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**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER
PERSPECTIVE**

**Written statement* submitted by Human Rights Advocates,
a non-governmental organisation in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2006]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Integration of the Human Rights of Women and the Gender Perspective

1. This study emphasizes the continuing need integrate the gender perspective into the human rights of women by furthering efforts to decrease trafficking in persons and address the role of military demand in trafficking, including the role of both government-controlled and private military companies (PMCs).

Trafficking in Persons is an Invidious Global Problem that must be Eliminated

2. Trafficking in persons is a modern day form of slavery and a gross violation of the human dignity of trafficking victims. An estimated 600,000 to 800,000 persons are trafficked across international borders each year, the majority of which are women and children.

3. Trafficking in persons is a serious transnational crime and a gross violation of the human rights of trafficking victims, and its eradication should be a foremost goal of the international community.

4. The growth and development of the transnational crime of trafficking in persons is fueled by globalization and governed by supply and demand forces operating in countries of origin and destination countries. These forces provide traffickers with a vulnerable population of victims in source countries and a market for cheap labor in destination countries.

The Role of the United Nations and UN Security Resolution 1325

5. The United Nations plays a role in the complex global network of trafficking. Recent reports evidence that UN Peacekeepers are among the military presences responsible for contributing to the demand for global trafficking. This renders trafficking increasingly difficult to diminish due to the countervailing growth of demand created by various military presences in regions of armed conflict. Troops dispatched with the intention of maintaining peace in destabilized regions now contribute to the peripheral consequence of increasing the demand for the trafficking of sex workers.

6. Trafficking where soldiers are stationed destabilizes regions by increasing crime, as women and girls are usually brought into these areas by organized crime rings. This undermines the legitimacy and efficacy of the UN peacekeeping operations in the vulnerable regions that are in critical need of UN protection.

7. UN Security Resolution 1325 urges member states to remain actively involved in recognizing the urgent need to mainstream a gender perspective into peacekeeping operations and more specifically, to provide effective institutional arrangements to guarantee the protection of women and girls in situations of armed conflicts. By extension, the intentions of SCR 1325 must be honored and extended to protect the women and girls that are harmed by the UN peacekeepers who contribute to the demand for trafficking in situations of armed conflict.

Theoretical Frameworks For Addressing the Problem of Global Trafficking

8. The global problem of human trafficking persists despite vigorous efforts in the international human rights community to deter the practice.
9. Solutions to the global trafficking crisis have focused on three theoretical frameworks of analysis: law enforcement, labor, and human rights perspectives. Despite these frameworks, the problem of trafficking persists and the global sex industry flourishes.
10. The law enforcement perspective focuses on individual responsibility and bringing individuals who procure trafficking to justice.
11. The labor perspective focuses on victims' labor rights in order to empower sex slaves once they have been relegated to human trafficking.
12. The human rights perspective addresses the international legal violations that fuel the complex web of the trafficking of persons.
13. These frameworks are incomplete solutions. They fail to curb the problem of trafficking because they do not address the powerful economic and political forces of demand by government military soldiers and PMCs.
14. Militaries constructed networks of trafficking during the World War II and Vietnam War eras.¹ Today, the global military presence continues to broker agreements, secure locations and provide the essential demand of troops on "rest and relaxation" necessary to perpetuate a thriving global sex industry fueled by illegal trafficking.

The Role of Private Military Companies in the Demand for Trafficking

15. Increasing militarization and the war on terrorism has fueled the trafficking of women and children as a growing number of troops are being stationed in foreign countries. Foreign military personnel contribute to the demand for trafficking by frequenting the clusters of brothels, massage parlors and dance clubs which all serve as popular vehicles for illicit sexual transactions, often with young children.
16. The global ratio of soldiers to private military contractors is expanding at an alarming rate.² This is significant because governments are increasingly resorting to PMCs to shield their own militaries from liability.
17. Large salary increases lure many soldiers from government work to PMCs. The former military demand for trafficking is now absorbed into the private military industry, perpetuating the cycle of the trafficking of women and children.

