

# Global Human Trafficking Unmasked: A Feminist Rights-Based Approach

Navid Pourmokhtari

*Department of Political Science, University of Alberta, Edmonton, Alberta, Canada*

This article examines the phenomenon of human trafficking in the post-Cold War period with a view to identifying its causes and consequences and critiquing three remedial approaches: criminal, economic, and feminist rights-based. In addition, the chief strategies currently used to combat human trafficking will be critiqued from the perspective of feminist rights-based theory.

Keywords: feminism, feminist rights-based approach, globalization, human rights, human trafficking, post-Cold War

## INTRODUCTION

Over the course of the new millennium, human trafficking has evolved into a global phenomenon, attracting the attention of policy makers, academics, and the “international community” at large. Since state governments and feminists first began raising the alarm in the early 2000s, trafficking in human beings has received considerable media exposure, prompting widespread public condemnation. Yet, the problem persists; indeed, if anything, it has continued to grow as economic globalization steadily erodes the social fabric of so many Third World and former Second World countries.

The 2000 United Nations Convention Against Transnational Organised Crime defines human trafficking as the following:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or 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

---

Navid Pourmokhtari holds the Social Sciences and Humanities Research Council of Canada (SSHRC) Doctoral Fellowship in the Department of Political Science at the University of Alberta. His research interests lie in comparative politics and international relations, particularly in the context of the Middle East, and in international security studies and mass social movements. Pourmokhtari's most recent works have appeared in *Third World Quarterly*, *International Sociology*, and *Against the Current*.

Address correspondence to Navid Pourmokhtari, Department of Political Science, Tory Building, University of Alberta, Edmonton, AB, T6G 2H4, Canada. E-mail: [npourmok@ualberta.ca](mailto:npourmok@ualberta.ca)

exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (United Nations, 2004, p. 42)

As the above definition suggests, human trafficking is a multidimensional phenomenon, involving, among other things, kidnapping, extortion, slave labor, prostitution and sexual slavery, and the violation of immigration laws. The causes and consequences are as manifold as they are complex.

This article historicizes the phenomenon of human trafficking with a view to interrogating the conditions that shaped it, examining its causes and consequences and delineating its dramatic growth. This will prepare the ground for critiquing two theoretical approaches—one criminal, the other economic—that have traditionally been used to investigate this most deplorable of practices. Drawing on this critique, I shall advocate on behalf of a feminist rights-based alternative to the above status approaches, in the process explicating how it can better problematize, elucidate and address the problem of human trafficking. As will be shown, a feminist rights-based approach is highly sensitive to the complexities inherent in this phenomenon by virtue of its power to bring to light the true plight of trafficking victims whose most basic human rights have been violated without compunction for the sole purpose of profiteering.

In addition, the chief strategies currently being used to combat human trafficking, as laid out in both the *2000 United Nations Convention against Transnational Organised Crime* and the ancillary *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* as well as in the *2005 Council of Europe Convention on Action Against Trafficking in Human Beings* will be critiqued from a feminist rights-based perspective with a view to determining their efficacy. Finally, some of the major obstacles to eradicating human trafficking will be examined, providing the basis for recommendations aimed at facilitating a feminist rights-based approach to addressing human trafficking.

## HISTORICAL BACKGROUND

The origins of human trafficking can be traced back to the dawn of civilization and the ancient practice of slavery and its concomitant: the slave trade (Jordan, 2010; Obokata, 2006). In the closing decade of the twentieth century, however, this phenomenon would take on a global dimension and mushroom in scale, owing in large part to the restructuring of the geopolitical landscape following the end of the Cold War. Although statistics vary, according to Tom Obokata (2006), approximately 600,000 to 800,000 people are trafficked annually, generating revenues of \$9.5 billion (US), with women and children comprising the majority of the victims.

