls. Their programming provides shelter and

⁴⁸ Id. at 34-36.

⁴⁹ See Cambodian project description at <http://www.notforsalecampaign.org/projects/cambodia/> and interview with Christina Hebets, Not For Sale Campaign, October 25, 2010, on file with Human Rights Advocates.

⁵⁰ Lynne Gadkowski, *Breaking the Cycle: Consulate Works with NGO to Battle Trafficking*, State Magazine, May 2009.

addresses health, malnutrition, therapy, vocational education and career counseling, as well as community capacity building.

IV. RECOMMENDATIONS

Therefore, HRA requests that the Commission on the Status of Women consider including the following recommendations in the Agreed Conclusions for its Fifty-fifth session:

A. Urge Governments to make Prevention of human trafficking a priority on par with Prosecution and Protection by undertaking positive measures through affirmative language in domestic legislation and international instruments. These measures should include economic initiatives involving education and employment of women and girls.

B. Urge Governments, the relevant entities of the United Nations system, international and regional organizations, and civil society to promote worldwide best practices on current education and employment programs that are designed to ameliorate and prevent vulnerability to trafficking. These best practices should include site-specific programs tailored to individual cultural groups. Appropriate agencies, such as UN Women, should prepare a summary of these best practices, developed in consultation with international organizations such as UNODC currently working on the ground in human trafficking prevention.

C. Include human trafficking prevention (and its focus on reducing vulnerability) as a key strategy in gender equity programming. The trafficking prevention strategy of educating girls and providing meaningful employment to women doesn't just prevent human trafficking; it cuts across many long-standing and laudable human rights goals such as education, reducing violence against women, increasing financial self-sufficiency, and reducing stereotypes and gender discrimination.