

WOMEN AND TRAFFICKING

EDITED BY SIMONA ZAVRATNIK ZIMIC



Peace Institute

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FOREWORD

This book reflects the outcomes of the June 2004 international seminar “Women in Migration and Vulnerability for Trafficking in Human Beings,” organized by the East East Cooperation Center of the Peace Institute, Ljubljana, Slovenia. Part of a larger project with the Center for Urban and Regional Sociology, Bucharest, Romania, and supported by of the East East Program of the Open Society Institute, the seminar brought together researchers and activists in an attempt to redress the complex circumstances surrounding the international phenomenon of trafficking in women from both a regional and a transnational purview.

This international seminar ultimately had the following goals: to contribute to an understanding of the variegated globalized environment in which trafficking in women takes place; to accentuate certain neglected dimensions of the issue, especially the position of trafficked women themselves; to incorporate the distinct and crucial nexus of perspectives emanating from such key arenas as research, victims’ assistance, IGOs, and INGOs; and to foster information exchange and cooperation among these various communities.

The conference proceedings collected in this book include all fifteen papers presented and carefully debated at the seminar. They cover a variety of interdisciplinary encounters and experiences with trafficking in women, among them an historical overview, debates over human rights approaches, an analysis of media reporting, and innovative recommendations for recasting and more effectively addressing the issue. The book also includes a series of case studies covering experiences with and legislation from countries of source and transit in particular but also receiving countries in and around Europe.

As suggested above, the contributing authors represent a broad spectrum of academic researchers, regional field workers, and IGO staff chosen for their original and informed contributions to the

debates surrounding trafficking in women. This follows from our contention that effective and innovative policy can best emerge from careful, historical and theoretical research in dialogue with the lived experiences of trafficked women and those working directly with them through local non-governmental and international governmental organizations. These articles also constitute a vital and incisive interchange between those situated in western, central, eastern, and south-eastern Europe and in international organizations, linking countries of origin, transit, and destination with each other and thus moving towards an increasingly transnational approach to trafficking in women.

As the above institutional and interdisciplinary exchanges suggest, we believe that only the interplay of the global and the local can effectively reveal trafficking's constitutive factors and contribute to its innovative redress. Taking seriously the ways in which gender, migration, immigration, legal jurisdiction, human rights, economics, exploitation, and globalization all contingently but distinctly contribute to the phenomenon of trafficking in women has the potential to produce, if not answers, at least discerning frames in which we can move beyond the ideological retrenchment around and governmental resistance to assisting trafficked women. While there can be neither pat nor final resolutions, this book seeks to transmit information, engender debate, and further initiatives to encourage the kind of exchange and cooperation that can ultimately begin to address a problem both ancient and constructed anew in a global frame.

SIMONA ZAVRATNIK ZIMIC
JACQUELINE BERMAN

SEX TRAFFICKING: THE STATE, SECURITY, CRIMINALITY, MORALITY—AND THE VICTIM

SIMONA ZAVRATNIK ZIMIC

INTRODUCTION

Trafficking in human beings and more precisely its very core, sex trafficking, raises a variety of questions for the policy arena, the research agenda and, above all, for the everyday life experiences of those involved most directly—the victims of trafficking. This phenomenon, with a long historical legacy and broad geographical scope,¹ has become more and more topical in the contemporary world, where the globalisation of migration movements and the feminisation of migration are two figures that frame the social context. In describing the nature of sex trafficking with the help of the key concepts—quite an extensive list, in accordance with the complexity of the issue—at least the following subjects must be named: women in migration, human rights, slavery, globalisation, the nation state, borders, security, criminality, morality, vulnerability and, after all, the victim.

Trafficking in human beings, if we use the most common description in recent literature and policy debates, is a phenomenon that involves a variety of areas and diverse aspects; however, at the same time its multidimensional extensiveness contributes to an often unfocused perspective. According to the latest reports, the most vulnerable are the most affected, if excluded from the centre of policing. The perspective of the victim should clearly represent the central reference in any (anti)trafficking discussion. However, it seems that this perspective could easily be neglected in favour of more prevailing themes, such as the discourse on migration management through successful border control and sovereignty of nation-states, the stereotypical linkage between criminality and migration, the general discourse on what is called “illegal immigration as a threat” to

¹ For an in-depth historical perspective, see Roberts (1992) and de Vries (2004).

states etc. In dominant labelling practices—we can easily find proof in media reporting—the women victims of trafficking are consistently criminalised (Berman 2003; Zavratinik Zimic et al. 2003; Pajnik 2004); as migrants, therefore foreigners, they cross state boundaries; as workers in the sex industry they cross the borders of mainstream morality. As a rule, the image of the victim has become subordinate to the image of the criminal.

THE GLOBAL VILLAGE, CLOSED BORDERS AND HUMAN TRAFFICKING

Trafficking in human beings to, through and from specific countries or regions—for example, as shown in the IOM study, *Victims of Trafficking in the Balkans* (2001)—has become a high priority on the agenda of European Governments, whether they be in the east or the west, left or right, former socialist countries in transition or consolidated western democracies. Some countries are involved as sending, others as receiving countries; some are merely transit routes that people cross on their (non)planned ways. In any analysis of trafficking in the European context, it is necessary to complete the picture with reference to the transition period and the processes of political and economic consolidation in Eastern Europe. This contextual feature has to be supplemented by the central role of the concept of human rights. The fact is that trafficking nowadays represents one of the most urgent and complex human rights issues. Konrad (2002) gives the following description in this regard:

The problem of trafficking in human beings is by no means a new one. It has been rising constantly in west European countries since as long ago as the seventies, but massively since the eastern European countries opened their borders—more than 10 years ago. But it has taken on an added dimension in this era of globalisation with certain of its disruptive effects, like weak economies and few job opportunities—especially for women—in many countries of transition and, given low or no risk of prosecution, enormous profit potential for the traffickers and last but not least improved international transportation infrastructures.

Trafficking in human beings exists in an intimate relationship with today's states, consequently with migration management and territorial and political organisation. Moreover, it goes beyond the concept of nation-states to evoke the question of global mobility and its

restriction in the contemporary global village. Considering these conditions, more attention should be devoted to the links between global mass migration, mechanisms of state border control and trafficking in human beings. A period characterised by turbulent international migrations has been followed in Europe by an isolationist walling off policy. The most evident mechanism is the closed, highly selective and only conditionally permeable external boundary of the European Union—the Schengen border, a new kind of “wall around the west.”² The latest is represented by a newly formed line of division, replacing the old “iron curtain of Europe” with a new, electronic, “e-border,” based on computer checks and, in general, high information technology. This is the bureaucratic line that encloses “fortress Europe.”

It seems that contemporary borders have been transformed from heavy walls and iron to more sophisticated materials. New borders between east and west are mainly bureaucratic, electronic and paper boundaries, supported by entry permissions, a visa system, computer databases and the like. The entire migration policy of the EU is founded on the principle of control³ relating to the protection of borders and the wider issue of security in the region. On the other hand, European migration policies are posing a challenge by closing doors—as Hammar (1999) showed—by “closing the doors to the welfare state.” The latter is being conceptualised as a welfare curtain, the dividing line between immigrants and citizens, between those included and those excluded from the benefits of the welfare state.

Referring to our point of departure, namely that trafficking is one of the most urgent and complex human rights issues and speaking of border control and human trafficking, it should be added that a crucial dimension here is the relationship between security and human rights. In the practice of many European countries, it is obvious that protection of the human rights of trafficked victims does not have priority within this open dilemma, and even that interests of the state and interests of the victim are represented as somehow “opposed.” In an analysis of the Dutch case, Hopkins and Nijboer

² For a detailed analysis of European border controls, the Schengen regime and migration, see Andreas and Snyder (2000).

³ For a detailed analysis for Western European Countries, see Brochmann and Hammar (1999).

(2004) call attention to three competing perspectives: trafficking in human beings as illegal immigration, as organised crime or as a violation of human rights. The authors stress that a human rights perspective is clearly represented in international legal instruments and parliamentary discussion, but on the level of law enforcement the issues of illegal migration and organised crime are imperative.

Of course, the question of human rights is central to the whole area of contemporary migration, regardless whether they are categorised by legal, social, political, professional or popular criteria, and no matter their diverse structure and dynamics. Mass migrations are by no means a modern phenomenon. On the contrary, people have moved around from time immemorial; only the dynamics and forms of migration movements have radically differed and ranged from various forced migrations to imperial, economic and political motives for migration. The picture in today's migration movements is approximately thus: on the one hand, borders are closed and well controlled by nation-states; security is a national or regional top priority, while, on the other hand mass migration is inherent in human history, and immigrants who cannot enter the state on a regular basis find solutions outside the legal and regular frames. These conditions of globalization, closed borders and poverty are the factors facilitating trafficking and its slavery dimension. Williams and Masika (2002, 5) point to this dimension:

Globalisation, liberalisation, and free market promotion have paved the way for the unfettered movement of capital and labour. While borders have opened for trade, capital, investors, and individuals from wealthier countries, people from poorer countries have not been given the same freedom of movement. Many Western nations have introduced stringent restrictions and prohibitive immigration laws to keep out asylum seekers and economic migrants from poorer countries. Within this climate of immigration restrictions, trafficking has flourished, and more people are turning to traffickers to facilitate migration.

The relationship between contemporary immigration control policies and the extent of trafficking in human beings should not be overlooked. The points of crystallisation are borders; in this respect, firm, closed and selective borders contribute to trafficking. Campani (2004)⁴ expresses criticism in this regard:

⁴ See also Campani's contribution in this volume.

[T]he present international migratory context is a product of the contradiction between global markets of consumerism and services, on one hand, and, on the other hand, a work force which is still “bordered” in a context of continuous impoverishment of third countries and restrictive migratory policies implemented by the rich countries. This contradiction cannot be solved only through repressive policies.

At this point another sensitive issue should be mentioned: the generally accepted connection between migration and criminality, that is dominant not only in many media reports, but also in political debates, especially those involving right wing parties. Bort (2002, 191) has stressed that “linking the issues of movement of persons and cross-border crime should be strictly limited to the one connection that exists between the two: the (in)human trafficking of refugees by organised criminal gangs.” Continuing from this position, it is still necessary to address the question of the structural criminalisation of migration movements. This is the part that is described as “illegal immigration.” According to Bort (2002, 202),

If there is a connection between illegal migration and organized crime, it is human trafficking. And human trafficking is a consequence not of open borders, but of closed borders. By tightening border control, would-be refugees are driven into the arms of organized human smugglers.

People will, of course, always move, illegally or legally, documented or non-documented, on a regular or non-regular basis. Any type of policy cannot alter this fact, since this is simply not the domain of the collective political arena, but of individual human motives. A migration policy based on closed-type borders confines a part of these migration movements almost a priori to the area of the “illegal.” Within this “illegal migration market,” trafficking in human beings should be addressed as one of the priorities in migration policing.

GENDER AND SEX TRAFFICKING

It is obvious that sex trafficking is highly gendered. Therefore, the gender dimension must necessarily be introduced, but it must also remain a central thread in the analysis of migration movements. Women, children and men are trafficked into various exploitative situations; one of the most frequent forms is trafficking in women and children for sexual exploitation. According to recent IOM stud-

ies,⁵ trafficking in women and children from Central, Eastern and South Eastern Europe towards the European Union is recognised as a significant concern for the countries involved. Increasingly, countries in the region are becoming countries of origin as well as of temporary destination. These research studies and reports of the last decade clearly show one main tendency for Europe: that trafficking in women is closely connected with the sex industry in Western Europe and trafficked victims from Eastern Europe and the Balkans. However, it is also true that transit countries can turn out to be destination countries for victims as well.

No matter the destination country, living conditions for trafficked victims are reported to be close to what is called “slavery” or “modern slavery”: women have often been forced into prostitution; their freedom of movement has been restricted; they have no personal documents; they have been isolated from other people and subjected to supervision and also locked up in their rooms, or in a brothel, in hotels etc. An additional element is that they have been intimidated, since traffickers often threaten to harm their families. Speaking on victims of trafficking, the human rights position has to be given a central role. Therefore more attention must be devoted to victims of trafficking and to individualisation of their experience in the trafficking process. The open question for researchers here is, what could be the appropriate analytical tools for gaining insight into migration and trafficking, while still taking gender specifics into consideration.

It should once again be stressed: migrations are not just about the economy and the labour market; they are also about individual wishes and motivations. And often they are linked to human rights violations, abuses and exploitation. For that reason, in the approach adopted for the Slovenian case study on the trafficking situation (Zavratnik Zimic et al. 2003), emphasis is given to the human rights aspect, emphasising that trafficking will be considered from the perspective of victims and the protection of their rights. I would argue that there is a basic failure in the relation between the state and the victims, and frequently governments fail to consider this

⁵ See, for example, the regional report on the Balkans and individual case studies on Slovenia, Croatia, Romania, Hungary, Czech Republic, and Poland.

crime from the perspective of the trafficking victims. Jordan gives the following valuable description (2002, 29) of government activities:

They view trafficking as a problem of organised crime, migration, and/or prostitution, rather than as a human rights abuse. Thus, advocates bear the burden of educating authorities on the rights and needs of trafficked persons. A particular difficult aspect of this work involves demonstrating to authorities that women who are trafficked into forced prostitution, forced domestic work, and other forms of forced labour should not be deprived of their rights on the grounds that they are undocumented migrants who “knew” what to expect and so deserved what they “got.”

By no means should trafficking in human beings be placed within the bounds of criminality. The reason is obvious: victims of trafficking are mostly seen as criminals, not as victims who are forced or trapped into illegal activities. Often we are faced with a popular picture with no clear distinction. Even more, blurred boundaries contribute to a criminalisation process that affects the victims.

An additional problem here is the one of policy responses: the victims are usually deported from the state as “illegal immigrants” before the situation is actually investigated—because they have no valid documents. It should be pointed out that deportation is a final solution only at first sight;⁶ however, in the long run it can prove to be the worst possible option. It is evident from the re-cycling process that this allegedly easy way to get someone out of the country does not bring productive results. Owing to the extreme vulnerability of trafficked victims, their future position should be carefully considered. In cases of voluntary return home, it is important to note that the reintegration process is crucial. The third option, meaning the alternative for the victim to stay in the country and complete her or his integration into the new society, seems to be the most rare policy alternative in today’s practice.

It is important to note that these problems may afflict migrants in an irregular situation, but can also affect regular migrants who were misled about the purpose of their travel at the time of recruitment, or who became targets of traffickers while looking for employment upon arrival at their destination. Well-known examples include women who arrive on entertainment visas, only to find themselves forced into sex work. In such situations the migrants are not only

⁶ See also Zavratnik Zimic et al. (2003, 67–68).

economically exploited, but may also be subjected to sexual abuse, violence, maltreatment and other violations of their fundamental human rights.

CHALLENGE OF DEFINITIONS

The question of common definition addresses two issues. Firstly, it refers to terminological differences, such as inconsistent use of the following terms: trafficking in human beings, trafficking in persons, trafficking in women and children for the purposes of sexual exploitation etc. Over the last decade we can trace different terms according to their field of origin, such as the term “trafficking in persons,” which is more often used within legal studies, while the term “trafficking in human beings” is quite common among sociologists. However, there are so many exceptions that there are no real rules. In addition, some studies are focused on a narrow subject of trafficking, especially on women and/or children as the most vulnerable groups.

The second aspect of the definition dilemma refers to the understanding of trafficking, no matter whether subjects are referred to as persons, human beings, women or children. As Kelly and Regan (2000, 2) show, there “is both consensus and disagreement about how trafficking in human beings, and trafficking in women for the purpose of sexual exploitation, should be defined.” The inconsistency of definitions can be traced in different approaches within research studies, where different emphases are followed by diverse starting points, including common agreement on the contents and dimension of trafficking. In addition, different interpretations are a result of institutions within states as well as between states. The most widely cited definition is standardised within the UN framework with the adoption, in December 2000, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

It should be mentioned that, within the broad context of migration, the term “trafficking” was often used interchangeably or mixed with the term “smuggling,” although they differ. According to the defini-

tion, smuggling refers to the transport of a person across international borders for profit. While smuggling does not inherently involve exploitation, smuggled persons are very often at risk of injury or death. Thus, smuggling may involve grave human rights abuses, but the abuse of a person is not the fundamental intent of smuggling.

On the other hand, trafficking “specifically targets the trafficked person as an object of exploitation and inherently involves a violation of human rights. The purpose from the beginning of the process is to exploit this person and to gain profit. Deception and coercion both play a role in trafficking” (IOM 2001, xxiii). Furthermore, the exploitation of migrants and the violation of their rights can affect both regular and irregular migrants, internal as well as international migrants, and migrants who were not deceived/coerced about the purpose of travel. Trafficking is a complex question that cuts across most forms of migration, and questions related to trafficking can prove relevant to many of the world’s contemporary migrants.

Migrant trafficking can be addressed from a number of different perspectives (gender, economic or poverty-induced, health, human rights, state sovereignty, migration, etc.), which means that a variety of agencies seek to address it, including governments, NGOs and migration authorities. These have resulted in diverse approaches, not always adjusted to each other. In many cases, these parties define and approach the problem from the perspective of their own mandates.

CONCLUSIONS: THE PERSPECTIVE OF THE VICTIM

The key shift that still remains to be effected in most recent activities of governmental, non-governmental and inter-governmental institutions active in the field of preventing, protecting and punishing human trafficking is giving a central focus to the perspective of the victim. By emphasising the position of the trafficked victim, vulnerable individuals can be facilitated to enter the field of institutional policies, and victims can actually be brought into the policy arena as human beings and not as those hidden under the terms “illegal immigrants,” “potential criminals” and the like. The aim of supporting victim differs radically from the restrictive measures that are too characteristic of today’s migration policies. The emphasis on the

victim's perspective, and thus on the position and individualised experience of trafficked women, leads towards demarginalisation of victims and their positioning in local, national and global policies. In this respect, the dominant notions of borders, criminality, migrations and foreigners have to be supplemented, if not radically corrected, with gender sensitivity and a victim centred approach. In addition, the concept of security, more and more understood as security "for" the nation state, needs to be thoroughly modified. More attention should be devoted to vulnerable groups that are crossing international borders, women and minors among them, and to assuring adequate security for those at risk of being trafficked.

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**AN IMAGE OF SEXUAL DANGER:
PROSTITUTION, THE WHITE SLAVE AND THE
POLITICAL CAMPAIGN AGAINST WOMAN
TRAFFICKING IN HISTORICAL PERSPECTIVE**

PETRA DE VRIES

Around 1900 the newsletters of two Dutch organizations published the story of “Marie M.” Marie was the daughter of a respectable Budapest family who had provided her with an excellent upbringing.¹ As she was perceived as a somewhat “loose” girl, however, there were some tensions between her and her family. One day around 1902, she disappeared without a trace. It appeared later that a certain Mr. Rohiger had hired her through an employment agency to become a governess in Constantinople (currently Istanbul). When enquiries were made, it became clear Mr. Rohiger and Marie had left eight days before in the company of three other girls, two of them hired as a “servant” and “housekeeper,” the other as a “chambermaid.” A detective, who was asked to trace them, travelled to Constantinople and discovered a few telegraph messages between a man named Salomonowski and another man called Scharfmann, both “traffickers in women.” Scharfmann owned a house where 40–50 girls were usually kept “in stock” to prepare them for a life of prostitution. The girls were strictly supervised, and if they did not comply willingly with the plan to make them into prostitutes, they were forced by being battered and denied food, a treatment which soon made them become apathetic. After this, the women were photographed, and the “actual trading” could begin. By posing as an owner of a brothel in Alexandria, the detective could finally locate

¹ This paper is based on books, published documents and archives of the Dutch abolitionist movement and related organizations. Readers are asked to refer to my forthcoming article “White slaves” in a colonial nation: the Dutch campaign against the traffic in women in the early twentieth century, *Social & Legal Studies (Special Issue: Gendered Boundaries and Sexual Movements: Legal Negotiations of the Global and the Local)* which provides full references.

Marie and the other three girls, who were all in deplorable condition. Scharfmann was arrested by the Turkish police, but seen again outside the next day (*Het Maandblad: Getuigen en Redden* 1902, 32–34).

In the eyes of their contemporaries, Marie and her unfortunate companions were “white slaves.” Her case was but one of many that were published in the late nineteenth and early twentieth centuries and that gave rise to an international campaign for the suppression of “the white slave traffic.” From about 1900 to the First World War, the campaign was at its height, but its influence extended far beyond this period. The early campaigners were quite successful in bringing about major legal provisions against certain aspects of sex work, and this provided the basis for future national and international legislation on prostitution. It also heralded a new era of sexual politics within and outside the legislative arena.

Relative to its remarkable historical impact, the historiography of national and international white slave campaigns is not very extensive. In addition, historians have been hesitant to take the claims of the campaigners at face value, pointing to the hysteria and moral panic surrounding white slave politics, thereby unwittingly supporting the idea that trafficking in woman was not in itself a “real” social problem.

I would argue that the fact that there was a moral panic about white slavery does not mean that women were not forced into prostitution. The case of Marie can be read as a lurid piece of journalism about an “innocent” maiden who was mercilessly exploited by villains, or as a romanticized but truthful account of widespread criminal practices, involving the abuse of prostitutes and non-prostitutes. Of course it is extremely difficult, if not impossible, to say anything definite about a single case, and we have to interpret each case very carefully. In addition, we know next to nothing about the number of women who were being trafficked more than a hundred years ago (apart from the fact that the campaigners in the past sometimes grossly overestimated their numbers, including in their definition all prostitutes). However, some features of trafficking in the past look uncannily familiar to the 21st century observer. For all we know, deceiving women about prospective jobs in the sex business in the nineteenth century was not very different from what is happening today. Trafficking was nearly always connected to migration. On a

national level, women from the countryside were migrating regularly to find jobs and a new future in bigger cities or neighbouring countries, often driven by poverty and lack of social support. During the big waves of migration from Europe to the Americas in the nineteenth and early twentieth centuries, many people fled poverty, disease, social unrest and pogroms, among them young women. Some of these women were vulnerable to sexual exploitation, just as they were probably vulnerable to other kinds of exploitation, due to the hidden and private nature of some female labour, such as domestic work. Of course poor, illiterate and socially isolated young women were not all potential or passive victims of ill intentioned strangers. Yet, it must have been easy to offer them jobs, provide them with false identity papers, deliver them in a foreign brothel and make a profit. This is exactly what the more trustworthy sources tell us about the cases regarding “traffic in women.” Once a woman arrived at the destination in a foreign country, returning was difficult. Apart from the problem of being in an unfamiliar place where people spoke a strange language, intimidation was often employed to induce her to stay. A woman could be coerced into paying back the money that was “paid for the trip,” could have her identity papers taken away, or could be threatened with being handed over to the police (which could be an effective threat if she could be considered an “illegal immigrant”).

Although it is important to realize that forced prostitution was not an invention of the anti-white slavery campaigners, it is equally important to realize that “the white slave” was a historical construction, born out of a particular interpretation of sexual danger in a specific social and historical context. This historical construction in turn influenced the very first policies and decisions concerning “traffic in women,” a new concept at the time. In this paper I want to highlight a few aspects of the white slave discourse and its legal aspects in the Netherlands. This also highlights to a large extent the international developments, since the politics of the white slave campaigners were strongly informed by international debate and cooperation.

It is important to situate the emergence of the white slave as a cultural image in nineteenth century discourses about prostitution, slavery and “otherness.” By 1900 among progressive political and

social groups it was firmly established that prostitution was a kind of “slavery” that had to be abolished, ideally speaking. Some of this slavery-analysis reflected a critique of the inhuman system to which prostitutes were subjected by the state authorities who tried to combat venereal disease by policing them, and by brothel-keepers who kept them in debt bondage. Prostitution itself, however, was deeply detested as well. For most contemporaries, commercial sex was something unsettling, a disruptive force almost, a symbol of social disintegration in an otherwise “civilised” society. Prostitutes in consequence, figured in most people’s minds at best as victims only, as women with no agency, as slaves that had to be freed. Hence prostitutes themselves are almost invisible in historical sources. They did not have voices, or faces, in the writings of those who acted on their behalf (de Vries 1997, 2001, 2004). This poses the first methodological problem for the historian: although some consenting prostitutes left us autobiographical material, there is no such thing as an unmediated voice of trafficked women. The sources that are available are police reports, court cases, publications of campaigners, rescue societies, newspaper reports, and all are framed to fit the particular circumstances. Also victims themselves may have presented their cases in such a way as to meet the expectations of those who helped them, that is to present themselves as “innocent” women. However, it is important to get an overall impression of trafficking rather than trying to prove the reliability of a single case, and this can be arrived at by comparing cases and information from different periods and sources. Moreover, I was more interested in the political interpretation of trafficking and the development of its discourse than in the reconstruction of sociological aspects of migration and sexual exploitation. This relates to a second methodological problem: how to define the issue one wants to investigate? As the historical interpretation of trafficking changes over time—and therefore also the legal and social approaches to combat criminal practices—it is the task of the historian to highlight these changes without uncritically reproducing the narratives of white slavery activists in the past. Generally speaking, I consider trafficking as one of the many ways in which migrating women may end up in slavery-like practices, whether as consenting prostitutes, non-prostitutes, domestic workers, or wives (see Wijers and Lap-Chew 1997). In particular it must be

emphasized that consenting prostitutes may also end up in a coercive situation or under exploitative “working conditions.”

On a theoretical level, I owe much to the Foucault-inspired research tradition that approaches the sexual as a methodological tool, a “lens” to perceive the making and remaking of social boundaries. Also it allows for the discovery in discourse of particular identities, the most obvious being the concept of “the white slave.”

In the second half of the nineteenth century social purity movements in many European countries arose in order to resist the policing of prostitutes by the state. The primary goal of those who were called “abolitionists” in this period was the abolition of the system of compulsory medical inspection and treatment of prostitutes, a widespread practice that existed all over Europe, targeting prostitutes as contagious bodies while protecting their customers. Out of this movement against the regulation of prostitution by the state—a coalition of feminists, evangelical protestants and socialists—a new international organization arose which focussed primarily on “the traffic in women” across borders, the Association pour la repression de la Traite des Blanches (founded around 1899). Within the context of this organization and the popular response to its cause, the “white slave” emerged as a meaningful political concept and a social image that gradually replaced older notions about the prostitute. Whereas the focus was first on the local trade in prostitutes by people (mostly women) who were profoundly detested by abolitionists, the focus was later on “the white slave” who was traded across borders by internationally operating criminals (many of them men). Whereas the prostitute was seen as part of a sinful society where Satan ruled, the white slave was seen as a product of a “modern communication society” with rapidly increasing connections. Even more important, although feminists and socialists tended to see the prostitute as a victim of injustice and poverty, and pictured her as a human being, she never fully got away from being considered an immoral woman. The white slave, however, was an “innocent” girl. The white slave, in short, was someone potentially more sympathetic than the prostitute. She was “one of us”—she had a face. Moreover, the white slave was “white.” Rather than pointing to a mere difference compared to black slavery, the whiteness of the slave reflected Eurocentric assumptions underlying most abolitionist perspectives on traffick-

ing in women. Clearly, the shift from prostitute to white slave marked out new sexual and racial boundaries in a society that was obsessed by the differences between the sexes, sexual purity and white colonial rule. It was known that women of all colours were sexually exploited all over the globe, yet white slave narratives, in particular in their more popularised form, depicted the white woman as the victim of foreign or exotic men. In this sense the case of the aforementioned Marie was typical, as the Orient figured in the public mind as one of the exotic locations to which European women were delivered. Anti-Semitism played a role as well (Bristow 1982). In central Europe traffickers were identified as “Jews.” The Jewish origin of some traffickers was also regularly highlighted in the Dutch sources. The political campaign that was launched against the white slave trade also projected sexual dangers for women outside the safe haven of marriage and family and focused, consequently, on the protection of “innocent” women who ventured into the outside world. Exploitation of “immoral women” inside brothels or as victims of trafficking was either totally ignored or only relevant as an argument in political debate, when it came to creating legal provisions to protect women. As we shall see, this age-old split between immoral and innocent women was detrimental for both.

The campaign against the white slave was very successful, when one looks at its legal outcomes. Within an amazingly short time, at a conference in Paris in 1902, government delegates from sixteen countries agreed to the proposal of the so-called *Paris Protocol* (signed in 1904). In 1910, the 1904 Agreement was followed by a convention that obliged states to punish “any person who, to gratify the passions of others, has by fraud or by the use of violence, threats, abuse of authority, or any means of constraint, hired, abducted or enticed a woman or a girl of full age for immoral purposes.”² In the case of minors constraint was not required to constitute a crime. The agreements applied only to the “recruitment” side of trafficking. It did not, therefore, apply to the situation where a woman was held against her will in a brothel (Wijers and Lap-Chew 1997). However, Dutch campaigners—and at some later stage also the international organization—tried to tackle this problem simply by efforts to repress the sex business.

² The original text was in French.

At the time the Dutch participated in the *Paris Protocol* proceedings, in 1902, they also launched a repressive campaign against the bordello (prostitution and brothel-keeping had been legal since 1811, under certain conditions). One strong argument put forward in favour of the repression of brothel keeping was its connection to trafficking in woman, arguing that brothels constantly needed a fresh supply of prostitutes. Without brothels, the argument ran, there would be no opportunity for the woman trafficker to deliver his “prey.” There was indeed mass support for the suppression of brothel-keeping. In 1911 brothels were outlawed, together with “traffic in women.” In the international organization, prohibition was also increasingly seen as the solution to the white slave traffic.

Although the connection of brothel keeping to trafficking might have been a successful strategy to obtain legal provisions against the traffic in women, the overall picture of the campaign reflects the wish to abandon sin rather than any desire to support the autonomy of a particular group of women. Not all brothels were sites of gross exploitation. Moreover, very few voices expressed concern about the fate of the prostitutes who would be literally put out on the streets when brothel keeping would be prohibited. It may be clear that the legal fiction behind white slavery legislation—the notions about the type of woman who needed the protection of the law—was modelled on the image of an innocent European girl lured away for sexual purposes across national borders by strangers. In its barest form, the abolitionist message that informed these laws was simple: prostitution was slavery, and respectable women had to be protected lest they became slaves as well. This was one reason why the legal victories of the campaign were symbolic rather than effective, and repressive rather than protective. Indicative of this was the failure to suppress brothel keeping, which made prostitutes in fact workers in an illegal business. Even if it was true that brothels were a prerequisite for the white slave trader, the circumstances were now even more favourable for illegal practices to thrive. Also indicative of a repressive turn in protecting or “rescuing” women was the use of anti-trafficking measures to assist in the parental control of young women’s sexual or other choices. Another indication that this well-intentioned campaign to protect women could turn against prostitutes was the vague wording of the Dutch section in the law on traf-

ficking. It simply stated “woman trafficking is forbidden,” leaving open the question whether trafficking was also punishable if an adult woman consented, as might have been the case when she migrated to become a prostitute abroad. Finally it must be mentioned that an effort was made to apply alien law to prostitutes. Since prostitution could not be considered a “suitable means of existence,” this provided grounds for deportation and hence, campaigners argued, the woman trafficker would be discouraged. In pointing to these less positive aspects of the campaign, I do not intend to say that the white slave was “only” a historical construction in the service of repressive sexual politics. Sexual exploitation and forced prostitution were a reality in the life of many young women who tried to survive under often difficult circumstances. Many of the old and new generation of campaigners against white slavery earnestly wished to end the sexual exploitation of prostitutes and were appalled at the horrible stories of brutal treatment of women. It is all the more ironic that the prostitute herself never had a voice in the campaign against the white slave traffic.

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TRAFFICKING FOR SEXUAL EXPLOITATION IN SOUTHERN EUROPE: REALITIES AND POLICIES

GIOVANNA CAMPANI

This paper presents the main findings of a recent research project on “Trafficking for Sexual Exploitation and the Sex Trade,” conducted in Southern European countries, Italy, Spain, Portugal and France, under the aegis of the European Daphne and Stop projects.