Any explication of the dramatic growth in human trafficking must begin with the demise of the postwar international order in the early 1990s. The fall of the Soviet Union would set the stage for the geographical expansion of globalization within the new world order, which would transform whole regions of the globe, significantly impacting virtually every country. In particular, the unravelling of the Soviet empire would provide what Ian Clark (2001) refers to as “renewed scope for further globalization” beyond the capitalist world once communist resistance was eliminated (p. 143). The ensuing world order, one that Thomas Friedman (2000) calls “Globalization Round II” to distinguish it from the first phase (1945 to 1989), is

unprecedented in two respects: (a) “the degree and intensity with which the world is being tied together into a single globalized . . .village” and (b) the “sheer number of people and countries able to partake of today’s globalized economy and information networks, and to be affected by them” (p. xvii). The result is, according to Friedman,

the inexorable integration of markets, nation-states and technologies to a greater degree never witnessed before—in a way that is enabling individuals, corporations and nation-states to reach around the world faster, deeper and cheaper than ever before. (2000, p. 9)

At the same time, globalization, with its unprecedented degree of economic integration and volume and mobility of capital flows—all underpinned by a neoliberal ideology/free-market fundamentalism (McMichael, 2008)—has worked to “advance the global ambitions of a predatory capitalism,” in the process rationalizing and justifying an addictive greed directed at profit accumulation through geographical expansion, economic restructuring, wage reduction, cuts to social programs, the outsourcing of production, and privatization of public goods (Pourmokhtari, 2013, p. 1781). David Harvey (2001) calls this phenomenon a “spatial fix”—by which he means a catalyst for a free-market orthodoxy—“that confers advantages upon *some* in the West, while oppressing and marginalising others”—chiefly those living beyond Western borders (Pourmokhtari, 2013, p. 1781, emphasis in the original).

Along with this reconstitution of the international economic order, there has occurred a fundamental restructuring of the postwar political architecture, whereby the Second World (the former Soviet bloc states) has been relegated to the status of the Third World (Pourmokhtari, 2013). The new world order is thus broadly divided into a “liberal zone of peace” and a “realist zone of conflict,” the latter lagging substantially behind the former in terms of both per capita GDP and internal security (Bilgin & Morton, 2002). The result is a global hierarchy of winners and losers, prompting many in the “realist zone of conflict” to leave their native countries in search of a better life, whether as legal or illegal immigrants or as refugees.

It is within this context of post-Cold War global restructuring that human trafficking has emerged as a major transnational issue, one that reveals the dark side of globalization. As Louise Shelley observes:

Globalization . . .has facilitated the rise of human trafficking by marginalizing many rural communities, impoverishing women and children in many regions, and accelerating rural to urban migration. Increased speed and ease of money movement . . .facilitate not only the laundering of traffickers’ profits but grand corruption. (2010, p. 40)

Thus, it may be argued that the same effects, outcomes, inequalities, and asymmetries that have marked the post-Cold War order have worked to breathe life into the phenomenon of human trafficking. This has occurred, Ann D. Jordan (2010) asserts, through a combination of “push” factors, for example, the post-1990s civil wars in the so-called “failed states” and uneven global economic growth, and “pull” factors, for example, the absolute or relative prosperity and peace in industrialized and newly industrializing countries that have proved a magnet for international migrants from “developing” and “underdeveloped” countries, many of them young women seeking a better life.

## TRADITIONAL THEORETICAL APPROACHES TO COMBATTING TRAFFICKING

Traditionally, two theoretical approaches have been used to combat human trafficking: criminal and economic (Beeks & Amir, 2006; Laczko & Thompson, 2000; Salt, 2000). The former, which is the more frequently cited in the literature, “considers trafficking as a criminal activity” or “as a violation of legal provisions of the State” and emphasizes the role of the justice system in identifying and classifying the victims, in using legal measures to deter and prosecute traffickers, and in criminalizing human trafficking and related offences, such as prostitution and breaches of immigration and labor law (Beeks & Amir, 2006, p. 11). As Coontz and Griebel (2004) explain:

Much of the renewed interest in trafficking among Western governments was an extension of growing concern with transnational crime, particularly with such activities as money laundering, drug trafficking, and the trade of weapons, human organs and people. (p. 49)

In viewing human trafficking as a subset of transnational crime to be addressed through legal channels, the criminal approach minimizes its inherent complexity while overlooking the victims’ human rights (Laczko & Thompson, 2000). Many of the latter may not meet the criteria for designation as a “victim” or “refugee,” placing them beyond the protection of international law.