¹ Laura A. Dickinson, *Government for Hire: Privatizing Foreign Affairs and the Problem of Accountability Under International Law*, 47 WM. & MARY L. REV. 135 (2005).

² Rebecca Ulam Weiner, *Private Military Men Patrol Iraq in Constant Jeopardy of Stepping on Legal Landmines*. 2006-FEB Legal Aff. 23, 24. (In the Persian Gulf War of 1991, the ratio of contractors to soldiers was 1:50. In the current Iraq conflict, it is 1:10 and falling.)

18. For example, in the 1990's, the PMC Dynacorp was contracted by the U.S. government to train police in Bosnia. Dynacorp employees joined a sex-trafficking ring and committed numerous acts of rape, sexual abuse and exploitation.

Accountability for Private Military Contractors in the Demand for Trafficking

19. PMCs present significant challenges to state and individual accountability for human rights violations.

20. Solutions to the problem of private military contractors and trafficking have focused on three doctrines: democratic, contractual and internal institutional accountability.

21. Democratic accountability emphasizes the duty that democratic governments have to regulate PMCs in a transparent fashion consistent with democracy.

22. Contractual accountability encourages governments to use contracting principles to regulate and protect civilians from harm induced by private military contractors. Contract provisions can require military providers to follow the same laws that bind corresponding government actors. When a contractor is not performing well under the contract, governments can increase monitoring or even rescind the contract.

23. Internal institutional accountability encourages the use of cultural, organizational and professional norms to promote accountability. It promotes the use of contracting norms to formulate strict internal standards in PMCs.

24. These norms are important in the military context because militaries impose a distinctive institutional culture on their members and can impose strong internal sanctions for wrongdoing.

25. If norms against human rights violations are not strong or are ambiguous, it is difficult for the military to enforce them with internal sanctions. This can make soldiers hesitant to report abuses or punish offenders.

26. Contracting norms that protect human rights are essential. Private military commanders who operate in the field are not subject to commander authority but are instead controlled by the terms of their contracts.

27. The terms of private military contracts must include protections for the rights and dignities of the potential women and children that are targets of sex-trafficking.

Recommendations

HRA urges the Commission to:

28. Encourage the recently appointed Special Rapporteur on the Trafficking of Human Beings to:

a. Continue to assess the military's role in creating demand for trafficking of women and children for forced prostitution;

- b. Focus on the new demand that PMCs will bring for trafficking of women and children for forced prostitution;
- c. Assess mechanisms for holding military personnel to clear codes of conduct that protect the physical security and ensure freedom of movement of women and children;
- d. Assess mechanisms for using contracting norms to hold private military companies to the same human rights standards as government soldiers;
- e. Assess the effects of compulsory training of military and U.N. Peacekeeping commanders in the appropriate forms of discipline and penalties for failing to discipline their troops for violations.

29. Urge the Member States to support the Special Rapporteur on Trafficking by:

- a. Cooperating with investigations and information gathering efforts;
- b. Ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- c. Reporting to the Special Rapporteur on Trafficking regarding progress on the elimination of trafficking; and
- d. Reporting to the Special Rapporteur on Trafficking regarding members' military's own compliance with codes of conduct that prohibit violence against civilian women and children.

30. Urge Member State Parties to peace accords to:

- a. Include local women in peace negotiations;
- b. Provide effective mechanisms to ensure immediate and ongoing physical security of women and children during the transitional period;
- c. Refrain from incorporating amnesty arrangements for perpetrators of trafficking into peace agreements;
- d. Create and/or strengthen victim protection programs that allow women and children to safely report their traffickers to law enforcement agencies without threat of deadly violence or retribution against their families for speaking out;
- e. Create national task forces to address the problem of military and private military demand and the role that it plays in the trafficking of women and children.

31. Urge international relief organizations and member states to:

- a. Warn potential victims of trafficking about possible schemes;
- b. Register women and children in shelters, not place them in isolated areas of camps and provide security at displaced camps;
- c. Train all relief employees about trafficking.
