Discussion and Direction

POLICY PAPER

Combating Sex Trafficking in Indonesia through Community Empowerment and Education

AusAID’s Australian Leadership Award (ALA) Fellowships:
Gender Sensitive Leadership
on Promoting the Safety of Women and Child Protection

Prepared by Indonesia’s Team:
Suma Mihardja, Rita Nur Suhaeti, Fitria Sun Pililiq, and Alfonsa Ragha Horeng

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Summary

Sex services have always been part of human history. However, due to its lucrative business nature, the increase of the sex industry in the last few decades is largely the result of national and international socio-economic and political policies. Globalization has made the poor get poorer and many countries are in financial and political crisis. Women are generally the poorest of the poor and are preyed on by recruiters, traffickers, and pimps. Global sexual exploitation has increased due to rise in military presence in many parts of the world; racial myths and stereotypes; and women’s inequality.

There are at least four main actors in sex trafficking: (1) the men who buy commercial sex acts, (2) the exploiters who make up the sex industry, (3) the states that are destination countries, and (4) the culture that tolerates or promotes sexual exploitation. This paper reviews Indonesian government policy regarding laws on combating sex trafficking and offers recommendations to improve the quality of reducing sex trafficking in Indonesia. It provides an overview of sex trafficking problem in Indonesia, Indonesia’s responses to date and the likely effectiveness of those strategies to eradicate sex trafficking regarding the position of Indonesia in the globalized world.

The following are recommendations to combat sex trafficking in Indonesia: (1) set zero tolerance policies for sex trafficking; (2) set an abolitionist approach to sex trafficking and prostitution; (3) redefine prevention; (4) end tolerance for the illegal sex trade, including open advertising of criminal activity; (5) redefine and rename police department units to combat sex trafficking; (6) end discrimination against victims in arrest and prosecution of trafficking and prostitution-related offenses; (7) increase criminal investigation of exploiters; (8) train law enforcer to recognize exploiter behaviour and signs of victimization; (9) devise strategies to combat different markets for victims; (10) review state approaches to prostitution for effectiveness in reducing the demand for victims and for eliminating the markets for victims.

The following are some operational programs to combat sex trafficking: (1) Producing community education materials such as pamphlets, brochures, leaflets, posters, banners, compact disc, mass media (printed, audio and audio-visual); (2) Proposing formal and non-formal community education through inserting specific materials describing the risk of sex business, modus operandi of sex trafficking actions, and practice to avoid sex trafficking; and (3)Proposing the poverty eradication to minimize the push factor of sex trafficking. The program consists of a broad range of community empowerment as mental and spiritual guidance, vocational training, women’s living skills, family welfare counselling, and saving and loans or micro finance credit schemes.
CONTENT

Introduction

I. Sex Trafficking Behind the Screen
   I.1. Defining Sex Trafficking
   I.2. Approaching the Problem

Sex Trafficking as Global Challenges

II. What is the Demand?
   II.1. the Men
   II.2. the Exploiters
   II.3. the Indirect Profiteers
   II.4. the State
   II.5. the Culture

III. The Business of Sex Trafficking and Prostitution
   III.1. Is Prostitution Recognized as a Part of Sex Trafficking or as a Legitimate Work?
   III.2. AreProstitutes only Women and Girls?
   III.3. Do We Recognize Child Prostitution?
   III.4. Rights versus Moral Approach
   III.5. Globalization as a Phenomenon
   III.6. Liberalization of Markets
      III.6.a. Sexually Explicit Performances
      III.6.b. Market for Specific Racial, Ethnic Groups and Language Capabilities
      III.6.c. Markets for Virgin and Young Girls
      III.6.d. Production of Pornography and Live Internet Sexually Explicit Performances

IV. State Approaches to Prostitution and Sex Trafficking
   IV.1. Prohibitionist
   IV.2. Regulationist
   IV.3. Abolitionist
   IV.4. Decriminalization
   IV.5. Enforcement of Laws
   IV.6. Impact of State Policies

Strategies to Combat Sex Trafficking

V. How to Eradicate Sex Industry?
   V.1. Sex Traffickers – the Pimps, Madams and Mama Sans
   V.2. Coercive Nature of Sex Industry: Splitting Body from Identity
   V.3. Prosecution of Sex Trafficking
   V.4. Countries Experiences
      V.4.a. Shutting Down the Sex Markets – Republic of Korea
      V.4.b. Destroy the Market – Sweden
      V.4.c. Closing Establishment – New York, USA
      V.4.d. Stopping the Street Trade – UK
      V.4.e. Raising Public Awareness – Cyprus
      V.4.f. Prohibition on Purchasing Sex while Abroad – Norway
   V.5. Lessons Learned

VI. The Magnitude of Sex Trafficking in Indonesia
   VI.1. Indonesia as a Market for Sex Trafficking
   VI.2. Indonesia’s response to Sex Trafficking
   VI.3. Victim Support Legislation
   VI.4. Abolitionist Approach
   VI.5. Current Progress

VII. Conclusion
   VII.1. Recommendation
   VII.2. Proposed Immediate Programmes

VIII. Bibliography

IX. Appendix
Combating Sex Trafficking in Indonesia through Community Empowerment and Education

Human trafficking in the form of slavery has been a part of history as evidenced in the ancient empires of Egypt, Babylon, Greece, and Rome. All or most of the characteristics associated with slavery are also played out in the contemporary human trafficking. Modern forms of trafficking are a flourishing international business involving a chain of people, which includes the victims, local recruiters, corrupt officials, business interests, governments and global syndicates of organized crime.

- Samarasinghe, 2008 –

INTRODUCTION

I. Sex Trafficking Behind the Screen

There is no reliable data available anywhere in the world on the true extent of human trafficking, especially on sex trafficking, but there is general agreement that the trade is extensive. The US Department of State’s Trafficking in Persons Report 2008 states that: (boldfaced by us)

“A wide range of estimates exists on the scope and magnitude of modern-day slavery. The International Labour Organization (ILO) ... estimates there are 12.3 million people in forced labour, bonded labour, forced child labour, and sexual servitude at any given time; other estimates range from 4 million to 27 million ... [Each year] approximately 800,000 people are trafficked across national borders, which does not include millions trafficked within their own countries. Approximately 80 percent of transnational victims are women and girls and up to 50 percent are minors. The majority of transnational victims are females trafficked into commercial sexual exploitation. These numbers do not include millions of female and male victims around the world who are trafficked within their own national borders—the majority for forced or bonded labour (Hughes, 2007)“

The United Nations estimates that 4 million humans, mostly women and children, become victims of transnational trafficking each year and are forced to work in construction, farming, mining, fishing, landscaping, domestic and childcare work or in the industries. They are also used as warriors and drug jockey and coerced into drug trafficking, begging and illegal adoptions. Victims of sex trafficking are forced into prostitution, pornography, sex tourism, marriages and the mail-order bride trade (Beeks & Amir, 2005).

It is difficult to determine how many people have been trafficked every year, both within and cross the national border. The most significant road block is the illegality and informality of trafficking. The lack of law enforcement mechanism makes the already vulnerable women and girls who become victims reluctant to report the incidents to the authorities. Victims of sex trafficking mostly belong to the poorer segments of society who are usually ignored by decision-making political groups in society (Beeks & Amir, 2005).

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1 This paper is prepared for a symposium titled “Whose Security? Women’s Safety and Child Protection in Local and Global Contexts”, 31 October 2008, at Conference Room, Function Centre, Flinders University, Adelaide, Australia. The writers are the Flinders Fellows, consists of participants from Indonesia who are involved in the AusAID’s Australian Leadership Awards (ALA) – Fellowships Program 2008 Gender Sensitive Leaderships on Promoting Safety of Women and Child Protection.

2 We appreciate Donna M. Hughes who had written some comprehensive and inspiring articles, which contributed much to this policy paper. We also expand our gratitude to Jo Murphy, who had provided us many valuable articles. Many ideas came from a recent Vidyamali Samarasinghe’s book titled Female Sex Trafficking in Asia: the Resilience of Patriarchy in a Changing World (2008). Nevertheless, we take all responsibilities of the policy materials contained in this paper.
It is also widely recognized that a very high number of women and children around the world become victims of the global sex trade. They are recruited into prostitution and other forms of sexual exploitation, often using tactics involving force, fraud, or coercion. Criminals working in organized networks treat the victims like commodities, buying and selling them for profit. This modern-day form of slavery that is called sex trafficking has become a well-established and enormously lucrative business throughout the world (UNODC, 2006).

Trafficking in human beings is not a new phenomenon. What is new is the transnational character of the phenomenon and the scale on which it is taking place. (Liempt, 2007) Issues arising from this trade vary between countries, but all are in agreement that sex trafficking is a serious human rights breach.

Estimates suggest that the profits to be made from human trafficking trade are huge. In combination, the human trafficking and smuggling trade is believed to rival the world’s drugs and firearms trade in profitability. Human trafficking and illegal migration/human smuggling represent a core business of international criminal organisations. They are now thought to be among the most lucrative of their world-wide activities (Beeks & Amir, 2005).

I.1. Defining Sex Trafficking

In the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of the United Nations Convention against Transnational Organized Crime, “trafficking in persons” is defined as follows:

(a) ‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments of benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of the victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

This protocol is the first international treaty to address the demand side of prostitution and sex trafficking. It calls for states to discourage the demand that creates a need for victims: (Article 9, Clause 5)

... adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

The UN Protocol on Trafficking has a narrow definition on how the involvement of organized crime and cross-border movement are associated each other. On the other hand, there is the UN Protocol on People Smuggling and illegal migration. ‘People smuggling’, is the term generally used to describe the illegal movement of people on a fee-for-service basis. Such transactions are not usually conducted without the consent of those being smuggled. Many cases show that these two terms are intertwining and confusing. This Protocol on Trafficking is unable to create sufficient space to differentiate between smuggled migrants and trafficking. While the term of trafficking points to the presence of force, coercion or deception to move the victim from one place to another for the purpose of exploitation, a smuggled person usually consents to move. Thus, the consent to be smuggled should not eliminate the possibility that the smuggled person may end up being a trafficked victim. Similar problem might arise, on how to deal with the extent of foreign sex workers in the domestic context. Should they be deported or treated as victims?
The UN Special Rapporteur on Violence against Women encouraged wider meanings of trafficking, and expanded the definition. It should be noted that a person may consent to migrate without knowing the full extent of exploitation that awaits the person at the point of destination. So, she expanded the definitions, “in a community other than the one which such persons lived at the time of the original act described in (Beeks & Amir, 2005). From that perspective, every person is exploited, as far as they fulfil the criteria on moving and mode of action, must be categorized as victims of trafficking.

In the U.S. Trafficking Victims Protection Act of 2000,

“‘Sex trafficking’ means the recruitment, harbouring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.” A commercial sex act is defined as “any sex act on account of which anything of value is given to or received by any person.” For criminal charges to be brought against perpetrators, their activities must meet the criteria of “severe form of trafficking in persons,” which is “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.”

According to Hughes, the USA itself adopts an abolitionist position on sex trafficking. In October 2003, at the United Nations, President George W. Bush spoke about the role of the demand in perpetuating the global sex trade:

“Those who patronize this industry debase themselves and deepen the misery of others.”

A focus on the demand side of sex trafficking means making men personally responsible and accountable for their behaviour that contributes to the sex trade. An expansion of the conceptualization of the demand for victims of sex trafficking calls for accountability from governments and law enforcement agencies to suppress the markets in which women and children are bought and sold for sex acts and curtail the means by which traffickers and pimps recruit, transport, and exploit women and children.

Is that a parallel position of the USA in dealing with the issues of trafficking and prostitution? According to Mijers, (Liempt, 1998) states have different policies on prostitution, and the USA is the major country, which supports the prohibitionist system. All policies have in common that prostitutes (sex sellers, or as some sex industry activists usually called as sex workers, depend on ideological bases behind the term. In this paper, these terms are interchangeably) are denied basic human rights, held in contempt, isolated, marginalized and sometime criminalized. Based on these regulations, the USA position is in dilemma.

In one hand, we could say that the USA treats the victims of trafficking as non-punishable, but in the other hand, the USA treats the prostitute as a criminal. How to differ “ordinary” sex workers, who are punishable under the prohibitionist law, for example, with those who enter the USA as smuggled persons, exploited in illegal bars and doing a side jobs as street sex workers?

In Indonesia, we find the similar problem. Many women from Central Asia, China, Viet Nam and Thailand come to Indonesia and become sex workers. They are managed by the organizations, which act as entertainment industries. But because of their lack of ability to speak Indonesian, they are treated as smuggled persons and forced to be deported. Meanwhile, there are some indications that they are forced to enter the sex industry caused of debt-bondage. How can Indonesia put them in the correct “legal” terms? As a victim of sex trafficking, as a smuggled person who works as a sex worker, or as a foreign “legal” worker who works as a sex worker as a side job?

I.2. Approaching the Problem

There is a grey area separating free sex from sex work, and from sex work to sex trafficking. We also find the term of “sex adventurer” when a girl goes to the street to look for experience and get payment-like gifts. Culture plays the important role about the kind of sexual activities in the society.
To analyse the problem, sex trafficking can be viewed as dichotomous along clear class and spatial lines. The supply side is usually financially poorer to the better off demand side. This pattern is reflected in the flows of trafficked victims from poorer societies, communities and countries to service men in richer areas. However, it should be noted, there is also an equally significant reverse flow of customers and traffickers from relatively wealthier countries moving to poorer source regions of supply (Liempt, 1998).

Poverty is a major contributing push factor in creating enabling spaces for recruitment of trafficking victims, both females and males. Poverty is a condition from which people seek to escape. While poverty affects both men and women, there are more poor women than men, and far fewer escape routes from poverty for poor women and girls. The current forces of globalization proved to be both a welcome opening for migration and legitimate work for an army of poor, mostly young women. There is a feminization of poverty. In the opposite side, pull factors, there are many opportunities to reach their dreams to be rich, glamorous and live in luxury.

The basic problems of poverty are derived from the economic vulnerability of the victims. Of course, there have been many factors which push the victims to enter the grey area of work. During a rapid development, there has been a negative impact, which includes the disappearance of guaranteed housing, medical services, pensions and other basic services especially among the poorest of the families. Women and girls have become more vulnerable to newly emerging social issues such as neglect, abuse, and exploitation, and trafficking is an outcome. Many countries do not consider trafficking as human rights issues but as smuggling issues, and mostly regard those who have been smuggled as illegal immigrants rather than trafficking victims. Many governments are in denial or turn a blind eye to trafficking (Liempt, 1998).

To make clear these issues of sex trafficking, there are seven categories of approaches in analysing female sex trafficking offered by Samarasinghe (Samarasinghe, 2008) gender rights (women’s subordinate role in society results in their vulnerability to exploitation), development (emphasizes the structural weakness in the socio-economic and political situations), criminal networks (from the point of view of a profitable business enterprise), labour (exploitative character of work expected of a trafficked victim), abolitionist (female prostitution is inherently exploitative), migration (as a primary arena) and health (increased risks of STD, mental health and difficulties to get proper access, or dealing with real threat to the wider community).

All of those approaches try to determine the most important factor resulting in sex trafficking, and at least a methodical analysis to resolve that problem. Above all, the core of meaningful counter-trafficking strategy should be based on the principle that women’s rights as human rights and should be gender sensitive and rights based (Murphy, 1998).

There is a concluding statement made by the former UN High Commissioner on Human Rights, Mary Robinson:

“We must ensure that well-intentioned anti-trafficking initiatives do not compound discrimination against female migrants or further endanger the precariously held rights of individuals working in prostitution.” (Samarasinghe, 2008).

Based on this paradigm, we will start with the basic question of the market principle, demand (and supply, respectively) side. Even this issue is debatable, discussion of the “demand side” of sex trafficking has focused on the men who purchase sex acts (Beeks & Amir, 2005). This paper expands the conceptualization of “the demand side” to include two additional components: the exploiters –the traffickers, the chain of supplies and pimps (and also the indirect profiteers like military establishments) – and the state. The purpose is to bring a better understanding to the factors that lead to the exploitation and sexual enslavement of women and children around the world and particularly in the country of Indonesia.

Since Indonesia faces global-related dilemmas in combating sex trafficking, it will be much better to start this policy paper with the sex trafficking in global context and debates of the issue.
II. What Is The Demand?

Although trafficking is usually associated with poverty, it is often the wealthier countries (areas) that create the demand for victims for their sex industries. To fully understand and combat sex trafficking, it is important to identify what is meant by “the demand” and to define and characterize each component so that policies and laws can be created to address it (Dorais, 2005).

Demand is a manifestation of a desire to procure a certain good or a service. UN Protocol on Trafficking in 2000 identifies demand as a cause of all dimensions of human trafficking and urges states charged with initiating anti-trafficking to initiate measures to discourage demand. It specifically states: “State parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage demand that fosters all forms of exploitation of persons, especially women and children that leads to trafficking” (Samarasinghe, 2008).