The economic approach, on the other hand, rests on the premise that economic factors constitute the principal drivers of human trafficking (Salt, 2000). From this perspective, the latter represents a business whose chief goal and *raison d’être* are profit making; indeed, it is for this, and only this, reason that traffickers ply their trade. Thus, according to this model, trafficking amounts to a business enterprise whose networks operate in the broader context of “migration as business” (Laczko & Thompson, 2000, p. 25). The economic approach also provides a remedy predicated on the liberal assumption that providing equal opportunities to work and to accumulate wealth will eliminate this pernicious practice (Lugosi, 2008), as the potential victim would no longer be driven by economic necessity to seek employment abroad, thus drying up the supply of new recruits.

While the economic perspective has merit, a major shortcoming lies in its inability to account for noneconomic factors, chiefly those on the supply side, such as the vulnerability of kidnapping and rape victims (Laczko & Thompson, 2000), particularly those trapped in military conflict zones (Ebbe & Das, 2008). Thus, based on the preceding discussion, it might be argued that both traditional approaches share a common flaw in that “neither focuses on the outcome[s] of trafficking,” such as abuse and exploitation, which constitute human rights violations (Haque, 2006, p. 11).

## A FEMINIST RIGHTS-BASED APPROACH

In response to the limitations inherent in the criminal and economic perspectives, there has emerged a feminist rights-based approach (FRBA), one that views the phenomenon of human trafficking through a “gender lens.” The FRBA does not deny their validity; rather, it takes a human rights approach to conceptualizing, theorizing, and addressing the practice. As Noeleen Heyzer (2006, p. 112) asserts, an FRBA approach is in fact a “[human] rights-based approach,”

precisely because “gender discrimination is . . . a fundamental denial of human rights.” Hence, women’s human rights lie at the core of this approach and, by implication, that of any credible anti-trafficking strategy, “for violations of human rights are both a cause and a consequence of trafficking in persons” (Heyzer, 2006, p. 112).

In focusing on the causes and effects of human trafficking, the FRBA is sensitive to the interplay of complex factors, including unemployment, poverty, kidnapping, compulsory labor, forced migration, slavery, forced labor, and torture, which constitute distinct categories of human rights violations that “must be addressed adequately” and on an individual basis if human trafficking is to be eradicated (Obokata, 2006, p. 35). All are of acute concern, particularly in light of the widespread assumption—especially among those advocating a criminal approach to the problem—that those who fall prey to kidnapping and forced prostitution are victims of poor decision making (Aronowitz, 2003). The FRBA rejects such narrow views, focusing instead on the violation of the human rights of trafficked persons and ways and means of empowering them economically and socially so that they are capable of defending their intrinsic rights. In other words, an FRBA approach shifts the focus from exposing the victims “to additional hardship [such as] testifying at a trial or being exposed to danger” to “protecting . . . [their] rights” (Aas, 2007, p. 38).

The FRBA foregrounds the feminist critique of the sex trade, focusing on the links among prostitution, human rights, and globalization. The more conventional view of human trafficking does not align easily with this perspective owing to the correlation it posits between human trafficking and the growth in women’s labor migration, a phenomenon often referred to as the “feminization” of labor migration (Heyzer, 2006).

By focusing on global patterns of labor migration and the demand for low-wage female labor, the FRBA reveals how an avenue for illegal and trafficked labor has opened up, thereby exposing female migrants to human rights abuses on an enormous scale. One of the most common examples of the latter involves the practice of withholding wages, which compels female employees to seek other work simply to survive another day. Under such duress, the victims may have no choice but to resort to prostitution or “sex work” as it is euphemistically referred to by prostitution advocates (Jeffreys, 2008). From an FRBA perspective, this shift in terminology is aimed at transmuting “deviant sexual behaviours [in]to a job like any other” (Jeffreys, 2008, p. 5). However, characterizing prostitution simply as “a job” is to overlook the human rights abuses attending the oldest profession.