The definition¹ of trafficking in human beings used in the research is congruent with that formulated by the GAATW (Global Alliance Against Trafficking in Women): “all acts and attempted acts involved in the recruitment, transportation within or across borders, purchase, sale, transfer, receipt or harbouring of a person (a) involving the use of deception, coercion (including the use or threat of force or the abuse of authority) or debt bondage (b) for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude (domestic, sexual or reproductive), in forced or bonded labour, or in slavery-like conditions, in a community other than the one in which such person lived at the time of the original deception, coercion or debt bondage.”

The general approach of the research stresses the importance of the distinction between the concept of “trafficking in human beings” and “smuggling of migrants.” Both represent a form of irregular migration, but there are some differences between these two phenomena. In fact, trafficking in human beings is a criminal activity aimed at exploiting the trafficked persons, and the crimes committed (fraud, blackmail, intimidation, forgery of documents, etc.) along the way are steps towards exploitation in illegal circuits (forced labour, commercial sex industry, begging, pornography). This feature makes the phenomenon a human rights issue and justifies the

¹ A “descriptive definition” provides an analysis of the key elements and phases that characterise a phenomenon; while a “prescriptive definition” aims at regulating (directly or indirectly) the phenomenon through the intervention of institutional authorities, at national and international levels.

definition of trafficking in human beings as a modern form of slavery. In fact, the trafficked person is strictly linked to the traffickers by a debt bondage that must be paid off through long-term exploitation. In contrast, smuggling of persons is the illegal transportation of human beings from a country of origin to one of destination, and the relation between smugglers and smuggled persons ends once the destination is reached. Currently, the United Nations (2000) has elaborated a legal definition of these two phenomena, contained in the two Protocols supplementing the UN Convention against Organised Crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air.²

This distinction is important for the political approach to the issue and for the theoretical analysis: the present international migratory context is a product of the contradiction between global markets of consumerism and services, on the one hand, and, on the other, a work force which is still “bordered” in a context of continuous impoverishment of third countries and restrictive migratory policies implemented by rich countries. This contradiction cannot be solved through repressive policies alone.

The aim of the research project was the analysis of strategies and measures developed by different types of institutions (local and national governments, NGOs, international organisations, law enforcement agencies) engaged in the prevention of and the fight against the phenomenon of trafficking in human beings (for the purpose of both sexual and labour exploitation) amongst the EU Member states. Three main country-studies (Germany, Italy and the UK) were carried out, while overviews of the situation were prepared for the other twelve EU countries.³ My team and I were

² The definition of trafficking in human beings in Law 2003-239 is not very different from that of the IOM. The IOM considers that trafficking is established “when a migrant is involved in an illicit way (kidnapped, sold or simply recruited) and/or is transported, either within a country, or to a third country. Traffickers benefit from it, at some stage of the process are involved, in an economic or any other manner, by fraud, coercion and/or other forms of exploitation, under conditions which violate the fundamental individual rights of the migrants.”

The IOM also distinguishes between trafficking and smuggling, the latter meaning to provide for material advantage illegal entrance into a State of a person who is neither a national nor a permanent resident.

³ The Department of Education, University of Florence has been in charge of doing this research in Spain, France and Portugal.

responsible for the research in Italy (the main case study), France, Portugal and Spain (overviews).

It was clear that, in order to achieve the research aim (that is investigating institutional developments in relation to the phenomenon of THB, understanding the adopted strategies and measures and exploring the attitudes and varied points of views of social actors), the methodology had to be qualitative. The adopted approach consisted of semi-structured interviews with privileged informants.

The paper synthesizes the main information that has been obtained through analysis of the literature, official data, reports, NGO documents, as well as through field-work, during which a large number of interviews with informants were conducted. The information gathered can be divided into “descriptive” information, which presents the general situation of trafficking as well as the measures and actions to fight THB, and “prescriptive” information, which consists of the debate on the issue, suggestions and recommendations.

It is not easy to find reliable data on trafficking. Academic research is still very limited. Journalist’s articles are influenced by sensationalist news-making. Police do not share all the information they have. NGOs dealing with victims are the main informants.

In starting with the statistical data, it became apparent that in none of the four countries were there reliable figures on the phenomenon. The figures are based on estimates, produced with different criteria. In the field of illegal activities, it is, of course, very difficult to have precise data, but much more could be done, if the data collected by the Ministries of the Interior, the police and the NGOs, dealing with trafficked persons, would be better elaborated and submitted to common criteria of interpretation.

Currently, data obtained for the four countries are very different and can hardly be compared. It appears however, that Italy is touched by the phenomenon of trafficking much more than France and Spain. In Portugal the phenomenon is very recent and still limited: there are no quantitative estimates.

In Italy, at the end of the nineties, a research institute, PARSEC, tried a general estimate (Carchedi et al. 1999), which suggested the number of foreign prostitutes to be between 18,000 and 28,000 persons. In 2001, a research team, Transcrime—University of Trento—quantified the phenomenon of THB for the purpose of sexual

exploitation in Italy: these estimates were made on the basis of official statistics about residence permits obtained under article 18. Following a reasonable criteria of estimation, the researchers claim that the “ratio between victims who have received stay permits and those who have not is very low: 1/10–1/20” (Transcrime 2002). The estimate of trafficked victims of sexual exploitation from 6 March 1998 to 31 December 2000 into Italy would thus be between 7,260 (min.) and 14,520 (max.). The yearly estimated average number of victims (for instance, for 1999 and 2000) would be between 2,640 (min.) and 5,280 (max.). The following table (Table 1) shows the distribution of “residence permits for social protection” and the corresponding estimates of numbers of trafficked people. The estimated number of trafficked victims in Italy is very high compared to France and Spain.

TABLE 1: NUMBER OF VICTIMS OF TRAFFICKING FOR SEXUAL EXPLOITATION RECORDED IN OFFICIAL STATISTICS AND ESTIMATED NUMBERS IN ITALY BY ORIGIN AND TOTAL (6 MARCH 1998–31 DECEMBER 2000).

Origin of the victims	Official number of victims (stay permits for “social” protection)	Estimated number of victims	
		Min.	Max.
Africa	159	1,590	3,180
America	16	160	320
Asia	6	60	120
Eastern Europe	545	5,450	10,900
Total	726	7,260	14,520
Yearly Average	264	2,640	5,280

Source: Transcrime (2002) estimate based on Italian Ministry of the Interior data.

According to the main official organisation for the fight against and prevention of trafficking, OCRTEH (Office Central pour la Repression de la Traite des Etres Humains), there are in France around 12,000–15,000 persons who are prostitutes (around 5,000 in Paris): of 100 foreign prostitutes, 60 are from Eastern Europe, 16 are Africans, 12 are Latin Americans, the rest being Asians (there is

a growing number of Chinese women in prostitution) and Maghrebians. In 2001, the head of OCRETH declared: “In what concerns the street prostitution—the most visible—the percentage of foreign women in some provincial towns is as follows: 63% in Nice, among whom 80% come from Eastern Europe and the Balkans; 37% in Marseille, 54% of them come from the Maghreb; 30% in Toulouse, 50.6% of them come from Africa; 51% in Strasbourg, among whom 90.4% come from Eastern Europe and the Balkans. In Paris, 60, 35% of the prostitutes are foreigners: women coming from Eastern Europe and the Balkans represent 26% of the total of the prostitutes and 43% of the prostitutes of foreign origin. Women of African origin represent 23% of the prostitutes and 38% of the prostitutes of foreign origin” (Colombani, audit in the Report of Alain Vidalies, Parliamentary Mission on Modern Slavery, 2001). The estimates of the French NGOs correspond more or less to those of OCRETH. Of the 324 women taken care of by the Bus des femmes, Eastern Europeans and Latin Americans represent some 30% each, while Africans represent about 25%. Altogether these three areas represent around 85%. How many of these foreign women are trafficked in France? OCRETH and the NGOs speak of 70–80% of them as victims of trafficking.

No exhaustive figures are available about the victims of THB in Spain. The research team Transcrime (2002), in a pilot project aimed at estimating the number of people trafficked for sexual exploitation in Southern Europe, has calculated (on the basis of official statistics) that the number of victims of trafficking in Spain “falls within the interval of 4,120 (min.) and 8,240 (max.) for 1999, and of 3,920 (min.) and 7,840 (max.) for the year 2000.”

There are no data at all for Portugal. However, Portugal seems more interested in phenomenon of smuggling than in that of trafficking: starting in the 90s, migratory flows towards Portugal have been characterised by the massive arrival of undocumented migrants from Eastern Europe (Ukraine, Russia, Moldova and Romania). In this case, a prominent role has been played by smugglers of human beings, involved in organising transnational smuggling of migrants.

Estimates show important differences in the dimension of trafficking among the four countries, Italy being the country where the

phenomenon is most important. One of the causes would be Italy's geographical position, its wide-spread borders (kilometres of coastline) and its nearness to transit and origin countries such as the Balkan states. According to the informants, Italy would be both a country of destination and of transit for different flows of trafficked migrants.

According to the informants, in Italy criminal groups exploit various routes and means of transportation to reach the final destination. For instance, in the North of Italy the Slovenian land border is especially used by people coming from Eastern European countries; migrants pass through this border on foot, by car, coach, vans or lorries with false bottoms and interspaces. Other ways to enter Italy include the forested areas or mountain passes typical of the Northern regions. In the Southern regions trafficked people come especially from Albania or the Middle-East by sea, using fishing boats and vessels that do not offer any guarantee of security.

France, Spain and Portugal have no borders with countries that are transit or origin areas for trafficking. Routes and transport methods vary according to the countries of origin of the victims and the links established by criminal networks with other cooperators along the way towards the final destination. In some cases, victims are bought and sold en route many times among various organised criminal groups. Women are brought into France both illegally, that is crossing the borders with Italy or Germany, and legally, by plane, for example with a tourist visa. In Spain informants state that journeys by air are increasing (owing to a lack of strict controls at airports),⁴ while the use of small boats has become more difficult (owing to the presence of police patrolling the coasts).

Traffickers of Eastern European women use air transport; the trafficked persons arrive in Barcelona (sometimes after stopovers in Italy or Hungary). Victims coming from South America can fly directly to Spain (Colombians generally arrive in Barcelona) or enter another Schengen country and then travel to Spain by car. Trafficked women from Sub-Saharan Africa must walk long dis-

⁴ *El País Semanal* published, on 24 November 2002, an article on the trafficking of Eastern European women, titled "Las esclavas del Este," in which police agents declared that Kosovar women could enter Spain using a false passport owned by a man (without the sex of the person being changed).

tances to places where they can find “easy” transport to Europe, which is usually Morocco. Once in Morocco, they enter Spain illegally by crossing the Straits of Gibraltar at night in rubber dinghies.

Victims of THB originate mainly from Central Eastern European countries.⁵ Other important areas of origin are some Central African countries (first of all Nigeria), some Latin American countries (Dominican Republic and Colombia), some Middle-East countries such as Iran, Iraq, Kurdistan and certain South East Asian countries such as Sri Lanka, Nepal, the Philippines and China. There is a “transnational” activity of trafficking for the same groups all over Europe; however, some nationalities are more present in some countries than in others.

In Italy, it is possible to distinguish three main geographical groups: Nigerians, Eastern-Europeans (especially Romanians) and Albanians. In France trafficking for sexual purposes concerns first of all Eastern European women: they come mainly from Russia, Ukraine, Moldavia, Bosnia, Kosovo, Bulgaria and Albania. African women are the second group of trafficked victims. In Spain, women are recruited both in Eastern European countries (the former USSR) and Sub-Saharan Africa (Nigeria, Congo, etc.); there is a *preferential flow* of migrants coming from Latin America⁶ (and speaking the same language, thus avoiding the problem of comprehension in a foreign country). In Portugal, the few cases about which informers had heard, referred to Eastern European women and Brazilians.

The mechanisms of trafficking seem to be quite similar in the countries considered. Informants in the different countries present similar pictures of the situation. Only the routes and the criminal groups involved change.

Rechea Alberola (2002) confirms that “captors always provide the documents and money necessary for the journey to Spain. They obtain passports, invitation letters,⁷ airline tickets, etc., and also give the victims around 2,000€ to ensure that they are not stopped by the police because they do not have enough money to pay for their holi-

⁵ Such as: Albania, Czech Republic, Hungary, Bulgaria, Romania, Russia, Slovakia, Ukraine and Moldova.

⁶ Especially Colombia, Dominican Republic and Ecuador.

⁷ “Invitation letters” are letters signed by Spanish citizens inviting victims to come to Spain on holiday.

days. This sum of money must always be repaid to the member of the organisation who meets the victims on their arrival in Spain.” Moreover, victims have to repay the criminal organisation for the travel expenses, board and lodging (15€ for food and 48€ for accommodation per day), the cost of the forged documents, etc.

In order to better control the victims (preventing them from escaping or reporting to the police), traffickers seize their identification documents, threatening them or their families with menaces and/or using physical violence. In Italy, many trafficked women work on the streets, while in Spain trafficked people are generally induced to practice prostitution in clubs, hotels or apartments. In France, both forms are possible. In Spain a minority is forced to work on the streets; these are mainly transsexuals (coming from Latin America). Minors (both females and males) are increasingly involved in prostitution in Italy and Spain, while in France their percentage is quite limited. In Italy many Albanian prostitutes are minors. In Spain, recently (July 2002) the police detected a criminal network used to traffic Roumanian women to Alicante, capturing 10 traffickers and identifying at least 125 trafficked women, including minors, forced to prostitute themselves in clubs and apartments.

A specific case is represented by the Nigerian networks, which are very well organized, send prostitutes all over the world and are also involved in drug trafficking, in cooperation with the Colombian cartels. They traffic African women into France and Italy, especially those from Nigeria and Sierra Leone, less often from Benin, Ghana and Cameroon. The majority of these women know that they are going to be prostitutes, but they think that they are going to earn a lot of money. They have to reimburse a huge debt (up to 50,000€). Moreover, they are bound to reimbursement through a voodoo ceremony. They are free once the debt has been paid. Some of them can even themselves become “Madames,” that is the women who organize the trafficking and the control of new young prostitutes.

In the past ten years, under the pressure of International Organisations like the IOM and the European Union, awareness of the dangers represented by trafficking has increased in European countries. Public and political debate has been pushed in the direction of seeking new legal measures and ad hoc projects for prevention and combat. Countries have reinforced existing legislation and

have implemented new laws, working to develop adequate strategies to suppress this phenomenon and to encourage the adoption of effective instruments to combat it both internationally and at the European level.

A special comment should be devoted to the Italian experience: the previous centre-left wing government (1996–2001) responded to the growing phenomenon of THB by introducing into the migration law (n. 40/98, that has been included in the D.lgs. n. 286/98) a specific article dealing with victims of THB, article 18,⁸ which allows the concession of a temporary residence permit to victims of trafficking (both for sexual and labour exploitation) even in cases where they entered the country illegally.⁹ When the trafficked persons receive the temporary permit, they are inserted in a social protection programme, irrespective of whether they give testimony against traffickers and with the possibility of renewing the permit to work or study.

The formulation of this article is innovative, because the concession of the temporary permit is related to insertion into a social integration or assistance programme, whether or not the victim decides to give testimony against traffickers and/or exploiters. This approach is particularly interesting, because a repressive approach based on the expulsion or repatriation of victims does not seem to give positive results. Trafficking is the result of various factors: difficult living conditions in the sending countries, restrictive migratory policies and a growing demand for sexual services. It must also be

⁸ Article 18 (Stay permit for social protection reasons) of the Italian Immigration Law (D.lgs. n. 286/98) states that “when, in the course of police operations, investigations or proceedings related to violations of prostitution legislation and in case of arrest in the act, or during assistance interventions of social services or NGOs, a situation of violence and serious exploitation towards a foreign person is discovered and concrete dangers for his/her safety emerge, as a consequence of the attempts to escape from the constrictions exercised by a criminal organisation or the testimonies given during the preliminary investigations or the process, the head of police administration, also on a magistrate proposal or with its favourable opinion, will provide the foreign person with a special stay permit to allow him/her to escape from violence and constrictions exercised by the organised criminal group and to participate in a social integration and assistance programme.”

⁹ This article was introduced in the Italian legislative system in 1998, after a wide political and social debate between political institutions and social organisations and has also been confirmed by the new law on migration (n. 189/2002), proposed by Bossi (Northern League) and Fini (National Alliance), and approved under the Berlusconi government in September 2002.

remembered that the exploitation of women and minors is a structured market; there exists an increasing supply because there is a demand from the clients.

In face of this context, national and European policies in the field of migration appear to be incoherent: social protection programmes vs. expulsion of “clandestine” migrants. The current legislation (especially in its application) seems to be unbalanced, promoting more the repressive activities against traffickers than the safety of the victims, especially when they decide to report the traffickers to the police and the trial starts.

CONCLUSIONS

From our research, there are two types of conclusions that can be reached. The first one concerns data. Statistical data are lacking: it is apparent that in none of the four countries considered are there clear statistical data on the phenomenon. Official statistics are very partial, and academic research in order to produce estimates is still very limited. Moreover, estimates can easily be manipulated by a press looking for “sensational news” and by political interests (campaigns on security have a clear political agenda).¹⁰

The lack of information on THB also involves qualitative data. NGOs remain the principal source of information in all the countries considered: some of them are particularly active, like On the Road, Caritas in Italy, or the CCEM in France. For this reason, networking among NGOs is extremely important, and every opportunity to encourage such exchange should be exploited.

However, networking presents risks too. In the case of Portugal and Spain, scanty knowledge about the phenomenon of THB and the lack of debate on this issue do not allow the NGOs to have an original opinion on the matter: they just take for granted approaches and recommendations prepared by NGOs of other countries, with whom they have contacts in the networks. As a consequence, the recommendations expressed by the Spanish and Portuguese NGOs seem mainly to reproduce the directives of the EU on the problems relat-

¹⁰A research proposal on data collection has been made by a team of Italian Universities, which has presented it at the Ministry of Research.

ed to THB, rather than to give information about—and suggest possible solutions to—the Spanish or Portuguese situation. This has been confirmed, for instance, by interviews with privileged informants who recognised the importance of the European Conference organised by IOM and the EU, “On Preventing and Combating Trafficking in Human Beings” (September 2002), in providing input to the discussion (on the issue of THB) to Portuguese institutions.

The second type of conclusion concerns general considerations about the phenomenon. First of all, it seems difficult to separate trafficking from the restrictive migratory policies that have been implemented in Europe and continue to be implemented. Trafficking is “promoted” by these policies, and, in a vicious circle, the answer of the governments is more repression, which puts the victims more and more in difficulties. This is what the NGOs working with victims say, when they criticize the policies of the right-wing governments in Italy or France.

Secondly, trafficking is a direct consequence of neo-liberal policies applied in the transition countries of Eastern Europe: Eastern European girls do not like to be prostitutes any more than Western European girls, but they find themselves in a no-hope situation.

Restrictive migratory policies and the neo-liberal transition in Eastern Europe are at the origin of the trafficking phenomenon. As I have written in a previous article: “contraband and trafficking have a long history, but the new development today and the dimension that trafficking is taking on, are a consequence of the new context of capitalistic global economy, *whose intrinsic characteristics promote trafficking*” (Campani 1998).

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**MEDIA CONSTRUCTIONS AND MIGRATION
PROJECTS: TRAFFICKING IN WOMEN
IN AN INTERNATIONAL MIGRATION
(MANAGEMENT) FRAME**

JACQUELINE BERMAN

**INTRODUCTION:
A WORLD MADE IMMEDIATE**

A nefarious underworld populated by “dark,” haunting criminals; hundreds of thousands of young, innocent, “white” girls/victims; sovereign borders transgressed under cover of night—a globalizing scene of international crime “out of control”—these are the images that dominate media exposés of the transnational phenomenon of trafficking in women. Indeed, these ubiquitous representations of trafficking specifically in east European women found in countless newspapers, magazines, television programs, IGO and INGO position papers, and even governmental reports register a heightened level of panic about the allegedly massive numbers, extreme exploitation, and innocent victims of this “illicit and barbaric industry.” They announce shock and horror over “women and girls . . . rented out for sex for as little as 15 minutes at a time, dozens of times a day . . . [or] sold outright to other traffickers and sex rings . . . sex slaves earn no money, there is nothing voluntary about what they do and if they try to escape they are often beaten and sometimes killed” (Landesman 2004).¹

Such incendiary portraits may sell newspapers and, more importantly, hold significant influence over US, EU, and UN policy, but have, in practice, done relatively little to redress the situation of women who find themselves caught in trafficking networks. I have argued elsewhere that the current panic surrounding “sex-trafficking” follows from the construction of the issue as a) eroticized, lurid

¹ For a more comprehensive discussion of how media constructs, portrays, and delimits discourses of sex-trafficking, see Berman (2003).

tales of criminal sexual slavery, especially a “white slave trade”;² b) a putative “whiteness” attributed to the most recent, post-Cold War “victims” juxtaposed and racialized against “dark” depraved under-world criminal traffickers, a “racialized economy of sex”;³ c) the involvement of enormous numbers of these women in the sex—as opposed to some other service—industry;⁴ d) their challenge to “proper” sexuality and “appropriate” forms of capital production (that itself conflates prostitution and trafficking);⁵ e) the “illicit” movement of women away from “home” and across borders; and f) their contradictory status as “illegals” who have violated state sovereignty and “victims” of a crime. All of the challenges that these “illicit” transgressions present equally problematize the state’s ability to control borders and bodies at an historical moment when the state is already under considerable duress from forces associated with globalization (Berman 2003). States seek to recuperate the border, sovereignty, and control by creating “canvases of risks and dangers in migrancy”—arresting migrants, policing borders, and deporting women back to their proper “homes” (Soguk 2000, 424).

² For a more specific discussion of the image of a “white slave trade,” see Berman (2003); for historical discussions, see Walkowitz (1982), Roberts (1992), and de Vries (2004).

³ The term “racialized economy of sex” comes from Ann Stoler, who explains that European imperialism depended upon distinguishing the colonizers from the colonized, such that the former became persons of character, reason, and especially sexual morals who directed “their desires to legitimate paternity and intensive maternal care, to family and conjugal love,” versus natives, mixed bloods, and poor “whites” who “focused just too much on sex. To be truly European was to cultivate a bourgeois self in which familial and national obligations were the priority, and sex was held in check” (Stoler 1995, 182). In sex-trafficking discourses, the sexual lasciviousness of “alien,” foreign nationals distinguishes them from proper members of the political community and citizens of the nation-state.

⁴ Regarding the numbers of trafficked women, the IOM, citing the US Department of State and a Swedish NGO, estimates some 700,000 persons are trafficked each year, with some 500,000 women trafficked into western Europe alone (IOM 2003, 61). There is no reliable data to corroborate these estimates, and, as I have argued, these figures are often deployed to create panic and garner support for draconian immigration regimes that bolster the relevance of the nation-state abraded by global cross-border activity.

⁵ The way in which trafficking and prostitution have been conflated in debates over trafficking in women is an enormous topic; for some discussion of how complex and problematic this conflation is, see, for example, Kempadoo (1998), Sullivan (2003), Berman (2003), and Andrijasevic (2003). This conflation is also the subject of another article in which I consider the role of consent and the possibility of resistive gendered agency in relation to sex work.

Building on other work, I will argue that the criminalization found in these media accounts has come to dominate national and international anti-trafficking policy. To portray trafficking in women in exclusively criminal terms, however, has severely delimited how the issue is understood. It has led to legislation that seems unable either to assist trafficked women or to combat the criminality of trafficking itself. In response, I want to propose an alternative frame for considering many cases of trafficking in women: as “migration projects” or attempts by women to harness trafficking networks in order to move and work (often in the sex industry) abroad in pursuit of some individual proposition they have set for themselves. A migration frame presents a more integrated approach, one that also has, in some cases, already had a positive impact on arresting the criminal activity connected to trafficking. There remain, however, some important caveats surrounding a migration approach and reflected in some of the more integrated approaches to trafficking. I will elucidate these in order to locate how a more nuanced migration frame, one that foregrounds the role of gender, ethnicity, and movement, might better address women’s situations as they travel and work abroad. At the same time, such a frame can help prevent criminal activity and thus the exploitation women face when they move across borders in pursuit of their self-devised departures.

CRIMINALIZATION OF THE MARGINS

Among the effects of sensationalized media accounts of trafficking in women is the conclusion that the only way to fight this “illicit and barbaric industry” is to arrest criminals, tighten borders, and increase state security—what is commonly known as the criminalization or a crime control approach to trafficking. These effects undergird, inform, and reemerge in a number of the most powerful pieces of recent legislation on trafficking, including the US Trafficking Victims Protection Act of 2000, the EU Framework-Decision, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons of the UN Convention against Transnational Organized Crime.⁶ The criminalization that dominates recent US,

⁶ An extended discussion of how a criminalization approach informs recent US, EU, and UN legislation can be found in a separate article entitled “Managing Criminalization and Migration Projects: Another Look at the Limits and Possibilities of Recent Approaches to Trafficking in Women” (Berman 2005).

EU, and UN anti-trafficking legislation also reveals the paucity of governmental commitments to providing protections and assistance to trafficked women. Where media constructions of trafficking in women themselves traffic in salacious, eroticized tales of deceit and exploitation, they contribute to a reductive construction of the issue as crime and innocence violated, one that contributes to popular support for the kind of strict anti-crime/border control approach to trafficking reflected in recent legislation. These reductive approaches can only aggravate the difficult conditions women face when they seek to migrate for (sex) work and encumber the very “victims” legislation and media accounts seek to assist.

Put differently, among the effects of the criminalization of trafficking is increased pressure on women in migration. In order to detect trafficking, for example, criminalization recommends the inclusion of mechanisms for the stricter surveillance of the sex industry, international borders, women travelers, and women on the move more generally in legislation. It equally encourages placing national anti-trafficking policy under the jurisdiction of the organized crime unit of the police and creating stricter restrictions on migrants’ passports, visas, and permits. It codifies deportation of those who do not comply with prosecutors’ specific requirements or national norms and “standards of behavior.” As a result, the complex circumstances that surround trafficking and other forms of gendered migration are reduced to instances of criminality. Criminality then provides states with an occasion to claim greater control over borders in the name of citizen protections, fragile sovereignty, and “ubiquitous” security “threats.”

Any actual assistance to trafficked persons that emerges from this legislation remains secondary or is believed to occur through arresting criminals. As the demand for workers in the US and EU continues unabated, however, criminalization itself may contribute to the growth of trafficking, as migrants are forced to seek traffickers’ assistance to evade (legal and “moralistic”) borders in order to “get in.”⁷ In other words, rather than hindering their activities, height-

⁷ It is important to note that many trafficked women enter the EU or US *legally*, on tourist or temporary work visas but may then overstay the visa and become “illegal.” The distinction is important because I do not want to conflate trafficking with illegal migration—trafficking often involves a number of legal circumstances (see also Andrijasevic 2003).

ened immigration restrictions have increased women's reliance on as well as the fees of traffickers.⁸ These fierce immigration restrictions, coupled with economic stagnation at home, increasingly place women at "risk of falling prey to traffickers."⁹ Indeed, prohibitive immigration regimes designed to deter trafficking turn it into "a kind of supplementary migration system" (Andrijasevic 2003, 262).¹⁰ Additional reliance on traffickers then increases the chances that women will experience coercion and violence en route, upon arrival, and through work abroad (Sassen 2000, 517).

I have argued elsewhere that among the factors driving the criminalization of trafficking is the fact that women are simultaneously transgressing sovereign borders and moral orders: they disregard the sovereign laws that distinguish "Europe" or the "US" from its "others," while they similarly reject particular moral constructions (especially in the US) that ordain "proper" female personal and professional behavior (Berman 2003). Their "illicit" movement, sexuality, and income disrupt the ability of the state to determine and to control who and what constitutes "proper" membership in the political community. They are simultaneously criminals and victims, posing both an external (as "illegals") and internal threat ("white" but non-citizen) to the state.¹¹

Criminalization that includes the rapid deportation of "uncooperative," ambiguous "illegals"/ "victims" empowers the state to contest this threat and to "protect" the political community. In practice, what

⁸ Olivia Ward, The milestones of migration, *The Toronto Star*, 4 January 2004, A08.

⁹ Natalia Churikova, EU toughens line on human trafficking, *Financial Times* (London), 17 March 2001.

¹⁰ As Campani explains, for example, when the Italian authorities restricted immigration by Albanians in the 1990s, smuggling and trafficking became the only means of entering the country (Campani 2004).

¹¹ I have argued elsewhere that sex-trafficking discourses "focus on the 'whiteness' of its 'victims'. The putative 'whiteness' of 'the new white slave trade' or of Slavic girls or of 'blue-eyed blondes' simultaneously functions to position these women as innocent victims in need of protection *and* contradictorily, as an internal, indistinguishable threat among 'us'. . . . In their 'whiteness', illegal east European sex workers 'appear' both 'identical' to—yet more exotic and exploited than—their legal counterparts and thus in need of protection by the state. As illegal immigrants and workers, however, the state must re-instate the 'difference' between citizen and non-citizen . . . the simultaneous 'racial' sameness and difference of trafficked women, their alterity, illuminates an increasingly precarious distinction between European and non-European as well as to the arbitrariness of borders between peoples and states" (Berman 2003, 54).

is created are additional barriers to migration, increased reliance on traffickers, and further opportunities for women's exploitation. Put differently, in the face of forces associated with globalization, policing borders and protecting women reinvigorates eroding state capacities. State revitalization, however, comes at the price of the very women the state claims to protect. In fact, migration expert Richard Black has noted that "it could be argued that where illegal migrants are really 'victims' is in the rising tide of legislation designed specifically to target those moving illegally" (2003, 40). From this perspective, a crime control approach turns all cases of undocumented border transgression and immigration for work in the sex industry into instances of criminal exploitation; reduces gendered immigration's complexities to opportunities for stricter state control over movement and women; and renders the circumstances faced by those who seek to move more dangerous and costly, while not necessarily hindering their movement nor capturing the traffickers who have committed crimes (Berman 2003, 43).

THINKING BEYOND CRIMINALIZATION

The inherent limitations of criminalization have led many human rights groups to reframe trafficking in women as an issue of violence against women and thus to demand that anti-trafficking policy be built upon a human rights foundation.¹² A human rights frame begins from the perspective that the violation of a migrant's human rights is the defining feature of trafficking. This then recommends deferring deportation in favor of extending an initial residence visa to "victims," during which time they can consider whether or not they wish to pursue prosecution of their traffickers. It also encour-

¹²Such groups include, for example, International Human Rights Law Group (US), the Foundation Against Trafficking in Women (Netherlands), the Global Alliance Against Traffic in Women (Thailand), the Asian Women's Human Rights Council (Philippines), La Strada (Poland, Ukraine, Czech Republic, Bulgaria), Ban-Ying (Germany), Fundacion Esperanza (Columbia), Foundation for Women (Thailand), KOK-NGO Network Against Trafficking in Women (Germany), Solomon Foundation (Hungary), Women's Consortium of Nigeria (Nigeria), Women, Law and Development in Africa (Nigeria). This is also the perspective adopted by the OSCE, as reflected, for example, in the UNICEF/UNHCR/OSCE-ODIHR report "Trafficking in Human Beings in Southeastern Europe" (Limanowska 2002).

ages state provision of legal aid, psychological services, social support, and residence visas (GAATW 2001).¹³

While it is an essential and effective frame that prioritizes and improves the status of trafficked women, a human rights approach also raises a number of issues involving especially the adjudication of forced versus voluntary sexual labor and the legal status of prostitution. In the former case, creating a new opposition between forced and voluntary sex work runs the risk of creating another dichotomy in which some women are deemed capable of choosing sex work while others are not—an opposition often reduced to sex workers from the global north versus those from the global south. This kind of opposition repeats, one more time, the “agentization” of “white” women via their juxtaposition to “victimized” women of color (Mohanty 1991; Kempadoo 1998). That is to say that it risks positioning US and European sex workers as capable of “choosing” this work in the towns and cities of the industrialized west, while women from developing countries in these same industries and locations are seen as forced, exploited, tricked, and trafficked.

As with all oppositional constructions, the forced/voluntary distinction masks the myriad circumstances that surround women’s decisions to accept traffickers’ offers of migration and employment assistance and reduces the complexities they face to a simple “choice.” Creating new dichotomies, in the end, may only further obfuscate and complicate the ability to understand the issues important for women on the move and in search of work, in the sex industry or otherwise. Thus while a human rights-based frame offers a significant improvement over criminalization, it may ultimately prove insufficient to ameliorate and assist trafficked women.