We must be aware of the long-lasting debate on freely chosen prostitution that constructs a part of the social problem. We will discuss it later in another paragraph, but for this beginning, the clearest difference is that free choice (free consent, informed consent) prostitutes are adult women, who are able to express their consent to manifest their works as part of their rights, while any minor engaged in prostitution is by definition deemed to be trafficked. On the other hand, adult trafficked victims have no control over payment and are forced to perform any sex act demanded by the paying customers (Samarasinghe, 2008).

At least, according to Hughes, there are four components that make-up the demand: 1) the men who buy commercial sex acts, 2) the exploiters who make up the sex industries, 3) the states (areas) that are destination target, and 4) the culture that tolerates or even promotes sexual exploitation.

Diagram 1. Supply and Demand of Sex Trafficking

Slightly different, Samarasinghe categorizes demand side from three sets of actors and stakeholders. First, are the men who solicit and buy sex, variously known as customers, clients, Johns, curb crawlers, tourists and punters; second, the suppliers (recruiters, brothels owners, pimps, drivers, transporters, criminal gang members, and corrupt officials); and third, the facilitators of the industry such as the legal entertainment, tourist, and hotel industries, criminal organizations, the military and also the state.
crawlers and punters. This is the core group of the actor, consists of the individual male customers. Second, they are the direct profiteers of trafficking (individuals or groups) like as recruiters, pimps, brothels owners, criminal gang members, drivers, corrupt officials. These individuals and groups are often part of a network of units which would have both a vertical hierarchy, overseeing the management of the trafficking operations and horizontal sub-units which have limited knowledge of the other component parts of the trafficking network. Third, includes organizations and institutions that facilitate the industry such as the tourist and entertainment industries, criminal organizations, the military and also the state (Samarasinghe, 2008).

Based on these opinions, we want to expand the component described by Hughes to be five, including the indirect profiteers as a complementary component to exploiters that maintain a huge operation of sex services.

II.1. The Men

Typically, when prostitution and sex trafficking are discussed, the focus is on the women and children victims. The men who purchase the sex acts are usually faceless and nameless. The men, the buyers of commercial sex acts, are the ultimate consumers of trafficked and prostituted women and children. They use them for entertainment, sexual gratification, and acts of violence (Samarasinghe, 2008).

Research on men who purchase sex acts has found that many of the assumptions we make about them are myths. Seldom are the men lonely or have sexually unsatisfying relationships. In fact, men who purchase sex acts are more likely to have more sexual partners than those who do not purchase sex acts. They often report that they are satisfied with their wives or partners. They say that they are searching for more – sex acts that their wives will not do or the excitement that comes with the hunt for a woman they can buy for a short time. They are seeking sex without relationship responsibilities. Men who purchase sex acts do not respect women, nor do they want to respect women. They are seeking control and sex in contexts in which they are not required to be polite or nice, and where they can humiliate, degrade, and hurt the woman or child, if they want (Samarasinghe, 2008).

For good examples, Agustin (Agustin, 2005) has collected some confession from men who seek prostitutes:

“To do something different; my wife won’t try anything different, so I go to prostitutes”; “I didn’t do anything different with my wife from what I did with whores”; “I’ve never liked going out drinking with groups of lads, looking for girls. I find it difficult and a hassle to go through all the chatting up and all the trying to get off with them. This is easier”; “It’s so exciting partly because I shouldn’t be doing it”; “It’s different to lovemaking. It’s lust and it’s great to have something new and different whenever you want it”; “There are sailors and businessmen who want quick fuck. Others have matrimonial problems or don’t like lasting relationships. There are people who don’t look good, or who are handicapped. But there are also people who simply like to vary, or who want to enjoy sex in their own way”; “I came to these places occasionally even though we had a good sex life in the sense that my wife was well satisfied and so was I. Like most males, every now and then I have a need, a craving, for a different female.”

It should be noted that male customers of commercial female sex cannot and also do not distinguish between free-consent prostitutes and trafficked victims when they pay for sex (Samarasinghe, 2008). Because of this, it is difficult to clearly separate “freely chosen” prostitution from sex trafficking. If prostitution can be viewed as abusive and exploitative, so the purpose of trafficking is fulfilled.

Men who buy sexual services from prostitutes come from all ages, levels, occupations and ethnic categories. It has also been suggested that men in some occupational groups such as the military, police, seamen and truckers as well as men who travel for business are more likely to buy sex. Internationality of the sex trade is largely known. These were clearly discernible during the Vietnam War when American men (both “white” and “black”) reportedly called Vietnamese prostitutes “those little brown fucking machines”. Customers from richer nations tend to treat prostitutes of poorer nations as inferior human beings. In highly globalized sex industries, it is not unusual for male customers to travel specifically in search of commercial sex in exotic locations. It is reported that more than 50% of the customers are married men (Samarasinghe, 2008).
II.2. The Exploiters

The first layer of exploiters, including traffickers, pimps, and brothel owners make-up what is known as the sex industry. It is widely known about some varieties of sex trade services related to the local conditions, like multi-services stalls, multi-functions secretaries, multi-talented actress, receptionists, street child, street hawkers, those are exploited by their superior. Traffickers and organized crime groups are the perpetrators that have received most of the attention in discussions about the sex trafficking. They operate the business of sexual exploitation. They make money from the sale of sex as a commodity. The exploiters include individual perpetrators, organized crime networks, and corrupt officials. Secondary profiteers include hotels, restaurants, taxi services, tourist, entertainment and other businesses that provide support services to the sex industry (Hughes, 2007).

II.3. The Indirect Profiteers

This category consists of the military establishment, which is motivated to encourage the sex industry in an attempt to help satisfy the sexual needs of its servicemen. Their motive is not profit-taking, but they are earning indirect incomes from those sex services by giving security protection. It is known that the demand comes from these units for sex services is relatively high, even in the area of peace-keeping missions. In every region of the world, wherever there are violent conflicts and male fighting forces are deployed, trafficking and prostitution follow (Samarasinghe, 2008).

II.4. The State

By tolerating or legalizing prostitution, the state, at least passively, is contributing to the demand for victims. The more states regulate prostitution and derive tax revenue from it, the more actively they become part of the demand for victims.

If we consider that the demand is the driving force of trafficking, it is also important to analyse the destination countries’ laws and policies, apart from domestic policies regarding to domestic sex trafficking. Officials in destination countries usually do not want to admit responsibility for the problem of sex trafficking or be held accountable for creating the demand for victims. In destination countries, strategies are often devised to protect the sex industries that generate millions, even billions, of dollars per year for the economy. When prostitution is legal, governments expect to collect tax revenue. Where prostitution is illegal, criminals, organized crime groups and corrupt officials profit (Hughes, 2007).

In the destination countries, exploiters exert pressure on the lawmakers and officials to create conditions that allow them to operate. They use power and influence to shape laws and polices that maintain the flow of women to their sex industries. They do this through the normalization of prostitution.

II.5. The Culture

The culture, particular mass media, is playing a large role in normalizing prostitution by portraying prostitution as glamorous, empowering, or a fast, easy way to make money (Hughes, 2007).

The Internet and other types of new information and communications technologies are increasing the global sexual exploitation of women and children. Sex industry sites on the Internet are popular and highly profitable. The growth and expansion of the sex industry is closely intertwined with new technologies. Although trafficking for prostitution is widely recognized, trafficking of women and children for the production of pornography receives less attention. Increasingly, the pornographers are travelling to poor countries where they can abuse and exploit women and children with fewer risks.
They use new information technologies to transmit live images around the world (Samarasinghe, 2008).

Religious perspectives illustrate another dimension of the appropriation of female sexuality by the dominant male agenda. Patriarchy also articulates a theoretical basis for male dominance over females. All of these give a big contribution to the rapid increase of trafficking as the fastest growing criminal activities in the era of globalization.

III. The Business of Trafficking and Prostitution

In 1998, the International Labour Organization (ILO) released a report entitled The Sex Sector: The Economic and Social Bases of Prostitution in Southeast Asia. Based on research of the sex industries in Malaysia, Indonesia, Thailand, and the Philippines, the ILO gave an overall favourable review of the business of sex:

*The sex sector is a significant source of foreign exchange earnings, with links between the growth of prostitution as a highly structured transnational business and the expansion of the tourist industry in these countries, as well as labour exports from these countries.*

The ILO report called for prostitution and sex industries to be officially recognized as a legitimate economic sector because they are already “integrated into the economic, social and political life” of countries and “contribute in no small measure to employment, national income, and economic growth (Samarasinghe, 2008)”

In contrast to the ILO approach of accepting the profitable and supposedly inevitable exploitation of women, trafficking and exploitation of women and children for the sex trade can be analysed as money making criminal businesses. It is known that trafficking is a low risk, high profit criminal enterprise. When traffickers are caught, the penalties are relatively low compared to the amount of profit made and the harm done to victims (Hughes, 2007).

To stay in business, pimps and traffickers need a steady supply of victims. A pimp can only use a woman or girl for a limited period of time before she needs to be replaced usually because of poor physical or mental health or addiction. Russian police said that a woman lasts only one year with a pimp before her “quality decreases (Samarasinghe, 2008)”

The cost of doing business is a consideration for traffickers. They make decisions on where to traffic victims and set up business based on profit margins, as well as risk of arrest and prosecution. According to Russian police, because of the high cost of visas, documents and travel, it is not profitable to send victims to the USA. Consequently, traffickers more often send victims to other countries. Intelligence gathered by Swedish police indicates that since the new anti-prostitution law came into effect in 1999, it is more difficult and risky to operate in Sweden. Therefore, the traffickers and pimps take victims to other markets where the costs and the risks are lower (Samarasinghe, 2008).

To understand sex trafficking, it can be analysed from a market perspective in which traffickers use different “business models” to profit from the recruitment and sale of women and children and sex acts. This type of analysis gives insight into different strategies that traffickers use. The type of model was influenced by geographical origin of the traffickers and victims, the history of the region, and the market forces.

III.1 Is Prostitution Recognized as a Part of Sex Trafficking or as a Legitimate Work?

To perpetuate the prostitution debate, participants must ignore a wide variety of activities constituting the sex industry, which occur in different cultural, economic, geographic and social contexts. Services include manual, oral and penetrative stimulation of genitals, anus and other body parts; massage; erotic conversation in person, by telephone or via the internet; dance on stages, tables, between viewers’ legs, watched on websites or in peep shows, striptease, lap-dancing, pole-dancing, exotic
dance, table-dancing; bondage and domination that may include spanking, whipping, cross-dressing and other fetishes (with clients either dominant or submissive); sexual healing and therapy; attentive company at dinners and events; nude services like table waiting and telegram delivery; and acting in sexual cinema and videos. The industry also includes the sale of sex toys, clothes and gear, erotic literature, video and DVDs. Those who oppose prostitution believe that a good, healthy, full sexual relationship must proceed along a prescribe route and that financial payment ruins everything, making true intimacy out of question (Davidson & Anderson, 2000)

It is a difficult question to put the actions between two contrary perspectives on human rights approach. How to draw a clear bold line separating trafficking from free choice or voluntary prostitution? Should we choose one side and deny the other? Treat it as a necessary evil, or what? Moreover, female victims of sex trafficking, who may be loosely identified as such due to their young age, also did not seem to fit into one clear mould (Samarasinghe, 2008). It should be noted that debates are not just focused around these two issues, but also is include debates about the prostitution as a human right and prostitution as a “kind” of profession that should be regulated.

Debate about the relationship between trafficking and prostitution reflects the deep political divisions that surround the issue of prostitution, which is to say divisions on the question of whether prostitution always and necessarily violates women’s fundamental human rights to dignity, or whether prostitution can represent a mutual, voluntary contractual exchange between adults, and should therefore be considered as a form of paid work. The lack of clarity on these issues may be pragmatic in the sense that it means the trafficking protocol can be adopted “without prejudice to how states parties address prostitution in their respective domestic laws”, but it also allows space for conflicting interpretations of what does and does not constitute trafficking for prostitution.

As mentioned above, male customers of commercial female sex usually cannot and also do not distinguish between free-consent prostitutes and trafficked victims when they pay for sex (Samarasinghe, 2008). Men who buy sexual services from prostitutes come from all ages, levels, occupations and ethnic categories. Like as the changing perspectives about child prostitution, the discussions should be directed to the roots of problems, i.e. division of gender values, ideology, and also the socio-economic factors providing a legitimized bases for sex trafficking (and prostitution). The men, the buyers of commercial sex acts, are the ultimate consumers of trafficked and prostituted women and children.

When a woman enters sex industries world caused by economic condition, may we say that she determines her life by herself? When there is a limited economic chance, how could we define whether her choice is forced or not? The complicate question regarding to a little opportunities provided for them.

Sex workers should be protected from abuse, including from the moral entrepreneurs who pursue them. They should enjoy the same rights and freedom as any other citizen, and the state should not intervene in private sexual relations between fully consenting adults. But we must distinguish between the prostitutes as human beings who have human rights, from prostitution as a type of “job”. Sex work is not always chosen and it does not always take place under ideal conditions. No one should be forced to prostitute themselves; everything possible should be done to give them other alternatives, but none of this requires banning prostitution outright.

Legalizing prostitution and redefining it as a form of work, a job like any other, raises many questions about recruitment, contracts, benefits, and ease of escaping exploitation. Policies concerning these secondary issues determine how committed municipalities and states are to facilitating exploiters’ recruitment and retention of women (Samarasinghe, 2008).

In Germany, since prostitution and brothels were legalized at the beginning of 2002, prostitution is officially viewed as work. Prostitutes are entitled to employment benefits and expected to pay taxes. Since prostitution is officially a legal job, brothel owners assumed they have a right to recruit new women by advertising their job opening in the German job advertising centres, and the right to access job seekers’ databases to look for suitable women. The Federal Labour Office made a decision not to display brothel vacancies in the job centres, and the job centres would not assist exploiters to find women for prostitution. The office also said that it would not offer prostitution or stripping jobs to women who hadn’t specifically mentioned them as a type of job they were willing to do (Hughes, 2007).
A brothel owner challenged this decision saying:

“Why shouldn’t they send the unemployed to work in the sex industry? …I was always looking for workers… …now employees are insured and receive benefits. People would no longer be unemployed and could earn themselves a living.”

In 2003, the owner of a newly opened brothel in Goerlitz, Germany, tried to place job advertisements for “hostesses for erotic services.” The German Federal Labour Office rejected the ads. The brothel owner said: “If the state says the women can work, I expect the authorities to do their part for me in return.” He said his efforts to recruit women by placing ads in the newspapers had failed. He claimed that he had men offering to help him staff his brothel by “selling” him women. Yet, he thought it was wrong for the Labour Office to refuse his advertisements on “moral” grounds, especially since there was high unemployment and the government had a budget deficit. A member of the Bundestag from the liberal Free Democrats supported the advertisements saying that the government was hurting unemployed women in the depressed areas in the east of the country by not printing the ads.

In other area of labour policy in which the government is trying to reduce unemployment and promote job training, the Bundestag passed a law that will fine companies that fail to hire at least one apprentice for each 15 workers. No provision was made to exempt brothels from financial penalties if they too didn’t hire “apprentices.”

The legalization of prostitution and brothels in Germany has resulted in increased competition among brothels. In Munich, brothel owners are reported to be forcing women to engage in riskier sex acts and sex without condoms in order to attract men. Code terms and euphemisms for sex without condoms appear in advertisements. Representatives from NGOs that work with women in prostitution say those who are “drug-addicts” and “abused by their pimps,” are at highest risk. By definition, a woman who is abused by a pimp and forced to have sex without a condom is a victim of trafficking. These conditions may indicate a demand for trafficked women who can be controlled and forced to comply with demands for sex without a condom for which pimps and brothel owners get more money.

When prostitution is considered a form of work, states and municipalities have a vested interest in the industry’s success, just as they would for other high-profit businesses in their community. Recently in Germany, officials in two cities —Dortmund and Cologne— announced they anticipated a large surge in the demand for commercial sex acts to coincide with the World Cup soccer games to be played in their cities in 2006. They estimated that 40,000 women would travel to Germany to sell sex acts. (They didn’t indicate how many of these women might be victims of trafficking.) The current brothels could not accommodate that increased volume in purchasers of sex acts. Nor are there enough parking spaces for the increased number of men driving to brothels. City officials fearing that the sex trade would spill over into the streets, parks, and other public places, planned to build drive in “sex huts” to accommodate the increased trade. Officials believe the drive in huts would be popular because they will help protect the men’s anonymity. The huts were designed by the Dutch to accommodate their sex trade.