Defining trafficking victims as individuals bearing human rights implies that they may be empowered. Toward this end, FRBA proponents have formulated strategies, which have both a structural dimension, that is, laws, government policies, institutional practices aimed at combating trafficking, and an individual dimension, that is, the empowerment of individuals and groups directed at claiming their human rights (Heyzer, 2006). According to this reading, strategies for empowering women must go beyond securing economic independence, by, for example, increasing ownership and control over productive resources and access to markets; they must also strengthen the position of women in the family, in educational institutions, grass roots organizations, and the broader community—all traditional bastions of patriarchal power.

In providing an analytical framework focusing on human rights—the right to life, to work and to health—as well as featuring legal prohibitions against torture and slavery, the FRBA represents “a holistic response” (Obokata, 2006, p. 35). At the same time, it delineates a protocol for action based on the legal obligation of both individual states and the international community to

eliminate trafficking, to safeguard the victims, and to prosecute the guilty (Obokata, 2006). It is this holistic approach that has exposed the shortcomings jeopardizing transnational efforts aimed at combating and eradicating human trafficking.

### GLOBAL ARRANGEMENTS FOR COMBATTING HUMAN TRAFFICKING: MANDATES AND LIMITATIONS

In recent years, a number of global strategies have been implemented to combat human trafficking. Two stand out for being particularly ambitious and broad in scope: the *2000 United Nations Convention against Transnational Organised Crime and its supporting protocol: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* and the *2005 Council of Europe Convention on Action Against Trafficking in Human Beings*. Owing to its comprehensiveness and the large number of signatories, the former represents one of the most concerted efforts yet aimed at eliminating the trade in human beings. The latter is viewed as one of the most ambitious regional strategies of this kind. In what follows, the mandates and provisions of these conventions are examined with a view to determining how closely they conform to the FRBA.

The UN trafficking protocol was tabled before the General Assembly in November 2000 and ratified by 117 countries the following month at a conference held in Palermo. It would be implemented three years later in December 2003. The protocol featured “a three-pillar approach” to eradicating human trafficking: repression, prevention, and protection and assistance. The first obligates states to pass laws and to set regulations for criminalizing trafficking in persons and to ensure that those who commit, assist or partake in any such activities are punished (United Nations, 2004, Article 5). State governments are also responsible for implementing tighter border controls, monitoring more closely vehicles crossing their borders, and conducting identity checks (United Nations, 2004, Article 11).

The second pillar, prevention, requires state governments to take appropriate measures to combat trafficking, including, and most importantly, collaborating bilaterally or even multilaterally to address poverty and unemployment, the two principal supply-side drivers, and prescribing penalties for engaging in, or in any way abetting, the act of trafficking (United Nations, 2004). Thus, for example, the state signatories are urged to conduct information campaigns aimed at educating potential victims about the threat posed by trafficking, the causes and consequences, and the penalties for engaging in any related activities (Di Nicola, 2005).

The third pillar, protection and assistance, which is specified in Articles 6, 7, and 8, obliges state parties to protect trafficked victims residing within their borders. The operative norm here is that the basic rights of migrants should be respected and protected (Di Nicola, 2005). This would ensure that trafficked victims remain in the host country until such time as it is safe for them to leave or they can obtain refugee status. Should the victims elect to return home, the host country would be obligated to provide safe passage (United Nations, 2004). State governments would also be obligated to provide victims with medical and psychological treatment and to assist them in laying charges against their traffickers (Di Nicola, 2005).