PROJECTED CROSSINGS AT THE BORDER

Of less prevalence in anti-trafficking debates is an aspect that continually recurs throughout media accounts of trafficking in women:

¹³In the larger social context, human rights groups also argue for the creation of better economic opportunities for women at home and abroad; regularization of sex work; implementation of workplace regulations for sex workers; enforcement of existing laws against sexual assault, false imprisonment, and other abusive practices; and the formation of sex workers’ unions as alternatives to a crime control approach to trafficking in women. These kinds of policies could significantly reduce traffickers’ opportunities to exploit undocumented women on the move and at work in foreign sex industries.

border crossings. These accounts continually refer to “the porousness” of borders; “criminal networks that traverse” borders; the role of border towns as “staging area[s]” for trafficking; and individual accounts of “furtive border crossings” (Landesman 2004).¹⁴ A statement released after a 1999 EU Ministers anti-trafficking meeting acknowledged that trafficking is “not just individual violence” but equally involves “the threat of cross-border activity.”¹⁵ In these stories, the announced focus on women’s exploitation is subsumed under what seems to be a more visceral concern over border violations. In many ways, panic over trafficking in women has become a synecdochal location for anti-immigrant and other anxieties associated with globalization.¹⁶ This concern about border crossings has not, however, translated into a more nuanced understanding of the relationships between trafficking in women and the transnational migration of women. And while legal and illicit border crossings are neither accidental nor incidental to trafficking, there has been relatively little direct reflection on the relation between the two.¹⁷ That is to say that trafficking in women constitutes as much an issue of migration as it does one of crime, violence, and victimization.

Borders crossed reiterate a crucial attribute of trafficking generally underrepresented in these debates: that trafficking narratives are also immigration stories. As immigration stories, these narratives merge with a concept outlined to me by Maria Grazia Gianninaro, a Judge of the Criminal Court in Rome and legal advisor to the European Commission on trafficking and gender issues: that women who enter the EU (both with and without the necessary documents) to work illegally (often in the sex industry) are not simply “illegals” taking advantage of permeable borders and/or labour demands; rather they are engaged in what she calls “migration proj-

¹⁴R. Jeffrey Smith, Sex trade enslaving east Europeans: A survivor’s brutal tale, *International Herald Tribune*, 26 July 2000.

¹⁵Michael Adler, EU to focus on fighting trade in women for prostitution. Agence France Presse, 12 February 1999.

¹⁶For further discussion of trafficking in women in relation to globalization anxieties, see Berman (2003).

¹⁷There are, of course, important exceptions especially among academics. See, for example, Morokvasic (1991), Sassen (2000), Agustin (2003), Andrijasevic (2003), and Campani (2004).

ects.”¹⁸ As she understands it, a majority of often east European and African women who work in the Italian sex industry have entered the EU with the assistance of traffickers in order to pursue some project in migration—to earn money to start a business back home, to support children or elderly parents, to escape the civil conflicts and stagnant economies that plague their various regions. Indeed, the majority of migrants “have some agency in arranging an often long and highly expensive journey” through traffickers; while their movement may involve elements of deceit and harm, their decisions equally include some element of choice and benefit (Black 2003, 40). When these women accept traffickers’ assistance, the majority of them know they will work in the sex industry and accede to what may be admittedly exploitative conditions in light of some specific goal they have set for themselves.¹⁹

Exploring trafficking in relation to “migration projects” is not designed to render trafficked women “rational actors,” but rather seeks to call into question the incessant portrayal of these women as naive, innocents, duped and forced into a life of iniquity. It also helps to accentuate the ways in which trafficking constitutes as much an issue of global migration as one of crime. As Judge Giammarinaro

¹⁸Conversation with the author, Glen Cove, NY, 19 November 2002. Of course, the notion of a migration project is not an entirely new one and has been a part of migration studies over the past thirty years. See, for example, Birks and Sinclair (1979), Morokvasic (1984), Freidenberg, Imperiale, and Skovron (1988), Cerrutti and Douglas (2001), and Guilмото and Sandron (2001).

¹⁹Kamala Kempadoo’s research with migrant Caribbean prostitutes, Andrijasevic’s research with migrant sex workers in Italy, and my work with east European migrant sex workers in Warsaw and Berlin suggest that some women who contact traffickers for assistance to migrate already work in their domestic sex industry. Others who do not already, do understand that they will work in the sex industry abroad. They know that there is demand for their labour and that the pay is much better. As Gail Pheterson notes, sex workers—migrant and otherwise—understand the dangers involved in selling sex but do so not to be safe but to earn money and to be independent (1996). The fact is that many are “*only* able to realize their plans to leave” with traffickers’ assistance (Andrijasevic 2003, 258; italics added). As suggested, what they do not necessarily fully comprehend are the conditions they will face during their migration or at work in foreign sex industries. What all of this research reveals is that women who utilize traffickers to “get out” and to “get in” exercise significant agency in pursuit of their migration projects via sex work. For this reason, trafficking in women needs to be understood not only in relation to crime and trickery but also in relation to the changing nature of global movement, migration, and labour markets. See also the work of Laura Agustín.

further explains, it is only when traffickers take all of their money, beat or rape them, or prevent them from working that these women contact the authorities for help. In other words, it is only when they can no longer pursue their migration projects that they seek legal or social protection and become classified as trafficked women by the state. In these instances, women understand themselves to be migrant workers and not necessarily victims. In this context, I want to argue that the notion of a migration project provides a frame better able to acknowledge the complex circumstances of trafficked women than the dominant crime control approach.

MANAGING MIGRATION

Some sectors have begun to recognize how central immigration and migrant labour issues are to trafficking in women. IOM officials, for example, have also called upon governments to “manage migration” as a means by which to address trafficking (IOM 2003). As discussed, because many governments have allowed unsubstantiated fears about criminality, influxes of migrants, threats to the welfare system, state security, or even “our” way of life to drive anti-immigration policy, trafficking in women has been subsumed under anti-organized crime initiatives.²⁰ As also discussed, these “increasingly restrictive immigration laws” that position trafficked women “as undesirable aliens” have had broadly negative effects on women migrants (Wijers 1998, 72).

But trafficked persons seek to migrate “for the same reasons as many other migrants,” often the lack of employment opportunities in countries of origin (IOM 2003, 61). In other words, because of shared “push” factors, IOM officials understand human trafficking as a form of (irregular) migration that needs to be addressed as such. When states have “spent millions of dollars” on immigration “crackdowns” but have failed to stop both trafficking and “irregular” migration, it becomes clear that some other solution is needed.²¹ IOM Director-General Brunson McKinley suggests that “the ulti-

²⁰In Italy, for example, a 1999 poll showed that citizens view immigrants as “threats to the inner stability of Italy” and anti-immigration platforms played a significant role in right-wing electoral victories in Switzerland, Austria, and France (Soguk 2000, 420).

²¹Olivia Ward, The milestones of migration, *The Toronto Star*, 4 January 2004, A08.

mate goal” of governments should not be “to obstruct or prevent mobility but to better manage it for the benefit of all.”²² Governments need to create more “legal migration opportunities so women are not compelled to resort to dubious job offers to find ways to support their families.”²³ If states find a way to manage and to facilitate licit migration, it will erode migrants’ need for traffickers’ assistance, and organized trafficking syndicates will dwindle. States would also no longer have to devote scarce public resources to obstructing undocumented migration and fighting organized human trafficking. The IOM’s perspective seems to contradict the dominant construction of trafficking as solely an organized crime issue and to reveal instead how trafficking functions in relation to migration. From this perspective, migration’s effective “management” could help arrest human trafficking.

THE ITALIAN COMPROMISE

A number of European countries have begun to foreground human rights and migration in their approach to trafficking in women. Belgium and the Netherlands, for example, grant trafficked women a temporary visa (45 days and 90 days respectively) to afford them time to reflect upon and make an informed decision about cooperating with prosecutors. Those who do decide to testify receive extended temporary residence status and access to various social services which, in Belgium, includes the right to work. These policies reflect the attitude that, given proper support and time, trafficked persons will be more willing to testify against traffickers. By some accounts, this does appear to be the case: in both countries “more victims have reported their traffickers under the revised laws” (Pearson 2002, 57).

At the same time however, both Belgium and the Netherlands continue to distinguish “between those who testify and those who do not,” rewarding those who come forward and forcibly repatriating all others (Pearson 2002, 59). Moreover, because the visas are temporary and contingent upon the duration of the prosecution, they

²²Naomi Koppel, Migration organization: governments must take a global view of population movement. Associated Press Worldstream, 10 June 2003.

²³Natalia Churikova, EU toughens line on human trafficking, *Financial Times* (London), 17 March 2001.

leave trafficked persons vulnerable to threats from traffickers still in circulation. In other words, trafficked women are treated more as “tool[s] for the prosecution” than as victims of a crime or migrant workers (Pearson 2002, 56).

In response to increasing attention to the presence of trafficked women in Italy, a coalition of factions helped establish Law 40 in 1998. The law permits trafficked persons to apply for a renewable temporary residence permit for six months if they participate in an assistance and integration programme. NGOs and local authorities provide 48 different integration programmes, including witness-protection and various other support services. Visas are renewable if the women find employment.²⁴ The residency permit is *not* contingent upon identifying traffickers or testifying against them. In principle, residency rights are supposed to follow from a self-identified need for social protection rather than on willingness to prosecute. As Judge Giammarinaro points out—and as is the philosophy of such assistance NGOs as the La Strada Foundation—Law 40 allows women themselves to articulate the need for assistance.²⁵ The law does not presuppose that all trafficked women are victims, that all sex work is exploitation, or that all migrant sex workers are trafficked; nor does it afford the state the power to categorize women as such. What it does do is provide assistance to trafficked women on the condition that they request it. There is no state-empowered, pre-classification of them as victims (as “trafficked women”) and/or perpetrators of a crime (as undocumented migrants and/or workers).²⁶ Law 40 focuses instead on the opportunity to assist women at the point where they *themselves* determine a need.

Since Law 40’s introduction, Italy has experienced a *fourfold* increase in prosecutions of traffickers (Sulavik 2003). Under the conditions of self-identification, self-help, and available assistance, trafficked women seem to be more willing to identify and testify against

²⁴Kristine Crane, Italian haven offers hope to trafficked women, *Christian Science Monitor*, 11 January 2001, 93 (237): 7.

²⁵Conversation with the author, Glen Cove, NY, 19 November 2002.

²⁶In fact, Andrijasevic points out that a number of people involved enter legally but become “illegal” once they overstay their visas (2003, 260). In other words, trafficking may involve “legal elements such as legally obtained visas” and because of this, should not be reduced to a form of illegal migration (Andrijasevic 2003, 260). For my purposes here, this also reiterates the centrality of migration to questions of trafficking.

those whom they themselves determine to be exploiters. It appears that when these women have access to self-determination and protection upon request, more criminals are arrested. Law 40 seems predicated on very different assumptions than the national and international legislation that exclusively defines trafficking as an heinous crime perpetrated by dark, menacing criminals upon young, naive, and innocent victims.²⁷ It seems to acknowledge that women have made their own decisions to migrate and can make decisions about when and where they need institutional support. It thus allows women's decision-making in relation to migration to inform the understanding of trafficking—a potentially powerful supplement to the existing crime control and human rights frames that now surround trafficking.

ITALIAN LAW AT THE LIMIT

For all of its advances, Italian Law 40 remains hampered by some significant limitations, limitations that ultimately call into question its actual ability to assist women themselves. Law 40, for example, provides trafficked women with residency and work permits *on the condition* that they agree to leave prostitution (Andrijasevic 2003, 263). Because the law specifically states that women must abandon this income-generating activity, it repeats the rampant conflation of trafficking with prostitution, a link many abolitionist and US Christian right-wing groups have made in pursuit of other political agendas. This conflation curtails, if not denies, the possibility that women “consent” to sex work or that sex work constitutes an industry in which women might decide to work;²⁸ it ignores the ways in

²⁷I am not, of course, in any way suggesting that women have not experienced and are not experiencing horrific abuses at the hands of organized criminal traffickers. Any number of responsible INGOs and IGOs have documented this exploitation and assisted trafficked women to extricate themselves from formidable and frightening circumstances. Through my fieldwork, I myself have worked with the La Strada Foundation on victims' assistance. I maintain that trafficking in women constitutes a major transnational phenomenon, often involving appalling organized criminal elements. I also maintain, however, that an approach to this problem that focuses exclusively on criminality *rather than* on the significant role migration projects play cannot substantially redress trafficking in women.

²⁸I put “consent” in quotes here because, while I disagree with the position that women can never consent to sex work, consent itself remains a complex and problematic notion related to Foucauldian notions of discipline and even biopower, in which indi-

which women make decisions to take control over illicit capital, sexuality, and movement; it refuses the ways in which women can conceive of their travel with the assistance of traffickers and sex work as part of their migration projects.

Law 40 also *compels* trafficked women to participate in social “protection” and integration programmes in order to receive their residence permits. Because the law allows the state to dictate to women the type of work they can do, it seems not to recognize women’s ability to decide how best to pursue their migration projects. Requiring their participation in “protection” programmes reiterates an understanding of women as in need of state shelter. Once in possession of visas and enrolled in integration programmes, the state can locate and track women’s activities and movement. This seems to incorporate the view that women have made poor decisions to leave home, work in the sex industry, and utilize trafficking networks. It constructs these poor decisions as having led to their exploitation and hence to the need for the state to intercede and make better decisions on their behalf. In other words, the law defines women as irresponsible, places them under the state’s purview and control, and becomes, once again, a mechanism for policing female behavior.

Additionally, Law 40 requires that trafficked women prove that they have been trafficked. This can be very difficult and dangerous for women who are both without legal documents and now forced to locate underground criminal networks. Furthermore, even official recognition “does not necessarily translate into social, cultural, and/or religious acceptance”; citizenries continue to see “trafficked women” as dangers, threats, and risks to the “proper” political community (Soguk 2000, 425). According to Italian immigration expert Giovanna Campani, for example, even when all of the above requirements have been met, it remains quite difficult for women to obtain residency permits. The government continues to prefer to deport these women, and many end up in deportation centers before NGOs can reach or assist them.²⁹ In the end, the improvements that mark

vidual desires are constructed through and linked to the political economy of the modern nation-state and to the accumulation of capital. For further discussion of Foucauldian biopower, see Foucault (1976, 1991, 1997) as well as Burke (2002), Donzelot (1991), Lemke (2001), and Stoler (1995).

²⁹Conversation with the author, Ljubljana, Slovenia, 10 June 2004.

Law 40 also survey, judge, and condemn women's decisions, placing control over their movement in the hands of the state.

THE BIO-MANAGEMENT OF MIGRATION

Both the advances and limitations of the Belgian, Dutch, and Italian approaches to trafficking return me to what may be a further potential inherent in the concept of "managing migration." This concept is built on the notion that state facilitation of licit migration will allow the labour supply to meet the labour demand without the interdiction of criminality. For trafficked women, it can erode their need for traffickers' assistance and thus opportunities for exploitation, remove a lucrative venture from organized crime circuits; and spare state expenditure of scarce public resources. Its ability to acknowledge the constitutive nature of migration in relation to trafficking, coupled with its potential benefit to migrants, IGOs, states, and markets, recommends, at the least, some closer consideration.

Among migration management's productive components, the IOM recommends helping origin countries prepare their migrants for "legitimate" migration with skills and language training; targeting foreign development aid toward creating labour programmes and economic opportunities in origin countries; and enhancing regular migration options especially in demand industries (IOM 2003, 69). At the same time, managing migration involves strengthening mobile immigration intelligence units; utilizing scanners and new (unnamed) technologies to detect concealed persons; implementing intelligence and migration services cooperation; creating a Europe-wide corps of border guards; centralizing visa databases; and pre-screening travelers with biometrics (IOM 2003, 64-65). This latter set of "management" tools refers to the ways in which, for national governments, the IOM, and other international bodies, an inherent immigration/security link has been made. Indeed, Black has noted how IOM's discussions of irregular migration have emphasized a connection "between migration and organised crime, drug-running, and prostitution," one that reflects a conflation of "illegal" migration with security concerns (2003, 43).

Of equal concern to me is the ways in which managing migration reveals Foucauldian disciplinary and biopolitical regimes that work

to enact new forms of state control over “strangers” who transgress state security, sovereign borders, and moral orders in pursuit of their own migration projects. While an extended discussion is beyond the purview of this article, it is important to register the presence of these disciplinary and biopolitical regimes in order to prevent unreflective adoption of migration management. To link intelligence to migration services directly and to place migration under the aegis of state security refers to a state disciplinary regime in which, in the name of national security, the state is given the ability to police and tighten, to restrict and increase, control of borders, migrants, and the content of the political community. Such activities cease to be about assisting and protecting migrants, even in a manner consistent with various national and regional needs. They become instead a site at which state control can be asserted over borders and bodies in the service of the demands of global capital.

Biopolitics reads human bodies and populations as part of the productive processes that serve capital in order to meet the needs of the state and the market.³⁰ It functions as “an economic principle” that connects “the construction of subjectivity as interest and desire with the general increase in prosperity that modern economics calls growth” (Burke 2002, 13). Scientific observation and oversight serve to manage the biological and rationalized lives of the citizens with whose care the state is charged. Biopolitics involves state normalization and regularization of behavior through its knowledge of and power over biological processes. Through the normalization of biological life, the state can establish and harness an “ordered maximization of collective and individual forces”—it can extract time and labour from individual bodies in alignment with its own interests and those of neoliberal global economic flow (Foucault, cited in Stoler 1995, 39). Citizens themselves are enlisted in their own over-

³⁰The biopolitics of migration management shifts the terrain from the state and the citizenry to “the penetration of social and self-disciplinary regimes into the most intimate domains of modern life” (Stoler 1995, 3). As a form of “biopower,” power organized around the management of life, biopolitics involves state officiation over “the life of the species and its ‘global mass’ . . . over the processes of birth, death, production and illness” so as to direct them toward increasing the productive capacity of the citizenry and state (Stoler 1995, 82). “[B]io-regulation by the state” functions as a “technology of security” that protects the citizenry from “internal dangers,” maintains the structuring mechanisms and institutions of the state, and perpetuates its existence, relevance, and control (Foucault, cited in Stoler 1995, 82).

sight through participation and observation of the rule of law. Biopower spreads out in a vast web of intersecting techniques to contain, manage, and direct human life. All the while, it operates in proximity to traditional, coercive power—the power over life inextricably linked to the power over death.

To Suggest a “self-disciplinary regime” over the most intimate domains of human life; to “manage migration” function as a form of biopolitics; to survey bodies as they cross borders; to create a “body” or corps to survey these bodies; to scan inanimate life for signs of biological life; to create an electronic population of visa holders; to mark traveling bodies biometrically—all of these constitute acts of biopolitical management. As such, they problematize the practice of migration management at its inception. Thus biopolitics problematizes migration management’s most productive aspects and, by reinvigorating modern statecraft, precludes its most effective potentials. What I want to suggest is that acknowledging the constitutive nature of gendered migration to trafficking in women should not become an occasion to delimit and control, one more time—and in new ways with new technologies—women’s bodies on the move. The inherent biopolitics of managing migration suggests that this frame needs to be invoked and practiced with great contingency and care.

This said, it seems to me that acknowledging how gendered migration projects undergird trafficking in women, coupled with the possibility of removing barriers to migration found in the notion of managing migration, offers a new way of understanding the issues constitutive of trafficking in women. Simultaneously, however, because migration management invokes a set of practices that participate in a statecraft of control, it calls into question the ability of an unreflected management of migration to aid the trafficked women and other “irregular” migrants is claims to assist. Any potential inherent in managing migration needs to be considered in relation to regimes of control and selectively pursued rather than adopted *in toto*.

MEDIA CONSTRUCTIONS, MANAGING MIGRATION,
AND MIGRATION PROJECTS: WHAT NEXT?

In this article, I have sought to highlight how the criminalization that informs much of recent national and international legislation on

trafficking in women has effected an elision of the constitutive role migration plays in trafficking in women. Taking seriously both the role of economic incentives motivating and the counter-productivity of immigration restrictions for trafficking challenges crime and victimization as the exclusive factors involved. Foregrounding gendered migration and understanding how women utilize traffickers in pursuit of their own migration projects, however, begin to allow the emergence of the role decisions about movement, sexuality, and capital play.

It seems to me that legislation must recognize that controlling borders and bodies, stricter penalties for traffickers, and a crime control approach to trafficking in general are insufficient to redress the fact of women's global movement. National, transnational, and international legislation directed at trafficking in women needs instead to a) consider trafficking in women in relation to gendered migration and the customs, practices, and laws that affect women's movement; b) remove the imminent conflation of trafficking and sex work; c) interrogate assumptions about imposed, contextualized "morality" in relation to gender, sex work, migration, and "home"; d) revisit questions of gender, agency, and consent in an era of growing complexity vis-à-vis movement, labour, and transnational phenomena; and e) think globally about what is at stake and for whom when policies regarding women's movement and migration are constructed by states, IGOs, and INGOs.

Trafficked women *do* face special circumstances, vulnerabilities, and exploitation that differentiate them from other migrants. And what is at stake for these women needs to be recognized in its specificity and incorporated into any analysis and/or policy. Dominant media and policy constructions however, remain, preoccupied with trafficking in women as a form of prostitution and victimization. This conflation becomes a means of insisting upon border controls, immigration restrictions, and international crime fighting to redress it. As an alternative, a migration frame can begin to take seriously the complexity of issues that surround and produce better policy in regards to contemporary trafficking in women. Trafficking in women is an international problem involving complex transnational and criminal elements. It is also, however, an immigration issue, a labour issue, and a gender issue.

With careful attention to its more problematic aspects involving biopolitical marking and control, migration management has the potential to begin a conversation about trafficking in relation to migration. Couched in a conversation about migration management, the migration project principle might more effectively incorporate the specificity and effects of gender, ethnicity, nationality, work, and movement that are involved when trafficking is the mode by which women move. By beginning from a (gendered) migration/project/management frame, it seems to me that policy and legislation can more thoroughly and effectively begin to redress the contingencies women confront when they, with and without the assistance of traffickers, move across borders in pursuit of a migration project of their own.

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TRAFFICKED WOMEN IN MEDIA REPRESENTATIONS

MOJCA PAJNIK

Following communication studies frameworks, mass media is an important actor in influencing and shaping opinion among the diversified contemporary audience. The way media engage in relation to a specific topic has a contextually driven impact on the media audience's perception. Media have an impact both on the ways of approaching a topic and also on the absence of alternative, as opposed to dominant forms of reporting. Several media-effects theories have been developed since the mid 20th century, followed by a shift from measuring effects to closer analysis of strategies in media reporting. More detailed research into the ways journalists approach a defined topic, what is the emphasis of reports, how reports are structured, what the relevant sources of information are—all these indicators help us to better understand the way the contemporary media functions in itself and in its communication with the audience.

This paper is a brief study of Slovene print media reporting on trafficking, focusing its analysis on the ways trafficking is represented in Slovene newspapers and magazines. The study includes articles published in Slovene daily newspapers,¹ magazines² and regional newspapers published once or twice a week.³ Press clippings were collected on a weekly basis in the period from January 2001 to May 2004; 82 articles were included in the analysis (IOM 2004).⁴

¹ *Delo, Večer, Dnevnik, Slovenske novice.*

² *Jana, Mag, Glamur, Manager.*

³ *Dolenjski list* and *Gorenjski glas.*

⁴ The study is based on an earlier version of the paper that appeared as chapter IV "Trafficking in and by the Slovene Media" in *Where in the Puzzle: Trafficking from, to and through Slovenia* (Zavratnik Zimic et al. 2003). The paper that analysed Slovene print reporting in the period from January 2001 to March 2003 is extended here to include analysis from the second half of 2003 and the first five months of 2004.

TRAFFICKING AND CRIMINAL ACTIVITY

One of the most obvious findings of this research is the variety of different interpretations of the meaning of trafficking, a situation that points to inconsistencies in the usage of the term. In most of the articles, trafficking goes along with prostitution or smuggling, rarely with “forced prostitution.” In relation to prostitution, the perspective of the victim is most often omitted from reporting, leaving journalists reducing trafficking to a voluntary activity. Women working in prostitution are mostly characterized as “business women,” a practice which further blurs the line between trafficking and prostitution. Articles do not usually recognize any difference in meaning between the two words, which are often used simultaneously throughout the article. Both relations are common, interpreting trafficking within prostitution that appears as a larger phenomenon, describing women as volunteers to prostitution, or vice versa, discussing prostitution when trafficking is made into the umbrella term. In both situations, whether women are labelled as self-confident prostitutes or as “sex slaves,” the victim’s perspective is neglected. One of the findings of this research is that trafficking in human beings is mostly reported as trafficking in women, who are indeed the most common victims. The analysis also showed that articles on trafficking in children were at first nearly nonexistent. In the first two years and a half that cover our analysis, only one article was published addressing the issue relative to children. Later, at the end of 2003 and in 2004 the media reported on child abuse in trafficking as well, mainly using NGOs and IGOs as sources of information.

Trafficking is often related to criminal activities placed in a larger, globalized context that usually justifies the linkage of trafficking to any criminal activity, for example drugs or drug dealing, weapons dealing, money laundering or trading in human organs. In this relation trafficking is, for example, described as “much more than just trading in people.” It is also related to migration and illegal migration; the “feminization of migration” is also used as an expression to explain it. Moreover, smuggling, pornography, fraud, bribery and corruption are also common connotations; it is also described in the context of (international) organized crime, or it is defined as such. In

a few cases trafficking was even related to terrorism and terrorist actions.

This variety in relations and understandings points to the vagueness of the term itself; vagueness and inconsistency in its understanding can also be observed in professional interpretations that are often used as sources by journalists. In short, the vagueness in understanding the term is best illustrated by quoting one journalist, saying: “trafficking is a global social phenomenon with strong distinct multi-disciplinarian extensions.” In trying to describe trafficking, besides relating it to criminality, journalists seek more descriptive, but often stereotypic labels. Trafficking is described in purely economic terms as a sort of business: “a flourishing business,” “a sex business with great profit and minimal risk,” “business with live goods,” even “trade in second-hand people.” In relation to slavery, it is called “sex slavery,” “a modern form of slavery” or “contract slavery.” In addition, it is used to connote an era, where it is, for example, called “the major evil of the post-communist transition of Southern Europe,” or a “challenge of the 21st century.” Trafficking was even called a “social disease of contemporary society,” and characterized as “selling naive and daily ever younger girls for sexual abuse,” and even as “the business of selling love.”

In daily newspapers trafficking is addressed when journalists write articles about round-table debates, or international conferences, often organized by state authorities, and when they address police “actions,” reports, local or regional, EU policies etc. In these relations trafficking is reduced to a criminal offence and labelled as a “police matter.” The majority of these articles present trafficking through figures; journalists speculate about the number of trafficked women that are working in prostitution. There is also speculation about the amount of money paid and earned in the “business”; they also speculate on how much money the women earn, if any. The routes of trafficking are also described in these articles; occasionally a map is published in the text to explain the relations. The region of the Balkans is often cited as, for example, the “exercise resort for young women and girls on their way to Italy and farther west,” or as a “polygon for training and packaging for the west,” as a “polygon for prostitution,” and a “paradise for smuggling stolen women.” Terminology such as “Balkan lost river,” the Balkans as “hunting-

ground,” and “hatchery” was used. There were a few reports mentioning camps in post-war Bosnia, Serbia, Kosovo and Albania where women from Ukraine, Moldova, Romania, Bulgaria and Russia are being held imprisoned. Italy and Great Britain are usually mentioned as destination countries, as well as Germany, the Netherlands and Spain. Additionally, trafficking is said to be moving from South-East Asia and globalizing itself to Eastern Europe and the ex-Soviet countries.

Articles reporting on international conferences are those which include information coming from the official government side. The Slovene minister of the interior was often quoted (mostly in 2003) as having minimized the seriousness of the situation, saying that Slovenia is merely a “transit country,” and that it is “successful in fighting trafficking.” The figures he mentioned were quoted as “low” or “not worrying.” He was also quoted as saying that criminality related to trafficking of women and children in Slovenia was “nearly non-existent,” also that Slovenia was “not connected to trafficking of children.” As a consequence, one article, for example, is entitled “Trafficking in Slovenia Does not Exist,” another “Trafficking in Human Beings in Slovenia is not Worrying.” A quite different situation is evident in the articles, where journalists use NGO and inter-governmental organization⁵ representatives as sources of information to comment on the situation in Slovenia. In contrast to the official position of minimization, the NGOs mention Slovenia as both origin and destination country. As a result, dramatization in the titles of newspaper articles reads as follows: “Slovene women are also sold into prostitution,” “Slovene Women also Victims of Modern Slavery,” “A hundred Slovene women sold abroad,” or “Slovene women also for sale.”

LABELLING TRAFFICKED WOMEN AS A STRATEGY OF REPRESENTATION

In the media trafficking is very much related to women who are often seen and presented as prostitutes. Labelling women as irresponsible and naive in this context of presentation is the most common conno-

⁵ The NGO, Ključ Society, and the IOM are often used as sources. The Association Against Violent Communication, a Slovene NGO, UNICEF, the Helsinki Committee and Human Rights Watch were also quoted.

tation. These women are categorized as “other,” being different from “ordinary” women. They are seen as “problematic girls at the age of puberty,” “minors,” “naive girls and women,” “desperate young women.” They are also termed “young and innocent girls,” “young little girls” or “cute girls.” The attribute “young” is stressed, denoting the idea of a priori naivety. Stories in which a very simplistic picture is usually painted are also used to back up this assumption.

Slovene women are described separately from “foreign” women,⁶ in accordance with the previously stated simplifications coming from state-official sources, only a few articles were published discussing the situation of Slovene women. There were a few reports discussing a “hundred Slovene women sold abroad” and a story on “Slovene teenagers on Italian streets.” Instead, stories of so-called “foreign women,” “foreign prostitutes,” or “foreign migrants” are predominant, and the victims’ nationality is made prominent. Women are termed “African teenage refugees,” “girls from East European countries,” or “blondes from Eastern Europe. They are described in an ironic contextualization, using quotation marks: “artists,” “imported artists,” “dancers in a band,” or described using similar labels along with the expression “so-called.”

In addition, connotations relating trafficking to prostitution and both of these to love were also noted, for example “enslaved sellers of love.” When discussing trafficking more broadly, journalists use more general terminology, relating women to trafficking itself, seen as “global slavery”; in this context they are presented as “new-age slaves,” “enslaved women,” “sex-slaves,” “forced slaves,” “night slaves,” or “slaves of the 21st century.” Naming thus very much depends on contextualization—in the context of routes, women are described as “cargo,” “commodity to be sold,” even “young girls fit for sale” or “the army of sold prostitutes.”

The naivety of women is believed to be something that needs a back-up story; journalists picture these stories in a black-and-white manner to support the assumption of a priori naivety of women that

⁶ A similar categorization was analysed in research on the Slovene print media reporting about prostitution. Women who are involved in prostitution were categorized as “domestic”; these women were seen as “professionals” who “know exactly what they are doing,” in contrast to “foreign” women in prostitution, who were described as naive and presented in plural categorization, often stressing their nationality (Pajnik 2003).

is placed in a moralizing context. Many stories are published of what happens to a woman after a “lover boy” approaches her as bait, or after she follows up on promising “fairy-tale advertisement.” In these stories journalists are collectivizing the experiences of being trafficked; although they present individual stories, the method of reporting is very much alike in different cases. A news story goes like this: Young girls fall for promises of well paid jobs as waitresses or models abroad. They are all tempted by the “promised west,” and they decide to go for the promises. Soon their documents are taken away, and a nightmare is about to begin. They are sold into prostitution with no way out. When their naivety has been confirmed by constantly reiterated classic simplifications, a news story often continues with detailed information about what women have to suffer. After being trapped by promises that are “easily imposed upon them,” a process which is presented as *per definitionem* the easiest part in the whole story, they are sold on the “black market,” and placed as “cargo naked in lines in front of the slave-buyers.” Stories report abuses such as rape, beating and extinguishing cigarettes on their skin. Poor living conditions are described, including the humiliations they have to suffer and the depression that follows.