In both the Netherlands and Germany, the question has been raised whether an unemployed woman must take a job in a brothel or strip club or lose her unemployment benefits. Governments in both countries say they would never force such a choice onto an unemployed woman, and yet there is nothing in the law to prevent them from doing so. There are many areas of employment law and policy that when applied to legalised prostitution reveals that prostitution is still not a “job like any other.” The extent to which governments decide to treat prostitution as a regular job also determines how much they are facilitating the demand for victims. In Japan, The Prostitution Prevention Law prohibits direct sexual intercourse for money, so other forms of sexual services have developed (Samarasinghe, 2008). Are those non-intercourse-sexual-desire-fulfilment forms be eliminated?

We may agree about sex trafficking, it is forbidden. But when we consider it in practice, we face obstacles regarding to the position of the sex workers. Are they trafficked? What criteria should be used to determine it is a kind of sex trafficking or not? Just simply says that all prostitutes are trafficked because of the nature of their works? That all the prostitutes are victims? If we recognised the extent of free chosen prostitutes, how do we separate them from the prostitutes who are trafficked? Are there any regulation to ensure that the works run safely, both for the sex sellers, sex entrepreneurs and customers?
As we mention before, there are four alternatives to be chosen about prostitution: prohibit it at all, decriminalize it, regulate it, or take an abolitionist attitude. After that, we must state the relation between prostitution and sex trafficking: are all prostitutions sex trafficking (and the regulation must be imposed to all kind of prostitution, both prohibitionist or abolitionist), or we have to determine first whether it is prostitution or sex trafficking before taking further law enforcement.

III.2 Are Prostitutes All Women and Children?

One part of many feminists thinking is that male sexuality under patriarchy is about power, not sex and thus all prostitution is coercive. If all prostitution is violence against women, any migration of sex workers can become “trafficking”. Some feminists also published an editorial in LA Times about “prostitution is rape that’s paid for” (Samarasinghe, 2008).

One may be for or against prostitution, one may adhere to an ideology that seeks to abolish, regulate, or normalize it (through decriminalization or legalization), but one cannot deny its existence all around society. Prostitution by women and children of both sexes has been much in the spotlight in recent years; child prostitution has become a particularly disturbing international industry with multiple ramifications including sex tourism, pornography, and slavery. Meanwhile, adult male prostitution has tended to remain in the shadows (Samarasinghe, 2008).

Adult male prostitution takes place between men in a context that resists feminist analysis of patriarchal domination, the theoretical structure most often used to explain the imposition of sexuality, or even sexual slavery, upon women and children (Samarasinghe, 2008).

Male prostitution has existed since ancient times. Young male prostitutes were disparaged for their lack of virility, for submitting to other men’s desires passively, in the manner of women. In prostitution, money not only imposes a symbolic distance between individuals; it establishes a power relationship in which the prostitute tends to be objectified. It is not, generally speaking, a relationship of reciprocal desire and pleasure but an instrumentalised one, in the sense that the sex worker’s role is to be a pleasure provider for the paying client. The client’s erotic identity need never be an issue, and for many clients this is exactly as it should be. This explains their demand for absolute secrecy. Intimacy and virility are what the client requires and buys (or rents). It is about as much sex as possible for their money.

During periods of more relaxed public morality, bar owners adapt accordingly, and “contact dances” in private booths, involving sexual touching between sex workers and clients, make their appearance. When citizens rise up against visible street prostitution and moral entrepreneurs go into action, sex workers and clients observe discretion, change their tactics, or move to a new area. Prices fluctuate according to the supply of sexual services and the demand for same, not to mention the availability of certain drugs prized by both parties. In summary, male prostitution may appear at first sight as a relatively free market, but it is in fact regulated and controlled from within and without.

How many men are involved in the male prostitution? How many women are looking for the male prostitutes? Nobody knows. In the case of female clients and male sex workers: 1. the risk of aggression, among the greatest risks faced by female sex workers, does not affect male sex workers performing with women; in this case the risk is on the client’s side. 2. The sex workers often pay no price of social stigma, and often no law establishes the legality or illegality of the activity. 3. Often male sex workers for women require payment after service, which is rare exception for female sex workers. 4. The price formation mechanisms include criteria such as the age and the attractiveness of the client, concerning the (presumed) desire of the sex worker. 5. The market organisation tends to be autonomous. 6. The prices are relatively high.

We are confident that the number of male prostitution is high. But how high is it compared to the proportion of female prostitution?

This evidence suggests that in prostitution gender is a dominant institution in comparison to other market institutions (Garofalo, 2005). It is estimated that the number of male prostitutes is much less than female prostitutes. Based on this assumption, the supply side of sex trafficking still mostly consists of women and the demand side consists of men respectively.
III.3. Do We Recognize Child Prostitution?

It is a powerful simile condemning child prostitution: societal decay, moral degeneracy, capitalism and patriarchy in its extreme form and the exploitation of Third World peoples by the Westerners, in the form of business and tourism. How do we stop Westerners going abroad and buying sex or how do we stop children in overseas countries becoming prostitutes? There is a tendency to perceive prostitution as a moral issue, set apart from the wider political economy. In the case of child prostitution, we agree now to condemn it all, but we take a long historical journey to make that happened (Samarasinghe, 2008).

However, poverty and prostitution should not be linked too simplistically. Most children from poor families are not prostitute and poverty is not necessarily the root cause of all child prostitution. Montgomery’s research reveals that children usually were earning money to help their parents. None of the children liked prostitution but they did have strategies for rationalizing it. For them, selling sex was not immoral because it violated no ethical codes. Betraying family members, failing to provide for parents or cheating on spouses or boyfriends was roundly condemned but exchanging sex for money especially when that money was used for moral ends, carried no stigma (Montgomery, 2007).

Above all, we should be aware that the problems of sex trafficking in the form of child prostitution still occur everywhere in the world because there is no effective law enforcement. The lack of government’s will make it worse, especially when that is co-relating with the poverty and “blame the victims” attitude. What allows child prostitution to make it happen is the changing world, the spreading of free-markets and liberalism that encourages the highest finding of profits and pleasures, even it comes from selling the body in the globalized market. How do we protect the child from entering prostitution if we still do not make a change to handle the social problems faced by their parents in this very competitive world? Whose responsibility is it?
III.4. Rights versus Moral Approach

Satoko Watanabe wrote a confession from a Thai woman who acts as a sex worker in Japan (Beeks & Amir, 2005):

*I could speak about my work to those Japanese women who protest against prostitution. If they said “Quit the work and go back home,” I’d reply “I’ll go back if you give me enough money”. What should I do back in Thailand? There is no good work for a woman like me.*

(Meow):

According to Watanabe’s opinion, from the sex worker’s experiences, the best way to “protect” their lives from exploitation and abuse would be support the decriminalization of sex work and legitimize migration for such employment. Another activist, Murray said that supporting sex workers’ rights is part of larger post-modern challenge to conventional feminism.

In the different opinion, Mijers wrote (Beeks & Amir, 2005):

*We can define Trafficking in the narrow sense as the process in which migrant women are brought into prostitution through the use of coercion, deceit, abuse or violence and in which they are defined fundamental human rights and freedoms such as the right to decide to work, the right to enter and leave the sex industry, the right to refuse certain customers, the right to freedom of movement, the right not to be exploited, and so forth.*

If trafficking is defined in a broader sense it can apply not only to prostitution, but also to other forms of labour such as those mentioned above. It is clear that most women come to Western Europe because they are looking for a better way to make a living. Migration is an age-old strategy of survival. The growing gap between the rich and poor countries particularly affects the situation of women and children. Women have few opportunities of getting work in formal labour sectors, either in their home countries or in the more developed countries. They are relegated to the informal and unregulated labour market –without rights and without protection. Over the last fifteen years new, more dubious and unprotected labour market have developed internationally, such as the market for female domestic workers, for marriage partners and for the sex and entertainment industry.

Simultaneously, numerous multi-national recruiting agencies, impresarios and marriage bureaus have mushroomed, that actively—and usually dishonestly—recruit young girls and women who are looking for the opportunity to make a living elsewhere. The fact that they may be a victim of sexual violence and exploitation is completely subordinate or even irrelevant to their immigration status in the context of current immigration policies of European countries. In this situation it is almost impossible for migrant women to ask for protection if exploitation, violence and forced labour occur.

She also stressed that the word trafficking can be applied to any kind of commodities being traded or bartered, however it also has sinister and illicit implications, in this case when the implicit assumption is made that it is women and girls who are being transacted as non-consenting prostitutes to fulfil male sexual desire.

The major question should be directed to the vulnerable nature of the victims. The vulnerability of the trafficked victim arises from her gendered positioning astride the historical and current socio-economic and political situation. The debate on female prostitution has a profound impact on the adoption of policy measures and strategies in combating female sex trafficking. A significant numbers of persons and government policy positions have aligned themselves on one side or the other of divide, loosely categorized as anti-prostitution and pro-prostitution stands (Samarasinghe, 2008).

The sex industry is structured in such a way that male customers enjoy the privilege of being anonymous and faceless in a socially stigmatized activity, while the prostitute is often exposed to the contempt of society. Many links to the demand side not only consist of criminal elements, but also consist of entrepreneurs in the hotel and entertainment industries, military establishments and governments officials. Female sex trafficking has two human faces. The gender line neatly
demarcates a line with the exposure of the women on the supply side and ensures, for the most part the anonymity and facelessness of the male-dominant demand side. It is not just a woman’s rights to free choice, but also linked to the nature of coerciveness of prostitution and sex trafficking. Should we assume that the prostitution nature will be changed? How about the stratified class of the society? Is that also will be changed in line with the spread of liberalism and individualism?

How would you prove the woman is trafficked and that the men knew this to be the case? Many men, when they go to a brothel, don’t care what nationality the woman is from whom he buys sex. Legalisation (decriminalization approach) is blamed as a pull factor for traffickers. Legalisation is not resolving all of the problems.

“My beautiful country would become a destination for sex tourists. The beaches would get busy again, but we wouldn’t be able to take our children to them, because they would be full of sexual predators.

Now, the challenge about option to be sex workers. A confession from an ex-sex worker was reported:

“I don’t think anyone in the Prostitutes Rights Movements really expects that the majority of workers love their job so much that they would not change it if they had unlimited opportunities. What we do think is that at this place and this time, these workers are doing this job because it is the best choice we can make. Like any other workers, there are some of us who like it more than others within that group. Also some of us pride ourselves on a job well done and there are some of us who really aren’t concerned, as long as the guy doesn’t complain. We would be doing sex workers a disservice to categorically state that all or even most sex workers are mad keen vocational hookers. My experience is that most of us are seasonal or situational workers. We work to pay off the car, send the kids to private school, get through university, etc. Some of us will go on to be career prostitutes, but most of us will step out of the industry with no long-lasting emotional scars from our experiences.”
III.5. Globalization as a Phenomenon

A basic debate regarding the issue of woman’s liberation is usually based on the ideological perspectives about the position of society and the economic-political impacts of productive work. In this theme, we put the capitalist (and sometime liberalism, individualism and free market as a package) perspective as a contra to the socialist perspective (and about liberating action, collectivism and controlled market as a similar meaning). But, sometime, the applicability of these terms regarding to the driving factors of sex trafficking and prostitution is confusing.

Cabezas said that the practice of prostitution in Cuba as a socialist country, is no longer characterized by “slave-like conditions” and coercive pimps; instead, “today’s young women practice jineterismo for the “freedom” to go out dancing, dining, going to concerts, visiting resorts, and shopping in dollar stores. Young Cuban women trade their bodies for dollars not out of economic necessity but by choice, “for consumer goods and recreational opportunities”. It is also shown by the increasing numbers of foreign tourists reported to have sex with Cuban women for the reason of seeking pleasure by paying in dollars. Is that a modern kind of socialism? Or, does it spread norms of liberalism unrelated to economics factor as described earlier by Marx?

Is that true that the women now are free from the ties of social norms, from stratification of social structure, and no more gaps between gender division of labour as described in some of socialist theories?

References to the feminisation of migration are now routine, but although migrant women are believed to outnumber migrant men in Europe, proof is impossible, since so many of the people involved are undocumented. For the process-word feminisation to make sense, one must believe that previous to recent history, women did not migrate in great numbers.

Structural Adjustment Policies (SAP) by the IMF (as an agent of free market) mandate severe cuts in government spending, and social programming is always cut first. Women, who predominate in the social sectors, lose jobs – as teachers, hospital workers and social workers, as well as support personnel such as cleaners and secretaries. SAP is also often blamed for the disintegration of families and the migration of women looking for incomes far from home. All attempts to quantify cases of trafficking are questionable. The trafficking discourse relies on the notion that poorer women are better off staying at home than leaving and possibly getting into trouble; men are routinely expected to encounter and overcome trouble, but women may be irreparably damaged by it. Unfortunately, efforts to prevent trafficking often try to prevent migration itself, and, when researchers find women and girls absent from a village, they tend to list them as missing persons.

Samarasinghe also argued that the structural adjustment policies advocated by IMF and the WB as a strategy to help the debt burdens of poorer countries did lead to the exacerbation of existing female poverty. The processes are largely attributed to the migration and employment opportunities opened to women by way of globalization. Coercion of girls and women into prostitution has been made easier with the increase of potential avenues for legitimate employment away from their home base. At the same time, demand has been tremendously boosted as a result of easier travel, access to supply because of the efficiency of information technology and the enthusiastic encouragement of foreign tourism in developing countries, all of which are often associated with an increase in sex tourism. This is the dark side of globalization.

Here, we introduce the 4 S’s of Tourism: Sun, Sand, Surf and Sex. These are often regarded as being almost synonymous with the supposedly globalising and homogenising nature of international mass tourism. It should not be forgotten that tourism is big business – a whole industry, global in scope, exists to transport, feed, house and entertain tourists (Ryan, 2001).

It has been noted that holidays are also a modern phenomenon. They are a necessity created by modes of production, s system unknown to pre-industrial society. Industrialisation created a scenario where we work five or six days to relax, work free, on the remaining day(s) of the week, an apparent justification of the Marxian notion of man as the appendage to the machine. The modernism of the Industrial Revolution created a need for and an ability to buy periods of sanctioned escape for purposes of relaxation. It commoditised relaxation in order to allow people to be better workers through recognition of the fact that people cannot work continuously and thus, to be more productive,
required holidays. By offering these periods of escape, by encouraging escape to other places, by validating such behaviour as being educational, it created an additional product –the holiday– which too could take its place in the portfolio of things to be purchased by a growing consumer class. The emergence of sex-related entertainment is an articulation of a series of unequal social relations, including North-South relations, and relations between capital and labour, male and female, production and reproduction (Thruong, 1990).

The sense of identity and the alienation of that identity were a consequence of an economic system wedded to capitalist systems that valued objects, and people, mostly in terms of cash. The capitalist system and the classifications of other that created by fragmentations based on hegemonies of European-American male-based cultures are important in explaining the emergence of sex tourism in Thailand (Thruong, 1990):

“the decay of local communities leading to large-scale migration of rural girls (and later, also boys) to work in prostitution for the US soldiers, for an increasingly prosperous urban market, later for the tourist trade, and finally as an export commodity.”

The phenomenon of prostitution in the third world is particularly crucial because of the economic power differential between the buyer and the seller. Furthermore there is a direct analogy between prostitution in the Third World and that in the metropolitan resort centres where the prostitutes are disproportionately drawn from disadvantaged sections of the population who may have similar economic problems illuminating forms of internal colonialism commonly found in stratified, industrial societies (Thruong, 1990).

It is important to situate demand within the discourse of female prostitution/sex trafficking. Prostitution as a service activity is very much market driven. It is the taste of consumer which is primarily responsible for sustaining the activity of female prostitution as well as trafficking, which furnishes the demand for female prostitution (Samarasinghe, 2008).

### III.6. Liberalization of Markets

The demand for victims of sex trafficking comprises of “niche markets.” Women and children of different ages, races, and ethnicities are recruited for particular markets. There are also different markets based on different types of sexual exploitation. And each culture has different types of venues for sexual exploitation. Each one of these markets needs to be analyzed in order to devise special strategies to combat each one of them.

Increasingly, the various markets for commercial sex acts and sexually explicit performances are more openly advertised. Euphemisms and coded terms are used to openly advertise illegal activity. This has the effect of normalizing the acts and increasing the demand for them among men. As these commercial sex acts and performances become visible, they become more accepted.

In Las Vegas, there are 120 pages of advertisements for sexual services under the heading of “entertainment services” in the yellow pages phone book (In contrast, fifteen years ago in 1989, there were 30 pages of advertisements for “escort services”). In Adelaide, there are ten pages under the heading of “Escort Services” (Adelaide Yellow pages, 2008-2009).

Other common venues for advertisements include local alternative press publications, flyers distributed in adult bookstores, and online forums where men exchange details of commercial sex locations. Even some mainstream newspapers accept advertisements from “escort services,” massage parlours, and “spas.” A study in Canada reported that:

“For decades, Toronto’s newspapers and citizens have seemingly tolerated escort agencies and call girls, and now appear to accept “spas” and “massage parlours” which effectively function as brothels with a thinly veiled cover. (Adelaide Yellow pages, 2008-2009)”

With the proliferation of public advertising, people are less likely to suspect that women and girls are being coerced into the activity. In the U.S., two women trafficked from Asia to the Washington, DC area were forced into prostitution in a brothel that advertised in a local newspaper.