It is evident from the preceding discussion that the UN Protocol represents, first and foremost, a legal approach to eradicating human trafficking. Moreover, in giving a clear

priority to law enforcement measures, for example, deportation and border control, it takes a “supply-side approach” (Coontz & Griebel, 2004, p. 52), in the process overlooking demand-side factors, for example, the socioeconomic disparities existing between developed and developing countries, which, according to Coontz and Griebel (2004), work to “contradict and compromise the gains that have been made to ensure gender equality through the international legal system” (p. 52). In effect, the UN protocol ignores the life experiences and trajectories of trafficking victims, which for the FRBA represents a *sine qua non*.

Enforcement of the 2005 Council of Europe Convention on Action Against Trafficking in Human Beings, began, albeit belatedly, in 2008 (Lugosi, 2008). The Convention is informed by three objectives:

1. To prevent and combat trafficking in human beings, while guaranteeing gender equality;
2. To protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution; and
3. To promote international cooperation on action against trafficking in human beings (Council of Europe, 2005, Chapter I, Article 1, para. 1).

The preamble to the document elaborates upon these objectives while reaffirming the commitment on the part of the signatories to cooperate in combatting human trafficking. The document, itself, is comprehensive in that it references all forms of the practice and includes trafficking in labor for the sex and other trades as well as in human organs and mail-order brides (Lugosi, 2008). In addition, several references are made to human rights; for example, Article 1 of Chapter I specifies that “to protect the human rights of the victims of trafficking, [state parties are obliged to] design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution” (Council of Europe, 2005, Chapter I, Article 1, para. 1). Chapter III is concerned with promoting and safeguarding the rights of victims; it also identifies the pursuit of gender equality as a means to fight trafficking. This chapter is supplemented by Articles 13, 14, and 15 that bring a legal perspective to bear on how trafficked persons are to be managed (Lugosi, 2008).

While the 2005 Convention does foreground a human rights-based approach that is sensitive to the interests of women, from an FRBA standpoint, it raises a number of concerns. For one thing, while appearing to embrace a human rights-based approach grounded in gender equality, in reality, it emphasizes legal remedies (Lugosi, 2008). Section 3 of Article 27, for example, specifies that any agency offering to assist a victim of trafficking should be allowed to “support the victim. . . during the criminal proceedings,” provided one’s consent is forthcoming (Council of Europe, 2005, Chapter V, Article 27, para. 1). This provision is problematic, however, in that it denotes that those “who choose to pursue legal action are favoured insofar as [gaining] access to support services and resources” (Lugosi, 2008, p. 13). Thus, as Lugosi opines, “[i]f a given policy [aims at protecting] *human* and not just legal rights,” then under its purview “all trafficking victims should be offered [unlimited] access to services [and resources], regardless of choosing to pursue legal action or not” (2008, p. 13, emphasis in the original).

Moreover, the likelihood of victims placing “themselves at risk by going to the authorities” is reduced when there exists insufficient “evidence to warrant a full investigation and/or



prosecution” in accordance with Article 21 (1) (Lugosi, 2008, p. 13), which states that “[e]ach Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences when committed intentionally, aiding or abetting the commission of any of the offences established in accordance with Articles 18 and 20 of the present Convention” (Council of Europe, 2005, Chapter IV, Article 21, para. 4).

Yet another problem from a feminist rights-based perspective lies with the practice of equating trafficking victims with prostitutes. The preamble to the Convention references a number of UN Resolutions targeting the trafficking of women for the purpose of prostitution (Council of Europe, 2005). The victims are described as “forced prostitutes,” the “work” they perform as “forced prostitution,” labels that carry a social stigma (Edlund & Korn, 2002, as cited in Lugosi, 2008), while at the same time signifying at least some degree of freedom of choice even as they downplay the conditions of slavery under which they are held (Lugosi, 2008). What is obscured here, according to Lugosi, is the true plight of the victims of whom all, or at least the great majority, are “abused migrants” as opposed to prostitutes. Criminalizing the victims only serves to strip away their human rights, which the FRBA seeks to restore.