In discussions of trafficking as a crime, women are most often seen as “naive victims”; victims in the plural were also homogenized as “all” “poor, weak and credulous.” Any serious discussion of the victim’s perspective was lacking during the first period of this analysis (January 2001 to March 2003). The gap was partially filled at the end of 2003 and in the first months of 2004 when reports were published taking into consideration the need for building safe houses for victims, the need for victim protection programs and integration programs. The shift in reporting from stereotyping of women to recognizing them as victims took place during a period of debate on the legalization of the status of victim. The victim’s perspective also gained access to the media when NGOs and researchers publicly defended the need to recognize the victim’s perspective in trafficking.

THREE RELATIONS: POLICE, STATE AND THE EU

The police is the main source of information for many journalists; often articles, especially those published in the crime-watch section,

include only police workers as sources of information. These articles depict trafficking in relation to crime, and the police are identified as the “successful” solvers of the problem. One-sided reporting reduces trafficking to police “actions” and “operations.” More than half the articles included in this research project approached trafficking from this one police or state-reduced perspective. These reports can be divided into three groups which emerge clearly when reading through the articles: the first group includes stories of police “actions”—presented in a very positive way; articles about conferences and seminars organized by the state and other international partner institutions constitute the second group; the third group includes reports about EU initiatives or reports placed in the EU context.

In numerous articles that appear to be mere summaries of police reports, the police are mythologized as the good guys fighting the bad ones. Trafficking is reduced to a topic used to highlight the importance of the police. Closer reading shows that in these reports trafficking is barely mentioned, while a clear emphasis is put on the moves of the police. The media report on “actions” and “operations,” and dramatize this reporting by highlighting names such as “Operation Sunflower 2,” or “Operation Makro.” Policemen are seen as the heroes of these interventions, breaking up smuggling networks and organized criminal associations. Reports state that policemen have “freed” and “saved” women, on the one hand, and “imprisoned” criminals on the other. Their heroism is thus twofold; policemen are also presented as unselfish and always ready to make sacrifices. The self-motivating character of policemen and criminologists is emphasised; special police “skills” are highlighted and addressed as successful “hidden police methods and measures.” “Active engagement” of the police is stressed as a strategy that brings fruitful results. The ever helpful policemen not only save naive women and imprison their owners, but are also presented as “our” policemen. They are depicted as models of good behaviour: in addition to their “saving missions,” their readiness to cooperate with NGOs is foregrounded. Their strategies of prevention are described and their cooperation with police forces from other countries, such as Italy, Croatia and Germany, in working on “international operations” is presented in a very positive light.

The second group of articles covers reports from international seminars, for example Stability Pact meetings and meetings of the Slovene Minister of the Interior with ministers and officials from other countries. These reports mainly include information on international interventions and common actions that are presented as producing excellent results. Journalists report on ministers' being "concerned" with and thinking about strategies to combat the "disease." Stories talk about cross-border cooperation and the satisfaction of contemplating actual achievements. The third group includes articles in which the EU, and Brussels as its center, are put forward in a different contextualization. The EU in general is addressed as a "successful fighter" against trafficking and everything that goes with it, from drugs and weapons to money laundering. These stories are about "new declarations," "common documents" and "repressive measures," and also "new conclusions," "recommendations" and "common definitions" for fighting illegal immigration, trafficking, prostitution etc.

"New strategies" are discussed and new cooperation in the area of law and sanctions is also explored. There are reports about "Europe fighting smuggling"; like the police in the first group of articles, Europe in this group is depicted as the solver of this and every other "21st century crime." The EU is reported to "build dams against trafficking," and as an entity successfully addressing "global challenges of the 21st century," promoting the strategy that "there is power in cooperation," and not only solving the problem in EU member states, but also helping EU accession and ex-Soviet states.

In all three groups of articles, common reporting strategies can be identified; journalists mainly present the three familiar actors—the police, the state and the EU as a whole—as "curers" of the "disease." Simplifications, one-sided approaches and the reduction of trafficking to police or control business *par excellence* contribute to distorted perceptions of a phenomenon that has much larger connotations, and should not be restricted to debates over prevention and restriction policies.

BLURRED IMAGES—MYSTIFICATION
THROUGH PHOTOGRAPHS

Let us now make a brief overview of the photographic material published alongside the articles. What photographs look like, what images they convey, what the images connote, what position these materials have in relation to the position of the text etc.—all these considerations are relevant when discussing media content analysis. Images have the function of focusing attention. The numerous photographs that were subject to this analysis have some common characteristics: they present trafficking mostly by showing figures of women. There are four groups of photographs where women are presented that can be analysed. First, women are often photographed standing by the road. They wear short skirts and high heels and their images are often blurred. They do not look into the camera, rather their bodies do; their faces are never shown; these are covered by long hair, or only the body from the waist down is depicted. These pictures are taken at night; they have an air of mystery; lights are often flashing in the background. A car is a necessary part of these images—it is either passing the woman, or she is leaning towards the driver, or she is standing in front of the car and only her legs are in the photograph. Women are sometimes photographed in a group, leaning over a car and talking.

Second, women are photographed in front of buildings; these photographs highlight discussions about living conditions; sometimes they are photographed in front of or inside a block of flats; women are also photographed in front of clubs. Their faces are always blurred. The third group of photos shows a woman's figure outlined in a dark room; these photos highlight a destiny that looks as if it has to be hidden and not discussed. Sometimes merely parts of the body or bodies are photographed. Fourth, women are photographed while dancing, in either underwear or dancing costumes, usually with legs widely spread apart. Besides, they are even photographed sitting on or lying next to a man—in their underwear. Texts under the photos are as follows: "Victims of trafficking are often adolescent women." "They promise dancing, but then force them into prostitution," or "Most of the dancers are forced into sex." In these cases one can question the relation between the text and the photograph; a text

“professing” to identify women as victims, but presented beside a photograph of naked women offering themselves to men driving by produces a distorted story, where the reader has difficulties in understanding what is being communicated.

One-sidedness, vagueness, simplification, stereotyping—these are common media strategies in addressing trafficking. The uncertainty about and lack of clarity in the phenomenon are reproduced in different ways: by connecting trafficking merely to prostitution, and consequently depicting women as prostitutes in pictures and labelling them with different names and expressions, collectivizing them and their experience in the text, by reducing trafficking to police business and reporting about it through descriptions of heroic police actions stressing the importance and inventiveness of international repressive standards. To summarize, this study wants to point critically to media reports about trafficking, by discussing strategies in media reporting in both text and pictures. The study wants to raise concern about the on-going reproduction of trafficking in the way it is presented; additionally, it aims at opening up a space for alternative reading of predominant messages, those that recognize the multiplicity of trafficking and take into serious consideration the victim’s perspective.

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OVERVIEW OF PROSECUTIONS AND PROTECTION OF VICTIM'S HUMAN RIGHTS

ANDJELKA MARKOVIC

INTRODUCTION

The issue of human trafficking has unfortunately become a common topic recently. Extensive articles, pieces of research, national and international regulations are written on the subject, but one question remains unanswered—are we winning the fight against trafficking in human beings?

The aim of this paper is to try to answer the stated question from the perspective of Serbia and Montenegro (SaM),¹ focusing particularly on the challenge of properly prosecuting cases of human trafficking. In order to give a broader picture, detailed cases have been obtained from all parts of SaM (Serbia, Montenegro, Province of Kosovo), even though the Province is excluded from SaM's *de facto* jurisdiction.² The idea was to examine whether proper response from the responsible institutions to this form of organised crime, including the proper protection of victim's human rights, is provided by the State.

The response of the institutions of SaM is confusing, to say the least. The most commonly asked question (and not just about trafficking) is, who bears the responsibility? Even before the new Constitutional Charter in February 2003 transferred responsibility to the Republican level, the situation and responses to trafficking in human beings have developed differently in each part of the State.

¹ Serbia and Montenegro comprises the Republic of Serbia and the Republic of Montenegro. Following the 1999 NATO intervention and UN Security Council Resolution 1277, the UN administers the province of Kosovo within the Republic of Serbia. For more extensive information on the situation in Serbia and Montenegro, see Commission of the European Communities (2004) and Belgrade Centre for Human Rights (2004).

² The analysis will therefore include the response of the UN Administration in Kosovo to the problem only as an example.

The complex division of responsibilities has led to difficulties in coordination and affects the implementation of the state's international obligations. Also, the complexity of the political relationships between Serbia and Montenegro as well as political turmoil in Serbia, caused mainly by the unresolved status of Kosovo, is holding back progress.

These problems are not surprising in a country that is in a period of transition and that is burdened with the legacy of recent regional conflicts. However, weak state institutions, legal insecurity, lack of legal framework, a cumbersome bureaucracy, corruption, and the lack of transparency, human resources, infrastructure, equipment and funds inevitably lead to a proliferation of organised crime. Regrettably it took the assassination of Prime Minister Zoran Djindjic to bring the question to the country's attention.

Following the assassination, tackling organised crime became a priority for the Government, which meant that the judiciary were suddenly presented with the challenge of prosecuting organised crime cases. Unbelievably, although the provision on Prohibition of associating for the purpose of committing crimes existed in national legislation for fifty years previously, a case had never been brought before the courts! Clearly this was not because there were no such cases (especially during the last 15 years—the period with the highest rate of crime in the history of the country)—corruption is deep rooted, and the involvement of high State officials in organised crime was often rumoured. Yet judicial investigations were absent, leading to a situation where elites became “untouchable,” and various types of crime went unpunished.

In terms of trafficking, the US State Department Report for 2004 considers SaM a source country for women and girls trafficked internally and internationally for the purpose of sexual exploitation and Roma children trafficked internally for the purpose of begging. It is reported that Serbia and Montenegro is also a transit and destination country for women and girls trafficked into sexual exploitation (U.S. Department of State 2004).

After the demand for cheap labour and sexual services was identified, traffickers reacted quickly by purchasing women and girls from Eastern Europe (primarily Moldova, Ukraine and the Russian Federation) and transferring them to SaM. The two Interior

Ministries reacted by making some token arrests and deportations, announcing that the trafficking problem was solved. Naturally the problem did not abate but became more clandestine. Moreover the pattern of trafficking changed as women and girls from within the country became victims (internal trafficking).³ Far from going away, the problem not only persists but is becoming increasingly hard to detect. Precise figures on the number of victims who have been recruited in SaM are not available and are unlikely to be now that patterns of recruitment have changed. The lack of data means that the figures produced are artificially small, making the problem seem less significant than it is, or leading people to believe that the problem is abating.⁴

CASE STUDY

Let us evaluate the response of the state institutions to the number of prosecutions. The number of cases brought before the Courts demonstrates that the State may be less committed than it claims in the fight against trafficking in human beings.

SERBIA

In April 2003 the Serbian Criminal Code was amended to include a definition of trafficking in human beings as a crime. The definition differs, however, from the standard set in the First Protocol of the UN Convention on Transnational Organised Crime, in that it does not differentiate between trafficking and smuggling.⁵ Moreover, in 2002 the Serbian Parliament adopted and in July of the same year amended the Act on Organisation and Jurisdiction of State Bodies in Suppressing Organised Crime, according to which trafficking in human beings cases fall under the jurisdiction of the Special Court (the district court's special department for organised crime cases).

³ According to the OSCE/ODIHR-UNICEF-UNOHCHR report, in Montenegro there is a growing number of trafficked girls from Serbia and neighbouring countries, alongside a decreasing number of those from the Eastern European countries (UNICEF, UNOHCHR, OSCE/ODIHR 2003).

⁴ Lack of reliable statistics, therefore, confers political advantages, yet serves as a base for inadequate counter-trafficking strategies, which leaves traffickers unpunished and victims unprotected.

⁵ In practice 88% of Serbian "trafficking" crimes are in fact smuggling.

So far, the Special Court has decided in one case of trafficking, but the verdict is still not legally binding.

In cases prosecuted before the regular courts, there has been only one legally binding verdict in a case of smuggling of illegal migrants. A Chinese citizen, charged with the organisation of transport, transportation, transferring and hiding of eight other Chinese citizens for purposes of labour exploitation, was sentenced to three years imprisonment. An appeal was lodged with the Supreme Court of Serbia, which then overturned the verdict to four years and three months imprisonment. The court found that this was a case of trafficking based on the fact that the eight people were held in an apartment, but disregarded the fact that the smuggled migrants, until their discovery, were not subjected to any form of exploitation. Whether it would have been more appropriate to use the provision on illegal transfer of persons across the SaM border than the provision on prohibition of trafficking could be a matter for debate, yet some judges say that subsuming obvious cases of smuggling under the trafficking provision is due more to the pressure being put on the judiciary (by media, Government and the public) to deliver trafficking convictions, then to the fact that judges are not properly conversant with the content of the new provision. However, so far, there has been only one legally binding verdict on trafficking in human beings in the practice of Serbian courts of law.

Prior to the new legislation, trafficking cases were prosecuted on the basis of transportation of enslaved persons, illegal deprivation of liberty or mediation in exercise of prostitution. Of these, the "Zarubica" case received the most attention. In June 2003 the Second Municipal prosecutor in Belgrade filed charges against Milivoje Zarubica, accusing him of taking part in the illegal transportation to SaM of at least 56 citizens of Romania, Moldova and the Ukraine since 1999, including seven juveniles. The victims were forced into prostitution in his motel, which police reports describe as a "fortress," on the outskirts of Belgrade. Victims were carefully transported in goods trains, which are not usually properly checked while crossing the state border. Although the case had been reported earlier, police did not find any evidence, owing to the fact that during raids the women were carefully hidden behind the double walls of the motel. Moreover, although Zarubica was arrested after the

provision on trafficking was included in the legislation, he was prosecuted under the old laws and sentenced to three years and six months imprisonment. A significant number of NGOs reacted, saying that this sentence was unreasonably low. The appeal process is ongoing, and one of the victims is seeking damages. If she succeeds, this will be the first time that a victim of trafficking has been compensated for a violation of her human rights before Serbian courts.

MONTENEGRO

The Montenegrin Criminal Code was amended in July 2002 to include a special article on trafficking. Before the amendment and the introduction of the new anti-trafficking legislation, ten prosecutions were brought against traffickers in Montenegro. All ended with the charges being dropped and the suspects released. Since the new law has been introduced, several people have been arrested for trafficking, but there have been no successful prosecutions to date. The state institutions demonstrated their weakness in prosecuting trafficking cases in the now infamous case of a Moldavian citizen, S.Č., the victim of trafficking in human beings, a case which provoked a minor political crisis in Montenegro. During a meeting with an investigating judge in February 2003, S.Č. accused numerous senior Montenegrin officials of physically abusing her. In spite of extensive evidence collected, the prosecutor did not initiate criminal proceedings against four men suspected of involvement in trafficking in human beings and mediation in exercise of prostitution (one of them was the Assistant State Prosecutor), noting that "insufficient evidence existed for a successful prosecution."⁶ In its report on the case (the TIE Report) (see OSCE and CoE 2003), a team of independent OSCE and CoE experts stressed that even in everyday cases it was unusual for a prosecutor to abandon a case if reasonable suspicion existed that a criminal offence had been committed. It was noted that the prosecution made no serious effort to protect the victim/witness. According to the TIE Report, during the meeting of experts with the prosecutor, he belittled S.Č., demonstrating a lack of aware-

⁶ After the investigation was completed, the deputy prosecutor declined to bring charges, issuing an unusually lengthy explanation (the report on the results of the investigation had 110 pages, and the prosecutor's explanation 40).

ness of this human rights violation. The report pointed out the relatively small size of Montenegro and the existence of numerous family and personal ties and other factors that could considerably obstruct justice in cases of this type. This particular case indicated the outstanding problems in dealing efficiently with trafficking in Montenegro: inadequate legislation, deficient legal procedures, lack of political will to prosecute perpetrators, lack of political accountability, alleged pressure on (even threats to) the judiciary and intimidation of victims/witnesses.

PROVINCE OF KOSOVO⁷

The United Nations Mission in Kosovo (UNMIK) Regulation on the Prohibition of Trafficking in persons in Kosovo came into force in January 2001. The sentences handed down by the courts by the end of 2002 ranged from four months to six years, with 88% being between four months and three years imprisonment. In this regard, the international organisation for protection of human rights, Amnesty International (AI), noted in its Kosovo report that members of the international and Kosovar judiciary have failed, in the majority of cases, to impose sentences according to the provisions of the Regulation, and which match the gravity of the criminal offences and the human rights abuses suffered by the victims. Explanations for frequent release or acquittal of suspects or failure to impose at least the minimum sentences set out in the Trafficking Regulation are contested, but the low rate of convictions in trafficking cases has been attributed mostly to the absence of victim-witnesses during trial proceedings.⁸ AI recommends that priority be given to the introduction of special measures for the provision of testimony by victim-witnesses, which protect their rights, but do not compromise the defendant's right to a fair trial. AI also considers that UNMIK, in failing to prosecute international personnel suspected of involvement in trafficking, or of knowingly using the services of trafficked women, has created a climate of impunity for abuses and violations

⁷ According to Amnesty International (2004).

⁸ Without adequate witness protection, many of those prepared to attend court have been subjected to such intimidation prior to trial that they either changed their statements or decided not to testify.

against trafficked women. A waiver of immunity was, according to the available data, requested and given only in one case during 2002 and once in 2003, which allowed the prosecution and sentencing of just two UNMIK policemen. No charges were pressed against any KFOR soldiers either in Kosovo, or in their countries of origin. Although the Regulation provides that a victim will not be found as criminally responsible for prostitution or illegal entry to, residence or working in Kosovo if they provide evidence that supports a reasonable belief that he or she was the victim of trafficking, women continue to be arrested and prosecuted for illegal entry to or residence in Kosovo or prostitution. In contrast, prosecutions of traffickers remain rare. AI seeks an explanation for the lack of a proper witness protection programme. Additionally, although the Regulation requires the establishment of a reparation fund, authorized to receive funds from the confiscations of assets used in or resulting from crimes prosecuted under the Regulation, to date no such fund has been established. Moreover, the police often neither inform victims of trafficking of their right to legal assistance on arrest, nor provide them with access to a lawyer. AI does not know of any case in which a victim of trafficking has used the available mechanisms to claim reparations, including compensation. This may be, in part, because of the lack of legal representation for victims of trafficking.

ARE THE VICTIM'S HUMAN RIGHTS PROTECTED?

According to information gathered by the IOM, it is estimated that some 120,000 women and children are trafficked every year into Western Europe (IOM 2002). Comparing this number with the number of prosecutions, obvious questions arise. Are we having any success in the suppression of trafficking? Can we really look at these numbers and say that justice is being done?

The conclusion that emerges from the above cases is that the State institutions are not sufficiently successful in prosecuting perpetrators of the crime. This is not surprising, given the attitude of society towards victims. Treatment of the statement given by the Moldavian citizen to the investigating judge in the Montenegrin case, as the statement of an "unreliable witness" (quotation from explanation of

prosecutor's decision to acquit the suspects), describes the discriminatory perception of victims ("they are prostitutes") fostered even among those that should protect victims from perpetrators of crime.⁹ Also, excluding the few mentioned cases in Kosovo, purchasing sexual services from trafficking victims has so far not been prosecuted in the SaM courts (although the Montenegrin Criminal Code contains relevant provisions). Obviously twisted perceptions about "criminals" and "victims," deriving from deeply rooted prejudices represent serious obstacles to implementation of the law.

Furthermore, Article 6 of the First Protocol to the UN Convention on Transnational Organised Crime stipulates that legal remedies which provide trafficking victims the possibility of compensation in the name of indemnity must be provided. State institutions should also ensure that victims receive all the necessary information on the relevant legal procedures (whether civil or criminal). The Protocol leaves it to countries to regulate from which sources the victims should be compensated—it could be either the state budget, or funds formed from confiscated profits, or elsewhere. As already mentioned, there has so far been only one case before the Serbian courts with a victim seeking damages for a violation of her human rights, and the legal representation of victims before the courts is mainly provided by NGOs. As for providing victims of trafficking with normal access to existing national legal remedies, the scope of which must be adequate for ensuring indemnity for the alleged injuries standard,¹⁰ the situation in the country is far from good.

It is important to mention that so far only a few counter-trafficking activities have been supported from state funds. The majority have been either fully or partially financed from international sources.¹¹ Although ratifying the UN Convention on Transnational Organised

⁹ While the system was able to provide basic assistance and help to return women back home, regardless of the risk involved, it was not sufficient to protect the victims from the harm done in the process of becoming a witness and participating in the legal procedures against traffickers in mentioned, but also in other cases. In the situation when Moldavian victim became also the witness and required special protection and assistance, whole system failed.

¹⁰ The state must provide all persons with access to existing national legal remedies, the scope of which must be adequate for ensuring indemnity for the alleged injuries (See *Aksoy vs. Turkey*, ECHR, App. No. 21987/93 [1996], para. 83–84).

¹¹ For example the shelter for trafficking victims in Belgrade (Serbia), supported by the IOM, seriously lacks funds and risks being closed down when its contract with the IOM expires at the end of this year.

Crime, and additional Protocols and Conventions on Laundering, Demanding, Confiscation and Seizure of Profit Gained by Crime, SaM became bound to confiscate profits gained through organized crime (Article 2 of the Convention on Laundering, Demanding, Confiscation and Seizure of Profit Gained by Crime, Article 12 of the Convention on Transnational Organized Crime), as well as to regulate the use of confiscated profits in order to compensate victims of organized crime (Article 14 para. 2 of the Convention on Transnational Organized Crime), none of the above is being implemented in practice. The members of the judiciary lack the capacity and skills to seize assets gained by crime. At the same time, Government representatives explain their hesitation to enact the Witness Protection Law by the lack of budget resources. Beside failing to prosecute traffickers, the State also fails to ensure proper protection and to compensate trafficking victims for severe violation of their human rights. Obviously, in comparison with relevant international standards of human rights protection, especially the ECHR case-law, it can be concluded that SaM does not fully meet required standards.

CONCLUSION

In spite of the apparent legal disorder in SaM, state institutions, international and non-governmental organisations have made some significant moves in counter trafficking over the past four years, including the ratification of relevant international treaties, the creation of a crime of trafficking, the establishment of National Anti-trafficking Team(s) etc. However, continuous improvement of national legislation must be ensured. It is of the utmost importance to build a regional component into that effort. Owing to the widespread networks of human trafficking in the whole region, state institutions should focus on providing joint counter-trafficking activities. Although most of the states in the region do have anti-trafficking provisions which meet international standards, these vary considerably in content and in terms of the penalty they provide.¹² Since this

¹²In Bosnia and Herzegovina and SaM traffickers may be sentenced to 1–10 years imprisonment, in Montenegro 1–8 years or in Kosovo 2–12 years. By contrast, in the Draft Framework Decision on fighting trafficking (2001), the EU Commission suggested a sentence of 6–10 years where the crime was perpetrated under aggravating circumstances (see EU Draft Framework Decision on Fighting Trafficking 2001).

criminal activity represents a regional problem, what is needed is a more unified response to the issue on the regional level and a demonstration that the issue is being taken seriously. At the moment the message being sent out is not clear.

It is urgent to secure efficient and uniform response to trafficking cases, in order to make victims protected and compensated and perpetrators feel equally threatened in every part of the region. Well trained members of the legal profession are the key players in this process. The capacity of members of the judiciary and lawyers dealing with prosecutions of human trafficking cases needs to be further strengthened. In addition, following reports of frequent threats to members of the judiciary,¹³ improvements in their protection should be considered, especially if they prosecute cases of organised crime/trafficking in human beings.

Also, as scarce budget resources threaten to annul all efforts taken to fight human trafficking, the State should set endeavors to ensure funding for such activities as its priority. There are legal provisions which allow seizure and confiscation of assets gained by crime, but it could be a matter of long debate why they are not being implemented. Accumulating resources for anti-trafficking in this way would ensure the sustainability of related efforts. Yet, the judiciary is definitely not the only one to blame, although it tends to be the weakest link in counter-trafficking. It would be naive to believe that major results in suppression of organised crime will emerge, when there is an obvious dependency of the country on foreign aid and a lack of sustainable allocation of money from the budget for counter-trafficking.¹⁴ Examples of good practice in this regard should not be

¹³On the one hand, there is pressure from the public, media and the executive to issue more verdicts against organised crime and trafficking cases (as is the case in Serbia). On the other, as in the case of Montenegro, personnel changes in the judicial sector (notably in the Prosecution office) during and after the Moldavian case were subject to political interference, rather than to due legal procedure. Also, there is a significant and justified fear of retaliation from organised criminal groups, if higher sentences are imposed (particularly in Kosovo).

¹⁴In spite of the country's visible dependence on loans and donations and with obvious disregard for its enormous external debt, rising poverty in the country, and the difficult economic and social position of refugees, IDPs, the Roma population, victims of violence and other excluded and/or vulnerable groups, the Serbian Parliament enacted the scandalous Law on Financial Support to Serbian Citizens Indicted before the ICTY. Paradoxically, Serbian taxpayers will have to continue to support former leaders (and their families), who brought them to the edge of existence and led the country into a dis-

difficult to find,¹⁵ but in order to advance the awareness of political elites, society in general needs to be engaged. There needs to be a general awareness that it is necessary to include and assist vulnerable groups; to modify the twisted perceptions of what is wrong and what is right, with the awareness that we are doing it for our own benefit. An adequate response by the competent institutions to human trafficking will contribute to a safe and just society by reducing the crime rate and ensuring respect for and enjoyment of basic human rights. Unfortunately the institutions of Serbia and Montenegro do not currently offer such a response.

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astrous economic situation. Mindful of the nonsense of such a political decision, the Belgrade Centre for Human Rights recently began research on the (non)allocation of budget money for counter-trafficking in Serbia.

¹⁵For example, the solution adopted in the Netherlands' Criminal Code, which provides a maximum six years of imprisonment for traffickers and/or a fine of 45,000€. The money is used for compensation funds, shelters, etc.

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HUMAN TRAFFICKING AND HUMAN RIGHTS: RESEARCH, POLICY AND PRACTICE IN THE NETHERLANDS

RUTH HOPKINS AND JAN NIJBOER

INTRODUCTION

On 18 November 2003, the Dutch parliament discussed the laws, policy and practise in the Netherlands in the field of anti-trafficking as have been described and analysed by the National Rapporteur on Trafficking (Bureau NRM 2002, 2003). An important issue in this debate was the finding of the National Rapporteur that only approximately five per cent of the estimated total amount of trafficking victims in the Netherlands report the crime to the police (Bureau NRM 2003, 84). The rapporteur and many organisations in the Netherlands claim that the protection for trafficking victims is insufficient. Especially the risks the women run on return are mentioned in this respect (Bureau NRM 2002, 126–127, 193).¹

In this article, we will focus on the tension between the interests of the individual victims and those of the state. We hope this article might provide insights into the different and often cumulative violations of the human rights of victims of trafficking during and after a period of being forced to work in the sex industry. Furthermore, we hope the article will provide an insight into the gaps in the Dutch laws, policy and practise and the merits of a human rights based approach to trafficking. We will first present the Dutch legal framework in the field of combating trafficking in the Netherlands. This will be followed by a presentation and analysis of the main results of our research, and of some dilemmas in the Dutch response to trafficking in human beings. The compatibility of Dutch laws, policy and

¹ Although victims have a right to a temporary residence permit during the police and judicial investigation into the criminal networks, the women have to leave the country once the criminals are convicted. When the criminals are jailed could very well be the moment the network would want to retaliate; the victims, therefore, run a risk at this point.

practice in the field of anti-trafficking with human rights, as enshrined in treaties and customary law, will be discussed next by means of an individual case of a minor who was trafficked to the Netherlands and then had to return to Bulgaria.

LEGAL FRAMEWORK IN THE NETHERLANDS

On 1 October 2000 the law in the Netherlands changed when the general ban on brothels was lifted. Amendments were made to various provisions of the Penal Code and to some other laws. The government wanted to lift this ban on the running of voluntary prostitution by adults and at the same time lay down rules for a more effective approach to punishable forms of exploitation of prostitution. Article 250b of the Penal Code disappeared, and a new article 250a Penal Code was included in the chapter: "Crimes against morality," with provisions that criminalised benefiting and profiting from trafficking in human beings.

In comparison with article 3 of the UN protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN convention against transnational organised crime, and with article 1 of the EU Council framework decision on combating trafficking in human beings,² the Dutch legal definition in article 250a Penal Code is rather narrow, because it is restricted to exploitation of prostitution. Article 250a lists the punishable forms of exploitation of prostitution: forced bringing into or keeping of persons in prostitution; the bringing into or keeping of minors in prostitution (be it voluntarily or not); or bringing persons from other countries into prostitution (voluntarily or not). According to this article 250a, it is also punishable to make a profit from the aforementioned circumstances.

Another important provision in Dutch law relevant to anti-trafficking efforts is article 151a of the Local Authorities Act. It offers municipalities the possibility by means of a licensing system to lay

² United Nations Convention against Transnational Organized Crime, Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, United Nations, 2000; EU Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings, Official Journal L 203, 01.08.2002, European Union.

down conditions for the exploitation of prostitution within their borders. These conditions concern for example the persons of the operator and the manager, but also the location of the establishment. The (administrative) licensing obligation puts the responsibility for compliance with the conditions of the license with the operator or the manager of the sex establishment. The control and enforcement of compliance with these conditions lies in the hands of the municipality. Special enforcement bodies, the police and the Public Prosecution Service are responsible for the control and enforcement of the provisions of the Penal Code and other national legislation.

THE B9 REGULATION FOR RECEPTION AND SHELTER OF VICTIMS

Chapter B9 of the Immigration Law circular (Vreemdelingendecirculaire) provides for a temporary residence permit for victims and witnesses of trafficking in human beings. The additional purpose of the regulation is to offer shelter and protection to the victims. The B9 regulation offers certain facilities such as reception and shelter, medical and legal assistance, and provisions for maintenance, only if and when they report to the police. Irrespective of whether they are (potential) victims, or witness-informants, until now it has not been permitted for the alien to work.³ The (possible) victim may, however, make use of facilities to undertake training and schooling.

The holder of a B9-permit can apply for a “residence permit” on humanitarian grounds when the B9-permit has expired. The Minister of Justice will consider if there are reasons present to grant a residence permit on the basis of convincing reasons of a humanitarian nature. When assessing whether such a permit can be granted, various factors play a part: risk of reprisals in the country of origin, the possibility of protection from this, risk of prosecution in the country of origin and the (im)possibility of social reintegration in the country of origin.

³ The minister of immigration affairs recently agreed to allow victims of trafficking to work during their stay in the Netherlands. She agreed after a meeting with her European colleagues in Brussels. This is according to a European directive, Brussels, 11.02.2002, 2002/0043 CNS, *Council Directive on the short term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities.*

RECENT DEVELOPMENTS

On 1 October 2002 an amendment to the law came into effect to criminalise the exploitation of sexual services other than prostitution and the use of these sexual services from a minor. The Netherlands will have to adapt to the more encompassing EU and UN definitions of trafficking in human beings. The definition of trafficking in human beings will also include the other forms of exploitation mentioned in these international instruments. Partly as a result of this, a link is made with article 274 of the Penal Code, which criminalises slave-trading. This article 274 is included under the title Criminal Offences against Personal Freedom, and it is designed to prevent the exploitation of human beings. The intention is to add a new article 273a to the Penal Code.⁴

RESEARCH

As part of an international research project into trafficking in human beings in Belgium, Italy and the Netherlands, we investigated the practices and mechanisms of transnational crime related to trafficking, the social and economic background of victims, the methods of traffickers, the reception and assistance of trafficking victims, and the prosecution of offenders (Moens et al. 2003). We analysed 80 victim files in five reception centres for victims of trafficking in human beings, and in addition, in-depth interviews were conducted with 14 women at six reception centres, while one woman was interviewed in Kiev (Ukraine).

During the research, carried out from July 2002 to December 2002, we also interviewed 30 experts in the field of anti-trafficking and victim reception and assistance in the Netherlands about the main obstacles and pressure points in law and policy. The aim of this second part of our research was to make an inventory of existing problems and obstacles in the field of anti-trafficking, based on individual comments and suggestions by the experts.