Exploiters have been allowed to openly advertise illegal activity as long as they use euphemisms for prostitution. One cannot imagine the open advertising of illegal drugs as long as slang terms for the
drugs were used. As commercial sexual activity is more openly advertised and laws against illegal activity are not enforced, the standards become unclear. A report on strip clubs in Canada concluded that: “There is no clear idea in Canada between judges, police officers, politicians, strip-club owners, strippers and patrons about what is and is not illegal…” The sex industry has become so liberal, “the question of legalizing prostitution in Toronto may already be moot.” In this kind of environment, the trafficking of women and girls is likely to increase and to escape everyone’s attention.

How about the ‘innovations’ those are brought by this modern liberalized market?

III.6.a. Sexually Explicit Performances

Women and girls are trafficked for sexually explicit performances, such as stripping and lap dancing. A study of strip clubs in Canada found that as soon as a new, more sexually explicit activity is introduced at a club, customers patronize that club. If other clubs don’t do the same thing to compete, they are left out of the market. The sex industry constantly pushes the limit and creates new scenarios and presentations for forms of sexual exploitation. Recruiting women for stripping and lap dancing is often not that difficult because women assume they will just be “dancing,” and are often given assurances that they don’t have to take off all their clothes. But after the women arrives, the exploiter’s expectations are imposed on the victims. These markets have become attractive to some criminals because they assume that since stripping is legal they will be less likely to be caught trafficking women into these markets.

The standards for what is considering “dancing” have changed over the past decade and now involve physical contact. Previously, many strip clubs had “no contact” rules, which meant that men were not allowed to touch the women. But increased demand from male clients has led to more tolerance for physical touching. Lap dancing involves a naked or scantily clothed woman dancing around and eventually sitting on a man’s lap and rubbing until he ejaculates. The introduction of “lap dancing” has almost eliminated the distinction between dancing and prostitution.

In Canada, the Supreme Court ruled that fondling and kissing a woman’s breasts in a strip club was not an indecent act. In another Canadian Supreme Court decision, the court ruled that mutual masturbation between a nude customer and a performer in a Quebec club was allowable. The exploiters push women to go to at least the legal limit in order to compete with other clubs.

A Canadian report found that men are frequently “aggressive or obnoxious” and some men regularly masturbated in front of women. A report by the Law Commission of Canada documented the abusive behaviour of men in strip clubs:

“Patrons will pinch, poke and grab dancers. Dancers will attempt to impose limits on what is and is not acceptable. However, this is something difficult to do without alienating customers. In addition, dancers are often harassed and propositioned by club staff members and owners.”

Once lap dancing is introduced into a club in an area, the demand from men causes other clubs to provide this form of sex act as well to lose business. In the sex industry, the more extreme the acts, the more men are attracted. Increasingly, strippers are expected to tolerate physical touching as part of their performance. As a fee is charged for each lap dance, exploiters press women to perform them. As “dancing” has becoming closer to a physical sex act, private booths were set up for “private dances” for men. More extreme sexual performances or acts have become the greatest money makers. A report by the Law Commission in Canada found that conditions under which women “danced” were “barely tolerable”:

“In addition to the various fees dancers pay, many clubs fine dancers (usually $10 to $20 per ‘offence’) for just about everything, including loitering in the change room, leaving the club during the shift, bringing in outside food, using drugs and refusing to perform a ‘super-special’ or free dance. If the fine is not paid, the dancer is not allowed to work in that club.”

Traffickers use fines as a form of control, and when women are indebted to traffickers, fines are ways of continually increasing the debt or ensuring that it is slowly or never paid off. These are coercive conditions that may meet criteria of trafficking.
III.6.b. Market for Specific Racial, Ethnic Groups and Language Capabilities

In the United States, many brothels and clubs restrict entry to men from specific ethnic groups. Some clubs or prostitution rings are exclusive to men from particular racial, national, and ethnic backgrounds. These types of establishments often recruit and traffic women and girls from the same ethnic and racial background as the buyers of sex acts. There are markets for Chinese, and Spanish- and Russian-speaking women.

Sex work is not a universal or unhistorical category, but is subject to change and redefinition. The brown and black is regarded as a desirable, tantalizing, erotic subject, suitable for temporary or non-marital sexual intercourse, and rarely seen as a candidate for a long-term commitment, an equal partner, or as a future mother. Neo-colonialism and racism form the structure of the global sex work industry (Kempadoo, 1998).

In Liberia, there is a market for white and/or Arabic speaking women. In this country, conditions such as aggravated poverty, high unemployment, civil war, and tens of thousands of internally displaced persons have created a large pool of potential victims. Yet, women were trafficked into Monrovia from Morocco and Ukraine for nightclubs owned by Lebanese businessmen.

“There has been a big demand for white women in Liberia long before the United Nations came to Liberia that was created by the Lebanese, Syrian, and Egyptian men. These men are normally business men working in Liberia and have the capital to buy women for their sexual pleasure. The Trafficking Protection Unit in Liberia feels that this country is a niche market for trafficking due to the large demand that has been created here by corrupt politicians and the large number of international business men that continues to work in Liberia. The insurgence of the aid workers has brought thousands of dollars to the economy and has contributed slightly to the growing problem. We find that in some cultures and religions men will not sleep with black women therefore it has helped to create a demand for white women for these particular men in order for them to have sex with while working in Liberia away from their homes.”

Women from particular regions or cultures are also marketed for specific sex acts. Women from countries where female genital mutilation is practiced, particularly infibulation, are not capable of sexual intercourse. These women are used only for oral sex acts. This is the case in Sweden, where Somali women refugees who have been infibulated are used in prostitution (Kempadoo, 1998).

Traffickers recruit and traffic women and children for specific markets. Groups of single or isolated men, such as migrant workers, create a demand for women and girls to be used for sexual purposes. Exploiters target these groups by making commercial sex acts available to them.

A study of Hispanic (from Mexico and Central America) male migrant workers in North Carolina, USA, found that 46 percent of unmarried and 40 percent of married men living apart from their wives, purchased sex acts during the previous year. Those who purchased sex did so almost eight times per year. Another study found that 30 percent of Mexican male migrant farm workers in Northern California purchased sex acts, while 18 percent of workers from the same group purchased sex acts on the East Coast. A study of 342 male migrants who returned to Mexico following work in the USA found that 44 percent said they had purchased sex acts while in the USA.

Exploiters creation of a market for commercial sex acts may change men’s attitudes and behaviour towards purchasing sex act. Previous studies find that only 5 percent of men in Mexico purchase sex acts. These studies indicate that men’s behaviour changes once they become migrant workers. Their behaviour may be influenced by other men’s behaviour, the culture created among migrant workers, and the exploiters’ creation of a market that offers women and girls for commercial sex acts.

III.6.c. Markets for Virgins and Young Girls

In some regions of the world, particularly in Asia, there is a market for virgins or young girls. Virgins are an elite commodity sought by high ranking or wealthy individuals who can afford to buy a rare human commodity that is forever changed after the man is finished with her. In Cambodia, a virgin is
considered the most expensive commodity. In the late 1990s, the average price for a virgin girl was US$300 to $700. Being sold as a virgin is often a girl’s entry into prostitution. She may be resold as a virgin or girl with little experience a few times, but then her value falls and she joins the other thousands of girls in prostitution.

In some cultures the beliefs that having sex with a young girl will cure men of sexually transmitted diseases or restore youth creates a demand for young women or girls. Men’s fear of contracting HIV also creates a market for younger women or girls because they think a younger victim is less likely to be already infected with HIV.

III.6.d. Production of Pornography and Live Internet Sexually Explicit Performances

Production of pornography and Internet sex shows are markets which often rely on trafficked victims. Some pornography is produced for private consumption or it is traded among trusted offenders, but a large amount of adult and child pornography is produced for commercial distribution. The value of it depends on if it is illegal and the extremeness of the abuse to the victim (Hughes, 2007).

The pornography markets for victims of trafficking have not received the attention that prostitution has. Yet, approximately one third of the victims of prostitution at Breaking Free in St. Paul Minnesota have been used in the production of pornography.

In some parts of the world, centres of trafficking are also centres for the production of pornography. An example is St. Petersburg, where representatives from NGOs report that they have heard of many cases of women being forced to make pornography. Many of the women in prostitution in St. Petersburg have also been used to make pornography. They say the police will take complaints about the production of pornography only if children are used (Kempadoo, 1998).

Budapest, Hungary is a destination and transit city for women trafficked from central and eastern Europe. Budapest has also become the pornography production capital of Europe. American and European pornography producers moved to Budapest because of the cheap, available victims. Budapest provides low production costs and lax government regulations and attitudes. There are hundreds of pornography films produced each year in Budapest. In only eight years, Budapest has become probably the biggest centre for pornography production in Europe, even greater than Amsterdam and Copenhagen. Most West European producers of pornography use East European actors wherever possible. “They cost less and do more”. It is likely that at least some of the women used in the production of these videos are victims of trafficking, yet few people think of production of pornography as a way that victims of trafficking are exploited. There have been reports of young children—usually homeless or neglected teenagers—being recruited for pornography with promises of glamorous careers in modelling. The distribution of child pornography on the Internet is described as an epidemic to which law enforcement agencies around the world dedicate increasing resources (Kempadoo, 1998).

The production pornography is often, and when children are used, always, an act of sexual abuse and exploitation. Experts agree that each time that image is viewed, the victim is re-victimised. Once an offender uploads an image to the Internet it quickly spreads all over the world. As a result of the development of new software that can trace the distribution of material on the Internet, a video of a four-year-old being abused was traced around the Internet. The video was found to have been downloaded to thousands of personal computers worldwide, and in just a few months time, it was offered 40,000 times to offenders seeking child pornography. When images are made of victims of sex trafficking and distributed on the Internet the abuse never ends because all of the images or videos can never be traced or destroyed. Someone can forever be viewing that act of sexual abuse (Kempadoo, 1998).

In the Philippines, trafficking is one of the three biggest threats to the well being of children (the others being malnutrition and lack of education). Children are being trafficked domestically, from rural areas to cities, and internationally, from cities to overseas. Domestic trafficking is a serious problem in the Philippines as a result of sex tourism, especially child sex tourism. Perpetrators often photograph their victims for personal or commercial use. As a result, the Philippines is the fourth largest producer of child pornography in the world. The market is estimated to be worth C764.5
million ($1 billion). Only a few cases of the use of children for the production of pornography have been reported. For example in 2003 there were 13 cases reported to the police (During the same year, there were 247 cases of children being used for prostitution reported). And in 2004, 100 teenage girls were rescued from organized crime rings that produced child pornography. The criminal groups pay girls 1,000 pesos (US$17.85) to 3,000 pesos (US$53.57) a week (Hughes, 2007).

In the last five years, a new form of child sexual exploitation has arisen in the Philippines. Children, some as young as 10, are paid to perform sex acts before web cameras linked to the Internet. Viewers are charged a fee to watch. There are an estimated 50 to 75 of these so called “cyber sex dens” in the Philippines. The larger cyber sex dens are in brothels with smaller ones in “go-go” or karaoke bars.

Parents are paid by exploiters for allowing their children to be used for live Internet sex shows. They rationalize the pimping of their own children by saying that the since the children are not touched, they are not being harmed. According to Manzano, chairman of Optical Media Board:

“Some parents even escort their children to the dens...For them, their children are not violated because they are not actually being touched while doing lewd acts because the child dances in front of the camera, performs sexual acts with toys.”

UNICEF Senior Program Officer Colin Davis found the same attitude:

“Parents think that by taking photographs of their children naked, they are not harming them. But they are taking away their childhood”

In the USA, one case revealed how much money can be made by brokering access to child pornography Internet sites. In 2000, a couple in Fort Worth, Texas was arrested for providing access to several child pornography sites. The Reedys ran an online adult verification service for pornography sites on the Web. After verifying a person’s credit card and their age, they gave the users access to other pornography sites, including child pornography sites. Each site charged a monthly subscription fee ranging from US$14.95 to US$29.95. Reedy’s company, Landslide, provided more than 300,000 users access to 5,700 sites. About 30 to 40 percent of their income came from web sites with child pornography. The Reedys kept 40 percent of the money from the subscription fees, netting them more than US$1,000,000 between 1997 and 1999. Subscribers also got access to bulletin boards where paedophiles traded passwords for access to other child pornography sites where people offered or sought children for purposes of sexual abuse. The Reedys were found guilty of 87 counts of sexually exploiting minors, distributing child pornography and conspiracy (Hughes, 2007).

IV. State Approaches to Prostitution and Sex Trafficking

Prostitution is universally considered a phenomenon that society has to address. How societies and governments decide to deal with prostitution varies widely. There are four general approaches to prostitution: prohibition, regulation, abolition, and decriminalization.

IV.1. Prohibitionist

With the prohibition approach, prostitution is defined as criminal activity, and all activities relating to prostitution are unacceptable, prohibited and criminalized: soliciting, procuring, pimping, and brothel keeping. All persons engaged in these activities are considered criminals. No distinction is made between those who sell sex, those who buy sex, those who facilitate the buying and selling or who manage establishments where prostitution takes place. In the U.S., with the exception of a few counties in Nevada, we have a prohibition approach to prostitution. This law denies the reality of prostitution and the fact that for various reasons women work as prostitutes to earn an income.

IV.2. Regulationist Approach

Under the regulationist approach, prostitution is recognized, legalized and redefined as a form of service work, i.e. sexual services. Regulations are set up that control when, where, and under what circumstances prostitution can be engaged in, especially in the interest of public order and public health. Under the legalization approach, prostitutes become sex workers; men become clients; pimps
become managers; brothel owners are business people; and traffickers are employment agents who assist migrant sex workers to travel to destination countries and find jobs. Selling sex is illegal only if the regulations are violated. The state expects to collect tax revenue from the industry and income earners. This is the state approach in the Netherlands, Germany, and some states of Australia. Usually prostitutes are required to register with the police and to have regular STD tests, with penalties for women working without a license or health certificate. Many women do not want to register because of the fear the stigmatizing effects. Other women cannot register because of their illegal status (Beeks, 2005).

IV.3. Abolitionist Approach

Under an abolitionist approach, prostitution is viewed as a harmful activity and all laws and policies aim to eradicate it, emphasizes the moral and ethic argument against regulation and the involvement of state or any other third party. A distinction is made between victims and perpetrators and they are treated accordingly. Women and children used in prostitution are considered victims and offered services, the men who buy sex acts, pimps, brothel keepers and traffickers are all criminalized. The approach is similar to how to treat domestic violence – distinguishing between victims and perpetrators and treating them accordingly.

Two states that take an abolitionist approaches are Sweden and the USA at the federal level. In Sweden, prostitution is seen as a form of violence against women. Its law decriminalizes all of those who sell sex acts, and criminalizes male buyers, pimps, brothel keepers, and traffickers. In the USA at the federal level, prostitution resulting from force, fraud, or coercion is considered a form of slavery. The USA federal law the Trafficking Victims Protection Act, criminalizes all people who recruit, transport, harbour victims using force, fraud or coercion. Victims, even if they are in the country illegally or have engaged in activities that are criminal according to local law, are exempt from prosecution and entitled to emergency services. (The extent of the services made available is determined by whether the victim is willing to assist the police in prosecuting the case). It is a federal crime to transport a person across state lines for the purposes of prostitution, even if the victim consents.

Prostitution is seen as a moral evil, undermining the family and family values and involvement of the authorities is thought to encourage moral decay. Prostitutes should not be penalized (victim) but all other aspects of prostitution are considered criminal activities. No distinction is made between forced and consensual prostitution. Prostitutes are basically seen as passive victims of the social and economic system that need to be rescued. Many cases are known where no legal proceedings have been initiated against traffickers under an abolitionist system because the women did not reflect the stereotyped image of a victim of trafficking, for instance because she agreed to work as a prostitute. But, this leads to a rather confusing and paradoxical situation. On the one hand, working as prostitute is not punishable, but any involvement of a third party is illegal, be it a brothel keeper or a friend, independent of the consent of the women and whether or not they exploit the women involved. In practice, abolitionism sometimes leads to isolation and criminalization of prostitutes. Moreover any third party is forced to operate illegally, which puts the women concerned a greater risk of violence and exploitation.

IV.4. Decriminalization Approach

Decriminalization means removing criminal penalties for any prostitution-related activity. Advocates of this approach usually exempt activity that involves underage children. The basic principle is the right of independent adult women to determine their lives by themselves. It is not considered realistic to attack prostitution, but instead, appropriate to fight violence and exploitation through existing laws, such as labour regulations and civil rights laws. Traffic in women could and should then be prosecuted as a severe violation of several laws.