## CONCLUSION: THE WAY FORWARD

The rapid expansion of globalization in the post-Cold War period has produced both winners and losers among the poorest in virtually every country; for the latter, migrating from rural to urban centers or across borders is often seen as the only way to escape poverty. Herein lies the dynamic driving human trafficking. As the above discussion reveals, officially sanctioned strategies aimed at eradicating this practice are fundamentally at odds with an FRBA. The essential difference lies in how the victims are defined: For the former, they are designated as criminals or at best purveyors of vice and, for the latter, human beings compelled to flee stagnating economies.

This is of crucial importance because how the victims are *defined* dictates the nature of the remedies to be applied, which in turn determines the success or failure of the policies and strategies employed. According to Ann D. Jordan, “women trafficked into forced prostitution are [defined either] as ‘madonnas,’ [i.e.,] innocent [and] vulnerable . . . or ‘whores,’ [i.e.,] conniving and tainted” (2010, p. 31)—in other words, as “forced victims” or “consent victims,” the latter constituting the chief focus of protection efforts and the former more likely to be ignored and left to their own devices. This distinction, however, ignores the fact that both are the object of human rights violations and as such both should be accorded full protection under the law. Thus, does an FRBA approach call for a twofold, interconnected strategy of targeting and punishing the malefactors while safeguarding the victims, regardless of their status. This would require the full protection of the law, in addition to the requisite services and resources to empower them as rights-bearing subjects entitled to have those rights protected.

If the twin objectives of protection and empowerment are ever to be realized, an FRBA must be recognized, adopted and implemented by those international and national bodies with the requisite mandates and powers to execute them. This will prove no easy task for two reasons: First, there exists no consensus as to *what constitutes human rights*; indeed, for some the latter are dismissed as *a purely Western invention*, having little relevance for the non-Western world (see, e.g., Hua, 2011; Coomaraswamy, 2002). Second, some critiques of



feminism and feminists, particularly those directed at white feminists by women of color, argue that issues such as race, have, by and large been ignored in the debate/literature on human trafficking (see, e.g., Hua, 2011).

Regarding the latter position, as Radha Jhappan (1996) warns, while issues such as race are pivotal and as such warrant inclusion in any global anti-trafficking strategy, in privileging race over gender, there lies the danger of jettisoning the notion of the “essential woman” or even abandoning the analytical category of “woman” altogether (p. 51). This leads Jhappan to pose the rhetorical question: “If we cannot assume any biologically *or* socially determined traits or interests (after all, ‘woman’ is constructed differently in various cultures)”; in other words, if we lose the analytical category of woman, then, “what [becomes of] the job [of] feminism?” (Jhappan, 1996, p. 51, emphasis in the original). Such essentialist arguments are no more than a trap and as such hardly contribute to addressing a problem whose scale *is global* and whose chief victims *are women*.

Regarding the former position, it is the view here that the dichotomization of human rights into the streams of particularism and universalism has been overstated. To be precise, the point here is not to dispute that historically the protection of “human rights” has been, and continues to be, used as a “fig leaf” to conceal efforts on the part of Western superpowers to maintain global hegemony but to argue that, as Mahdavi and Knight (2012, p. 13) put it, virtues such as “freedom, social justice, and respect for human beings are . . . universal values embedded [in one way or another] in all cultures”—in other words, “[e]mbedded in all cultures is a radical call to justice and truth” (2013, p. 16). It follows, then, that one can make a case for the existence of a complex of rights—the right to health, the right not to be held in slavery or servitude, the right to be free from cruel or inhumane treatment, the right to safe and healthy working conditions, etc. — that work to preserve human dignity and, as such, are antithetical to the practice of human trafficking.<sup>1</sup>

What is called for at this juncture is, in my view, a kind of “strategic/minimal universalism,”<sup>2</sup> by which I mean a strategic framework—strategic because it privileges the analytical category of “woman” or “abused woman” vis-à-vis all other categories, for example, that of race, identity, etc., as the analytical reference point for global efforts against human trafficking, while simultaneously recognizing and embracing the fact that there exists a complex of “human rights” that, as mentioned above, can serve to preserve human dignity. Embedded in all cultures, these rights can work to safeguard women from trafficking. A critical first step to achieving this end, lies, as