RESEARCH RESULTS

Most of the victims in our research came from Central and Eastern Europe, in particular Bulgaria (25%), Ukraine (10%) or Russia (7.5%).

⁴ New definition of trafficking in the Dutch Penal code: Article 273a, TK, Vergaderjaar 2002-2003, 28 638, nr. 1.

A substantial part came from Nigeria (12.5%). With one exception, they were female. Most of them were between 18 and 24 years of age when they entered the reception centre. Nearly ten percent were underage at that time. At the time of recruitment—on average one year before—one fifth of the victims were underage. The large majority were unmarried and lived with their parents or family. Although not all victims had a problematic family background, it appears that for most of them problems in this respect played a role in making them more susceptible to the recruitment methods of traffickers. Nearly 20% had children in the country of origin, and 10% had taken their children with them. Generally, it can be concluded that the lack of a sustaining social network makes victims socially and economically more vulnerable. This vulnerability usually still exists when victims are sent back to their countries of origin.

One out of every seven victims had been kidnapped or sold without their consent. The other respondents stated the main reason for accepting an offer from traffickers to be economic necessity: labour migration as a means of survival. A minority were inspired by their desire for luxury, adventure, more attractive work or the necessity to finance a drug habit. More than individual labour qualifications, the general economic situation appears to be the push factor behind trafficking in human beings. It can be concluded that, as a deliberate strategy, traffickers make use of small social distance, time pressure, and debt bonding to influence the decision of potential victims.

On average, victims have been working for a year in forced prostitution in the Netherlands before they enter a reception centre, usually via the police. During this period of time, they have been subject to a considerable amount of force and coercion, varying from having to work under very poor conditions to harsh forms of physical violence and threatening of the victim herself or her family. The prosecution of traffickers appears difficult because many victims do not wish to report, or leave suddenly with an unknown destination. Taken together, this substantiates the victims' fear of retaliation if they report to the police.

COMPETING PERSPECTIVES

On the basis of our analysis of the expert interviews, we distinguish three competing perspectives on trafficking in human beings:

Trafficking in human beings as illegal immigration, as organised crime, or as a violation of human rights. In international conventions, treaties and agreements, and in parliamentary discussions (for example the Rouvoet Motion),⁵ the perspective of human rights is clearly represented, but in law enforcement on the national level as well as the international level (Europol [2001] and Eurojust),⁶ the issues of illegal immigration and organised crime are imperative. In practice, the human rights perspective attracts much less attention, and it seems that there is more lip service than actual commitment. The question is whether this is right, and the next question is whether it is practically possible to shift the balance more in favour of the human rights perspective.

The actors in the field of trafficking in human beings encounter several dilemmas because of conflicting interests. Public order and criminal investigation interests are not always compatible. For instance, every now and then major “cleaning” operations take place in the streetwalker districts of Amsterdam and Rotterdam. Illegal prostitutes, together with other illegal immigrants, are expelled from the country immediately. These events were reported on by many Dutch newspapers, for example Bob t Klooster of the *Algemeen Dagblad*, wrote about “Stoyanka werd nooit serveerster” (Stoyanka never became a waitress), 23 September 2002. The consequence of this approach, when trafficking is considered an issue of illegal immigration, is that potential victims of trafficking in human beings do not have the opportunity to make a declaration against their traffickers. Not only do the police and judiciary miss potentially important witnesses to criminal investigation, but the potential victims also lack protection.⁷

Many victims disappear during the period of legal proceedings.⁸ Although the reasons for this are largely unknown, one possible

⁵ Rouvoet Motion, TK 1998–1999, 25 403, no. 30.

⁶ European Council decision regarding the foundation of Eurojust. Pb. EG 6.3.2002 L63/1.

⁷ After the biggest cleaning operation had taken place, in September 2002, the council of Amsterdam stated that only three of the 129 women arrested reported being trafficked to the police the day after the operation, but the police saw no reason to further investigate the case (Notitie Bestuursdienst Amsterdam [information note of the Council of Amsterdam], 11 October 2002).

⁸ The disappearances are not registered clearly at the immigration services, so there are no clear numbers on the number of women that disappear.

explanation might be that the B9 regulation does not offer the victims enough protection. From the point of view of law enforcement, victims are generally classified in the first place as witnesses. If their declaration is considered less convincing, then they will be expelled, and there is hardly any protection for them. The B9 regulation is more instrumental to the interests of criminal prosecution and less to the interests and protection of the victims involved. Interviewed police officers plead for an extension of the B9 regulation with witness protection provisions, especially in the immediate vicinity of the victims and in their country of origin.

A HUMAN RIGHTS BASED APPROACH

Examples of human rights that can be violated during a trafficking process are the principle of non-discrimination, safety and fair treatment, access to justice, access to private actions and reparations, resident status, health and other services, repatriation and reintegration, recovery and state cooperation (GAATW 2001). The basis of all human rights treaties is the Universal Declaration on Human Rights,⁹ adopted in 1948, which states in article 3: "Everyone has the right to life, liberty and security of the person." Article 4 follows: "No one shall be held in slavery or servitude." These and many other provisions in human rights law are violated when humans become tradable commodities.

In addition to the Universal Declaration of Human Rights, universal human rights treaties, such as the International Covenant on Civil and Political Rights, ICCPR (1966),¹⁰ The International Covenant on Economic, Social and Cultural Rights, ICESCR (1966),¹¹ the Convention on the Elimination of all Forms of Racial Discrimination (1965),¹² the Convention on the Elimination of All Forms of

⁹ Universal Declaration of Human Rights and Fundamental Freedoms, United Nations, General Assembly resolution 217 A (III).

¹⁰ International Covenant on Civil and Political Rights, United Nations, General Assembly resolution 2200 A (XXI), 16 December 1966. Entry into force: 23 March 1976.

¹¹ International Covenant on Social, Economic and Cultural Rights, United Nations, General Assembly resolution 2200 A (XXI), 16 December 1966. Entry into force: 3 January 1976.

¹² Convention on the Elimination of all Forms of Racial Discrimination, United Nations, General Assembly resolution 2106 (XX), 21 December 1965. Entry into force: 4 January 1969.

Discrimination Against Women, CEDAW (1979),¹³ the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, CAT (1984)¹⁴ and the Convention on the Rights of the Child, CRC (1989)¹⁵ address relevant human rights that are violated during a trafficking process as well. Besides the universal treaties, regional instruments such as the European Convention on Human Rights (1950),¹⁶ address similar rights. In these human rights treaties specific measures for the protection of trafficked persons are not mentioned as such, except for the UN Women's Convention.¹⁷ The United Nations High Commissioner for Human Rights has recognised that human rights should be at the centre of all anti-trafficking measures when the Recommended Principles and Guidelines on Human Rights and Human Trafficking were drafted.¹⁸

There are specific instruments that do mention the rights and protection of victims of trafficking, the most important one being the UN Trafficking Protocol to the UN Transnational Crime Convention that is signed by many UN member states. The Convention entered into force when it received its 40th ratification on 29 September 2003. The UN Protocol on trafficking in persons is one of three Protocols attached to this Convention. The Trafficking Protocol entered into force on the 25 December 2003, when it received its 40th ratification.¹⁹

¹³Convention on the Elimination of all Forms of Discrimination Against Women, United Nations, General Assembly resolution 34/180, 18 December 1979. Entry into force: 3 September 1981.

¹⁴Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, United Nations, General Assembly resolution 39/46, 10 December 1984. Entry into force: 26 June 1987.

¹⁵Convention on the Rights of the Child, United Nations, General Assembly resolution 44/25, 20 November 1989.

¹⁶European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted 4 November 1950.

¹⁷Article 6: "state parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

¹⁸Recommended Principles and Guidelines on Human Rights and Human Trafficking, E/2002/68/Add.1, The United Nations High Commissioner for Human Rights, 2002.

¹⁹As of 9 July 2004, there are 117 signatories to the Protocol and 64 ratifications, Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

ELLA'S HUMAN RIGHTS

We would like to underline the essence and necessity of a human rights based approach by presenting the varied obstacles encountered by a victim of trafficking, whose case Hopkins is currently investigating.²⁰

Ella is 13 years old when her family in Bulgaria sell her to another family living in Amsterdam. After half a year this family sell Ella to a man and a woman in another town. They force Ella to work as a prostitute. After a few months Ella manages to escape, and she lodges a denunciation with the Dutch police. They interview her and arrest the criminals, but the police let the criminals go after a few days. They claim they do not believe Ella's declaration and assure her that her passport will be stamped and that she will not be able to re-enter the Netherlands for several years. At the age of 14, in September 2003, Ella is deported to Bulgaria without any form of assistance. At Sofia airport she contacts a border police officer for fear of being sent back to her family. The officer contacts a refuge centre, which provides assistance. When they issue a medical exam, it appears she is five months pregnant. The Bulgarian police visit the address of the parents to investigate Ella's case, but they claim they cannot find the family. Two foreign journalists²¹ could, however, and track the family down to interview them. Currently, Ella's safety is at stake in Bulgaria. The family has found out that Ella is in the country, and they are visiting orphanages and refuge centres asking for her. The assumption²² is that they want to sell her again. Moreover, traditional customs²³ (Guy 2001, 383) dictate that she should be punished.

²⁰This case is part of the book *Destination Unknown* by Ruth Hopkins (work in progress) on victims of trafficking who return to their countries of origin. The book deals in depth with three individual cases and focuses on the risks the women might run on return to their country of origin. It will be published September 2005 with Breda de Geus .

²¹Hopkins and a colleague.

²²According to Ella. This also became apparent from the interview with family members on 17 April 2004 and from interviews with social workers at the refuge centre that assisted Ella.

²³Ella belongs to the Kardarasha Roma group, who have a strong tradition of internal self government and adhere to certain stringent family rules. Conflicts will be judged by a *Meshariava*, a Gypsy court which consists of mostly elder group members. If a bride leaves the family she has been sold into, a Meshare can be called upon to decide on the matter, and it could be result in punishment for the woman in question. Source: interview with Antonina Zhelyazkova, director of the International Centre for Minority Studies and Intercultural Relations, IMIR, 14 April 2004, Sofia. See also Guy (2001).

HUMAN RIGHTS VIOLATIONS

Which human rights were not respected in the process?²⁴

- Forced marriage: art 10 ICESCR, art 23 ICCPR, art 16sub 1(b) and sub 2 CEDAW.
- Forced labour, slavery: art 2 e CEDAW and art 6 CEDAW, art 8 ICCPR, art 32, 34 and 35 CRC.
- Deprivation of liberty: art 12 ICCPR.
- Torture, inhuman and degrading treatment, including rape: art 19, 34, 35 and art 37 CRC, art 7 ICCPR, art 1 CAT.
- In some eastern European countries there is a policy to stamp the passport of illegal immigrants. The police told Ella that she would not be able to return to the Netherlands for a few years because of the stamp. This is in violation of the principle of non-discrimination: art 2 ICCPR, ICESCR, CEDAW.
- Access to justice: art 26 ICCPR.
- Possible violation of the principle of *non-refoulement*, art 3 CAT, ECHR, art 7 ICCPR and art 33 (2) of the Refugee Convention.²⁵

STATE RESPONSIBILITY

Direct state responsibility is based on the breach of a treaty obligation.²⁶ In Ella's case it is caused by the failure of the Dutch police to protect or assist the girl by sending her back with no assistance and by treating her as a criminal. This obligation is based on art 2, 19, 34, 35 and art 37 CRC. There is a possible violation of the principle of *non-refoulement* that is laid down in art 3 CAT, ECHR and art 33 (2) of the Refugee Convention. The breach cannot be effectively established because there was no risk assessment and Ella returned unaccompanied.

Indirect state responsibility arises from the failure to ensure Ella's human rights and to provide her access to a remedy and compen-

²⁴This is a non-exhaustive list.

²⁵The Convention Relating to the Status of Refugees, United Nations, 28 July 1951.

²⁶The principle of State Responsibility has been developed by the International Law Commission. International Law Commission, United Nations, General Assembly resolution 799 (VIII), December 1953, Mandate of the ILC in the field of state responsibility; and 16th session of the International Law Commission (1964), Digest of the decisions of international tribunals relating to state responsibility, prepared by the secretariat, UN Doc. A/CN.4/169.

sation for the crimes committed. The state has an obligation to ensure that the human rights mentioned above are not violated by non-state actors (traffickers and family members in Ella's case). It has an obligation to exercise due diligence to prevent, investigate and punish violations of human rights, attempt to restore the right violated and provide compensation.²⁷ More so because the existence of an adequate legal system does not exempt the state from responsibility, it requires the government to conduct itself in such a manner that the rights are guaranteed.²⁸

THE IMPORTANCE OF HUMAN RIGHTS IN A CONTEXT OF ANTI-TRAFFICKING ACTIVITIES

Why are human rights of importance in a trafficking context? Firstly, there are clear treaty obligations for which the Dutch state can be held responsible. The Dutch state has an active and passive obligation to ensure the various human rights of trafficking victims in the Netherlands. Secondly, a human rights based perspective is essential, because many trafficking instruments, such as the Protocol, have a strong crime control approach.

As stated before, three perspectives can be distinguished in the fight against human trafficking in the Netherlands. The competing perspectives on trafficking, of combating organised crime and human rights can be symbiotic, but only if there are adequate witness protection provisions. Under the present B9 Regulation, this is not the case, resulting in the loss of potentially valuable prosecution witnesses, as in the case of Ella. This not only hampers the prosecution of offenders, but also diminishes the victim's chance to substantiate the real risk of her being subjected to ill treatment on return. A human rights based approach to the phenomenon of trafficking in human beings will offer guidelines in tackling prejudices and misconceptions and providing protection for women and children whose rights are violated. Moreover, these guidelines will assist in establishing, as early as possible, whether there is a real risk on return faced by trafficking victims in their country of origin.

²⁷The principle of due diligence was established in the case of *Velasquez Rodriguez vs. Honduras*, Intern-American Court of Human Rights, OAS/Ser.L/V/III.19, doc 13 (1988), at note 166 at 325.

²⁸Idem, at note 167, at 324.

CONCLUSIONS AND RECOMMENDATIONS

In general, it can be stated that the Dutch laws and policy in the field of anti-trafficking are in compliance with international standards. There is a national rapporteur on trafficking and a foundation against trafficking in women; there are regional networks of involved parties (for example police, local government and social organisations). However, a human rights based approach is still crucial in the Dutch context.

Although the witness protection provisions in the B9 regulation should be improved and strengthened, the causal factors behind the obstacles to fighting trafficking are often not the legal aspects or gaps in the law. We would even argue that these should not be the prime focus. More attention should be paid to developing a human rights awareness, a human rights culture in society as a whole. What do individuals representing the government think, and how do they react when these women present themselves at the desk of a police station or at the office of the immigration service? Do they think of them as whores, or as criminals who should be behind bars, as is the case in countries where prostitution is illegal? Or do they view possible victims of trafficking as so-called “gold diggers,” illegal immigrants who have the singular aim of profiting from the wealth? It is currently a time of “Fort Europe” stricter border controls, of populist politics and a culture of saying what you think about foreigners, at least in the Netherlands. The general attitude towards immigrants is hardening. However, if trafficking is to be tackled effectively, these crucial questions should be asked, answered and addressed.

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TRAFFICKING IN HUMAN BEINGS IN THE REPUBLIC OF MOLDOVA

JANA COSTACHI

BACKGROUND ON WOMEN'S AND CHILDREN'S LIVES

Situated in Eastern Europe, with a land surface of 33,700 square kilometres, the Republic of Moldova is undergoing a drastic economic decline.¹ The level of GDP per capita has decreased by 25% from 426 USD in 1996 to approximately 350 USD in 2000,² and is currently the lowest of all the European countries.

More than half the population lives below the poverty level. Using 120 Lei per month (11.50 USD),³ as the poverty index, it was calculated that in 1999, 58% of the population lived in poverty. According to other sources, 66% of Moldova's population lives below the poverty level.⁴ Almost 30% of the 4,281,500 people⁵ are children and teenagers under 18 years of age. If we also take into account the young people between 10 and 14 years of age, the number of young people is over a million (1,004,000).⁶ The unemployment rate among young people is high, representing almost a third of the total number of unemployed.

¹ Poverty Assessment Moldova, World Bank, 2000; UN Common Country Assessment, 2000.

² National Bank of Moldova, cited by UN Common Country Assessment calculated for 2000, average gross income 350 USD. According to the Department of Statistics, in 2001 average gross income was 344 USD.

³ UN Moldova, Assessment of independent experts from Marketing Problems Centre, 2000.

⁴ National Strategy for Sustainable Development, UNDP, 2000.

⁵ Health for All Statistical Database, International Health Organization. This number refers to the entire country (January 2000). If the population from Transnistria is excluded (631,500 inhabitants), then the total population is 3,650,000. The last census took place in 1989.

⁶ UN terminology and practices give different definitions for children and teenagers. Child: every human being below the age of eighteen years; adolescents: 10–19 years; young persons: 15–24 years. Young People in Changing Societies, MONEE Report nr:7, 2000.

Regular and irregular migration continuously increase. According to unofficial estimates, the number of Moldovan citizens who work abroad is between 280,000 and 600,000.⁷ Official polls show that 80% of the population wants to migrate. Almost 90% of young people aged 18–29 would like to leave Moldova for at least a little while. Over 37% would leave forever if they had the opportunity, with only 9% of young people wishing to stay in Moldova.⁸

TRAFFICKING IN WOMEN AND CHILDREN

RELEVANT FACTORS

The main factors that encourage trafficking of children are as follows: economic factors (poverty, unemployment, and lack of opportunities for the younger generation), social factors (a decrease in the level of education, lack of support for the younger generation, loss of family values, loss of national cultural values in society and the absence of a culture of juvenile justice), and political factors (the lack of a strategy on migration; the failure to identify mechanisms for dealing with violations of children's rights and the lack of a social services network).

STATISTICS

The number of trafficked women and children is huge, and an exact number cannot be established. According to the statistics collected by IOM Moldova for the period 2000–2004, 1,074 victims have returned through the IOM offices in other countries. Of these, 30% were recruited as minors and 42% were still minors when they returned to Moldova. According to IOM's report on the current situation of trafficked women found in Kosovo, which was based on 130 cases for the period February 2000–February 2001, 61.21% of the victims came from Moldova, none of the other nationalities being represented in a proportion higher than 15%. From the total number of victims, 8.46% were aged between 14–17, and 55.38% were aged

⁷ At the beginning of 2000, it was estimated that more than 600,000 citizens of Moldova were abroad. National Human Development Report, UNDP, 2000. Report Trafficking in Women and Children for Sexual Exploitation, Republic of Moldova, IOM, Chişinău, September 2001.

⁸ Interview with the UNICEF Assistant Representative, Giovanna Barberis, 24 July 2001.

between 18 and 24.⁹ It is estimated that 30% of the repatriated teenagers were re-trafficked because of the lack of employment opportunities in their own country.

WHO ARE THE VICTIMS/POTENTIAL VICTIMS?

Victims are recruited from all regions of Moldova, and from both urban and rural areas. However, victims from the rural regions represent the majority of victims. The reasons why children and women become victims of trafficking are multiple: desire to earn money, desire for a decent standard of living, family conflicts, the need to support the family, trust in appealing promises, miserable living conditions, lack of money, hope for a better future, hope to become free and independent and the immoral behaviour of some girls.

RECRUITMENT

They are recruited both by individuals and by legal entities. Individuals are people who have usually been abroad, have established certain contacts, and have returned home to recruit girls. They may be women who have been blackmailed into such activity by their former pimps, who threaten to inform on them if they do not become recruiters. Some of these girls turn recruitment into a business for themselves.

Legal entities are usually companies that are officially registered in Moldova (tourist agencies, employment agencies, model agencies and marriage agencies). The girls are recruited through advertisements that promise careers as dancers, hotel workers or tourism workers abroad, or work as waitresses, housekeepers or child-minders. Usually the girls give an undertaking to pay back the expenses associated with their transportation to the destination from the promised salary (800–1000 USD). As soon as they reach the destination country, their passports are taken away, and the girls are forced into slavery; they realize that they have been cheated only after they have arrived in the destination country. There have also been cases when children have been kidnapped from the streets, and they do not know where they are going or what they will do.

⁹ Counter-Trafficking Unit Situation Report (Report of the anti-trafficking unit about the current situation), IOM Pristina, 2001.

The majority of victims of trafficking, depending on their age, are recruited for begging and sexual exploitation; some of them are recruited for other jobs (agricultural work, animal husbandry, etc.). In many cases children who are recruited for begging and other occupations are also exploited sexually. Girls are recruited for sexual exploitation in most cases; there are also some cases of boys recruited for sexual exploitation. The girls recruited for sexual exploitation are identified in public places (discos or bars). The traffickers gather information about families that are poor or dysfunctional, and seek out girls who are willing to live abroad for work and prostitution. The pimps attract victims by promising good money abroad. If the girls change their minds, the pimps force them with threats or physical violence. There are no statistics about THB for the purposes of organ transplantation. There are some media reports about organs being sold in Turkey. Allegedly, persons from Moldova who agreed to sell their kidneys were tested in Moldova and then operated on in Turkish clinics.

TRAFFICKING STAGES

Moldova is a country of both origin and transit. Because of its geographical location and current economic situation, Moldova became a major country of origin for trafficking in human beings. It is also a transit country for traffickers from Ukraine and other countries of the former Soviet Union. According to the Ministry of the Interior, girls and women from Moldova are trafficked for sexual exploitation to five destination areas: 1. Turkey, Cyprus, Greece, Lebanon, Syria, Israel, the Arab Emirates; 2. Romania, Hungary, Bulgaria, Slovakia, the Czech Republic, Poland; 3. Bosnia and Herzegovina, Macedonia, Albania, former Yugoslavia (Kosovo), Montenegro, Serbia; 4. Italy, France, Portugal, Germany; and 5. Russia.

The majority of women are trafficked first to Romania, to the city of Timisoara. In Timisoara women often find out if they have been cheated and are being trafficked. Those who were sold to new owners and transported to Macedonia, Kosovo, Turkey, Italy, Cyprus and Greece.¹⁰ There is also a well-known route to Turkey through Ukraine (Odessa) and Bulgaria.

¹⁰Save the Children Moldova cooperates with a local NGO in Timisoara, which has contact with women coming from Moldova, and with the border police in Romania. To date, 16 cases of trafficking have been referred to Save the Children.

WHAT HAPPENS ON ARRIVAL?

Usually the entry into the destination country is the moment of entry into total captivity. The victims are deprived of their identity papers, and their personal possessions; they do not have freedom to move or communicate and are continuously threatened. In more than half the cases supervised, the person stated that they were in debt to their owners for their transport. The period they had to work to pay off their debts lasted from one to two years. Most of the time, the children did not get paid for the work they did. In all cases the women and children were physically abused, suffered malnutrition, and had to endure sexual perversities. The average length of the working period was from 8 to 12 hours per day/night, serving from 6 to 10 clients. In Italy the situation is much more oppressive, and the number of clients varies from 15 to 25. Traffickers use private apartments to avoid being found by the police; they use special techniques for approaching clients, special methods of advertising; they allow only regular clients to enter their apartments. Working conditions are set up, and if the women do not fulfil the conditions imposed by their owners, they are abused physically and threatened (even with death). The girls do not receive any money until they have repaid the debt to their owner. The so-called debts relate to transportation costs, illegal entry into the country, obtaining documents, the sum for which they have were purchased, etc., but the women are unable to repay the debt. Then they are sold again to another owner.

In conclusion, we can say that the living and working conditions were abusive and involved the following features: from the social aspect: psychological abuse, physical abuse, rape, surveillance, inability to choose whether to accept or refuse clients, lack of medical services, obligatory use of alcohol and drugs, forced abortion, malnutrition, treatment as commodities, and forced recruitment of friends or relatives. From the juridical aspect: confiscation of ID and possession of false ID. From the economic aspect: indebtedness, no remuneration, partial remuneration only, retention of payments and conditional remuneration.

HOW DO VICTIMS OF TRAFFICKING ESCAPE?

Women and children escape in the following ways: police checks in public places, general inspections by the police and specialized agencies, deportation of victims for visa violation, complaints to the

police by victims in the destination countries, escape from the place of exploitation, end of the agricultural season (in cases where victims were used for agricultural work), escape with the help of clients, assistance from relatives from home, INTERPOL and local NGOs assistance in transit or destination countries.

WHAT HAPPENS TO VICTIMS WHEN THEY RETURN HOME?

The girls who survive the beatings, rapes and sexual diseases, drugs, alcohol and emotional abuse suffer emotional trauma. Many of them get pregnant. Other consequences are of a physical and emotional nature, severe trauma, stress, depression, drug abuse, consumption of alcohol and drugs. The victims suffer from post-traumatic stress disorders. The symptoms are anxiety, depression, irritability, flashbacks, emotional and physical hyper-tension and nightmares. Back at home, society refuses to accept them. 91% of the victims return to their homeland. 77% of the victims return to the people they lived with before. In cases where the parents' attitude had caused their situation, the victims refuse to live with them again and decide to live with their relatives, friends or in special institutions. The government does not support the victims who have returned, and the possibilities for NGOs are limited. 80% of the victims have sexually transmitted diseases and some of them have mental problems.

NATIONAL LEGISLATION

The definition of human trafficking given by different people depended on the experience of the persons interviewed. The Criminal Code (article 165) of the Republic of Moldova defines trafficking in human beings as follows: the recruitment, transportation, transfer or hosting of a child, as well as payments made or received or benefits for obtaining the agreement of a person who controls a child for the purpose of sexual, commercial and non-commercial exploitation in prostitution or the pornographic industry; labour exploitation or forced services, slavery, illegal adoption; criminal activities involving the transplantation of organs or tissue transplants.

NATIONAL POLICIES AND LEGISLATIVE ENFORCEMENT

In response to obligations assumed under the Stability Pact, in October 2001 the Government of Moldova approved the establishment of a National Committee for Combating Trafficking in Human

Beings, the Deputy Prime Minister being appointed as Coordinator of the Committee. The Group includes the heads of the leading ministries and departments. Four groups of experts examine the following matters: the legislative framework, prevention and awareness raising, social rehabilitation and assistance to victims, combating trafficking in children and the illegal removal of children from the country (a recently created group).

In November 2001 the Committee adopted a National Plan of Action (NPA) for combating trafficking in human beings.¹¹ The NPA anticipates actions to be undertaken by various ministries and governmental institutions, in cooperation with international organizations and NGOs in the following areas: research and assessment, awareness raising, prevention/addressing social and economic causes of trafficking, victim assistance, return and reintegration of victims, law reform, law enforcement, international cooperation and coordination.

CENTRE FOR THE PREVENTION OF TRAFFICKING IN WOMEN

Since February 2001, the project entitled Centre for Prevention of Trafficking in Women (CPTW) has been implemented by a local NGO, the Association of Women Lawyers (AWL) under the aegis of the United Nations Development Programme. The project has been implemented thanks to the generous support of the US State Department, which is the main donor to the project. Other funders of the project are the World Childhood Foundation and the Soros Foundation, Moldova. CPTW launched three local branches throughout Moldova.

Among the most significant activities we can list the following: creating and maintaining a partnership network of national and local organizations actively involved in combating THB; producing and implementing a variety of permanent media campaigns across Moldova (radio/TV programmes, articles in national and local newspapers, advertisements and permanent billboards that focus on the THB issue and are directed at sensitising public opinion); organizing educational campaigns targeting teenagers and other groups that are most vulnerable to trafficking; supporting and operating two telephone information hotlines; organizing law enforcement programmes for the prevention and eradication of THB.

¹¹ *Monitorul oficial* no. 136-138/1274, 15 November 2001.

Starting in 2001, CPTW trained more than 100 volunteers from more than 15 districts of the Republic of Moldova. Currently these volunteers are taking part in information campaigns and organizing training in the schools in their regions. CPTW, in partnership with the National High School Debating League, organizes various training events for volunteers on the issue of trafficking in human beings, emphasizing trafficking in minors as a severe violation of children's rights, and child abuse. The objective of this educational campaign is the creation of a legal rights culture among children between 13 and 18 years of age, in the sense of developing their own abilities for self-protection from any form of abuse and violence against them, including trafficking in human beings.

RECOMMENDATIONS AND CONCLUSIONS

In order to improve the situation, the actions undertaken must include the following areas at regional and local levels: an institutional framework; a legal framework; specialized social services for potential victims of trafficking, as well as for actual victims; training of specialized personnel, and international cooperation.

INSTITUTIONAL FRAMEWORK

- Setting up networks to improve the co-coordinating mechanisms between the various governmental institutions and ministries for the initial implementation and realization of national anti-trafficking strategies and action plans.
- Strengthening the capacity of the National Council against trafficking.
- Identifying state bodies and appointing contact persons (to be done directly by high-level government officials) with functional powers, who will work on a permanent basis with NGOs on the development and implementation of various anti-trafficking programmes.
- Appointing persons in the municipalities who will be responsible for combating trafficking (by giving additional responsibilities to existing employees).
- Developing international and national anti-trafficking networks.

LEGAL FRAMEWORK

First of all it is necessary to improve the national legislation, to clarify all forms of trafficking and to develop mechanisms for enforcement. Legislation must include the regulation of prevention activities, and provisions for the rehabilitation of victims of trafficking.

- In most cases, victims are affected psychologically (post-traumatic stress). Therefore, multidisciplinary teams must be available at all stages of the criminal trial.
- If the victim is a minor, special procedures must apply to collect evidence and to carry out investigations. Criminal trials must be closed to the public, and the victim's identity must be protected. Moreover, the presence of the victim and her defence counsel must be limited as much as possible.
- Various techniques must be used in working with trafficked children. The development of certain rules and sample questions for trafficked children has been suggested, as well as general methodological instructions for the use of police and prosecution officers.
- The procedures should allow for the use of audio and video equipment, which could solve the problems associated with the preservation of evidence.
- The victim must be protected by mechanisms that can improve the victim's situation during the investigation interviews and the legal process, as well during the reintegration process.
- Law clinics should be set up to provide free legal assistance to trafficked victims.
- The prosecution of prostitution should be reconsidered, and measures adopted to preserve the confidentiality of victims after their reintegration into society.

SPECIALISED SOCIAL SERVICES

The development of specialized social services has to include two aspects: prevention and rehabilitation. Prevention services have to be provided in two ways: formally, by introducing a large package of knowledge on health and life into the school curriculum, and informally, by involving NGOs in the dissemination of information on the hazards of trafficking. Information on how to avoid becoming a vic-

tim of THB should be disseminated in rural areas, where access to information and the distribution of information are more difficult. This can be achieved by:

- involving the relevant actors (police, social workers, health professionals, employment agencies, teachers, the church, local authorities and local NGOs, including youth organisations),
- promoting the development of a network of local NGOs and a network of “hot lines” throughout the country,
- using the available media, the press and the new information technologies such as television, the Internet, etc.

Rehabilitation services:

- Victims need special kinds of assistance, which can only be provided by multi-disciplinary teams of specialists.
- Creating a network of rehabilitation centres based on programmes of assistance for victims, developed on an individual basis in accordance with a personal evaluation of the needs of the victim.
- Developing special rehabilitation programmes for minor victims, orphans, pregnant victims or those who have small children.

TRAINING OF SPECIALISED PERSONNEL

Permanent and periodic training programmes should be organized to develop human resources. There is a need to develop a plan for the joint training of all those involved in anti-trafficking actions, using a multi-disciplinary approach. The training should be specialized and focus on various fields of operation (for example: prosecutors, police, judges, social workers, private lawyers, and NGOs).

INTERNATIONAL COOPERATION

The relevant international treaties for combating THB and ensuring access to justice for minor victims should be ratified and implemented.

GENERAL INFORMATION ON THE TRAFFICKING SITUATION IN ALBANIA

IRENA PROGNI

GENERAL SITUATION

Trafficking of persons for sexual or economic exploitation is an abuse of human rights on a global scale. Its purposes include prostitution, debt bondage and domestic labour, but also trafficking of children as slave labourers, soldiers and sex slaves. Trafficking is a global phenomenon and has been present in Albania since 1991, with the opening up of the country towards the world through a long-standing desire for democracy. Like other countries in Eastern Europe, Albania, after undergoing major changes became a source, transit and destination country for trafficking in human beings.