Decriminalization is best understood as a means rather than an end. In New Zealand, prostitution was decriminalized at the national level, meaning they removed all law criminalizing prostitution, brothel keeping, etc. The national parliament then required local authorities to come up with rules by which to regulate prostitution. Municipalities cannot refuse to set up conditions for the operation of brothels
in their cities and towns. In New Zealand, decriminalization was the first step towards regulation which of course means legalization. In Sweden, those who sell sex are decriminalized, but the buyers, pimps, and traffickers are criminalized. In this case decriminalization was part of an abolitionist approach. So decriminalization is best understood as a transition phase or part of the process towards either legalization or abolition, but it is not an end point in itself (Hughes, 2007).

IV.5. Enforcement of Laws

Enforcement of laws where there is a prohibitionist approach is often carried out through “sweeps” of areas known for prostitution. When the level of prostitution reaches a certain threshold or there are enough complaints from the community, periodic crackdowns on street prostitution temporarily suppress prostitution in particular areas (Hughes, 2007).

The prohibitionist approach often results in discrimination against victims of prostitution and trafficking when laws are more vigorously enforced against women instead of men who purchase sex acts and exploiters who market sex acts. As prostitution increases, prohibitionist approaches usually involve increasing the arrests of women and increasing the penalties against them. This had a discriminatory effect because female victims of commercial sex acts were charged most of the time and not the male purchasers of commercial sex acts. In the USA experience, no male exploiters or purchasers of commercial sex acts entered prison for soliciting or pimping.

Charging female victims of commercial sex acts with felonies has a long-term harmful and discriminatory effect because a felony conviction reduces the women’s ability to access good paying jobs or educational benefits. She will most likely have to remain in prostitution. Even case studies of successful reduction of prostitution often describe strategies that target women. For example, in the late 1980s, prostitution was a problem in downtown Champaign, Illinois. Police officers were frustrated with the high rate of recidivism among prostitutes. The police conducted stings to arrest men who solicited decoy officers, but the Illinois state attorney’s office dismissed cases claiming that entrapment defences were too difficult to refute. The police were left to find other ways to penalize the women in order to reduce prostitution (Kempadoo, 1998).

Too often under the prohibitionist approach, women who are victims of trafficking and prostitution are more often targeted for arrest than men who purchase sex acts or the exploiters who coerce them and profit from their exploitation.

The regulation of prostitution makes no attempt to reduce prostitution and ensures that it continues. “Tolerance zones” or designated area for sex markets have been set up in a number of cities. In Antwerp, Belgium, the city council has set up a “tolerance zone” for regulated prostitution in 2001. In the UK, Hungary, and other countries, there are proposals for tolerance zones as a solution to the escalating problem of prostitution and trafficking. Even in some countries where the laws are prohibitionist, there have been calls for a de facto regulationist approach. In the UK, some experts have called for management instead of abolition of the sex trade. The pragmatic approach of de facto regulation would allow the sex trade to operate by unwritten arbitrary rules.

“The police monitored the [massage] parlours to ensure that unwritten rules were being observed. We support this sort of pragmatism. Ensuring that sex markets take the least unacceptable form is a more realistic policy goal than eradicating them. … We also think that if well-managed off-street establishments are stringently monitored there is a good chance of preventing their colonization by highly criminal operators who manage sex workers through coercive violence.

In 1999, the International Labour Organization called for the recognition of the “sex sector” as part of the economy. Although the ILO stopped short of calling for legalization of prostitution, it did say that formal recognition of the sex industry would ensure “labour rights and benefits to sex workers,” improve “working conditions,” and “extend the taxation to cover many of the lucrative activities connected with it.” The ILO was acquiescing to economic determinism – if the sex industry is large and makes a lot of money, then it should be recognized and regulated. One critic of the ILO report suggested that recognizing the sex industry as a formal economic sector would be used to justify increasing the entry of women into prostitution in order to lower employment and tax women’s
earning. When the state officially accepts prostitution, then “governments can abdicate responsibility for making decent and sustainable employment available to women (Hughes, 2007)." 

In case of weak law enforcement, Kristof (Beeks, 2005) reports the case of 15-year-old Vietnamese girls who was sold to a Vietnamese brothel by a man who kidnapped her. The girl’s mother finally tracked her daughter down but since the brothel owner had paid for the girl, the mother could not take the girl home. Instead, the mother had to settle for signing a contract with the brothel owner, stipulating that when the girl earned back enough money she would be returned to her family. If the mother tried to grab her daughter and take her out of the brothel, the owner would have them beaten up…And if the mother takes on the brothel owner, she can’t win. The brothel owner can just pay some money to the police, or give the girl to the police, and the parents will lose. 

In many cases, corrupt officials in the countries of origin and destination actively facilitate trafficking abuses by providing false documents to trafficking agents, turning a blind eye to immigration violation, and accepting bribes from trafficked women’s employers to ignore abuses. There were many documents on cases in which police patronized brothels where trafficked women worked, despite their awareness of the coercive conditions of employment. And in every case we have documented, officials indifference to the human rights violations involved in trafficking has allowed this practice to persist with impunity. 

In South East Asia, the institutionalisation of sex tourism occurred when prostitution associated with American military bases and Japanese colonialism was transformed into a component of the international tourism industry and an integral component of national and regional economic development. Prostitution is technically illegal in many South East Asia countries, but the law is poorly enforced. 

IV.6. Impact of State Policies 

There are a number of ways that the state either suppresses or accommodates the demand for victims. Officials in destination countries do not want to admit responsibility for the problem of sex trafficking or be held accountable for creating the demand. It is easier to blame the victims or circumstances in the sending countries. 

In the destination countries, exploiters exert pressure on the lawmakers and officials to create conditions that allow them to operate. They use power and influence to shape laws and polices that maintain the flow of women to their sex industries. 

The ways in which states regulate and monitor the flow of visitors, workers, and asylum seekers influence exploiters’ ability to use legal means of bringing victims into a destination country. 

Strategies to Combat Sex Trafficking 

V. How to Eradicate Sex Industry? 

The designation of prostitution as a special human rights issue emphasizes the distinction between sex work and other forms of female, dangerous and low-status labour, such as domestic or food service work, or work in factories and on the land. It hides the commonality, the shared experienced of exploitation, which links people in all such work. The distinction between “the prostitute” and everyone else helps to perpetuate her exclusion from the ordinary rights which society offers to others, such as rights to freedom from violence at work, to a fair share of what she earns, or to leave her employer. 

The sex industry exists all over the world and has a huge variety of forms: sex may be sold as striptease or in go-go bars, pick-up bars, night clubs, massage parlours, saunas, truck stops, restaurants and coffee shops, barber shops, in straightforward brothels which provide no other service, via escort agencies, or on street. Those who work in the sex industry are commonly excluded...
from mainstream society. They are thereby denied whatever international, national or customary protection from abuse is available to others as citizens, women or workers. The lack of international and local protection renders sex workers vulnerable to exploitation in the workplace and to violence at the hands of management, customers, law enforcement officials and the public.

Sex workers are vulnerable to disease, routinely lacking the full combination of information, materials and authority necessary to protect themselves. Many women and girls in the industrialized and developing worlds are brought into the sex industry by deception or find themselves forced to stay within it against their will. There is debt-bondage in which the bonded person becomes the property of the creditor until the debt is paid, rendering the bonded person extremely vulnerable to abuse. In our world today, people in general and women in particular are often faced with limited opportunities to provide for themselves and their families. Persons in the human rights field must work alongside efforts towards economic justice, towards viable economic alternatives for everyone, ending vulnerability to slavery-like practices.

“Let us the same time fight debt-bondage, trafficking, child labour and inhumane conditions, violence and intimidation which they incorporate. Let us fight laws which exclude women in the sex industry from society and which deprive them of the rights that everyone else enjoys, at least on paper. Let us fight exploitation in every form.”

The shift to a policy of decriminalisation did little to alter the perception of prostitution as an inherently unhealthy practice, nor did it significantly undermine established practices of social control. Instead, there merely appears to have been a re-allocation of responsibility for the regulation of prostitution, the state government surrendering some of its previous responsibility to the local governments and the owners of private brothels. In NSW the state government has conceded an inability to effectively control all aspects of prostitution, passing on governmental obligations to local communities, local governments, brothel managements and, even, prostitutes. Decriminalization signalled a shift in governmental practice, from a criminal-law approach, dominated by sporadic and often draconian policing patterns, to an approach more reliant on “localised” controls. It has not marked a retreat of power, but has signalled a shift, offering an attractive alternative to sovereign strategies of social control. It has signalled a change in the way in which power is operationalised and practiced (Murphy, 2000). But, that is not a perfect solution.

There currently coexists two broad discourses of prostitution. Prostitute is presented as a victim deserving of pity and compassion, on the other hand, presents it as a sexual agent, wilfully engaged in criminal conduct and the spread of contagion. While private acts of prostitution have been increasingly routinised as everyday activities, public acts of prostitution have been demonised (Geoffrey, 2005).

Efforts to put exploiters out of business range from targeting a neighbourhood sex trade to shutting down the red light districts in entire countries. A number of strategies have proven temporarily effective, but few of the efforts have been sustained beyond a limited period of time, which has allowed the markets to reemerge (Hughes, 2007)

V.1. Sex Traffickers - The Pimps, Madams, and Mama Sans

Trafficking occurs within the borders of countries, as well as across national borders. Domestic sex trafficking is more commonly known as “pimping,” although that term is often used only to those who profit from street prostitution. The local exploiters are also called “madams,” “mama sans,” and brothel keepers. The money from the sale of commercial sex acts enriches pimps and traffickers at the cost of the freedom, health, and well-being of victims. Victims are often compelled to earn money by force, fraud, and coercion. In addition to physical and sexual abuse, psychological control methods include the manipulation of emotionally vulnerable teen girls, threats and withholding of identification papers of undocumented immigrants, and the use of debts, drug, and alcohol dependence.

Few women and girls in prostitution are willing to acknowledge that they have or are controlled by a pimp. The pimp has convinced her that he is a boyfriend or someone who cares about and looks after her. Acknowledging that he is a pimp violates the characterization of the relationship that the pimp

Suna Mihardja, Rita Nur Suhæti, Fitria Sun Pililiæ, Alfonsa Ragha Horeng
has worked to create and can be psychologically devastating to the woman or girl to admit what he is really doing to her. Pimps also instruct victims to keep his role a secret because he knows that he is engaging in criminal activity and wants to remain hidden. Also, men who purchase sex like to believe that the woman or girl is acting independently; they don’t want to know that she has a pimp. It interferes with their fantasy of their interaction.

In 1998, Barnardos did a study of pimps who “manage” women and girls in prostitution in England and Wales. In the UK, it is a criminal offence “to exercise control, direction or influence over a prostitute’s movements” for the purposes of gain. The authors identified four stages through which young women and girls are subjected to manipulation and eventual domination by pimps (Hughes, 2007):

1) Ensnaring of vulnerable, socially isolated teenagers;
2) Establishing victim dependency by displays of affection and generosity;
3) Taking control of victims by establishing a sexual relationship and introducing the idea of sex work;
4) Total dominance of victims sustained by physical coercion

The researchers identified the following characteristics of pimps (Hughes, 2007):

• Pimps running street workers tended to be men with diverse offending styles.
• They had long criminal histories and did not necessarily define themselves as pimps. Many of them had started criminal activity in their teens and all of them had spent time in Young Offenders Institutions.
• The majority had pimped juveniles at some time.
• Pimps routinely used violence, often using or threatening the use of guns. In interviews, they admitted using a considerable degree of control over the lives of victims, deciding almost every aspect of their lives and work. In the previous six months, two-thirds were in possession of illegal firearms; three-quarters were dealing drugs; two-thirds had committed one robbery; two-thirds had committed assaults with actual bodily harm, and half had committed assaults with grievous bodily harm.
• Many pimps were heavily involved in drug dealing, and most had significant drug habits.
• Drug dependence often substituted for violence as the means of coercing compliance from victims.
• Even though pimps had extensive contact with the criminal justice system, only a very small proportion of their offending came to police attention.
• Pimps (or managers, as they were referred to in this study) of off-street prostitution establishments, such as massage parlours or escort services, tended to be women, without significant involvement in other forms of crime.
• The off-street “managers” relationships with women and girls were contractual rather than coercive. According to the findings of the report: “Functionally their work differs little from that of the coercive pimp – though their style of operation obviously does.”
• There were pressures on off-street exploiters to avoid working with juveniles and to minimize drug use on their premises.

Exploiters who control women and girls in prostitution are viewed differently depending on the venue in which sex acts are sold and the supposed personal or working relationship of the exploiter to the victim. In the Barnados study, pimps who exploited victims on the street and used more violence were more easily identified as perpetrators. Massage parlour exploiters had a lower incidence of criminal convictions than the street pimps, although half of them had been convicted of a criminal offense, most for possession of illegal drugs. Exploiters in off-street venues, such as massage parlours, who relied on debt bondage to control victims, were referred to by the more normalized term of “manager.” The exploiters in the massage parlours considered their work to be a “legitimate and unfairly stigmatized occupation.”
In addition, the Barnardos study identified men who lived off the earnings of women and girls in prostitution, which is an offense in the UK, but did not label them as pimps because they were the domestic partners of the victims.

In interviews, these exploiters claimed they played “supportive roles” in helping their partners to work, such as playing a protector’s role by watching the women while they were on the street, writing down license plate numbers of men’s cars, and maintaining contact by cell phone. Layered access, trust game, remote observation, testing the telephone, screening for safety, secrets and lies, sexual stigma, finding location, all are played by the exploiters (Geoffery, 2005).

They believed the women felt “safer” when they were around, although only a minority of the women interviewed said they felt safer. Like the men identified as pimps, these men also tended to have previous criminal activity and be drug addicted. The victims earned money from prostitution to support these exploiters’ drug habits and enabled them to reduce their other criminal activity. These men routinely abused and battered the women and girls. In some cases, the women sustained broken bones and injuries that required hospitalization. In these cases, the assaults were labelled as domestic violence and not connected to sexual exploitation or pimping. In fact, a number of law enforcement officials interviewed for the Barnardos report thought that “living off the earnings of prostitution” should no longer be a criminal offence.

These distinctions among types of exploiters are common around the world. Perpetrators who abuse and exploit women and children in prostitution should be labelled and criminalized according to the offence – sex trafficking– they commit and not the location in which the sex act is sold or the personal relationship to the victim.

V.2. Coercive Nature of Prostitution: Splitting Body from Identity

Some feminists often offer their opinion about the fatalities caused by men (Ryan, 2005):

A lover, husband, or boyfriend who promotes the sexual exploitation and co-modification of women is a pimp, and together, pimping and procuring are amongst the most ruthless practices of male power and sexual dominance. These practices go far beyond the merchandising of woman’s bodies for the market that demands them; they crystallize misogyny in acts of male hatred of femaleness as rendered into a commodity for whom the marketer and the purchaser have contempt. The clients, always men, who buy the sex act, pieces of body: vagina, anus, breast, mouth and hands of women…. The prostitutes, women who are victims of this market, who, to support the violence of being denied as human, of being penetrated and tortured by men for whom they have no desire, split their spirit and their body in two, become addicts to drugs or alcohol, when becoming ill much later with anal or vaginal cancer.

Power makes an ugly man attractive, and they are looking for women of youth and beauty. Why do some men seek out prostitutes in order to act out their sexuality? What qualities does a prostitute have that encourage some men specifically choose prostitutes? There is another complication in defining prostitution as a voluntary activity. In order to trade in her sexuality in the marketplace, she must treat it as an object that can be relinquished and made us of as the possession of a stranger. She must be prepared to separate sexuality from its position as a part of her own identity, her own personality. She must have learnt to split herself into an object and a subject. Her own sexuality must be an object that she can manipulate and transfer. Isolation, variations of the truth, negative emotions as motive, rules, rituals and poutiness, mechanism of transmission, are parts of daily life of sex workers.

V.3. Prosecution of Sex trafficking

Throughout the world, most prostitution-related arrests are of the women and girls, who are most likely to be victims, followed by the purchasers of sex acts, and finally, the exploiters. Although they are the profiteers and most serious perpetrators of harm to victims, they are the least arrested and prosecuted.

In interviews, the police said that they rarely charge an individual with pimping unless the woman or girl files a complaint. Consequently, the arrest and prosecution of pimps is dependent on the victim
taking the initiative against the perpetrator (Hughes, 2007). Pimps feel almost untouchable by law enforcement because the majority of those arrested are often the victims, not the perpetrators.

The Barnardos report found that although it is illegal to run an establishment that offers commercial sex acts none of the massage parlours located in the UK cities where the research took place had ever been raided. Police intervened in the running of a massage parlour only as a result of a public complaint. In one case, a judge threw out pimping charges against several massage parlour operators because there was an “unwritten rule” that they would be prosecuted only if a complaint had been made against them (Hughes, 2007)

In the UK, exploiters in massage parlours believed that if they followed two basic rules the police would not interfere with their brothels: 1) they had no juveniles in prostitution and 2) no drugs were used or sold on the premises. Yet half of the exploiters in massage parlours admitted that they had juveniles work for them previously.