---

1. Consider, for example, how the current regime in Iran has used the dichotomy of the particular and the universal to justify imposing a particularly oppressive form of patriarchy under the guise of preserving the cultural identity of the Iranian people. See, for example, Reza Afshari’s (2001) *Human Rights in Iran: The Abuse of Cultural Relativism*. Ironically, the first document to make any reference to human rights, known as Cyrus the Great Cylinder, can be traced back to what is now Iran. A reproduction of the sixth-century BC text is currently housed at the United Nations headquarters in New York.

2. The term is inspired by Radha Jhappan’s (1996) concept of “strategic/contextual essentialism” and Mojtaba Mahdavi’s (2009) notion of “minimum universalism.” To be precise, Jhappan uses the term in her analysis of feminism, race, and identity to refer to the disparate voices of women without abandoning the analytical category of woman. For her, a woman’s identity is a function of context and, as such, “allows us to stress one or several aspects of our identities according to the axis of oppression at issue in particular situations, without necessarily tying individuals to a specific identity for all time and all purposes” (1996, p. 52). For Mahdavi, on the other hand, the concept of “minimum universalism” refers to universalism from below, an inclusive approach that moves beyond cultural essentialism and cultural relativism and that recognizes, as I do above, certain values as “universal values” embedded in all cultures.

Radhika Coomaraswamy (2002) argues, in creating a “dialogue... among women [, including women of color]... and ...between women and the larger community,” both at the local and international level, and in a manner that is “open, rich... [and] transformative,” (p. 16) reflective of women with diverse experiences, backgrounds, and trajectories and, equally importantly, empowering.

These critical first steps must be complemented by ways and means of empowering “women,” individually and collectively, through, for example, effective policing, legal measures designed specifically to protect their rights, and effective grass roots and community-based efforts aimed at raising awareness regarding the causes and consequences of trafficking and its implications for women. Empowering women will only have an impact on human trafficking, however, if individual and collective human rights are guaranteed under international and state law and enforced rigorously. At this juncture, this would appear to be nothing more than a “pipe dream” given the status quo in international affairs. However, the increasing recognition of and respect afforded the FRBA suggests that a sea change within organizations targeting human trafficking may be underway, in which case this vile practice may one day be consigned to the ash heap of history.

## ACKNOWLEDGMENTS

This article is an extensive revision of an article of mine that appeared in *Potentia: Journal of Public and International Affairs*, a graduate, non-refereed journal published by the Centre for International Policy Studies (CIPS). I wish to thank CIPS director Dr. Roland Paris for granting permission to have this revised article published in the *Journal of Human Trafficking*. I wish especially to thank Nicole Lugosi for her invaluable insights and inputs regarding this work, in particular those pertaining to the case study of the *2005 Council of Europe Convention on Action Against Trafficking in Human Beings*.

## REFERENCES

- Aas, K. F. (2007). *Globalisation & crime*. Los Angeles, CA: Sage
- Afshari, R. (2001). *Human rights in Iran: The abuse of cultural relativism*. Philadelphia, PA: University of Pennsylvania Press.
- Aronowitz, A. (2003). Trafficking in human beings: An international perspective. In D. Siegel, H. V. D. Bunt, & D. Zaitch (Eds.), *Global organized crime: Trends and development* (pp. 85–95). Boston, MA: Kluwer Academic Publishers.
- Beeks, K., & Amir, D. (2006). *Trafficking and the global sex industry*. Lanham, MD: Lexington Books.
- Bilgin, P., & Morton, A. D. (2002). Historicizing representations of “failed states”: Beyond the Cold-War annexation of social sciences? *Third World Quarterly*, 23(1), 55–80.
- Clark, I. (2001). *The post-Cold War order: The spoils of peace*. Oxford, UK: Oxford University Press.
- Coomaraswamy, R. (2002). Are women’s rights universal?: Re-engaging the local. *Meridians*, 4(1), 1–18.
- Coontz, P., & Griebel, C. (2004). International approaches to human trafficking: The call for a gender-sensitive perspective in international law. *Women’s Health Journal*, 4(4), 47–59.
- Council of Europe. (2005). *Council of Europe Convention on action against trafficking in human beings*. Strasbourg: Council of Europe. [Online]. Retrieved from <http://conventions.coe.int/Treaty/EN/Treaties/Html/197.htm>
- Di Nicola, A. (2005). Trafficking in human beings and smuggling of migrants. In P. Reichel (Ed.), *Handbook of transnational crime & justice* (pp. 181–203). Thousand Oaks, CA: Sage.