Generated by the disruption of social and human values that legitimates illegal and criminal methods for escaping poverty and increasing living standards, trafficking of human beings in Albania happens within family, kin and community as an adaptive practice in the market economy. It has become a serious and worrying phenomenon that has created thousands of victims, mostly women and children, used for labour, organ removal and sexual exploitation purposes.

In the absence of an official number of victims and because of difficulties in collecting statistical data, most of the governmental and non-governmental actors engaged in fighting trafficking agree that the phenomenon has decreased when compared to the situation a few years ago. The reasons for this decrease in trafficking are unclear, but it is not a case of each of opportunity, although it might represent a rearrangement of transit patterns.

At the moment, the statistics mainly come from non-governmental organizations, and from partially completed studies and interviews, which often have not been able to give a true picture, but tend to understate or exaggerate the phenomenon. These results sometimes do not agree and are numerically inexact (varying from 5,000–30,000).

CAUSES OF TRAFFICKING IN ALBANIA

The reasons why trafficking exists are well known and do not differ essentially from those of other east-European countries, except for the geographical location of our country, which unfortunately could be an advantage for traffickers: lack of economic and educational opportunities for women, young girls and children in the community; lack of community campaigns to raise awareness of trafficking and its risks and dangers; lack of any rule of law; geographical position and porous borders; failure to prosecute traffickers and corrupt officials; and the social issues that Albania is presently facing, which affect primarily the categories of children (orphans, school dropouts, working children, children subjected to abuse or blood feuds), women (the unemployed ones, heads of families, victims of domestic violence, trafficked or prostituted women), old people living alone and unable to care for themselves, young people (drug and alcohol addicted, school dropouts, those victimized by blood feuds, those with criminal records, etc.) and people with physical disabilities.

The present trafficking situation shows clearly that the majority of trafficked girls and women come from remote rural areas where there is an obvious lack of helpful resources: television programs and documentaries aimed at preventing trafficking; information on the difference between trafficking and prostitution; legislation on anti-trafficking. There may also be a lack of awareness raising campaigns, bearing in mind that these areas are considered most likely to support trafficking, in addition to a very low economic growth and development rate, unemployment, etc.

Because of the unemployment situation and lack of vocational opportunities in Albania, in rural areas girls and women often prefer to go abroad to work and receive better pay. Hoping for a better life for their daughters, parents do not hesitate to let them marry a rich man who suddenly appears in the remote town or village, in spite of the early age of their young daughters. In the absence of officially organized migration, traffickers attract their victims by pretending to offer job opportunities abroad for these girls and women.

Mapping the information on the trafficking phenomenon in Albania raises an important issue, because although there are various organizations working in the anti-trafficking arena, there is a

lack of data and statistics to map trafficking, which has sometimes altered its positioning in response to various of the policy reforms undertaken. Different statistics are given by different institutions, and coordination is needed at several levels: among donors, NGOs, the government and NGOs, etc.

In Albania there are numerous organizations dealing with human rights and anti-trafficking; some of them have worked hard in combating trafficking, but the majority of them are located around Tirana, the capital city, or/and around other major cities because of the better infrastructure.¹

ANTI-TRAFFICKING LEGISLATION IN ALBANIA

Since 2001, there has existed in Albania an anti-trafficking legislative framework to fight trafficking, but one remaining question concerns the applicability of this legislative framework. Are the people aware of the existing legislative framework that fights trafficking in the country? Do people know about it? If so, are they capable of denouncing cases of trafficking and helping to prevent them? Recently, a Law on the Justice Collaborators and Witness Protection was approved by Parliament to protect witness rights, a step which shows a positive move forward in fighting trafficking.

During 2002, 332 criminal proceedings were initiated, with 296 alleged perpetrators. 137 proceedings were sent to trial, with 209 defendants, whereas during 2003, 95 defendants were convicted, 120 are still under judicial process, in court. Additionally, there are 80 other proceedings under investigation, with 87 alleged perpetrators.²

POVERTY AND GROUPS AT RISK OF BEING TRAFFICKED

The poverty profile in Albania does not mean only unemployment, or families living in poverty and/or below the minimum living standards; nevertheless, there are many Albanian families below the official poverty level. Poverty affects those categories of people who are denied basic right to have a house, sufficient food, heating,

¹ OSCE and Land O'Lakes WRATE General Report.

² General Prosecution Office, 2003.

warm clothes in winter, suitable employment based on their physical and educational capabilities, a neighbourhood school and the chance to attend school, primary health care, protection from robbery and violence, and to have a voice in society. Lack of family income varies not only from one region to the other, but within the same region as well. Because of low income levels, economic aid from the state to low-income families does not help those families to escape poverty. The rural population is thus more exposed to the risk of social exclusion.

According to the last State Department report on Human Trafficking, Albania was included among 74 countries in “Tier 2” that do not meet minimum standards³ in fighting human trafficking but that are making efforts to do so. Among the criteria for compliance with the standards are successful efforts in fighting the criminalization of trafficking, successful prosecution of traffickers, the existence of protection programs and the non-victimization of trafficking victims.

COORDINATION TO FIGHT TRAFFICKING TOGETHER

Among those working in the sector of Human Trafficking another perceived need in combating trafficking in Albania is work in a coordinated way at various levels. Coordination among actors who are willing and able to fight the phenomenon is important. Everyone is trying to do something individually, and there is a lack of good coordination in the sense of the existence of a network, services offered (both economic and social), prevention, and protection for victims of trafficking. A further illustration: what if there arises a need to talk about trafficking and prostitution, or a need for counselling support to be given to victims of trafficking by those (especially in rural areas) who are already struggling to make a differ-

³ The “minimum standards for the elimination of trafficking” are summarized as follows. Governments should take the following steps: 1. Prohibit trafficking and punish acts of trafficking. 2. Prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault, for the knowing commission of trafficking in some of its most reprehensible forms (trafficking for sexual purposes, involving rape or kidnapping, or that causes a death). 3. Prescribe punishment that is sufficiently stringent to deter and that adequately reflects the offence’s heinous nature for the knowing commission of any act of trafficking. 4. Make serious and sustained efforts to eliminate trafficking.

ence? It would be really hard, whereas penetrating through others who already have such a network and where there is already a relationship set up, will naturally provide easier and more effective results.

Land O'Lakes is a USAID development funded project that has been operating in Albania since 1993, supporting financially and technically the local meat and dairy processing industry. Today's network consists of about 10,000 rural women throughout Albania. This could provide very effective access to combat and prevent trafficking in those areas.

The OSCE presence in Albania has been coordinating anti-trafficking activities among international organizations and providing support for local NGOs, including capacity building. Regarding prevention measures, OSCE has supported the Women's Rights and Anti-Trafficking Education Project (WRATE),⁴ starting from 2000. The main aim of this project is to raise awareness in Albania of women's rights under international human rights conventions and domestic law. The project included training for trainers and curriculum development.

Because of its large network of rural women, Land O'Lakes is a strategic partner of OSCE in implementing the WRATE Project in Albania. During Phase One (2000–2002) and Phase Two (2003–2004) of this Project dozens of WRATE training courses have been organized and provided to the selected target groups. The training is an awareness raising campaign aiming to make Albanian women and men aware of the issues concerning domestic and international legislation on basic human rights, gender violence and anti-trafficking. Many rural women located in various villages in Albania have received information on these issues through the respective projects.

The overall objectives of the WRATE project are as follows: to raise awareness among Albanian women and men about gender roles within the society; to enhance gender mainstreaming initiatives within NGOs and other community based groups in districts all over Albania; to raise awareness of women's rights under international conventions, domestic law and the National Strategy to Combat Trafficking in Human Beings; to increase the awareness of Albanian

⁴ An OSCE Project since November 2000.

women and men, representatives from the civil society and others, but especially of the most vulnerable, regarding the Albanian reality of domestic violence and trafficking, and to build their capacity to support victims of trafficking; to raise awareness about the national expertise and services that exist to support victims of gender based violence; to support and empower women to advocate and lobby for women's rights; and to create a network among organizations and groups interested in women's rights.

In addition, Land O'Lakes has worked closely with other organizations interested in combating trafficking and developing human rights, such as Save the Children, SEATS/USAID, IOM, Chemonics/USAID, Women Center, etc. The main goal was to deliver a variety of interactive training campaigns so as to raise the awareness of the community mainly about human rights, women's rights, family planning, domestic violence, trafficking and prostitution. Land O'Lakes has also offered dairy vocational training to victims of trafficking referred to IOM/Albania, aiming to provide victims of trafficking with the chance to be reintegrated into their communities.

The media is considered as a fourth governing authority, which, especially in Albania, should play a crucial role in fighting against the trafficking of human beings. In our daily news, we can easily find photos of naked girls and women and read accounts of women who are killers, who are violated, trafficked or prostituted, all of which has affected women's role and position in the society. In Albania you can on a daily basis meet successful women in business, politics, sports, music and other social and cultural activities; women who study computer science, or foreign languages; women who love peace, their children and families; women who know how to survive despite a lack of social and economic support, a gender "equality" regime, etc. Unfortunately, we do not find such women on TV programs and shows or in documentaries and newspapers. Thus, children cry: no more cases of violated and abused mothers' models on TV!

GROUPS IN ALBANIA VULNERABLE TO TRAFFICKING

The majority of trafficked girls and women belong to the age group 14-30 (see Table 1). They all sought a better life for themselves and their families; they were promised real marriage and/or engage-

ment, or better jobs; they were rarely sold by their families because of overwhelming poverty.

The information below is taken from interviews conducted with 116 trafficked girls and women, all of whom asked for IOM assistance during the period December 2001–September 2003. Those trafficked girls and women assisted by IOM coming from the rural areas constitute a larger number in comparison with those from urban areas: 56% of them come from rural areas, and 44% from cities. In contrast, other sources explain that 68% of the total number of victims involved in trafficking come from rural areas, and 32% from urban areas.

TABLE 1: AGE GROUPS OF TRAFFICKED GIRLS AND WOMEN.

Age	Percentage
14–18 years	26.8%
19–25 years	50.0%
26–30 years	13.7%
31–35 years	9.5%
Total	100 %

As far as border crossing is concerned, based on statistics, only 2% of the women have crossed borders legally and 88% illegally; 10% have been trafficked within the country. These are data drawn from interviews conducted in the shelter. More than 85% of the trafficked girls had previously been unemployed, kept at home and had not attended secondary school, sometimes not even elementary school.⁵ These are the destination countries to which Albanian women are mostly trafficked: Italy, Greece, England, the Netherlands, Germany, Belgium, Norway, etc.

The main methods of recruitment include the following: volunteer; false engagements or marriages; job deception/cheating; abduction/kidnapping; and (rarely) sale by families.

TRAFFICKING OF CHILDREN

According to the Law, in the Republic of Albania, the definition of a child is any citizen under 18 years of age; the Albanian population, based on the number of children, is considered to be young.

⁵ Girls and Trafficking, Psychosocial Centre “The Hearth,” Vlora 2003.

During the transition period, the phenomenon of trafficking in children turned into one of the most severe violations of children's rights in Albania, which attacks child safety and protection, and damages children's health, development and moral values. A child without rights is a slave child and for that reason child trafficking is a strikingly negative phenomenon that should be tackled with all the means and force available. In accordance with Article 54 of the Albanian Constitution, children enjoy rights and special protection from the state.

In 2001 the Albanian Government, in collaboration with Albanian NGOs, including CRCA (Children's Human Rights Centre in Albania) prepared and approved the National Strategy to fight against Trafficking of Children in Albania, which aims to improve the situation of children over the next five years.

During 2002 6 proceedings with 8 defendants were initiated. There are no reports on the number of convictions, whereas in 2003, 21 persons were judged, of which 6 were convicted; 15 other cases are still in the judicial process. Five other proceedings, with 14 alleged perpetrators are still under investigation.⁶

The main causes of child trafficking in Albania are as follows:⁷ poverty; political instability; unemployment; divorce; domestic violence; low educational level and poor family background; organized crime—links between politicians and criminal groups; the high number of corrupted officials; loss of any system of values; promises of a better life in developed countries, and false engagements and marriages.

GOVERNMENT INTERVENTIONS

The interventions performed till now by the government have been centralized and have remained at the level of strategy compilation: 1. National Strategy on combating illegal trafficking of human beings, compiled since 2001; 2. establishment of an anti-corruption and anti-trafficking governmental body (State Minister Institution); 3. tentative coordination of regional anti-trafficking efforts among

⁶ General Prosecution Office Report, 2003.

⁷ Children's Human Rights Centre of Albania, Albania Report 2004.

governments (Anti-Trafficking Center in Vlora); 4. establishment of specialized law enforcement units at the district level, fighting illegal smuggling (actions in cooperation with the Italian Police against speedboats illegally trafficking persons and narcotics, named Puna-Labor); 5. setting up of a reception facility to assist returned victims (opening of Governmental Reception Center—Linza Shelter); and 6. drafting the Action Plan to Combat Trafficking in Children.

Law enforcement experience shows that there is small scale traffic involving individuals; however, there are, more important, large enterprises—international networks constituting a sophisticated and well organized “industry” with political support and economic resources in countries of origin, transit and destination.⁸ There is an obvious link with the widespread corruption at all official levels and with other forms of emerging criminality. Trafficking is becoming a source of income for several organized and transnational crime groups. The high profits accrued by these criminal organizations imply the creation of money laundering companies and the investment of trafficking profits in legal activities.

Countries (like Albania) that suffer from low employment and provide few economic opportunities for a considerable number of citizens (more than 40% of young people wish to leave the country)⁹ will continue to nourish the European markets for sex and labour, unless the government undertakes serious measures regarding employment, economic development programs and vocational opportunities. Such measures should help in lowering the poverty level etc., and should be implemented in parallel with community campaigns in anti-trafficking awareness and prevention.

Building the confidence of citizens in their public institutions, especially those related to the judiciary, law enforcement and prosecution is crucial in combating trafficking. One of the key topics of the anti-trafficking strategy should be the establishment of a cooperative approach to increase the confidence of the citizens in the justice system, which can be realized only by offering real numbers and a different trafficking situation. Improvements in the legislative

⁸ Trafficking in Women, a comprehensive European Strategy, <<http://europa.eu.int>>, March 2001.

⁹ Unicef Survey 2002.

framework for fighting trafficking of human beings should be combined with law enforcement results; these two areas are still very far apart.

Shelters are an important method of supporting and assisting victims of trafficking in the short term, but shelters alone are not a long term solution. Reintegration and rehabilitation programs should be developed in combination with more economic and vocational projects, and opportunities that can be offered to the victims of trafficking. The victims of trafficking ought to be able to consider their country as a place to make a future for themselves; this cannot be achieved in places of temporary, and dubious, shelter, in which they feel ever further isolated.

THB is still challenging the Government authorities to protect their citizens and exercise control over the territory, especially the national borders, which continue to be porous and function as transit gates for traffickers recruiting women and children from/through Albania and other Eastern European and Asian countries. In reality, the latest police interventions against illegal transportation by speedboat have not so far stopped trafficking, but have increased transportation costs and resulted in more sophisticated transportation methods, such as regular visas, false documents, the use of land borders etc.

Thus, the recent downward trend in the trafficking phenomenon is mostly the result of political stability and recent improvements in the rule of law. The political climate has remained fragile; tensions between political actors have jeopardized every initiative to fight trafficking by whittling away the citizens' confidence and their expectations of positive change. Combating trafficking has become a governmental priority due to increasing international pressure to move the country towards Euro-Atlantic integration.

On the other hand, grass-roots interventions that involve victims of trafficking, affected families and the community through awareness raising campaigns, prevention, victim protection and reintegration have not been so well-coordinated, only in the short term and, above all, mostly implemented by NGOs. These interventions sometimes lack stability and sustainability in making available structures and capacities to combat trafficking. Most of them have been concentrated in the main urban areas (especially in Tirana), leaving aside

remote and rural areas, where low levels of social and economic development have always nourished the trafficking of human beings, as a form of organized crime.

This is the current overall situation with regard to trafficking in Albania. Now is the time to pull all the efforts, actors and factors together in order to prevent trafficking, prosecute its agents and protect its victims and to combat its various forms and mechanisms. Whatever its disguise, it remains a very visible abuse and violation of human rights that should be considered a crime.

MACEDONIA: FINAL DESTINATION AND TRANSIT ROUTE FOR TRAFFICKED WOMEN

SVETLANA MILENKOVA

The rate of organized crime involving trafficking in human beings has been drastically increased in the last few years in the Republic of Macedonia, especially trafficking in women. Trafficking in human beings, particularly women and children, is a huge problem indeed, and one that is growing rapidly. It is a phenomenon of increasing proportions in the Balkans and countries of the neighbouring region. When examining trafficking, it is important to use a gender perspective. Gender as a social category refers to the roles of men and women in society, impacting on their social status and in this case on their migration status. Gender is linked to roles and power (social, legal, political, economic, ethnic, etc.), placing disadvantaged members of society in vulnerable positions. Women and children find themselves in more vulnerable positions than men, yet a gender perspective also recognizes that men are trafficked and that women can be traffickers as well as migrants. A gender perspective also recognizes that regulations have an impact on both individual and societal levels, and that these (should they not be gender sensitive) affect men and women differently (UNIFEM n.d.).

Apart from gender, other factors also influence the flow of trafficking. People are pushed into trafficking because of high unemployment, a lack of opportunities at home and scarce and inaccurate information about their destination country. Violence, inadequate legal systems, porous international borders, corruption and favourable punitive measures for traffickers work to make the situation worse. Huge profits accompanied by low risks make this illegal activity extremely attractive (UNIFEM n.d.). Trafficking of women and children is nothing new, although it is becoming an ever more important issue, placed third as an illegal activity after drug and gun smuggling.

Structural deficiencies make law enforcement difficult. With the absence of a witness protection program, victims are reluctant to appear before courts, fearing for their lives—especially since their details are sometimes released in the media. For witnesses, police and international organizations sometimes provide protection on an ad hoc basis. We can see that there is a difference between the high number of counter-trafficking law enforcement operations and arrests and the low number of prosecutions accompanied by very light sentences for traffickers, which cannot improve the situation (Hunzinger and Sumner Coffey 2003).

Dilaver “Leku” Bojku

One of the most infamous traffickers within the region initially received only a six-month sentence, because of a lack of evidence, according to judicial sources. Bojku has faced 22 criminal charges in the past five years—some involving forced prostitution. He controlled more than a dozen bars and hotels in the western part of the country and mainly operated out of the village of Velesta, near Struga. At Leku’s Hotel Bern, near Struga, the police have found four Yugoslav women working illegally. As victims said, they were attracted by promises of high wages and later found they had been sold for an average of 1000€–2000€ to trafficking bosses. Bojku didn’t give money to the victims, and the clients paid 50€ for every hour spent with them. Beaten and mistreated, the women were kept like slaves and could hardly escape. To reform the court system, international organizations and legal NGOs have started training legal personnel (Dimovski 2003).

The majority of the women and children, mostly girls, are recruited, transported, marketed and purchased by individual buyers, pimps, traffickers and members of organized crime networks within countries and across national borders for the specific purpose of prostitution and other sexual exploitation in the sex industry. Trafficking for prostitution and other sexual exploitation is one of the most horrifying examples of violation of human rights that exists in the world today. It is modern slavery. This is not a mere analogy; women and children are trapped in slavery-like conditions.

The Republic of Macedonia is a main *country of destination* within South Eastern Europe for trafficking in foreign women and girls for purposes of sexual exploitation. Besides being a destination, the Republic of Macedonia is also a *transit country* between victims’ countries of origin and their countries of destination and can serve

as a temporary destination for foreign victims (Hunzinger and Sumner Coffey 2003). Because of its geographical position between Eastern and Western countries, Macedonia has long acted as a smuggling corridor, particularly as a gateway to Greece. Since 1999, with the beginning of the Kosovo crisis and the presence of military forces, Macedonia has acted as a magnet for human traffickers and has become a significant destination country (Hunzinger and Sumner Coffey 2003). Therefore, most of the trafficked victims able to be identified and assisted are foreigners. The number of identified and assisted victims decreased in the second half of 2003, since more of the victims are kept within private accommodation rather than public establishments, and it is more difficult for law enforcement units to reach victims using the regular operative methods (Hunzinger and Sumner Coffey 2003).

Macedonian police uncover the vast majority of victims. The Organized Crime Department within the Macedonian police force is tasked with coordinating the exposure of trafficking in human beings. They mostly identify victims by raiding suspected establishments and routine administrative work (Hunzinger and Sumner Coffey 2003). When found, victims are transported to the nearest police stations, where trained police officers conduct interviews. These interviews are held to collect evidence and to determine the trafficking status. The Department for Foreigners and Immigration Issues is responsible for documenting victims' data, as well as for providing temporary shelter prior to their repatriation (Hunzinger and Sumner Coffey 2003).

VICTIMS' PROFILES

NATIONALITY

According to IOM statistics, profiles of the foreign victims trafficked within the Republic of Macedonia reveal that from the 690 identified and returned victims, between 2000 and 2003, 50% came from Moldova, 31% from Romania, 11% from Ukraine, and there are victims from Russia, Belarus, Bulgaria, Serbia, Montenegro and Kosovo as well (Hunzinger and Sumner Coffey 2003).

AGE

Victims are primarily (60%) between 18 and 24 years of age at the time of their identification. 13% are minors between 14 and 17 years of age, whereas the age-group over 30 years forms a marginal 5% (Hunzinger and Sumner Coffey 2003).

FAMILY STATUS AND EDUCATION

Most of the victims (64%) are single and have no children, and 36% are mothers, most of them having one child (divorced, married or separated) before they left their homes (Regional Clearing Report 2003, 163). About 38% of the victims have a high school education, 25% have primary school, 19% have a middle school education, and a very low percentage have finished university.¹

REASONS FOR GOING ABROAD AND RECRUITMENT METHODS

The reasons victims went abroad are varied. More than 3/4 of the victims intended to work abroad, believing they were heading for Greece or Italy (Hunzinger and Sumner Coffey 2003). The percentage of those who escaped from their families or who were sent away by their families is very small at less than 1%. The number of victims forced to leave their homes rose recently, which indicates that in the face of increased public awareness of trafficking, traffickers use more force and coercion with potential victims. Most victims, about 71%, were first recruited by acquaintances and job advertisements promising well-paid jobs abroad, and 15% were forced. While trafficked, most of the victims were forced into sexual services (70%), and a low percentage of them into dancer-entertainer, waitressing or domestic work. 54% of the victims did not have freedom of movement, and some of them were accompanied at all times (IOM in Macedonia).

TRANSPORTATION ROUTES

The transportation route covers mainly Serbia and Romania, since a majority of the victims originate from Moldavia and Romania.

¹ IOM Mission in Macedonia Presentation: IOM Counter Trafficking Program in the Republic of Macedonia..

Some victims come from Kosovo, where they have been exploited beforehand. Since traffickers mostly use vehicles to transport their victims, trafficking victims are often on the road for weeks or years before arriving in Macedonia. The main areas in which trafficking takes place in Macedonia are Struga, Gostivar, Tetovo and Kumanovo in the northern and western parts of the country, and Bitola near the Greek border. The duration of the trafficking experience spans between one to three years (Hunzinger and Sumner Coffey 2003).

Victims are mainly identified and referred for assistance during police operations, initiated by NGOs. A few cases have been identified based upon information collected by NGO help-lines. Victims are referred to the Shelter Centre for Trafficked Women in the Republic of Macedonia, located in Skopje. It is part of the Transit Centre for Foreigners and Asylum Seekers, regionally the first government-run shelter. Access to the outside world is restricted, as no one can enter or leave the Shelter without official escort. The Ministry of the Interior and the IOM work to provide the infrastructure at the Centre and to assist the trafficking victims (Hunzinger and Sumner Coffey 2003). To ensure consistency and success in the reintegration and repatriation process of the survivors, it would be a welcome development were strong cooperation to exist between the governmental and non-governmental organisations of the survivors' home countries and the Shelter.

L. B., Moldavian, 20 years old, Survivor at the Transit Centre

L. B. was rescued during a police raid, and was sent to the Skopje Transit Centre. She was obviously physically abused, as could be seen from her psycho-physical state. During several individual therapy sessions conducted in the shelter, she was crying and her body was in spasms. She confessed that she had been raped twice, and she had also been physically abused because she had resisted. L. B. joined group therapy on her own initiative after a long period of individual work with specialists. At the beginning she was a passive observer until in one of the workshops called "Water fantasy," one of the members shared her experience of being raped. So, L. B. got the courage to confess that she had been raped as well, for the first time sharing information with the group. In the follow-up report sent to her country of origin, it was stated that she needed to continue with individual and group therapy.²

² *Psychosocial Notebook*, Vol. 4, February 2004, 101-113.

As far as information about trafficked Macedonian victims is concerned, there is no reliable data on internal trafficking (Regional Clearing Report 2003, 158). Hence officially, Macedonia is *not* a country of origin. But, if we take into consideration the current economic situation, the decline in living standards and the increased rate of poverty then we can really be afraid that Macedonia could easily become a country of origin. Add to that, young people's lack of perspective and well-paid job-offers in foreign countries, as well as lack of information regarding trafficking and this situation becomes alarming. Therefore there is a need for urgent, intensive and preventive action and public information regarding the problem of trafficking. Recognizing trafficking and differentiating between trafficking in women and prostitution, raising public awareness about the possible risks of becoming a victim of trafficking, especially among youth is of utmost importance. Owing to the difficult economic and social outlook in the Balkan Countries, young people wish to leave their countries and work abroad. The two most common forms of recruitment are via acquaintances and job advertisements "offering" well-paid jobs overseas (Hunzinger and Sumner Coffey 2003). After being sold, victims are forced to work in the sex industry or in other labor without receiving any wages. Victims are hidden away from the world by their recruiters. Those who are identified, assisted and returned home keep silent out of fear and shame and often have nowhere to go. Because of their social and financial situation, survivors often see no alternative other than a return to prostitution.

Romanian woman, 21, trafficked in Macedonia

Crying, she explained how she was tricked into travelling to Macedonia and forced to work in prostitution. "I was told that I would be found work in Greece, but I never thought I was being sold to work as a prostitute," she said. In 2002 she arrived in the village of Velesta where the traffickers promised her work as a waitress. Instead she was forced to work as a prostitute in a local bar, run by Dilaver Bojku, the aforementioned "Leku." Like many other women and children, she was rescued during a police raid, and Leku was arrested. She recalls, "Some girls managed to escape, but they were caught, brought back and beaten. He [Bojku] gave us no money except on rare occasions when he was in a good mood. The clients paid 50 euro for every hour spent with us." She was then sent to the Skopje Transit Centre (Gorgevik 2003).

Unaware of the risk connected with illegal mediation for work and unfamiliar with the situation abroad, young women can easily become victims of trafficking. Therefore, the Union of Women's Organizations of the Republic of Macedonia (UWOM), as a non-governmental, non-partisan and non-profit women's organization, founded in October 1994, which consists of a multiethnic network of 70 independent women's organizations, has instituted a program against trafficking in human beings. The goal of our program is to present the problem of trafficking in women as a serious crime against human rights and to raise awareness amongst youth about the possible risks of becoming a trafficking victim. It is also our aim to raise awareness among authorities, the media and the general public about this violation of human rights. We conduct workshops targeting the youth of our 70 local and regional members, in order to inform them about the dangers of trafficking and legal means to work abroad.

We aim to raise awareness among the main actors in the decision-making processes that there is a need for the preparation and implementation of programs through which detrimental social and economic factors can be located and decreased. These factors are indeed the main reason for trafficking victims. It is more than clear that we should make more efforts to improve the conditions for women and to fight against poverty. Women should have equal rights and equal opportunities for employment. In support of this, I can freely say that one program working on counter-trafficking is the Business Training Centre within UWOM, aiming to involve youth and women in the labor market by organizing basic empowerment courses to recognize their own potential, engage their own capacities, as well as providing knowledge and skills for self-employment. In this way they will achieve economic independence, will get out of the poverty and migration cycle, thereby putting them out of reach of the trafficking recruiters.

To conclude, I strongly believe that trafficking in women and children is of greatest concern, and it calls for joint action of various actors in the fight against human trafficking—not only from countries in the region and from donor countries, but also from representatives of governmental and international organizations, local and international NGOs and law enforcement authorities in order

to streamline and coordinate future activities. Recalling that trafficking is a form of organized and international crime and a Human Rights violation, I firmly believe that the only way to move forward is cooperation and coordination of our mutual efforts to combat trafficking in human beings.

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TRAFFICKING IN HUMAN BEINGS FROM, TO AND THROUGH SLOVENIA

URŠA KAVČIČ

Trafficking in human beings, particularly women and children, is a phenomenon of increasing proportions in the Balkans and neighbouring countries. The conditions that contribute to trafficking are determined by a number of factors including, unemployment, lack of opportunities in the country of origin, misperceptions about opportunities abroad, civil and ethnic violence, the absence of legal instruments, the existence of porous international borders, corruption and non-existent or insignificant punishments for traffickers. The huge profits gained from trafficking, combined with the low risks, create an opportunity for criminal organizations to thrive. This phenomenon affects the countries of origin, transit and destination of the victims.

The aim of this article is to assess the dimensions of the phenomenon by exploring the following issues:¹ To what extent is the phenomenon of trafficking in human beings present in the Slovenian environment? Is trafficking recognised or ignored? What is the scope of public policy towards trafficking? What are the country's resources for combating trafficking, and what resources can be utilized to provide comprehensive assistance to victims of trafficking? Who is at the centre of policies combating trafficking? What kinds of responses are defined for victims of trafficking and what for traffickers?

This article's discussion of the extent of the phenomenon and the dynamics of trafficking in human beings is based on the following research methods: the descriptive method (gathering of new data and reviewing of existing data collected at the national level and in selected European countries); interviews with key officials dealing

¹ Results presented in this article are part of a research project carried out by IOM Ljubljana and the Peace Institute in 2003 *Where in the puzzle: Trafficking from, to and through Slovenia* (Zavratnik Zimic et al. 2003).

with the problem of trafficking in human beings in Slovenia; interviews with other relevant interlocutors; interviews with victims of trafficking; and a review of judicial records.

LACK OF DATA ON TRAFFICKING IN HUMAN BEINGS

Attempts to explicitly and precisely evaluate the scope of trafficking in human beings through, to and from Slovenia are circumscribed by the lack of available data. Actual numbers of victims of trafficking in human beings are notoriously difficult to obtain, particularly owing to the specific nature of the phenomenon *per se* and because of the absence or insufficiency of legislation that should serve as the ground for establishing a formal (state) data-base of cases of trafficking.

As a consequence, the registered number of trafficked victims has been relatively low in recent years, while until the end of the 90s, cases of trafficking in human beings were even more rarely reported. Even today, only a very small percentage of the actual extent of trafficking in human beings is recorded; prosecutions of traffickers are the exception,² and few victims receive appropriate assistance. It is evident that trafficking in human beings for sexual exploitation has been given a very low priority in Slovenia. In fact, since trafficking in human beings is not being explicitly measured and recorded, the issue appears to be non-existent. Clearly, the absence of information and statistics reflects the lack of policy response by relevant entities including government offices and non-governmental organizations as well as the international community dealing with this issue.

However, despite the limited information and the lack of any uniform system for gathering data concerning the issue, it is an indisputable fact that there exists trafficking in human beings through, in and to Slovenia.³ According to the few statistics fragmentarily gath-

² Successful trafficking prosecutions are often, although not always, based on victims' testimonies. Such testimonies are rare, since victims of trafficking are either not recognized as such and/or are deported as irregular migrants, or are too afraid to testify against traffickers, owing to the lack of witness protection schemes—all of which makes prosecution hard to implement.

³ Trafficking in human beings for sexual exploitation is the only disclosed form of trafficking in human beings present in Slovenia. Until now, the Police have not been dealing with other forms (trafficking in human organs, illegal adoption of children, forced labour, etc.).

ered so far, and also according to the observations of international organizations,⁴ it is clear that Slovenia is increasingly affected by the problem of trafficking, as a country of origin, as a transit country and also as a destination country.