In the UK, vice police gave the following reasons for the low number of arrests and convictions of pimps:

1) Evidential problems of proving living off immoral earnings;
2) A lack of resources and manpower needed to secure successful prosecutions;
3) Inadequate court sentences;
4) Witnesses are fearful and unprotected by the criminal justice system;
5) Variations in police practice across areas.

Prosecution of exploiters usually rests heavily on the testimony of the victim, which puts fearful, traumatized women and girls at risk: “At the moment the main way to get a conviction is the word of a working girl. In most cases women won’t assist through fear of reprisals.”

When women and girls in prostitution were asked about filing complaints or testifying against pimps, nearly all said they had been asked for information by police on either drug dealers or pimps, and nearly all said they had refused to give information. When asked why, they said: “Why would I? I value my life and the lives of my kids.” Yet one third of the women interviewed said that they had at one time reported a pimp to the police. A fourth of them said they dropped the complaint due to fear of reprisals from the pimp. They said that they did not have enough protection from pimps.

In the Barnardos study, officers thought the sentences for pimps were too lenient. In the cities included in the study, no convicted pimp had received a sentence over four and a half years. As a result, many officers were disillusioned with the court system and felt there was little to deter pimps from re-offending. Because of victims’ vulnerability and their sometime limited credibility in the court system, police thought there should be some other way to get convictions without victims’ testimony.

In some cities in the UK, vice units have been disbanded, leaving policing of prostitution to the general police force. All of the sergeants and constables who were interviewed said that specialized units were helpful in the policing of sex markets and essential in investigating and prosecuting offences against victims. Officers who specialized in prostitution-related offenses were able to develop specialized knowledge and also build trust with victims. As prostitution has been increasingly tolerated or seen as a victimless crime, police departments have allowed vice units to shrink. Officers often say they don’t have enough personnel or resources to carry out many investigations and only take action against an establishment when there is a complaint (Hughes, 2007).

V.4. Countries Experiences

Efforts to put exploiters out of business range from targeting a neighbourhood sex trade to shutting down the red light districts in entire countries. A number of strategies have proven temporarily effective, but few of the efforts have been sustained beyond a limited period of time, which has allowed the markets to re-emerge.
V.4.a. Shutting Down the Sex Markets – Republic of Korea

There are a couple of recent developments in supporting the abolition of the global sex trade that go beyond focusing on the primary level of demand that are worthy of mention. The Republic of Korea (ROK or South Korea) has announced a plan to close 70 red-light districts by 2007. Prostitution is illegal in ROK, but as in many places, has been tolerated for years. In 2002, there were an estimated 330,000 women in 80,000 sex industry establishments. The illegal and legal sex industry combined brings in $20 to $24 billion each year. In 2001, South Korea was placed on Tier 3 in the 2001 Trafficking in Persons Report (Hughes, 2007).

In September 2003, two new laws were passed: 1) Act on the Punishment of Procuring Prostitution and Associated Acts, and 2) Act on the Prevention of Prostitution and Protection of Victims Thereof. The purpose of the Acts is to:

“[E]liminate prostitution, procuring prostitution and associated acts, and human trafficking for the purpose of prostitution, and to protect the human rights of victims of prostitution.”

The Korean public supported the new laws after fires in brothels had killed women who were locked in the buildings. In September 2000 and January 2002, fires in brothels in Kunsan killed five and 14 women. Following these deaths, women organized to lobby for a new law. They supported an abolitionist approach based on the Swedish law. They launched a campaign to collect 1,000,000 signatures in support of a new law. The opening ceremony was also a memorial for the women who died in the fires. The campaign collected approximately 300,000 names.

The laws passed unanimously because of widespread public support and the “pang of consciousness” the deaths of the women had raised among male legislators. Women legislators said that although some male legislators didn’t like the new laws they were unable to vote against them because of strong public sentiment favouring them.

Starting in September 2004, all profits from brothels were supposed to be seized. The government planned to create 14 “self-support” centres to retrain workers for other jobs. The Gender Equality Ministry, the Justice Ministry, and the Korean National Policy Agency support the new policy. The Prime Minister announced the plan saying that ROK would no longer tolerate the trafficking in women’s bodies. When the law went into effect in September 2004, police organized raid against brothels. At this time there were an estimated 330,000 women in prostitution in various venues in Korea. There were 35 red light districts with 2,000 establishments considered to be brothels with 10,000 women housed in them. A special unit operated for a month to close the brothels. By December 2004, there were an estimated 5,000 women in brothels. A backlash is building against the new law. A number of people are attributing the economic recession to the closure of the brothels. Pro-prostitution activists from outside ROK have joined with some feminist scholars and pimps to organize “sex worker” protests outside the National Assembly. Several legislators said that pimps are the ones organizing the demonstrations and the women who are publicly protesting the “real victims” because pimps are behind them. They said that women who do voluntarily engage in prostitution are not likely to come out into the public (Agustin, 2006).

Generally the media has been against the new laws. Stories have appeared that blamed the new laws for the economic recession. According to legislators who support the new laws, these stories have had little effect in changing public opinion and these types of stories are disappearing.

Following the initial crackdown, the number of arrests and closures has decreased. A number of brothels have reopened. Some pimps have assumed a wait-and-see attitude about the new laws. There is still window prostitution in downtown Seoul and pimps’ assistants can be observed keeping watch over the women. Some of the establishments have changed their way of doing business to offer men more protection from the police. Policemen are posted right outside the entrances to red light areas. In red light districts of Seoul there are whole block areas for brothels. In one block area there are 200 brothels. NGO workers claim that women live there 24 hours per day and are not allowed to leave. In March 2005, another fire in a brothel in Seoul killed five women who were locked in.
According to NGO workers, nine months after the implementation of the new laws, pimps are only receiving fines. They then tell the women in their establishments that they have to work harder to pay the fines. There is also evidence that Korean men are going abroad to China, the Philippines, and Thailand to purchase sex acts. Although prostitution has been illegal in ROK, it was socially accepted, especially among men. Legislators and officials acknowledge that it will take a long time to permanently change these cultural attitudes. Legislators, government officials, and non-governmental organization representatives all said the biggest impact of the law so far is that now people, particularly men, know that prostitution is illegal and men are breaking the law if they purchase sex acts. According to officials, the new laws were a “big shock” to men. In September 2004, when the new laws went into effect, 30 percent of the public was aware of the laws; by December 2004, 90 percent of the public knew about the new laws and 70 percent of the public agreed that the new laws were necessary (Hughes, 2007).

V.4.b. Destroy the Market – Sweden

In Sweden, prevention of trafficking means combating the demand for commercial sex acts. Sweden has no red light districts. Sweden does this through criminalizing the buying of sexual services and shutting down the prostitution markets. Making the buying of sex more difficult for men makes the Swedish market less attractive to traffickers. Programs are underway in schools to combat the sexualisation of society by changing attitudes (Hughes 2007).

The Swedish law has been in effect since January 1999, so the public, and in particular men, have become familiar with it. The implementation of the law is now focused on investigations and prosecutions. The goal of the police in Sweden is to “destroy the market.” Their goal is to make it difficult to be a pimp in Sweden. Police officers in Sweden had to learn how to investigate pimping. When detectives started to investigate pimping after the new anti-prostitution law went into effect, they did not know what to look for. They went to the street and “did not see anything at first.” Now they have produced guidelines and have done profiling of pimps and traffickers so that officers know what signs to look for. They have learned to identify what they see. A Swedish manual on identifying and investigating pimps and traffickers has been written.

Officers have learned how pimps advertise. Police have learned that suspicious activity must be investigated and acted on quickly, because pimps may have victims in one location for only two weeks. The have had cases in which they have seen likely victims, but by the next day, they are gone.

Material that is seized during an arrest provides a lot of evidence for the trial, including photographs in which victims are placed with the perpetrators, pornography made using victims, computers which have email messages, lists of contacts, designs of advertisements for sexual services that appeared on the Internet, victims’ diaries in which they describe how they feel about what is happening to them (Hughes, 2007).

Sweden seizes the assets of traffickers. According to one prosecutor:

“Money is very important. It is what it is all about. Taking their cars and gold. That hurts them more than prison.”

Victims of trafficking and prostitution in Sweden are usually afraid to talk, so the police have developed a strategy of finding evidence, and then they talk to the victims about what they have seen or found and offer to help them. That way they don’t have to pressure the victims to talk. The strategy of destroying the markets focuses on trafficking and prostitution as businesses. “Trafficking is a business. They make as much money as possible.” A successful strategy is to disrupt the market and make it as difficult and expensive for pimps to stay in business (Hughes, 2007).

V.4.c. Closing Establishments – Nassau County, New York, USA

Nassau County police in New York devised a strategy to close down massage parlours by targeting the owners of the buildings. Most sex industry establishments are not owned by the pimps or traffickers—the exploiters. Although the owners of the buildings may not have been aware of the prostitution going on in the establishments, they were profiting from it.
There were a number of official departments, such as the attorney general’s office, the health department, and state education department that had regulatory enforcement over the massage parlours, but efforts to regulate the businesses were “stalled” in court or bureaucracies. Consequently, the police decided to target the owners of the buildings, and force them to shut down the businesses. They notified the owners of code violations and fraudulent lease agreements, and told them that they were going to be charged. When the property owners did not cooperate, the police, fire marshals, and building inspectors cited the owners. Fines for building code violations ranged from $200 to $1000 a day; fire code violations were $5000. The fines put pressure on the property owners to evict the unlawful tenants. The district attorney was asked to file criminal charges for permitting prostitution and criminal nuisance against owners who refused to evict the exploiters. In addition, the police notified the property owners’ mortgage holders of the illegal activity taking place on the premises.

The police also targeted the men who purchased sex acts at the massage parlours by stopping them for interviews and traffic violations. The police department asked the major regional newspaper to stop running ads from the massage parlours. The newspaper complied after several requests. They also got local gym owner to remove business cards from bulletin boards. They did interviews about the problem on local radio stations. In addition, the Internal Revenue Service opened a criminal investigation for income tax evasion on one person. As a result of this pressure on property owners, all known illegal county massage parlours were closed or vacated (Hughes, 2007).

This successful effort in closing down the prostitution trade that operated out of massage parlours was a semifinalist for the 1995 Webber-Seavey Award, sponsored by the International Association of Chiefs of Police and Motorola. Ten years later, there are dozens of massage parlours operating in this county. When asked about the program used ten years ago, the police officer said, “It was a successful program, but it’s over now.” Police only investigate and raid a massage parlour if there’s a compliant from “a politician.” In 2004, the vice squad raided almost 70 massage parlours. On the advice of the district attorney, they only arrested the women and never the managers. One hundred percent of the women were Asian – Chinese and Korean – most of whom had recently entered the U.S. from Canada. They spoke little or no English.

V.4.d. Stopping the Street Trade – UK

In the early 1980s in Finsbury Park area of North London an increased problem of prostitution resulted in police designing a new scheme to reduce prostitution. Prior to this police has used the method of “sweeps,” meaning that for an intense period of time the area would have increased police visibility and increased warnings or arrests of women. This resulted in a temporary reduction in the presence of prostitution in the neighbourhood, but the problem soon returned, requiring a permanent cycle of sweeps. In 1982, 181 women were charged with soliciting, but by 1993, 666 women were charged, some of them repeatedly (Hughes, 2007).

Police and local authorities designed a multi-pronged approach that targeted soliciting, curbcrawling, pimps and brothel keepers. At the beginning of the new scheme in 1984, 12 pimps and five brothel keepers were arrested. Although a small number, the arrests and prosecutions of these criminals significantly reduced the problem of prostitution in the area.

An estimated 200 to 300 women commuted to this area for prostitution from outside London. They were dependent on landlords that offered cheap short term accommodation. When this was eliminated, they had no place to have sex.

The closing of the houses where acts of prostitution took place eliminated the market in the area. In addition, police designed a road-closure scheme that prevented men from easily driving into and around the neighbourhood. The removal of the pimps and brothel keepers and the prevention of johns from cruising the neighbourhood helped transform the neighbourhood:

“Soliciting and curb-crawling [the British term for john driving around and soliciting from their cars] virtually disappeared, and the area was transformed from a noisy and hazardous ‘red-light’ district into a relatively tranquil area.”

When men were cautioned by police they did not return to the neighbourhood. UK study concluded that “effective police action against pimps is helped by specialization. (Hughes, 2007).
V.4.e. Raising Public Awareness – Cyprus

Many women from Eastern Europe, particularly Russia are trafficked to Cyprus for the sex industry. This criminal activity is facilitated by the “artist visa,” issued by the government. Each year, 4,000 work visas are issued by the Immigration Office to foreign women who claim to be artists. A special separate office within Immigration is set up to process these visas. Such an arrangement creates conditions under which corruption can occur.

A recent editorial in the *Cyprus Mail* criticized the government for allowing the sex industry and trafficking to flourish:

“Let’s not kid ourselves: the cabaret industry is a sex industry, and the women we are importing as “artistes” are not working as prostitutes because they enjoy it... The vast majority are deceived or forced into prostitution, they are being abused on a daily bases and, should they seek to escape from their predicament, the system is massively weighted in favour of their employers (Hughes, 2007).”

V.4.f. Prohibition on Purchasing Sex while Abroad – Norway

Norway passed a law to prevent government employees from purchasing sex acts while they are abroad. Civil servants and employees of the Norwegian Department of Defence are prohibited from purchasing sexual services while abroad or on official business (Hughes, 2007).

V.5. Lessons Learned

Based on some countries experiences, at least, there are some points to be remarked:

1. The extent of laws is nothing without enforcement.
2. There is always a tug of wars between moral guardians and sex entrepreneurs. The moral guardians is not always true, sometimes they are using violence to the prostitutes that should be regarded as victims.
3. The important thing is to change the culture, men’s attitude about sex trade, and also society’s view about prostitute, prostitution and sex trafficking.
4. It will take a long time to permanently change cultural attitudes.
5. Making the buying of sex more difficult for men makes the country market less attractive to traffickers.
6. Programs must be run in education to combat the sex trafficking by changing attitudes.
7. Guidelines and manual should be provided.
8. Seizing the assets of traffickers is very important.
9. Use a creative way to fill the gaps among regulations.
10. Beware of the advertisement offers enjoying sex pleasure.
11. Needs of integrated methods to minimize demand side from all aspects.

VI. The Magnitude of Sex Trafficking in Indonesia

According to UNODC Report 2006, Indonesia is one of the medium-level in numbers of human trafficking countries of origin. As a comparison, Indonesia is classified as a country with low-level in numbers of human trafficking countries of transit and destination. In contrast, Indonesia has a high
numbers of human trafficking within its territory. Indonesia has a significant amount of internal trafficking from rural to urban areas for sexual exploitation. It was reported that 3,000 women per year were trafficked from rural East Java to Surabaya (its province capital).

(Data from Trafficking in Persons: Global Patterns; List of the Countries of Origin: UNODC, 2006).

UNICEF estimates that 100,000 women and children are trafficked annually for commercial sexual exploitation both within Indonesia and abroad. It is also estimated that 30 percent of the female prostitutes in Indonesia are below 18 year of age. In addition, 40,000 - 70,000 Indonesian children are victims of sexual exploitation. The East Java Children’s Protection Agency estimates that at least
100,000 women and children are trafficked annually from, through, and to East Java (http://www.humantrafficking.org/countries/Indonesia).

Indonesia is a destination country for women and children who are trafficked from the People’s Republic of China, Thailand, Hong Kong, Uzbekistan, the Netherlands, Poland, Venezuela, Spain, and Ukraine for sexual exploitation.

Indonesian women and children are trafficked for sexual and labor exploitation in Malaysia, Singapore, Brunei, Taiwan, Japan, Hong Kong, and the Middle East. A significant number of Indonesian women voluntarily migrate to work as domestic servants but are later coerced into abusive conditions. Some Indonesian women are recruited by false promises of employment and are later coerced into prostitution or forced labor. Women and teenage girls in the West Kalimantan district are recruited as mail-order brides for men in Taiwan, Hong Kong, and Singapore. Indonesian women from the Riau Islands, Bali, and Lombok are used for sex tourists from Malaysia and Singapore.

There are many causes of human trafficking in Indonesia. UNICEF argues that the lack of birth registration increases the vulnerability to trafficking. About 60 percent of children who are under five years old do not have birth certificates; about half are not registered anywhere.

VI.1. Indonesia as a Market for Sex Trafficking

There is no reliable data on the true extent of sex trafficking in Indonesia, but it doesn’t mean that there is no information about sex workers. There were statistical data provided by Ministry for Social Welfare, which is presented in Table 1. In 2000, there were 70,781 sex workers in Indonesia. The number represented only sex workers at “Government-controlled localisations”. It did not include those who work in the localisations, such as massage parlours, discotheques, night club, free lance and street sex workers. The statistics also excluded women, who have additional income from selling soft drinks and waitresses at the cafe and truck stopping areas. Since 2000, the data had not been available due to some factors, such as government attitude changes (the Ministry for Social Welfare had been liquidated) and significant and massive denial from the militant religious groups or moralists.