- Di Nicola, A. (2007). Researching into human trafficking: Issues and problems. In M. Lee (Ed.), *Human trafficking* (pp. 49–72). Portland, OR: Willan.
- Ebbe, O. N., & Das, D. K. (2008). *Global trafficking in women and children*. Boca Raton, FL: CRC Press/Taylor & Francis.
- Friedman, T. (2000). *The Lexus and the olive tree*. New York, NY: Anchor Books.
- Haque, M. D. S. (2006). Ambiguities and confusions in migration-trafficking nexus: A development challenge. In K. Beeks & D. Amir (Eds.), *Trafficking and the global sex industry* (pp. 3–16). Lanham, MD: Lexington Books.
- Harvey, D. (2001). Globalization and the “spatial fix.” *Geographische Revue*, 2, 23–30.
- Heyzer, N. (2006). Combatting trafficking in women and children: A gender and human rights framework. In T. D. Truong, S. Wieringa, & A. Chhachhi (Eds.), *Engendering human security: Feminist perspectives* (pp. 101–123). London, United Kingdom: Zed Books.
- Hua, J. (2011). *Trafficking women’s human rights*. Minneapolis, MN: University of Minnesota Press.
- Jeffreys, S. (2008). *The idea of prostitution*. North Melbourne, Australia: Spinifex.
- Jhappan, R. (1996). Post-modern race and gender essentialism or a post-mortem of scholarship. *Studies in Political Economy*, 51, 15–63.
- Jordan, A. D. (2010). Human rights or wrongs?: The struggle for a rights-based response to trafficking in human beings. *Gender & Development*, 10(1), 28–37.
- Laczko, F., & Thompson, D. (Eds.). (2000). *Migrant trafficking and human smuggling in Europe: A review of the evidence with case studies from Hungary, Poland and Ukraine*. Geneva, Switzerland: International Organization for Migration.
- Lugosi (MacAoud), N. V. T. (2008). *Deconstructing the discourse of sex trafficking in Europe*. Unpublished manuscript, Department of Political Science, University of Alberta, Edmonton, Canada.
- Mahdavi, M. (2009). Universalism from below: Muslims and democracy in context. *International Journal of Criminology and Sociological Theory*, 2(2), 276–291.
- Mahdavi, M., & Knight, A. (2012). *Towards the dignity of difference?: Neither “End of History” nor “Clash of Civilizations.”* Burlington, VT: Ashgate.
- McMichael, P. (2008). *Development and social change: A global perspective*. Thousand Oaks, CA: Pine Forge Press.
- Obokata, T. (2006). *Trafficking of human beings from a human rights perspective*. Leiden, the Netherlands: Martinus Nijhoff.
- Pourmokhtari, N. (2013). A postcolonial critique of state sovereignty in IR: The contradictory legacy of a “West-centric” discipline. *Third World Quarterly*, 34(10), 1767–1793.
- Salt, J. (2000). Trafficking and human smuggling: A European perspective. *International Migration*, 38(3), 31–56.
- Shelley, L. (2010). *Human trafficking: A global perspective*. Cambridge, United Kingdom: Cambridge University Press.
- United Nations. (2004). *2000 United Nations conventions against transnational organised crime and its supporting protocol: The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. United Nations Office on Drugs and Crime. Retrieved from <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>