**ROUTES FOR TRAFFICKING IN HUMAN BEINGS THROUGH,
FROM AND TO SLOVENIA**

Although trafficking has been on the increase in Central and Eastern Europe since the late 1980s and early 1990s, the Balkans and neighbouring countries appear to have become a region of origin, transit and destination for trafficked women only in the mid 1990s, in the wake of the humanitarian crisis and wars in the former Yugoslavia (ARTB Study 2001). Because of its geographical position, close to both east and west, Slovenia above all appears to be a transit country for trafficking in human beings, but it also plays the role of origin and destination country. Certainly Slovenia forms part of the Balkan route, one of the well-known routes used by organized crime and human traffickers.

Victims of trafficking from eastern European countries, mostly Ukraine, Romania and Moldavia, enter Slovenia via Hungary, and victims coming from the Balkan region come to Slovenia via Croatia. According to the ARTB Study published by IOM in 2001, the main land route out of the Balkans to Italy goes through Bosnia, Croatia and Slovenia. There is a high percentage of border apprehensions by the Slovenian border police at the green border with Italy. There have also been identified cases of women going from Hungary to Italy through Slovenia. According to our findings, the same routes are used when Slovenia appears as a country of origin and destination. Usually, when Slovenia is in the role of a transit country, trafficking routes lead to Italy and from there to other west European countries.

TRAFFICKING THROUGH SLOVENIA

Research and the reports of Western European countries consider Slovenia to be primarily a transit country for trafficking in human

⁴ For example: the EU Commission, the US Department of State, and the International Helsinki Federation for Human Rights.

beings. According to estimates by a Slovene NGO, 1,500–2,500 women coming from abroad pass through Slovenia each year, mostly from Eastern Europe and the Balkans en route to Western Europe.

In contrast, the number of cases registered by the Ministry of the Interior⁵ is much lower: in the year 2002 they identified 50 cases of women who were passing through Slovenia, whose case indicators showed that they could be considered as victims of trafficking: 21 of these women were from Bulgaria, fifteen from Moldavia, ten from Romania, two from Estonia, one from Yugoslavia and one from Albania. Statistical data for previous years as well as for the year 2003 is not available.

Additional information that was provided on the basis of research questionnaires also points to the Slovenian transit role in the process of trafficking women: a Ukrainian NGO stated that in all their work since 1999, they had received 110 appeals from young women who had left for Italy, Germany, Greece and Portugal through Slovenia. Furthermore, according to the case profile information from an NGO in Moldavia, two women were mentioned as having been transported via Slovenia to another country (Italy) for further exploitation. A Norwegian NGO also reported that they had information on Slovenia being used as a transit country; this information was given to them by a Ukrainian citizen who described the route to Norway through several countries, including Slovenia.

TRAFFICKING TO SLOVENIA

Slovenia is also a country of destination for victims of trafficking. According to the Slovene NGO source 1,500–2,000 girls are trafficked to Slovenia each year mostly from Ukraine and Moldavia. This number, however, is a loose estimate, because authorities are unable to provide the statistical data concerning trafficked persons identified in the country.

However, the indirect data pointing to the trafficking in human beings in Slovenia can still be helpful in making estimates of trafficking. Indicators that can be considered relevant and that can indirectly point to potential trafficking in women for sexual exploitation

⁵ Criminal Investigation Police.

are the rising number of media advertisements for sexual services, the increasing number of night clubs where sexual favours are obtainable for payment, and the number of work permits for so-called exotic dancers.

The number of advertisements for sexual services in Slovene newspapers and magazines, as well as the number of massage salons and nightclubs is rising. Advertisements may involve the services of women who are in fact victims of trafficking, because control of the content of these advertisements and of the actual service provided is either insufficient or even non-existent. As for the indicator involving nightclubs in Slovenia, it can be similarly stated that there has been a noticeable increase in the number of night clubs in Slovenia in the past few years, a fact which implies a higher demand for sex workers. According to estimates from the Slovene NGO, there are over 70 nightclubs in Slovenia where sexual favours are obtainable for payment.

Women from Ukraine, Moldavia, Russia, the Czech Republic, the Slovak Republic, Bulgaria and Romania, with a few also from Kosovo, Bosnia and Herzegovina and Croatia work in these bars, but it is unclear how many of these girls have been trafficked.⁶ They usually enter Slovenia legally and also get work permits. The level of trafficking in any particular location depends upon the scale of the sex industry. Border areas show a particular concentration of brothels and bars. So-called risk areas in Slovenia are Murska Sobota (border with Hungary), Maribor (border with Austria), Celje, Slovenj Gradec, Krško and Brežice (border with Croatia), Nova Gorica (border with Italy), Kranj and Jesenice (border with Austria).

TABLE 1: NUMBER OF VICTIMS RECOGNIZED IN SLOVENIA.

Source	2001	2002
Criminal Investigation Police	32	25
NGO Ključ Society	No data available	5
IOM Ljubljana	3	3

Sources: Government, NGOs and IOM.

⁶ Employment Service of Slovenia—Department for the Employment and Work of Foreigners.

As can be inferred from Table 1, the number of officially recognized victims differs according to the source providing the data; moreover, the data from NGOs represent the number of victims with whom the organizations were in touch, or whom they have helped, which is different from the registration of victims. As Table 1 shows, in the year 2001 the Criminal Investigation Police registered 32 victims of trafficking in Slovenia. No other data are available except that two of these were minors and one victim was a child. In 2002 (also according to the same source), 25 victims of trafficking were registered in Slovenia: ten from Ukraine, one from Romania, two from Slovakia, three from Bulgaria, eight from Slovenia and one from Yugoslavia.

With reference to the data provided by the NGO, it must be noted that this organization was established in November 2001—accordingly, data for the year 2001 are not kept by this particular NGO. In 2002, the NGO was in touch with five victims of trafficking, two from Bulgaria and three from Ukraine; of these one girl died in Slovenia.

Finally, in the year 2001, the IOM Ljubljana assisted three victims of trafficking to return home: one woman was from Moldavia, one from Russia and one from Ukraine. In 2002, the IOM Ljubljana assisted in the return of one victim to Bulgaria and two victims to Ukraine. Help and assistance were provided at the airports in Ljubljana, Vienna and Kiev by IOM staff and later with tickets to their home cities, where they were included in reintegration assistance.

Considering the data presented, it should be noted that the actual numbers of victims of trafficking in women could be much higher. Prosecutors and criminal investigation officers, for example, notice that brothel-type prostitution⁷ is an exceptionally well-organized form of prostitution; they are aware of the growth in the international trade in women, and they believe that organized crime is coming to Slovenia alongside it (CEDAW 1999).

⁷ At this point it can be noted that, according to the Slovene Police, there is almost no “street prostitution” in Slovenia. More sophisticated forms of prostitution in Slovenia are “flat” prostitution and “mobile” prostitution, which tend to employ women from the former Yugoslavia. These two forms are very well organized and distributed in Slovenia, because they are very difficult for the police to uncover.

TRAFFICKING FROM SLOVENIA

Data provided by various sources indicate that Slovenia is also a country of origin in the process of trafficking in human beings. According to estimates from a local NGO, Slovenia is a country of origin for around 100 Slovenian girls and women. Mostly these are sold to west European countries such as Italy, Spain, the Netherlands and Germany while they are still minors (Popov 2002).

In 2002 the Ministry for the Interior dealt with a well organized international criminal group who had sold five Slovene girls and women to traffickers in different Western European countries. In the year 2002, the Slovene NGO assisted three Slovene girls who were potential victims of trafficking⁸ and provided psychosocial help to one girl who became a victim of trafficking a few years ago.

International sources have also reported on Slovene victims of trafficking: from a total of 751 trafficking victims found between January 1994 and June 1995 in Austria, seven were from Slovenia (CATW 1996). Other data can be added, based on various sources and periods of observation. For example, in 1998, seven victims from the Balkan and neighbouring countries (BNC) were recorded in the Netherlands, including one from Slovenia. The same year one Slovenian girl was recognized as a victim in Spain, in 1999/2000, three Slovenians were recorded, among 10 BNC, as having been trafficked in the same country. In 1999/2000, five women from the BNC were recognized as trafficked women in Germany, including two from Slovenia (ARTB Study 2001). In 1998, the British Police recorded 71 women trafficked to the United Kingdom, some of whom were Slovenian (but no information on the exact number is available).

LEGAL AND POLICY RESPONSES TO TRAFFICKING

As far as the legislative framework is concerned, three areas should be mentioned when discussing trafficking: firstly, Slovene legislation, secondly, international human rights instruments and thirdly measures related to the Slovene accession to the EU and the EU

⁸ They have denied it, although there were certain indicators that they could have been victims of trafficking.

acquis. Before April 2004 Slovene legislation did not include a specific article on trafficking in human beings, nor did it explicitly refer to the prevention of trafficking in women.

Elements of trafficking as a criminal offence were partly addressed in few of the articles of the Criminal Code, namely (a) the article addressing criminal prosecution for enslavement, (b) the article on pimping, (c) the article on presenting persons for prostitution (pandering by force, threat or deception) and (d) the article related to illegal crossing of borders, that is smuggling.

In April 2004 a new article was added to the Slovene Criminal Code addressing trafficking in human beings:

Trafficking in Human Beings

Article 387a

(1) Whoever purchases another person, takes possession of them, accommodates them, transports them, sells them, delivers them or uses them in any other way, or acts as a broker in such operations, for the purpose of prostitution or another form of sexual exploitation, forced labour, enslavement, service or trafficking in organs, human tissue or blood shall be given a prison sentence of between one and ten years.

(2) If an offence from the preceding paragraph was committed against a minor or with force, threats, deception, kidnapping or exploitation of a subordinate or dependant position, or in order to force a victim to become pregnant or be artificially inseminated, shall be given a prison sentence of at least three years.

(3) Whoever carries out an offence from the first or second paragraphs of this article as a member of a criminal association for the commission of such offences, or if a large pecuniary benefit was gained through commission of the offence, the perpetrator shall be subject to the same penalty as specified in the preceding paragraph.

Besides the Criminal Code, the Law on Public Order also includes indirect connections to trafficking, where trafficking or pimping can be interpreted as offences under the law condemning minor offences to public order that do not belong to the criminal code. The law regarding State prosecutors, on the other hand, includes trafficking in human beings, pimping and pandering and other crimes with international elements in the definition of organized crime. The constitutional articles that are relevant to trafficking and pimping are as follows: (a) the article on protection of human personality and dignity, (b) the article on freedom of movement, (c) the article on the right to personal dignity and safety, and (d) the article on freedom of work.

As far as international human rights legal instruments are concerned, a few that have been ratified by Slovenia should be mentioned: the cooperation agreement between Slovenia and Europol addresses the fight against trafficking in human beings, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Convention for the Protection of Human Rights and Fundamental Freedoms being just two of them.

Within the UN framework let us mention the UN Convention against Transnational Organized Crime and its Protocols: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Protocol against the Smuggling of Migrants by Land, Sea and Air, which was ratified by Slovenia in April 2004. Trafficking in human beings and related crimes are also among the subjects addressed as part of the EU acquis, and the EU is making more and more paper provisions in this area that are now also obligatory for Slovenia as a new member country. Last but not least, the Brussels Declaration on Prevention and Combating Trafficking in Human Beings should be mentioned, which outlines a comprehensive set of policy and operational recommendations towards counteracting trafficking at the broader European level.

CONCLUSIONS

In analyzing the situation of trafficking in human beings in Slovenia, it seems necessary to add possible guidelines that could be followed when monitoring the situation of victims of trafficking as well as traffickers. The fact is that the question refers to broader issues of migration policy; however, the vulnerable group, meaning the victims of trafficking themselves, has to be the center of policing. Keeping this in mind, starting guidelines can be summarized as follows (see also Zavratnik Zimic et al. 2003, 67–69).

ADDRESSING “VISIBILITY” IN NATIONAL MIGRATION POLICIES: When defining national migration policies that have to include all different forms of migration, an appropriate role must be awarded to the subject of trafficking in human beings, especially to the victims of trafficking. Vulnerable groups must take part in national migration policy in a more visible and defined way. Care for vulnerable groups of

migrants, including victims of trafficking, should be incorporated into the Resolution on Migration Policy, as a key instrument defining migration policy on the national level.

POLICY ALTERNATIVES: Owing to the extreme vulnerability of victims of trafficking, their future position should be carefully considered. Basically there are three kinds of policy alternatives relating to attitudes towards victims that are widely known: *Voluntary return to the country of origin*; victims should never be deported from the country. Voluntary return programs should be offered to every victim of trafficking, since this is the only suitable way of return, which should be, of course, followed by reintegration assistance in the victim's country of origin. Special focus should therefore be given to this last phase of the return, in order to minimize the re-trafficking cycle. *Staying in the country*, followed by an integration process; this second option should also be used for victims who, for various reasons, cannot return to their countries of origin. In that case all efforts should be devoted to integration activities which would help the victim adjust to life in the new country as quickly as possible. *Resettlement in a third country*. An option of resettlement in a third country should, in some cases, also be considered.

DECRIMINALIZATION OF VICTIMS: Often victims of trafficking are regarded as perpetrators who are criminalized and deported from the state before the whole situation has been investigated. Therefore, advocacy activities for victims of trafficking are urgently needed. In addition, assistance for victims of trafficking in human beings has to be provided, and special attention should be assigned to children.

INDIVIDUAL APPROACH TO INTEGRATION: In case of the victim's remaining in the country, integration must be based on an individual approach. This starting point is of great importance, because victims can by no means be defined as a homogeneous "target group," and individual needs must be met. Because of victims' life experience (abuse, everyday threats, etc.), this question demands a sensitive and professional approach.

RESEARCH AND CONTINUOUS MONITORING: Improvement in long-term results cannot be expected without proper research that would bring experience and knowledge to governmental, non-governmental and intergovernmental organizations and experts on certain

aspects of trafficking in human beings. Continuous monitoring of trafficking is also very important, from the viewpoint of ongoing research as well as monitoring of policy reactions in different national environments.

COOPERATION BETWEEN RESPONSIBLE SERVICES AND INSTITUTIONS: Owing to the interdisciplinary nature of the question of trafficking in human beings, the approach should be systematic, based on cooperation of all necessary governmental, intergovernmental and non-governmental organizations.

THE ROLE OF THE EDUCATIONAL SYSTEM: In terms of providing information about trafficking, the role of schools has to be strengthened: students' perceptions of trafficking should not be solely the reflection of the mass media's influence; instead, detailed information should be provided by schools and other educational institutions, which should include the issue in the regular teaching program.

PUBLIC DISCUSSION: A wider public discussion about trafficking in human beings is needed, contributing also to the rising awareness of risks in the process of labour migration, with a particular focus on the youth population. Critical perception of media messages could be a result of critical public debate, with participants from governmental, intergovernmental and non-governmental organizations, on the one hand, and the youth population in schools, on the other.

NEED FOR INFORMATION FOR MIGRANTS: Information for migrants about political and economic issues of state, and specifically about legal regulations, particularly information about the guaranteed rights for aliens in the process of labour migration, must be available and guaranteed to migrants.

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PREVENTION OF TRAFFICKING IN WOMEN IN ROMA COMMUNITIES—THE LA STRADA APPROACH

PETRA KUTÁLKOVÁ

La Strada Česká Republika, o.p.s. is a non-governmental, non profit organisation that since 1995 has been working in the Czech Republic. All activities of the organisation are targeted at finding solutions to the problem of trafficking in human beings. Specifically, La Strada's activities comprise awareness raising and prevention of trafficking in human beings, provision of direct social assistance to trafficked women; and influencing legislation. La Strada Czech Republic is a member of the international La Strada network that operates in nine European countries—the Netherlands, Poland, Czech Republic, Ukraine, Moldova, Macedonia, Belarus, and Bosnia and Herzegovina.

La Strada CZ combines both an “anti-violence” program which points out the unacceptability of violence with “pro-rights” work, focused on support for and help to the afflicted and protection of their rights. We work in three basic spheres: prevention of trafficking, assistance to trafficked women and lobbying.

The combination of three campaigns of prevention, assistance and lobbying enables La Strada to understand the phenomenon from various perspectives and to use effective strategies in direct work with trafficked women or in prevention activities. The prevention campaign, in cooperation with lobbying work, stresses the need for prohibition of all forms of coercion and gender-specific violence, an increase in awareness about human rights and implementation of information about trafficking in women into school curricula. Prevention work complements social assistance in avoidance of re-victimisation and re-trafficking, and by empowering, in the sense of fostering independence in the women concerned.

Since trafficking in human beings is a dynamic phenomenon, we monitor new trends and developments and adjust our activities

accordingly. One observed shift in recent years is that the Czech Republic is increasingly a country of destination for trafficking in human beings. For example, last year more than 50 per cent of the trafficked women we have assisted were foreigners. In addition, we have been encountering women from new countries of origin, such as Vietnam and China. Nevertheless, the Czech Republic also remains a country of origin—Czech nationals are still trafficked abroad both to EU countries and further abroad, such as to Japan and Mexico.

TRAFFICKING IN WOMEN IN ROMA COMMUNITIES

We have noticed a change in recent years in the profile of at-risk groups—persons endangered by trafficking. Within the at-risk group of young women and girls, we have identified sub-groups that are potentially more endangered by trafficking. One of these groups includes Roma women and girls living in socially excluded areas.

According to the 2001 census, approximately 11,000 Roma live in the Czech Republic. Many Roma do not identify themselves as such in the census, and the actual number is much higher. The most frequently cited estimate is 250–300 thousand Romany (Kalibová 1999). Historical developments, especially from the Second World War to the present, have created the specific features of Romany residential structures, i.e. local concentration of Romany in enclaves surrounded by the majority population (Baršová 2002). In particular, local governments tend to push Roma communities away from urban centres to their peripheries or outside the cities that have recently grown.

At present the fact that residential segregation has an ethical dimension is not the only issue being discussed; particularly at issue is the fact that Socially homogeneous Romany enclaves are becoming ghettos, and this is considered dangerous (Baršová 2002). Ghettos have features such as social exclusion of their population, increasing social problems, increased occurrence of social and pathological phenomena, and especially their gradual isolation from the surrounding world and deepening resignation of the inhabitants to the impossibility of changing this situation.

In Roma ghettos and locations with high concentrations of Romany, risk factors accumulate which significantly increase the

threat to Roma women from trafficking. Social and economic risk factors include unemployment, employability challenges, poverty, low levels of education, and the acceptability of unprotected employment or drug and alcohol addiction. Additional ethnic and cultural risk factors pertinent to women among the Roma community include their different attitude to women's rights (Bitu 1999; Hübschmanová 1999), orientation to the present, the growing number of emigrating Romany and, last but not least, the "exoticism" of the Roma women for potential purchasers. The general ignorance of women concerning trafficking in socially excluded locations and Roma communities is deeper, owing to the fact that the community inhabitants are difficult to inform, and this is a serious risk factor. These internal risk factors can be further reinforced by external risk factors connected with the environment in which these people live, such as the geographical location of the area where the group lives, socio-economic indicators relevant to this area, the generally unequal opportunities for men and women etc. One confirmation that Roma are a high risk group is that Roma women represent a substantial number of the trafficked women we have assisted.

As a result of the above mentioned factors, La Strada decided to extend its prevention activities to include some directly targeted at the Roma communities. The first step was a one year pilot project carried out between March 2003 and March 2004. In this project, called Human Rights in Practice—Prevention of Trafficking in Women in Roma Communities,¹ we collected field data that would help to open a professional discussion on this problem. As a result of the opening of the issue to the general public and professionals, La Strada was able to cooperate with individual subjects from regions, to target information dissemination as a means of reducing the risk of trafficking in persons and to provide assistance to victims living in or coming from the socially excluded locations.

During the project we visited locations in three regions where there is a local majority of Romany. We aimed to survey the specifics of individual regions and disseminate prevention information to the communities. The survey was carried out through half-opened interviews in meetings with workers from institutions and organizations

¹ Supported by OSF Prague/OSI Budapest.

who are familiar with the situation in individual locations and provide social services there.² In obtaining information, three female advisors cooperated directly from the regions. As part of the project the advisors also held half-opened interviews on the issue, especially with Roma women. The data obtained from the fieldwork was completed with analysis of the cases of Roma women—clients, who have used La Strada’s services—with information obtained during prevention sessions in individual locations, and with the observations, experience and opinions of Romany students from a Roma Secondary Social School.

SELECTED OUTCOMES FROM THE FIELD SURVEY³

Several factors influenced the collection of information on trafficking in the targeted locations, especially from the workers directly serving Roma communities and women from the communities. Trafficking in women is often considered prostitution; many taboos relate to prostitution in Roma communities. Prostitution itself is not acceptable to the “traditional” values of Roma communities, and its practice was “shameful” for the woman’s family and for herself. Taboos related to prostitution were more or less reflected in many interviews held; many interviewees indicated the same taboos as obstacles to work on the trafficking issue, or prostitution.

The interviews gradually revealed that prostitution was a part of everyday life in some communities (almost everybody in this location knows someone in his/her surroundings who is living or used to live by prostitution; this does not mean that all in the community are prostitutes). Some interviews indicated that there were locations where prostitution had gradually become an acceptable standard (it is one of the few possible sources of funds for poor Romany families).

² During the field work, 47 interviews were held with 74 persons altogether. These were workers providing social services in Roma communities (field social workers, Roma advisors, workers with the authorities for social and legal protection of children, community center workers, persons organizing leisure or educational activities in the communities, streetwork organization staff, criminal police staff and the UOOZ [Organized Crime Detection Division]).

³ Full text version “Trafficking in Women in Roma Communities, The final report from the project of Rights in Practice—Prevention of Trafficking in Women in Roma communities project” is available on <www.strada.cz>.

The traditional taboo concerning prostitution is also considered an obstacle especially to the work of field social workers and workers employed by anonymous facilities and Roma centres. They assume that there are likely to be more cases in which women are forced into prostitution than they are informed of—nor will they ever be informed of them, because of the existence of the taboo: concrete cases are unresolvable; women who are likely to be forced into prostitution do not ask for help, for example when they are abused by someone from their (extended) family. In some cases involving trafficked Roma women, the women do not consider their situation to be abuse.

The issue of domestic violence provides an interesting parallel to the trafficking issue in the survey. Some respondents clearly show that violence to women is often considered to a certain extent acceptable, and in some cases even ordinary. If a woman is repeatedly exposed to violence from a man and considers her situation unbearable, traditional customs and taboos prevent her from asking for help.

This implies that information obtained on trafficking is influenced by traditional taboos related to these issues: trafficking in Roma (and other) communities in the Czech Republic usually takes the form of forced prostitution (that is, a combination of two tabooed issues—violence and prostitution). These taboos are further reflected in the work of assisting jobs entering these locations.

The terms “trafficking in persons” or “trafficking in women” are not themselves very well known. Trafficking is often confused with prostitution; in some cases the vision of the trafficking process is connected to “tales” about girls kidnapped while hitchhiking or while walking through a dark park. One common synonym for trafficking in women is “white slavery.”

To obtain further information, the collocation “women who have been sold” or “forced into prostitution” seemed clearer. After the terms and the word content had been clarified, the informants typically had information on individual cases of trafficking, in some cases including further details, for example about the process of recruiting or the transfer of a woman to a different location.

The survey showed that the existence of trafficking in socially excluded locations is beyond doubt. In a majority of the locations vis-

ited, past and present cases of trafficked women and girls were known, or cases that most likely were trafficking. Roma women and girls are typically trafficked for prostitution. The trafficked Roma women (or women who are likely to be abused in prostitution) about whom we have obtained information may be roughly classified into two groups: Roma women from the Czech Republic trafficked within the CZ or abroad, and Roma women from Slovakia trafficked to the CZ. In comparison with other problems, such as housing, trafficking is considered to be a marginal issue, because there are “only” individual cases. However, the interviews often contained the assumption that trafficking may exist in a latent form. However, it is impossible to obtain precise information.

PREVENTION SESSIONS IN THE ROMA COMMUNITY

An essential part of the pilot project was the creation and testing of a specific prevention session for Roma women and girls. The objective of the prevention sessions is to inform girls about trafficking in women, about the risks related to travelling abroad, and about unprotected employment and the possibilities for assistance in emergency situations. A specific programme of these sessions has been developed according to the nature of the groups; the programme includes interactive educational methods combined with prevention materials that have been specifically created to fit the needs of this group.

Awareness among the girls attending the prevention sessions of the existence or the meaning of trafficking in women varied in individual locations—overall, prostitution was the first association. In some groups the girls were generally aware of this phenomenon.

During the prevention sessions we found that nearly three quarters⁴ of the girls had thought about “taking their chance abroad.” This is dangerous, especially considering that the groups with which we worked were generally uninformed of the possibility of entering into an employment contract (including information about the labour law in the CZ), of the requirements of such a contract or the

⁴ At the session the girls respond to 5 attitude questions in a test form, during which some describe the most frequent mechanisms of the trafficking process. On the basis of the questions, a discussion follows.

possibility of verifying the credibility of a potential employer. The girls (even the older participants) often have no information about the existence and operation of Czech consulates abroad. (Our discovery of the willingness of these girls to travel abroad was confirmed by subsequent discussions during the sessions, but in direct contrast to statements by informants within the survey; these informants were mostly inclined to the opinion that Roma women and girls would not seek work abroad.)

If the girls wanted or showed willingness to find information about potential employers or agencies offering jobs, the majority of them requested no guarantees from the relatives who offered them jobs. Two thirds of the girls agreed with the statement that some of their relatives would help them to get a job. This is alarming, when considering that the majority of the female Roma clients were trafficked by their relatives or acquaintances.

The prevention sessions confirmed that the target group had none of the information necessary to prevent trafficking risk. Many participants did not have even elementary information about how to act in labour and legal relations or any awareness that the acceptance of a job without an employment contract is risky, especially if such work is mediated by someone known to the girls.

In the prevention sessions, interactive methods proved useful, since they emphasize the girls' activity and encourage them to reflect on their own attitudes and knowledge. These were effectively combined with the standard brochure and small pocket mirrors with a contact number (given to the girls as a present at the end of the session).

On the basis of the project Human Rights in Practice—Prevention of Trafficking in Women in Roma Communities, we can say that Roma women are a group endangered by trafficking in persons. Because this group is marked by cultural specifics and often lives in conditions of social exclusion, it is necessary to choose adequate prevention measures. The similarity in cases of trafficking in Roma women is based on the given details—namely the increased probability that they will be trafficked by someone they know. Since trafficking in persons is linked to organized crime and as a conse-

quence of the “iceberg” phenomenon,⁵ we may assume that the number of trafficked women from Roma communities is higher than we are able to determine. The problem of trafficking in persons cannot be compared with the other social problems faced by people from socially excluded locations (unemployment, eviction, etc.) in terms of its extent and frequency; nevertheless, we must take into account its seriousness, and we can definitely state that the issue of trafficking in persons is a relevant issue for professional discussion or, better yet, for seeking other avenues of prevention and means of assisting victims. Within this effort to minimise the risk of trafficking in persons, we must also reflect broader connections and social factors affecting the life situation of Roma women. In the near future prevention of trafficking among Roma communities will remain in the forefront of our attention, and we hope in the next year to have a Roma woman on our team.

COOPERATION AMONG REGIONS AND CREATION OF A NETWORK OF REGIONAL COOPERATORS

Along with the project aimed at the Roma communities, La Strada implemented another project last year oriented towards specific aspects of trafficking—a project targeted at the patterns and manifestations of trafficking in several regions in the Czech Republic that are characterised as being at risk. The project aimed to identify the specifics of trafficking in different regions, to lay the groundwork for creating of a network of regional cooperators and to map the potential of local social assistance networks.

As with the other project, this project was carried out in cooperation with external persons in the regions, who, in some cases, were involved in both projects.

⁵ Imagine an iceberg in the sea, only the tip of which is visible above the sea’s surface, while a huge mass of ice is hidden under the water. The tip of the imaginary iceberg represents the cases of women who have escaped from the trafficking environment or have been rescued or identified by the police as victims of trafficking. Under the imaginary surface there still remains an incomparably larger group of women who succeeded in escaping, but who, for many reasons, have not used the services of any assisting organization nor contacted the police. This category also includes women who later stayed in prostitution voluntarily and foreign women deported abroad, or women, who had been killed.

Why do I mention this project here, at this forum? I would like to stress the necessity of de-centralising the whole system of assistance and information dissemination. The outcomes of both projects had many similarities—one of them being a lack of information and expertise at the local level. Much of the information provided by the persons interviewed was, at best, qualitative. Furthermore, there is general uncertainty when it comes to the identification of trafficked persons. Many of the people interviewed stated that they think they have encountered a trafficked person during their work; however, they were not sure how to act in such a situation; in some cases, this feeling was evoked retrospectively after talking with a La Strada cooperator. Again, there is confusion in terms of defining trafficking as such. This is often confused with other potentially related phenomena that are different, such as prostitution, migration and people smuggling.

Moreover, both projects have proven La Strada's experience that trafficking in human beings in the Czech Republic is not limited to trafficking for the purposes of sexual exploitation. The interviewees talked about cases of trafficking for the purposes of forced labour in industry, agriculture etc. Nevertheless, the general perception and the view of many professionals is that trafficking is connected only with the sex industry. In order to achieve a comprehensive approach towards the issue of trafficking in human beings, on the level of both prevention and assistance to trafficked persons, attention must be given to all its forms.

In conclusion, I would like to state that the time and effort invested in mapping specifics in regions and among Roma communities has brought us forward. Not only have we gained new information and background, but we have also confirmed previous assessments that can only be verified through continual work in the regions. Based on these experiences, I would like to point out that regional networking within a national state is as important as international cooperation in the effort to combat trafficking in human beings.

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FREE MOVEMENT WITHOUT BOUNDARIES— A HEALTH PERSPECTIVE

ROSSANKA VENELINOVA KRASTEVA

Migration is not at all a new phenomenon, but today the world's population is much more mobile. There is a significant growth in international migration: a 2.5% annual increase in international migrants compared to a 1.7% global population increase, as well as a feminization of migration streams: many women move as principal wage earners rather than as accompanying family members.

Migrant trafficking is not a new practice, but more and more people are turning to traffickers to facilitate international migration. The number of countries affected is growing, routes are springing up or becoming increasingly tangled, and the involvement of individual criminal and organized networks appears to be widespread. People migrate today for many reasons: some are seeking better opportunities, others are in search of safeguards, escaping from war, persecution, violence, poverty, environmental disasters, or human rights violations. In most parts of the world, the possibilities for legal migration have decreased. In destination countries, there remains a persistent demand for various categories of foreign labour in both formal and informal sectors. The combination of these factors has resulted in a sharp rise in the level of irregular migration and trafficking in migrants.

Trafficked migrants, dependent on agents and employers, are extremely vulnerable to exploitation in an insecure and unfamiliar environment and in need of income to maintain themselves and their families, as well as to pay back the debt incurred to traffickers. In such a situation migrants are not only economically exploited, but may also be subjected to sexual abuse, violence, maltreatment and other violations of their fundamental human rights. Traffickers target men, women and children. Gender could affect the varying degrees of risk, vulnerability and exposure to exploitation. Exploitation and violation of fundamental human rights, however, apply to both

migrant men and women. However, women and children can be more vulnerable during the trafficking process because of the use of coercion and the particular types of forced labour and servitude by which trafficked migrants are typically exploited. Migrating women are especially vulnerable to sexual exploitation and to the health consequences of sexual violence, having moved outside of their traditional social and cultural safety networks into different societies where they understand neither the language nor the behavioural patterns. Subsequently, their existence is often quickly twisted into a life of extreme dependency, with clandestine and promiscuous living conditions. Today, trafficking in human beings has become a global business, generating huge profits for traffickers and organized crime syndicates, creating serious problems for the governments of countries involved and exposing migrants to exploitation and violation of their fundamental human rights.