<table>
<thead>
<tr>
<th>Year</th>
<th>Numbers</th>
<th>Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1989-1990</td>
<td>64,445</td>
<td>-</td>
</tr>
<tr>
<td>1990-1991</td>
<td>49,619</td>
<td>(-)23</td>
</tr>
<tr>
<td>1991-1992</td>
<td>52,389</td>
<td>5.6</td>
</tr>
<tr>
<td>1992-1993</td>
<td>47,545</td>
<td>(-)9.4</td>
</tr>
<tr>
<td>1993-1994</td>
<td>65,059</td>
<td>37.1</td>
</tr>
<tr>
<td>1994-1995</td>
<td>70,681</td>
<td>8.6</td>
</tr>
<tr>
<td>1995-1996</td>
<td>71,969</td>
<td>1.8</td>
</tr>
<tr>
<td>1996-1997</td>
<td>72,444</td>
<td>0.7</td>
</tr>
<tr>
<td>1997-1998</td>
<td>75,105</td>
<td>3.7</td>
</tr>
<tr>
<td>1998</td>
<td>75,466</td>
<td>0.1</td>
</tr>
<tr>
<td>1999</td>
<td>70,932</td>
<td>(-)6</td>
</tr>
<tr>
<td>2000</td>
<td>70,781</td>
<td>(-)0.2</td>
</tr>
</tbody>
</table>

(Sulistyaningsih, 2001)

On the other hand, data derived from NGOs are usually different from one to another. For instance, it was stated that there were 500,000 sex workers in Indonesia, although there was no sources of the data. In addition, press and the NGOs exaggerated the reports, which mostly sensational so that the precise data will never be. Nevertheless, it is doubtless that Indonesia is a member of the large international sex trafficking chain, both as sex workers and sex industry groups.
However, there is a generally acceptance that the transnational (or translocation) sex trafficking of women and children is based on a balance between the supply of victims from sending countries (areas) and the demand for victims in receiving countries (areas). Sending countries (areas) are those from which victims can be relatively easily recruited, usually with false promises of jobs. Receiving or destination countries (areas; and also sex tourism in the country of residence where the trafficked human is located from their origin areas) are those with sex industries that create the demand for victims. Where prostitution is flourishing, pimps cannot recruit enough local women to fill up the brothels, so they have to bring in victims from other places, domestic or international.

Analyzing trafficking (especially for sexual purpose) and prostitution as parts of an interlocking system reveals how the components are linked, and studying the dynamics of supply and demand for victims reveals what keeps the system working. The sex trafficking process in Indonesia begins with the demand for (mostly young) women to be used in prostitution.

Female (and also child) sex trafficking is universally acknowledged as a highly exploitative activity, which is also a money spinner. Male (mostly) customers use them and traffickers, brothel owners and the criminal element are dependent on this highly lucrative industry for their livelihood. It is not only risky for the physical and mental well being of the victims, but they are also made to bear the burden of social stigma associated with prostitution (Samarasinghe, 2008).

The sex industry found the global capitalist system, which operates on the principal of supply and demand with a maximized profit, the least risky and the most profitable for business. The illegality of prostitution in Indonesia does not create a barrier to the traffickers, who bribe their way into the area and leave the trafficked women with an illegal status and vulnerable to abuse, exploitation and victimization (Beeks & Amir, 2005).

Indonesia faces many problems, particularly because of its conditions, as a developing country, as a country that is facing economic crises, as a cross-roads between international ports, and the problematic discourse arising from modernization and globalized markets. In the opposite side, there is high demand of sex trade.

A few estimates of the amount of money generated by the sex industry reveals how much profit there is in operating businesses that are often based on the exploitation of victims of trafficking (Hughes, 2007).

- The sex industries of Indonesia, Malaysia, Thailand, and the Philippines account for two to 14 percent of these countries Gross Domestic Product.
- In Indonesia, the sex industry is estimated to bring in $1.2 billion to $3.3 billion per year, which is between 0.8 and 2.4 percent of the country’s Gross Domestic Product. In Jakarta, the sex industry makes $91 million per year.

The similar condition found in Indonesia is that sex trafficking supply and demand is also formed. Men are most customers and the sex workers mostly young women including children. Some cases of paedophiles, gigolo and transgender are also found. It is estimated that the sex buyers are married Indonesian men, but their educational attainment, type of jobs and social status are unknown. In general, sex workers are not well educated, although there are some escort girl from university students.

The contributing factors of the high level of sex trafficking in Indonesia is push factor at the supply side such as poverty, low level of educational attainment, unemployment, weak and ineffective law enforcement, and community ignorance to deal with this issue.

VI.2. Indonesia’s Response to Sex Trafficking

The leading ministry in combating sex trafficking is the Ministry for Women Empowerment. The other ministries responsible for reducing sex trafficking will be the Coordinating Ministry for Social Welfare, Ministry of Justice, Police Department, and Ministry of Religion. In addition, women-children-welfare based NGOs, mass media and community as a whole should be considered to be involved in this huge task.
### Indonesia

**Region**: South-Eastern Asia

<table>
<thead>
<tr>
<th>Population**</th>
<th>222,781</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population under 14</td>
<td>28.3%</td>
</tr>
<tr>
<td>Net migration</td>
<td>-0.9</td>
</tr>
<tr>
<td>Human Development Index</td>
<td>110.9/177</td>
</tr>
<tr>
<td>Gender-related Development Index</td>
<td>87.9/140</td>
</tr>
<tr>
<td>TI—Corruption Perceptions Index</td>
<td>2.10</td>
</tr>
<tr>
<td>WEF—Organized Crime Index</td>
<td>3.9/7</td>
</tr>
</tbody>
</table>

### Reported trafficking according to the citation index

**Country of origin**: Medium

**Country of transit**: Low

**Country of destination**: Low

**Reported destinations out of the country**:
- **Medium**: Australia, Malaysia, Saudi Arabia.
- **Low**: Bahrain, Brunei, France, Hong Kong China SAR, Iran (Islamic Republic of), Japan, Kuwait, Qatar, Republic of Korea, Singapore, Taiwan Province of China, United Arab Emirates, United States of America.

**The country is a reported transit for victims trafficked**:
- From Central and South Eastern Asia to Australia.
- From Philippines to Europe.

**Reported origins for the country**:
- **Low**: Cambodia, Hong Kong China SAR, Taiwan Province of China.

### Profiles of the Victims:

Victims are reported to be mainly women. Trafficking in children, especially girls, is also reported. Few sources indicate trafficking in men. The purpose of the trafficking is reported to be both forced labour and sexual exploitation.

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**Maps**: The boundaries and designations used in the maps do not imply official endorsement or acceptance by the United Nations.

**N.R.**: Not reported (i.e., information not available).
Indonesia’s responses to human trafficking in the Asia Pacific region have included developing anti-trafficking initiatives between governments and providing aid to the region aimed at alleviating the economic and social conditions that allow trafficking to flourish. In particular, Indonesia and Australia co-chaired two regional ministerial conferences on trafficking and smuggling in 2002 and 2003 known as the Bali Process. The Bali Counter-Terrorism Process evolved from this collaboration and on 29 June 2006, Indonesia and Australia issued a report on its achievements.

In October 2007, the Indonesian government announced an anti-trafficking act.

The package included:

- A promise to ratify the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Indonesia was already a signatory).
- Indonesia joining the Asia Regional Trafficking in People (ARTIP) initiative (administered by AusAID) in August 2007.

Indonesia has signed the Convention against Transnational Organized Crimes and its two protocols, but has not ratified it yet.

The movement to abolish trafficking and sexual exploitation needs a more comprehensive approach, one that includes analyses of the demand side of trafficking, and develops comprehensive practices to combat the demand in receiving countries. The goal of this report is to analyze the exploiters’ demand for victims and how states facilitate or suppress the flow of women and children for commercial sexual exploitation. It describes how and why exploiters create a demand for victims by examining sex trafficking as a money-making activity. It examines state policies on immigration and the sex trade that impact the relative ease or difficulty with which traffickers operate in the country. Policies set by some countries are more effective in combating the demand for victims and consequently deter the trafficking of victims.

**VI.3. Victim Support Legislation**

Legislative measures date back to 2007 when the *Law No. 21 on Suppressing Human Trafficking Crimes* issued to insert offences relating to all kind of sexual exploitation. This law is not specifically describing any kind of prostitution (and it is still debates about this), just contain a couple words about that. However, the legal terms are mostly similar with those used by some international treaties regarding to the suppression of human trafficking.

The most important part is Article 18:

> “Victims who are doing crimes caused by coercion from human trafficking perpetrators, are not to be criminalized.”

In one side, this article takes an abolitionist-like approach to deal with victims, but in another side, this regulation tends to blame all of the sex workers if they still quiet or cannot satisfy the law enforcers that they are forced to do ”crimes of prostitution”.

Because of the possibility of misinterpretations about this article (and also the authentic explanation on this article), further efforts must be taken. It also includes the need to change the view of the policemen who still have male-oriented masculinity attitudes, by a long serial training and education. On the other hand, society must be aware of these problems and should be prepared to deal with these issues through community education and not to blame the victims.
VI.4. Abolitionist Approach

It is very important for us to realize that a woman may enter sex industry voluntarily. It is very important, especially for Indonesia, where economic alternatives and employment are very limited mainly for women. In addition, the condition is very bad so that the sex industry is often like “the best option of the worst”. Nonetheless, in general sex industry has suppressive and exploitative natures, so that the “voluntarily” here should be perceived as a not intact awareness. At the same time, we have to be very careful and cautious because sex trafficking is too risky due to its natures of hidden, difficult to be monitored and managed. Therefore, in addition to comprehend a trafficked woman’s experience in the sex industry, there is also a need of paying attention on giving them some aids in the form of advocacy and socio-economic programmes.

As it was stated formerly, there two types of sex workers: the freely chosen and forced sex workers. It needs different approaches to deal with both of them. It also needs many efforts on how to differ the two of them. It seems that managing the forced or coerced sex workers is a lot easier because we can treat them as victims, while the freely chosen sex workers are quite difficult to be considered as victims. The freely chosen sex workers can only be informed that there many types of more decent jobs as compared to sex worker. For those who are forced into sex working activities, many activities can be offered and the activities should be chosen or selected in a participatory manner to maintain the sustainability of their chosen activities. It is estimated that the number of those who are really free consent to be sex workers is a lot smaller than those who are forced into the “job”.

VI.3. Current Progress

Indonesia has a National Plan of Action for the Elimination of Trafficking in Women and Children (RAN P3A) in 2002 as an integrated government’s action plan that brings together various programs and stakeholders at the national and local levels. It does not only consist of preventive efforts, law enforcement and protection for victims, but it is also integrated with measures to counter the root of the problem. Implementation of RAN P3A is undertaken at the same time with the application of practical measures to alleviate poverty, addressing health issues, and improving the quality of formal, non-formal, as well as informal (family) education, and the implementation of other relevant empowerment activities. Noted that this plan of action is directed to all forms of human trafficking, and is not specially designed for sex trafficking.

Efforts to eliminate trafficking in persons include prevention, prosecution and punishments on traffickers, and victim protection through repatriation, rehabilitation, counselling, education and skills training, including providing guarantee on issues related to their human rights, so they could become independent and reintegrate into the community. Given that trafficking in persons is related to transnational organized crime, international cooperation –bilateral as well as regional– and cooperation with international agencies and NGOs will be fostered and developed.

Its objectives are:
1. Establishment of legal norms and legal actions against traffickers.
2. Rehabilitation and social reintegration that are guaranteed by the law for victims of trafficking of women and children.
3. Prevention of all forms of practices of trafficking of women and children are implemented within families and the community.
4. Cooperation and coordination for the elimination of trafficking of women and children among institutions at national and international levels are established.

Targets of the RAN-P3A are:
Workers and their implementing regulations. (These laws have been enacted, but still lack of the implementing regulations).
3. International standard harmonization in relation to trafficking of persons into the national law through amendment of the Penal Code, the Criminal Procedure Code, Law on Marriage, Law on Immigration and Law on Human Rights Courts. (It is in a far progress)
4. Mapping of the state of the problem and cases of trafficking of women and children.
5. Higher quantity and quality of Crisis Service Center for rehabilitation and social reintegration of victims of trafficking of women and children, especially in high-risk areas. (It is still in progress).
6. Lower number of cases of trafficking of women and children and higher number of cases processed up to the court – a minimum of 10% per year. (It has not reached the figure yet).
7. Model/mechanism to protect children and women during process of recruitment, transportation, and placement of workers, especially in migrant worker placement.
8. The central and local governments allocate budget for rehabilitation and social reintegration of the victims.
9. Guaranteed access for families, especially women and children, to education, training, higher income, and social services.
10. Partnership networking at national and local levels, among the areas, bilateral, regional as well as international cooperation.

RAN P3A has appendixes describing the types of scheduled activities, complete with their persons-in-charge, at national, provincial and district/city levels. In practice, there is still a lack of consideration to fulfill most of the schedule.

In addition to RAN P3A, there is other national plan of action related to the elimination of trafficking of persons, the National Plan of Action on the Elimination of Sexual Exploitation of Children (Presidential Decree No. 87 Year 2002). In practical context, sending, transit and boarded areas are places prioritized for the establishment of local task forces for elimination of trafficking in persons. In several provinces and districts/cities, the task forces established often do not focus on eliminating trafficking of women and children, but they also deal with the elimination of sexual exploitation of children, and other related issues.

The Indonesian Government was placed in Tier 2 in the 2007 U.S. Department of State’s Trafficking in Persons Report for not fully complying with the Trafficking Victims Protection Act’s minimum standards for the elimination of trafficking but making significant efforts to do so. There are reports of military members, police, soldiers and some government officials who are complicit in trafficking.

Indonesia passed a comprehensive anti-trafficking bill in April 2007. The bill criminalizes debt bondage, labor exploitation, sexual exploitation, and transnational and internal trafficking. Penalties range from three to 15 years of imprisonment. The bill also contains provisions to prosecute corporate entities and government officials involved in trafficking. Penalties under the Child Protection Act for child trafficking are three to 15 years of imprisonment.

The Indonesian Government also increased efforts, at the national and local levels, to protect victims of trafficking in Indonesia and abroad; however, available victim services are overwhelmed by the large number of trafficking victims. The Indonesian government supports shelters for trafficking victims in Indonesia, Malaysia, Saudi Arabia, Kuwait, and Singapore. But, the consistence of the government is still being questioned. The Government does not adequately identify all its trafficking victims; some victims found in prostitution have been treated as criminals and deported.

The Government collaborates with NGOs and international organizations to raise awareness. The Women's Ministry conducted awareness-raising efforts in 16 provinces and sponsored a televised public service announcement on private national television stations. The government also distributed child sex tourism materials in Bali and Batam.

In international cooperation, there is a 2005 MOU between the Governments of Indonesia and Malaysia allows Malaysian employers to confiscate passports from its migrant workers. This MOU is widely recognized as facilitating involuntary servitude.
VII. Conclusion

Sex trafficking is clearly inhumane and, because of that, forbidden. Although there is no reliable data anywhere in the world, there is a general agreement that the trade is extensive, and the victims mostly women and children, where mature girls and young women are the highest portion of them.

Prostitution is coercive in nature, but we must be aware that prostitutes themselves as human beings also have rights like all other humans. Therefore, organized prostitution should be suppressed, meanwhile free-chosen sex workers should be protected and regarded as working like other workers. There is no easy way to compromise among the options of prohibitionist, abolitionist, regulationist and decriminalization approaches. To make this option meaningful, the demand side comprised of men must be educated well, even with some penalties to change their attitude. It needs a good collaboration among laws makers, law enforcers, community leaders and also society members.

The facelessness and the anonymity of the customer in the demand equation are ensured by several factors. There are four categories of intermediasies: 1. pimps, recruiters, brothel owners, transporters, cab drivers, criminal groups and syndicates; 2. legal businesses such as hotels, tourists and entertainment industries; 3. military establishment; 4. institution of the state which boosts the sex industry via policy initiatives as well as by lack of anti-trafficking legislation.

It is clear that patriarchal norms play a decisive role in the appropriation of female sexuality by the dominant male. Probing the patriarchal institutions and the associated socio-economic and political bases which help expand and entrench female prostitution is critical in analysing demand in the discourse of female sex trafficking.

There are multiple components that make up the “demand” side of sex trafficking. In addition to the purchasers of sex acts who create a demand for victims, the culture, the exploiters, and the state also create or facilitate the demand for victims. The exploiters use victims as the commodities in their money making criminal enterprises. States develop approaches to the buying and selling of sex which legitimize or suppress the markets for sex.

Even when states oppose the trafficking of women, their policies may facilitate traffickers’ movement of victims into a destination country. There is much to be learned about the dynamics of sex trafficking by analysing the markets for victims and the exploiters’ methods of operation. Focusing on the marketing and profit making of exploiters can provide multiple strategies to intervene to eradicate sexual exploitation. State approaches to prostitution create different cultures and levels of accommodation for the sex industry and its need for victims.

Indonesia is recognized as a medium level country of origin for sex trafficking in. Indonesia is also recognized as a large country where domestic sex trafficking arise and spreads all over the country. The problem consists of the culture that allows men to seek prostitutes, vulnerability conditions that is faced by women and children, a certain level of masculinity in the male-dominated public space, and also involvement of military personnel and the lack of consideration from laws enforcer.

In contrast, the situation in Indonesia recently is not so stable. There are militant religious groups claiming themselves as moral guardians who act violently. They treat and coerce people, who are blamed for the “immoral actions” flourishing in the economic crises, that has haunted Indonesia since 1997. They blame the prostitutes as moral destroyers, and declare to persecute them severely.

Indonesia has released an anti-trafficking law in 2007. But, the weak law enforcement means that the perpetrators still untouchable. The most important thing to do is to change men’s attitude towards sex trafficking and the victimization of prostitutes. After long observations regarding the debate between pro-prostitution and oppose-prostitution, relations between prostitution and sex trafficking, and debate about human rights definitions, this policy paper tends to take an abolitionist approach.

This approach means that state must take every step necessary to combat sex trafficking, especially from demand side, meanwhile protect women and children from being re-victimized. To run this approach, Indonesia must guarantee the adult women sex workers rights to choose their professions freely, and maintain effective measures to avoid every abuse and exploitation. Meanwhile the state should continuously give public information on how risk is this business. On the other hand, state must foster laws enforcement against sex entrepreneurs (pimps, brothels owners, and all kind of
prostitutes-linked profiteers, including hotels and other entertainment industries provide sex services) and customers.

Beside efforts to minimizing demand side, because the major contributory push factor is coming from poverty, state must provide effective measures to eradicate poverty through community empowerment. In line with this effort, to change society’s behaviour and attitude, education is a significant way to provide basic information and consciousness about the risk of sex trafficking.

The needs to be operated:

- Strengthening the legal bases (implementing regulations, capacity building for law enforcement officers, cooperation in prosecution, control over traffic at border areas, control over recruitments/sending companies/agencies)

- Empowerment (eradicating poverty, unemployment; providing basic needs, generating income rates, health services, access to goods, information, banks loans and another services; increasing skills and entrepreneurial abilities; elimination of discrimination, violence and maltreatment; criticizing patriarch culture; engaging participation through equality and equity approach)

- Education as one of the most important pillars in improving human life quality (increasing public education and 12-year compulsory school; alternative learning model education for children and women, including its facilities and infrastructure; raising the public’s knowledge by giving as much information as possible on sex trafficking and all aspects concerning the efforts to eliminate it, implemented through various available media; to secure access for obtaining education and training; improvement the quality of education, life-skills education, and better justice and education equality among community groups, prioritized for underdeveloped, rural areas, poor population, and illiterate or dropout women)

The Indonesian public will be facilitated, in order to make them take active participation in activities to fight this modern slavery, through well-organized groups, such as through existing community institutions such as Neighbourhood Units (RTs).

VII.1. Recommendation

1. Set zero tolerance policies for sex trafficking and prostitution.
2. Set an abolitionist approach to sex trafficking and prostitution based on distinguishing between victims and perpetrators.
3. Law enforcement efforts should aim to eradicate the markets which create a need for victims. Efforts should be made to put exploiters out of business, which includes permanently shutting down establishments where sex trafficking occurs. Investigate and prosecute financial aspects of trafficking and prostitution, such as tax evasion, tax fraud, and money laundering.
4. Redefine prevention. If the demand for victims is one of the reasons that trafficking occurs, then shutting down the markets and putting prostitution establishments out of business is part of prevention. Demand reduction is part of prevention of sex trafficking.
5. End tolerance for the illegal sex trade, including open advertising of criminal activity, such as escort services, massage parlours, spas, etc, which are well known fronts for prostitution.
6. Police departments should have a special unit to combat human trafficking, including sex trafficking. Redefine and rename vice units. Retrain officers to investigate trafficking and prostitution as crimes in which people are victimized. Increase resources so that sustained effort can be made to combat sex trafficking and prostitution.
7. End discrimination against victims in arrest and prosecution of trafficking and prostitution-related offenses.
8. Increase criminal investigation of exploiters. Increase investigation of corruption linked to trafficking and prostitution. Increase criminal penalties for officials involved in corruption in sex trafficking and prostitution cases.

9. Train law enforcement to recognize exploiter behavior and signs of victimization.

10. Eliminate “sweeps” as a law enforcement method to combat prostitution. Design comprehensive programs with sustained effort to eliminate sex trafficking and prostitution by arresting and prosecuting purchasers of sex acts and exploiters, and providing services to victims. Design law enforcement strategies to eliminate the markets for victims.

11. Devise strategies to combat different markets for victims.

12. Review state approaches to prostitution for effectiveness in reducing the demand for victims and for eliminating the markets for victims.

13. There are some cases that smuggled or trafficked persons by falsifying their birth certificates that will lead to falsify their ages. Make sure that trafficking cases involving government officers can make them not only disciplinary consequences but also on the basis of crime acts as stated by Jordan (2002). The state should assure that corrupt government officers leading to trafficking such as falsification of ID card, passport, or let the trafficked persons illegally go across the border, must be seriously get charges so that it can prevent similar crime acts.

14. In addition, the trafficked persons usually have very limited educational attainment level so that it is an important factor in order not to be an easy prey of traffickers. The state must assure the citizen to have adequate education at least primary and secondary education. The higher the educational attainment, the better is for the citizen.

15. Police Department tends to rely on testimony and report of the victim to prosecute the traffickers. In fact usually the victim is in afraid and ashamed condition and unaware that she/he is a trafficking victim. Therefore, the law enforcers should investigate the trafficking victim moderately and treated her/him just as a victim. The law enforcers must also rely on other information sources such as other witnesses, and client of sex industry.

16. Victim is often not being protected from public attention, so that the mass media specifies and publishes the case and the victim’s identity. This does not only make the victim more vulnerable from the trafficker’s threat and intimidation, but also makes the victim very ashamed and insulted. Consequently, the repatriation and reintegration to the community will be more difficult. The state must protect information and the victim’s identity.

17. In addition, the police tend to treat the victim as the passive third party. They do not make the victim to take a part in the process of the case prosecution. It is due to the existing law does not instruct the police and the general attorney to give information to the victim about the development of the case. It is very important to let the victim know about the case and whether the trafficker had been put behind the bar or is still free, which will be more threat to the victim and the family. Let the victim and the family know about the case and if the trafficker had been released.

18. Up to date, Indonesia has not possessed an accurate statistics on the number of trafficking cases, how many of them end in the court, and not to mention that there is no supervision and monitoring on the law enforcers. The state must instruct the Police Department and the other law enforcers to collect statistical data on trafficking and those of cases brought to the court.

19. There is no clear mechanism for the victim to report the infeasible accusation as stated by the police and the attorney. The only mechanism is the long and winding road and time consuming of the pre-court process. It is then very important to provide accusation mechanism if the police, attorney or other Indonesian representative is reluctant to process the reported case, or if the victim or the family is mistreated. Make sure that the investigation on the accusation will be served and the law mistreating enforcers will be given significant sanction and strong admonition.

20. If the victim is not an Indonesian as reported recently that there are some cases of trafficked women are detained or deported from Indonesia due to crime related to trafficking (prostitution).
It is better not to deport directly the trafficking victim and forced sex worker due to the fake visa. The victim should be permitted to stay for several months and have time adequate time to have psychological support before she makes decision to return to her owned country. If the victim is threatened if returns to her country then she should have an asylum and the state must provide her an interpreter, so that she can follow the legal process without any language barrier.

VII.2. Proposed Immediate Programmes

1. Proposing poverty eradication to minimize the push factor of sex trafficking. The program consists of a broad range of community empowerment as mental and spiritual guidance, vocational training, women’s social skills, family welfare counselling, and saving and loans or micro-finance such as Grameen bank – like credit schemes.

2. Producing community education materials such as pamphlets, brochures, leaflets, posters, banners, audio and audio-visual scripts can be intensively broadcasted on national-level mass media.

3. Proposing formal and non-formal community education through inserting specific materials describing the risk of sex business, modus operandi of sex trafficking actions, and practice to avoid sex trafficking. Additional programmes can be carried out in collaboration with other stakeholders both government agencies and NGOs.

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IX. APPENDIX

Laws No. 21 (2007) on the Eradication of Human Trafficking Crimes

UNDANG-UNDANG REPUBLIK INDONESIA
NOMOR 21 TAHUN 2007
TENTANG
PEMBERANTASAN TINDAK PIDANA PERDAGANGAN ORANG

DENGAN RAHMAT TUHAN YANG MAHA ESA
PRESIDEN REPUBLIK INDONESIA,

Menetapkan: UNDANG-UNDANG TENTANG PEMBERANTASAN TINDAK PIDANA PERDAGANGAN ORANG.

BAB I
KETENTUAN UMUM
Pasal 1
Dalam Undang-Undang ini yang dimaksud dengan:
1. Perdagangan Orang adalah tindakan perekrutan, pengangkutan, penampungan, pengiriman, pemindahan, atau penerimaan seseorang dengan ancaman kekerasan, penggunaan kekerasan, penculikan, penyelewengan, penipuan, pencurian, penyalahgunaan kekuasaan atau posisi rentan, penjeratan utang atau memberi bayaran atau manfaat, sehingga memperoleh persetujuan dari orang yang memegang kendali atas orang lain tersebut, baik yang dilakukan di dalam negera maupun antar negara, untuk tujuan eksploitasi atau mengakibatkan orang tereksploitasi.
2. Tindak Pidana Perdagangan Orang adalah setiap tindakan atau serangkaian tindakan yang memenuhi unsur-unsur tindak pidana yang ditentukan dalam Undang-Undang ini.
3. Korban adalah seseorang yang mengalami penderitaan psikis, mental, fisik, seksual, ekonomi, dan/atau sosial, yang diakibatkan tindak pidana perdagangan orang.
4. Setiap Orang adalah orang perseorangan atau korporasi yang melakukan tindak pidana perdagangan orang.
5. Anak adalah seseorang yang belum berusia 18 (delapan belas) tahun, termasuk anak yang masih dalam kandungan.
6. Korporasi adalah kumpulan orang dan/atau kekayaan yang terorganisasi baik merupakan badan hukum maupun bukan badan hukum.
7. Eksploitasi adalah tindakan dengan atau tanpa persetujuan korban yang meliputi tetapi tidak terbatas pada pelacuran, kerja atau pelayanan paksa, perbudakan atau praktik serupa perbudakan, penindasan, pemerasan, pemanfaatan fisik, seksual, organ reproduksi, atau secara melawan hukum memindahkan atau mentransplantasi organ dan/atau jaringan tubuh atau memanfaatkan tenaga atau kemampuan seseorang oleh pihak lain untuk mendapatkan keuntungan baik materiil maupun imamieteri.
8. Eksploitasi Seksual adalah segala bentuk pemanfaatan organ tubuh seksual atau organ tubuh lain dari korban untuk mendapatkan keuntungan, termasuk tetapi tidak terbatas pada semua kegiatan pelacuran dan percabulan.
10. Pengiriman adalah tindakan memberangkatkan atau melabuhkan seseorang dari satu tempat ke tempat lain.
11. Kekerasan adalah setiap perbuatan secara melawan hukum, dengan atau tanpa menggunakan sarana terhadap fisik dan psikis yang menimbulkan bahaya bagi nyawa, badan, atau menimbulkan terampasnya kemerdekaan seseorang, secara melawan hukum berupa ucapkan, tulisan, gambar, simbol, atau gerakan tubuh, baik dengan atau tanpa menggunakan sarana yang menimbulkan rasa takut atau mengekang kebebasan hakiki seseorang.

12. Ancaman kekerasan adalah setiap perbuatan kepada pelaku berdasarkan putusan pengadilan yang berkewakuan hukum tetap atas kerugian materiil dan/atau immateriil yang diberikan korban atau ahli warisnya.

13. Restitusi adalah pembayaran ganti kerugian yang dibebankan.

14. Rehabilitasi adalah pemulihan dari gangguan terhadap kondisi fisik, psikis, dan sosial agar dapat melaksanakan perannya kembali secara wajar baik dalam keluarga maupun dalam masyarakat.

15. Penjeratan Utang adalah perbuatan menempatkan orang dalam status atau keadaan menjaminan atau terpaksa menjaminkan dirinya atau keluarganya atau orang-orang yang menjadi tanggung jawabnya, atau jasa pribadinya sebagai bentuk pelunasan utang.

BAB II
TINDAK PIDANA PERDAGANGAN ORANG

Pasal 2
(1) Setiap orang yang melakukan perekrutan, pengangkutan, penampungan, pengiriman, penyalahgunaan kekuasaan atau posisi rentan, penjeratan utang atau memberi bayaran atau manfaat walaupun memperoleh persetujuan dari orang yang memegang kendali atas orang lain, untuk tujuan mengeksploitasi orang tersebut di wilayah negara Republik Indonesia, dipidana dengan pidana penjara paling singkat 3 (tiga) tahun dan paling lama 15 (lima belas) tahun dan pidana denda paling sedikit Rp120.000.000,00 (seratus dua puluh juta rupiah) dan paling banyak Rp600.000.000,00 (enam ratus juta rupiah).

(2) Jika perbuatan sebagaimana dimaksud pada ayat (1) mengakibatkan orang tereksploitasi, maka pelaku dipidana dengan pidana yang sama sebagaimana dimaksud pada ayat (1).

Pasal 12
Setiap orang yang menggunakan atau memanfaatkan korban tindak pidana perdagangan orang dengan cara melakukan persetubuhan atau perbuatan cabul lainnya dengan korban tindak pidana perdagangan orang, mempekerjakan korban tindak pidana perdagangan orang untuk meneruskan praktik eksploitasi, atau mengambil keuntungan dari hasil tindak pidana perdagangan orang dipidana dengan pidana yang sama sebagaimana dimaksud dalam Pasal 2, Pasal 3, Pasal 4, Pasal 5, dan Pasal 6.

Pasal 17
Jika tindak pidana sebagaimana dimaksud dalam Pasal 2, Pasal 3, dan Pasal 4 dilakukan terhadap anak, maka ancaman pidananya ditambah 1/3 (septiga).

Pasal 18
Korban yang melakukan tindak pidana karena dipaksakan oleh pelaku tindak pidana perdagangan orang, tidak dipidana.
BAB III
TINDAK PIDANA LAIN YANG BERKAITAN DENGAN
TINDAK PIDANA PERDAGANGAN ORANG

Pasal 19
Setiap orang yang memberikan atau memasukkan keterangan palsu pada dokumen negara atau dokumen lain atau memalsukan dokumen negara atau dokumen lain, untuk mempermudah terjadinya tindak pidana perdagangan orang, dipidana dengan pidana penjara paling singkat 1 (satu) tahun dan paling lama 7 (tujuh) tahun dan pidana denda paling sedikit Rp40.000.000,00 (empat puluh juta rupiah) dan paling banyak Rp280.000.000,00 (dua ratus delapan puluh juta rupiah).

Pasal 20
Setiap orang yang memberikan kesaksian palsu, menyampaikan alat bukti palsu atau barang bukti palsu, atau mempengaruhi saksi secara melawan hukum di sidang pengadilan tindak pidana perdagangan orang, dipidana dengan pidana penjara paling singkat 1 (satu) tahun dan paling lama 7 (tujuh) tahun dan pidana denda paling sedikit Rp40.000.000,00 (empat puluh juta rupiah) dan paling banyak Rp280.000.000,00 (dua ratus delapan puluh juta rupiah).

...

Pasal 24
Setiap orang yang memberitahukan identitas saksi atau korban padahal kepadanya telah diberitahukan, bahwa identitas saksi atau korban tersebut harus dirahasiakan dipidana dengan pidana penjara paling singkat 3 (tiga) tahun dan paling lama 7 (tujuh) tahun dan pidana denda paling sedikit Rp120.000.000,00 (seratus dua puluh juta rupiah) dan paling banyak Rp280.000.000,00 (dua ratus delapan puluh juta rupiah).

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Pasal 26
Persetujuan korban perdagangan orang tidak menghilangkan penuntutan tindak pidana perdagangan orang.

Pasal 27
Pelaku tindak pidana perdagangan orang kehilangan hak tagihnya atas utang atau perjanjian lainnya terhadap korban, jika utang atau perjanjian lainnya tersebut digunakan untuk mengeksploitasi korban.