According to the World Health Organization, "health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity" and "the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition." There is a serious link between various patterns of mobility and their impact on health. It is important to understand that migration health requires an understanding of both health and mobility. Mobility implies not only the physical displacement of persons or populations, but also mobility of culture and health beliefs, of epidemiological factors and of ones' personal history. For example, language, religion and rituals have an impact on whether or not a migrant makes use of available health services and complies with preventive health recommendations in host societies; a high risk of being infected with diseases such as tuberculosis in the source country can have an impact on host public health systems and communities; events and traumas experienced by a migrant before or during the journey, such as loss of loved ones, fear, torture and rape can impact on their ability to adapt to a new living environment. Patterns of mobility define conditions of the journey and their impact on health. A person's (legal) status often defines the ability to access health and social services. A migrant who is granted permanent residence status enjoys the same privileges in access-

ing services as the citizens of the host society. This is usually not the case for visitors, labour migrants without permanent residence or migrants in an irregular situation. Such an understanding of mobility and legal status not only determines the level of vulnerability and health of individual migrants in a society, but also challenges policies and management of health care systems that accommodate migrants. One of the main challenges in the past years was responding to the health needs of irregular migrants. While the demands for health services for irregular migrants such as trafficked populations are growing, the irregular nature of the migration process restricts access to health services.

Even under the most favourable circumstances, migration represents a major transition in a person's life. Migration, however, is often triggered by unfavourable circumstances such as war, famine and human rights violations. Although migration does not threaten mental health, it creates a specific vulnerability, and when its pressures are combined with added risk factors, mental health can be affected. The health of migrants in an irregular situation can be at serious risk due to poverty, powerlessness, discrimination, vulnerability to labour exploitation, and often lack of access to health care and social services. Even if some social and health services are available for free, migrants in an irregular situation are often hesitant to seek such services from fear of being reported to immigration officials, or deported.

The most important step is to recognize trafficking as a health issue. Trafficked persons—regardless of whether trafficking is for the purpose of labour, sexual or any other form of exploitation—are exposed to a range of health-related problems. During captivity, they experience physical violence, sexual exploitation, psychological abuse, poor living conditions and exposure to numerous diseases, which may have long-lasting consequences on their physical, in particular reproductive health, and mental health.

Public health problems appear not only in the context of spreading sexually transmitted infections (STIs) and “common” infectious diseases, such as the (re)-emerging problems of TB, HIV/AIDS and Hepatitis B and C. The mental health consequences of trafficking should not be considered in isolation, but as closely linked to and overlapping with the health, socio-economic and legal consequences.

In recognition of these health concerns, the Budapest Declaration notes that “more attention should be dedicated to the health and public health concerns related to trafficking.” Specifically, it recommends that trafficked persons should receive “comprehensive, sustained, gender, age and culturally appropriate health care . . . by trained professionals in a secure and caring environment.” To this end, “minimum standards should be established for the health care that is provided to trafficked victims” with the understanding that “different stages of investigation call for different priorities” (Budapest Declaration 2003).

A recent report produced by the London School of Hygiene and Tropical Medicine, “Health risks and consequences of trafficking in women and adolescents—Findings from a study in the European Union,” offers three frameworks to illustrate the risks and health dimensions of trafficking, as follow. The first presents a chronological perspective of the health needs of trafficked persons through five primary stages in the trafficking process—pre-departure; travel and transit; destination; detention, deportation and criminal evidence; integration and reintegration. The second framework highlights the importance of looking at certain other marginalized and vulnerable population segments in order to appreciate the range of health risks faced by trafficked persons. Important groups include migrants and refugees; persons who have experienced organized violence, torture, interpersonal violence, gender-based violence, sexual abuse, child abuse and child sexual abuse; sex workers, child sexual workers; and exploited labourers. The health risks, consequences, and barriers to services for trafficked women are similar to those for the aforesaid marginalized groups. The third presents the range of health risks, abuse and consequences faced by trafficked persons. These risks include physical abuse/physical health; sexual abuse/sexual and reproductive health; psychological abuse/mental health; forced, coerced use of drugs and alcohol/substance abuse and misuse; social restrictions and manipulation/ social well-being; economic exploitation and debt bondage/economic well-being; legal insecurity/legal security; abusive working and living conditions/occupational and environmental well-being, and risk associated with marginalization/ health service utilization and delivery. So, trafficking often has a profound impact on the health and well-being of women.

This approach attempts to show the reciprocal and connected nature of harm and its consequences—how harm in one category can have consequences in another (for example, physical violence causes physical disability that in turn creates economic problems, such as when the individual has difficulty working) and the way that these can have a mutually reinforcing effect (for example, inability to work and economic problems exacerbate mental health problems, such as stress and fear).

The psychological reactions of trafficked persons depend on a variety of factors, in particular the individual's personal history, past events and stresses associated with the trafficking process. Important to take into account is that many trafficked persons have had traumatic and abusive experiences before being trafficked, often within the family context or within relationships with boyfriends.

The following list succinctly refers to groups of symptoms commonly described by studies available on the topic of trafficking (London School of Hygiene and Tropical Medicine 2003):¹ psychosomatic reactions (headaches, neck pain, back aches, stomach aches, trembling, sweating, health palpitations, sleeping problems, immuno-suppression, etc.); psychological reactions (hopelessness, despair, suicidal thinking, self-harm, explosive or extremely inhibited anger, violent, altered states of consciousness, amnesia, dissociative episodes, reliving experiences, isolation, withdrawal, distrust, memory problems, chronic anxiety, nightmares, chronic fatigue, frequent crying, general lack of interest, etc.); psychoactive substance abuse and dependence (overdose, addiction, physical damage [brain/liver], needle introduced infections, dependence on drugs, alcoholism, participation in high risk behaviours such as promiscuous unprotected sexual acts, violence, crime, etc.); and social reactions (feelings of isolation, loneliness, inability to establish or maintain meaningful relationships, mistrust, rejection by family or community, risk of being re-trafficked).

Bulgaria shares borders with Greece, FYR Macedonia, Romania, Serbia and Montenegro and Turkey and has a population of 7.5 million. Owing to its location, Bulgaria is a country of transit, destination and origin for trafficking in persons. Most victims of trafficking

¹ See also Counter-Trafficking Handbook, IOM, in press.

are women between 18 and 25 years of age; they are single mothers, and with problematic family backgrounds.

In Bulgaria, trafficking in human beings as an issue of concern and requiring a response appeared in the late 1990s. The anti-trafficking effort was initially driven by NGOs but soon also taken up by law enforcement agencies. As in most countries, reliable data on trafficking in human beings in Bulgaria are not available. However, information gathered by the law enforcement Task Force against trafficking in human beings suggests a strong link between trafficking and organized crime. In 2002, the Task Force identified 42 organized criminal groups involved in the trafficking in women for the purposes of sexual exploitation, 14 groups in illegal migration abroad, 5 groups hiring labour for abroad, and 2 involved in the forgery of documents; 177 victims, of whom 71 were minors; and 270 traffickers.

In 1999, the Ministry of the Interior developed an Action Plan for Prevention and Control of Trafficking in Women. In November 2001, the National Human Trafficking Task Force was set up to provide a unified and coordinated law enforcement response to the question of trafficking. It comprises—under the lead of the National Service for Combating Organized Crime—the National Police Service, The National Border Service, the National Gendarmerie and the National Interpol Bureau. Its functions include the gathering and analysis of intelligence, coordination of police work as well as ensuring cooperation and information exchange with other authorities and NGOs. In April 2002, regional Task Forces were created in the 28 regional directorates of the Ministry of the Interior. Law enforcement bodies underline the need for cooperation with NGOs and IOs who can provide direct support to victims.

In October 2002, articles 159 a, b and c were included in the Penal Code criminalizing human trafficking. In May 2003, the Act on Combating Trafficking in Human Beings was adopted by the National Assembly. This law brings Bulgarian legislation in line with the trafficking protocol of the Palermo convention. Among other things, the law provides for the creation of a National Commission which, in turn, is tasked with preparing an annual work programme. Thus, the law is to lead to the development of national policies against trafficking in human beings.

There are more than 15 NGOs working in the anti-trafficking field providing various kinds of support: Animus Association/La Strada—the Bulgarian partner in the International “La Strada” programme for the prevention of trafficking in women in Central and Eastern Europe. They maintain activities in three fields: (1) a rehabilitation centre for women, adolescents and child survivors of violence; (2) work in the community: lobbying, prevention and establishing a network of partners; (3) training and dissemination of good practice through a training centre.

Gender Research Foundation—with the primary aim of promoting a gender-balanced society in Bulgaria—participated in the drafting of the anti-trafficking law.

The Nadja Centre Foundation was established in 1996 as a part of the first Bulgarian Programme against Violence against Women. It is an NGO providing medical, psychological, psychiatric and social assistance, as well as legal advice. Primary beneficiaries are female victims of violence as well as of trafficking. Networking and cooperation with other partners are an integral part of the philosophy of the Nadja Centre. Partners include the police, prosecutors, courts, health and social services, the Ministry of Labour and Social Policy, the Ministry of Justice, the Ministry of the Interior, the Academy of the Ministry of Interior, the State Agency for Child Protection, the Bulgarian Red Cross, and other NGOs. It cooperates with IOM (Bulgaria) on trafficking in human beings. IOM started its programme of assisted return to and from Bulgaria in 1999. It includes safe transportation assistance, pre-departure and arrival assistance, document procurement, escort in transit, safe accommodation, financial support and a reintegration programme. In 2002, IOM opened its own fully operational shelter with a capacity of 20 people. Motives and conditions pushing women from Bulgaria to migrate are quite similar to those applicable to women from many countries in transit. Trafficking in women from Bulgaria is carried out by criminals and criminal organizations through deception and coercion. Women are also recruited by people they know. Traffickers make contact with the victims directly or through peers, rarely through their families. Most vulnerable are young women who answer job advertisements offering them attractive jobs as waitresses, dancers, au pairs, etc.; false marriage promises; sex workers;

and girls from the Roma minority, who are often sold to traffickers by their families. The victims come from the big cities, and from smaller towns and villages; most of them are between 18 and 24 years old; most of them have finished only primary school, and have not completed secondary education. About 35% of the women report having had difficult to bad family relations in their childhoods or before being trafficked.

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PREVENTION OF AND RESPONSE TO SEXUAL AND GENDER-BASED VIOLENCE AMONG PERSONS IN NEED OF INTERNATIONAL PROTECTION

ZSOLT BELÁNSZKY-DEMKÓ

Below you may read about reflections on a possible nexus between the phenomenon of migration and trafficking in human beings, conceived and based upon findings of a project on sexual and gender-based violence among asylum seekers and refugees in Central Europe and the Baltic States. The most paramount and direct link between trafficking and asylum seekers is that the majority of asylum seekers arrive in the countries of our region illegally, through a network of traffickers.

In addition to its national activities, Menedék—the Hungarian Association for Migrants—coordinates a network of 11 refugee-assisting organisations from 11 countries of Central Europe, the Baltic States and Cyprus, called Regional Competence Development Network Programme (CDNP), launched in early 2002 by Menedék and the UNHCR Regional Support Unit in Budapest. The goal of the regional network is to develop, implement and mainstream a regional support and learning strategy for professionals providing refugee-related services, nonlegal/social counselling and representation in the region and working with persons in need of international protection.

One essential element of the CDNP methodological support and competence-building activities has been a 13-month long “sub-project” funded by the Phare ACCESS 2001 Programme of the EU, under the title Prevention and Response to Sexual and Gender-Based Violence among Persons in Need of International Protection in Central Europe and the Baltic States, which started in July 2003, for 10 countries of the region (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia).

Sexual and gender-based violence (SGBV) in all its forms is a violation of basic human rights. The cases usually remain hidden, and it is endorsed by the experience of the refugee assisting professionals that, in many situations, SGBV cases in the country of asylum could have been avoided if appropriate prevention, warning and response systems were in place. In most of the EU accession countries, the institutions hosting refugees and asylum seekers are not primarily designed for these functions, and many of the services are not gender sensitive. Many circumstances cannot be changed unless there were to be substantial financial input into the systems. However the skills, knowledge and attitude of the professionals working in these places are equally important determinants of the general safety and well-being of the people hosted there.

The main activities of the project on Prevention and Response to SGBV include two preparatory workshops, 6-month long pilot activities in selected refugee facilities of 8 countries and the publishing of a Manual providing a basic set of useful information and working techniques and analysing the regional fieldwork and the lessons learned. It is anticipated that, as a result of the project, the organisations involved will gain the relevant skills, knowledge, and appropriate attitude on the subject of SGBV and will attain expertise on how to establish an appropriate prevention and monitoring system in their countries.

Although this project monitors sexual and gender-based violence in the host-country itself (at selected refugee facilities), it has several links to trafficking in human beings. Most of the asylum seekers arrive in Central Europe—as well as move forward towards Western Europe—illegally, through a network of traffickers. According to the social workers participating in the project, some of the asylum seekers have already experienced sexual harassment or rape during their flight from the country of origin, and there were also examples of women who managed to escape from traffickers and thus requested asylum in the host country. In Poland and the Czech Republic, there is a direct cooperation of the national coordinators of the SGBV project and the La Strada Foundation Against Trafficking in Women, as well. In Hungary, the national SGBV coordinator has been involved with the anti-trafficking project of IOM office in Budapest.

International public opinion is becoming more and more aware that economic and sexual slavery is a highly lucrative global industry controlled by powerful criminal organizations. It is estimated that these groups amass huge profits while making use of electronic technology to expand their networks in both developed and developing nations. Young women and teenagers are often lured into prostitution rings by advertisements for domestic positions abroad and find themselves bought and sold via catalogues or by close family members. Many national legal frameworks are ill-equipped to deal with the current trends in human trafficking, as they lack adequate legislation and tools. As a result, their limited law enforcement capabilities, coupled with a lack of judicial expertise, make cooperation on an international level difficult. Owing to this burden, the international community decided to propose a new legal instrument against trafficking in human beings, while at the same time paying attention to the specific needs of women and children for protection and support. Thus, a Protocol to the UN Convention against Transnational Organized Crime, to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (also called the Palermo Protocol), was adopted in mid-November 2000.¹

Trafficking in human beings trends from the economically less developed areas of the world towards the more developed, richer countries. Since the early 90s migration movements have also included Central-Eastern European countries. As a consequence, many West-European countries have introduced stricter regulations for entrance to their countries and have strictly regulated the issuing of work permits and temporary permissions of stay. Migrants from less developed countries, motivated either by poverty or other reasons encouraging or forcing them to leave their home, often face closed borders; thus the most desperate are willing to expose themselves even to the most risky “services” of various groups of organ-

¹ The Palermo Protocol defines trafficking in persons as meaning “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 exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

ised crime, specialising among other fields in trafficking, in order to get into the target countries. Although the Central-Eastern European countries are in a more favourable economic and political position than “Third World” countries, the number of victims of trafficking from Central-Eastern Europe has increased two or threefold since the beginning of the 90s (in Belgium, Austria, The Netherlands and Germany).² At the same time, hope for better living conditions has also led to a movement, within the region, in the direction of the Czech Republic, Poland and Hungary. In addition, there is a movement from countries of Asia and Africa facing civil wars or war-like situations, in the direction of Western Europe, using the Central-Eastern European countries as transit countries, again with the “assistance” of traffickers. Most of the asylum seekers arrive in Central-Eastern European countries illegally, through networks of traffickers, and they leave towards the West in a similar way. This means that asylum seekers in Central-Eastern Europe face the danger of being trafficked and/or re-trafficked in the same way as migrants from Central-Eastern Europe.

There is a huge difference between migration in *hope of* better life conditions and migration for reasons of *mere survival*, primarily regarding the motivation for and taking the riskiness of irregular migration. The various groups of organised crime focus exactly on this almost limitless, subjective pressure to take risks on the part of those persons whom they transport illegally into the country of destination, in exchange for huge financial or other types of remuneration. Trafficking in human beings is related to migration and the causes of migration; however it should be emphasized that the two phenomena are not the same. Migration is induced by poverty and unemployment—among other factors—and motivated by the better economic situation in the countries of destination, as well as by the demands of their labour markets. According to data from the International Organisation for Migration (IOM), there are more than 500,000 women from Central and Eastern Europe who have arrived in Western countries via traffickers of human beings (Fehér 2004). Legal means of and opportunities for entrance into these countries are extremely restricted, even though there is a high

² See Background Study on Basic Principles for a Code of Conduct within the Member States of the EU to Prevent and Combat Traffic in Women (The Hague, STV, 1996).

demand for migrant labour force. The traffickers in human beings bridge the abyss between the two, while earning huge profits in the meantime.

Although there are international legal instruments regulating the fight against trafficking in human beings, and by now many of the Central-European countries have adopted these regulations into their national laws, the problem still exists, and there is much to be done in the future in order to successfully combat trafficking.

In Hungary, for instance, the anti-trafficking law (175/B. §), modified from April 1, 2002 is in accordance with and fulfils the regulations of the UN and other international legal documents. If compared to the Palermo Protocol, it can be stated that the Hungarian national legal regulation is even stricter, since the lowest imprisonment of 3 years does not depend on “means of the threat or use of force,” which are punished more strictly with terms ranging from 2–8, to 5–10, 5–15 or even lifelong imprisonment. At the same time, it is very hard to start a penalty proceeding and prove the crime of trafficking in court, and there are no exact statistics on the number of victims of trafficking in Hungary. Protection of victims and/or witnesses is still to be developed; there are no shelters, transit houses or rehabilitation centres, and prevention activities—including sensitisation of public opinion, education in schools and health institutions—are still at a very early stage.

Since January 2004, the beginning of field activities of the national coordinators in the CDPN project on “Prevention and Response to SGBV among Persons in Need of International Protection in Central Europe and the Baltic States,” there have been several occasions when social workers providing assistance to asylum seekers met with victims of trafficking or have come across the issue of trafficking: in March two young women from Nigeria reported in Bulgaria that they had been trafficked via Turkey and Bulgaria most probably to Austria. They were kept in a flat in Sofia and succeeded in escaping one night. They approached the Bulgarian authorities with asylum applications and are in the asylum procedure at the moment. In the Czech Republic, the NGO coordinating this SGBV project has been invited to take part in a project initiated by the Czech Ministry of the Interior, on the support and protection of victims of trafficking in human beings for sexual exploitation in the

Czech Republic. The Czech model of support consists of 3 phases and makes it possible for asylum seekers and foreigners who are victims of trafficking to obtain temporary or even permanent residence based on humanitarian grounds, in case of voluntary cooperation with the authorities and some other conditions of enlistment into the Model. This model of support was presented to the SGBV teams and inhabitants of the reception facility where the CDNP project takes place in the Czech Republic, being part of an information campaign with the aim of preventing and responding to any types of sexual and gender-based violence among asylum seekers and refugees.

Some of the lessons learned at the SGBV project during 10 months of implementation—especially during the field work in selected refugee facilities in 8 countries of Central Europe and Lithuania—are as follows:³

- Successful methods for prevention of sexual and gender-based violence are education campaigns, awareness raising leaflets and other written materials, as well as counselling sessions and women's clubs and confidence building.
- Poor involvement of refugees—especially of the male population—can be partially overcome by creating general spaces (for example women's or men's clubs) where they can meet and talk.
- Throughout the process, and in all activities, securing confidentiality is important. Besides the general observation of data protection regulations, confidentiality is a token of maintaining the personal security, dignity and integrity of persons involved in SGBV issues, be they victims, perpetrators, professionals involved or other people living and working in the refugee facility.
- Another issue of key importance at which the realisation of the project aims, is the positive approach of all stakeholders involved: the GO and NGO staff must ensure smooth cooperation in everyday activities, in order to create an atmosphere of confidence and secure appropriate referral systems in the functioning of the refugee facility.
- A multi-team approach—involving professionals from various fields of refugee protection, providing legal assistance, social assis-

³ See Weekly and Monthly SGBV Reports of Social Workers Participating in the Project, 2004.

tance and medical help, as well as security services—is the only way to provide effective prevention and response to SGBV in a given society and/or refugee setting.

Similarly to the project on prevention and response to SGBV, effective prevention and combat of trafficking can be achieved only if various sectors of the society cooperate with each other, in a manner similar to the “multi-team approach” mentioned above. Since trafficking is a global phenomenon, international cooperation of the actors is necessary; however, a network of different agencies must be developed on national levels, as well. This means involvement of government officials, NGOs, police, border guards, educational institutions, health institutions, the media and other institutions that can make a difference.

For the sake of effective *prevention*, it would be essential to help the persons making decisions with appropriate information in both the country of origin and the country of destination. This includes description of various labour possibilities abroad, drawing attention to the dangers and risks of the same, organisation of information and education campaigns at schools and in media such as radio/TV/newspapers. During legal procedures it should be kept in mind that actions to combat trafficking must focus on the *perpetrator*, while the *victim* is to be protected by all possible means. Effective criminal investigation is based on denunciation and testimony of the victim. However, the victim will only testify if she/he can be sure that she/he and her/his family will be protected from the perpetrators and any further risks. The victim must be provided legal assistance and advice from the beginning of the legal procedure until the end, with special attention to protection of her/his privacy (including protection from the sensation-oriented media).

In case of victimisation of foreigners—including asylum seekers and/or refugees—the protection should be secured in the same way. It is essential to secure a temporary residence permit for the victim, during the legal procedure, for example testifying. She/he has the right to adequate legal representation, an interpreter and broadly based victim-support (medical help, financial support, legal advice etc.). At the same time, it would be desirable to consider securing permanent residence permits for those victims whose cooperation

with the police contributes to effective criminal investigation and punishment of the traffickers, especially if they face the danger of being re-trafficked when returned to their country of origin. The UNHCR Guidelines on Gender-Related Persecution issued in 2002 address sexual and gender-based violence in refugee status determination. These guidelines state that “in individual cases, being trafficked for the purposes of forced prostitution or sexual exploitation could be a basis for a refugee claim where the State has been unable or unwilling to provide protection against such harm or threats of harm. Trafficking for other purposes could also amount to persecution in a particular case, depending on the circumstances” (UNHCR 2003).

Based on what has been said before on the nexus of migration and asylum, as well as migration and trafficking, including the trafficking of asylum seekers, it would be extremely useful for both the professionals providing assistance to asylum seekers and refugees, and for professionals fighting to combat trafficking, to share their experiences of the phenomenon of sexual and gender-based violence and related trafficking. In case of cooperation of different areas of the Central-European societies, it can be hoped that the possible prevention activities as well as responses of governmental bodies and NGOs in the region could contribute to more effective combating of all forms of sexual and gender-based violence, including trafficking in human beings.

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TRAFFICKING IN HUMAN BEINGS— THE UN APPROACH

SASA GORIŠEK

UNODC—INTRODUCTION

The United Nations Office on Drugs and Crime (UNODC) was established in 1997, and its main mandate is to support Member States in the prevention of illicit drugs, crime and terrorism. It is headquartered in Vienna and has 21 field offices as well as a liaison office in New York (altogether covering over 150 countries), with approximately 500 staff members worldwide.

What is unique about the UNODC is that it relies on voluntary contributions, mainly from governments, for 90% of its budget.

UNODC has adapted its mandate over the years, to reflect the new demands and threats faced by the Member States. The United Nations International Drug Control Programme (UNDCP) was established in 1991. In 2002, UNDCP was renamed the United Nations Office on Drugs and Crime (UNODC), which also administers the Fund of UNDCP. In 1997, UNODC was also tasked with the responsibility for crime prevention, criminal justice and criminal law reform.

Today, the Office's mandate and name reflect the challenges it faces: besides being a leading organization in the field of research and policy work, it works in the fields of corruption, terrorism, money laundering, illicit crop monitoring, drug demand reduction, and HIV/AIDS.

THE GLOBAL PROGRAMME AGAINST TRAFFICKING

The Global Programme against Trafficking in Human Beings (GPAT) was designed by the UNODC in collaboration with the United Nations Interregional Crime and Justice Research Institute (UNICRI) and launched in 1999. GPAT assists Member States in their efforts to combat trafficking in human beings, highlights the involve-

ment of organized criminal groups in human trafficking and promotes the development of effective criminal justice-related responses.

In November 2000, the United Nations General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,¹ which serves as the framework for GPAT.

The Protocol provides the first internationally agreed upon definition of human trafficking,² aims at preventing and combating trafficking and strengthening international cooperation against trafficking and requires States to criminalize such activity, and calls for measures to prevent trafficking and for the protection and assistance of victims.

The UN definition of trafficking in persons includes three elements: (a) recruitment, transportation, transfer, harbouring or receipt of persons; (b) the use of improper means, such as force, abduction, fraud, or coercion; and, (c) the objective of exploitation, such as sexual exploitation, forced labour, servitude or slavery. Countries that ratify the Protocol are obliged to enact domestic laws making these activities criminal offences, if such laws are not already in place. The Protocol also requires States to take steps to protect and support victims of trafficking, who should be entitled to confidentiality and protection against offenders. This should include general protection as well as specific forms of protection when a person is providing evidence or assistance to the police or appears

¹ Full text of the Convention and the Protocols can be found on <http://www.unodc.org/unodc/en/crime_cicp_convention.html>. The First Session of the Conference of the Parties to the Convention was held in Vienna from 28 June to 9 July 2004. At the conclusion of the Conference, there were 81 States who were Parties to the Organized Crime Convention, 63 to the Trafficking in Persons Protocol, 56 to the Smuggling of Migrants Protocol and 21 to the Firearms Protocol.

² "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (see UN, General Assembly resolution A/RES/55/25, 2000).

as a witness for the prosecution. Social benefits, such as housing, medical care and legal or other counselling are optional requirements.

The Convention against Transnational Organized Crime is also supplemented by the Protocol against the Smuggling of Migrants by Land, Sea and Air. The definition of smuggling of migrants includes procurement of illegal entry into a country of which the person is not a national or a permanent resident in order to obtain direct or indirect financial or other material benefit.³

It is important to note the difference between the definitions of trafficking in persons and smuggling of migrants even though in reality it is sometimes difficult to draw a line between these two categories. In loose terms, trafficking produces victims (there is no consent); while in smuggling there is no exploitation (consent is given by victims to be illegally transported to the country of destination, after which the relationship between the smugglers and smuggled persons terminates). In contrast, trafficked persons are delivered to organizations or individuals who have paid for their delivery, and they must, after the delivery, repay their debt to the organizers through prostitution or forced labour.

GPAT aims to fulfil the following functions: advise on drafting and revising relevant legislation; provide advice on and assistance in establishing and strengthening anti-trafficking offices and units; train law enforcement officers, prosecutors and judges; strengthen victim and witness support; and promote increased awareness. The GPAT's key components are assessment and technical cooperation.

The assessment component of GPAT includes data collection on various smuggling routes and the methods used by organized criminal groups in trafficking. The UN is also collecting "best practices" used in combating trafficking and the involvement of organized crime. A database containing trafficking trends and routes, as well as information about victims and traffickers has been established, so that policymakers, practitioners, researchers and the NGO community can use the collected data.

³ "Smuggling of migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (see UN, General Assembly resolution A/RES/55/25, 2000).

Technical cooperation projects have been initiated in Asia, Central and Eastern Europe, West Africa and Latin America and will be assessed according to the following aspects: smuggling routes and forms of exploitation of trafficked people; cooperation among law enforcement, prosecution and the judiciary; and government efforts to respond, including recent legislative reforms.

At the national level, GPAT aims to achieve the following goals: raise awareness of trafficking in human beings and especially strengthen institutional capacity; train law enforcement officers, prosecutors and judges; advise on drafting and revising relevant legislation; provide advice on and assistance in establishing and strengthening anti-trafficking elements; and strengthen victim and witness support.

At the international level, GPAT has the following aim: to provide assistance to agencies, institutions and governments as part of an interdisciplinary effort to design effective measures against trafficking in human beings.

TRAFFICKING—WHO, WHERE, WHY

People all over the world—men and women, adults and children, but especially women and girls—are attracted by the prospect of better lives in countries other than their own. Potential victims are recruited through fake advertisements and acquaintances promising a better future. Once the victims arrive at their destination, their passports and/or other identity documents are taken away from them. They depend on the traffickers for food and shelter, and are exploited to earn illicit revenues either by sexual exploitation or through forced labor.

Trafficking in human beings has become a by-product of globalization, a form of modern-day slavery. It is a global issue, which lacks systematic research, meaning that reliable data on the trafficking of human beings that would allow comparative analyses and the design of countermeasures is scarce. There is a need to strengthen the criminal justice response to trafficking through legislative reform, awareness raising and training through national and international cooperation. Support for and protection of victims who give evidence is key to prosecuting the ringleaders behind the phenomenon.

A global database on trafficking trends was established under GPAT in order to systematically collect and compare information on trafficking in persons, from trafficking trends and routes, victims' and offenders' characteristics and criminal justice responses.

According to the database, about 83% of the trafficking cases involve women, 4% men and 48% children. (A case can include women and children, women and men, children and men or all three together, which is why the total is not 100%.) About 80% of cases include some reference to sexual exploitation and about 20% to forced labour. Among sexually exploited victims, women are by far the majority, followed by children and then men. With forced labour, children are most often the victims, followed by women and then men. Sexual exploitation is the most common form of exploitation of women and children, with sexual exploitation and forced labour most commonly combined for men.

There is much less information available on offenders than there is on victims. Most of the offenders seem to come from Asia, Central and Eastern Europe and the former Soviet Republics.

The following gives some preliminary results providing an overview of the countries of origin, transit and destination. Depending on how often a country is mentioned in any of the three categories, these are the main countries of origin (Russia, Ukraine, Thailand, Moldova, Romania, China, Nigeria, Albania, Myanmar, Lithuania, Bulgaria, Belarus); the main countries of transit (Albania, Italy, Hungary, Poland, Bulgaria, Thailand, Romania, Serbia and Montenegro, the Czech Republic, Ukraine, the former Yugoslav Republic of Macedonia); and the main countries of destination (Germany, Italy, USA, Greece, the Netherlands, Thailand, Japan, India, Turkey, and Belgium).

TRAFFICKING FLOWS DATABASE RESULTS⁴

EUROPEAN UNION COUNTRIES (BEFORE 1 MAY 2004)

Most EU countries are major countries of destination; to some extent, the region is also used for transit purposes. With some exceptions, EU countries are largely not countries of origin.

⁴ Source: UNODC global database on flows of trafficking in human beings, as of 23 April 2004; ratification status of the Convention and the Protocols as of 16 August 2004.

AUSTRIA ranks high as a *destination* country and is also a *transit* country. Victims trafficked to Austria are mainly trafficked from Central and Eastern Europe and the Commonwealth of Independent States (CIS). The Czech Republic is most frequently referred to as a source country, followed by Hungary, Bulgaria, Slovakia and Romania. However, the Dominican Republic, a Caribbean country, also ranks high as an origin country. Austria has signed but not yet ratified the Convention and the two Protocols.

BELGIUM is a major *destination* country but also very much used for *transit* purposes. Female victims are often trafficked from Albania, Nigeria, Romania and Russia, for purposes of sexual exploitation. Children are also very often referred to as victims, also mainly for sexual exploitation purposes. Men are trafficked for forced labour purposes only. Belgium has signed and ratified both the Convention and the two Protocols.

DENMARK is also a high-ranking *destination* country. Victims, mostly women and children, are trafficked into Denmark mainly from the Baltic States and primarily sexually exploited. Denmark has signed and ratified the Convention and the Trafficking Protocol and signed but not yet ratified the Smuggling Protocol.

FINLAND is also a *destination* country, with victims coming mainly from the Baltic States and from the CIS. Women and children are the main victims, and the predominant form of exploitation is sexual. Finland has signed and ratified the Convention and signed but not ratified the two Protocols.

FRANCE is a country of both *transit* and *destination* for victims of trafficking in persons. Central and Eastern Europe and the CIS are the most commonly mentioned origin regions, with Albania, Russia and the Ukraine being the three primary origin countries. Victims are mostly women, although children are frequently trafficked as well. In general, both are sexually exploited, although there have been many cases of forced labour. France has signed and ratified both the Convention and the two Protocols.

GERMANY is one of the *main destination* countries in the world and also a *transit* country to some extent. The main country of origin for victims trafficked to Germany is Ukraine, followed by Russia, Poland, the Czech Republic, Lithuania, Bulgaria and Romania. Major trafficking routes leading to Germany also originate from the

Dominican Republic and Nigeria. Victims are predominantly women, and quite frequently children. Both are mainly trafficked for sexual exploitation. Germany has signed but not yet ratified the Convention and the two Protocols.

GREECE is also among the major *destination* countries for victims in the world. Primary countries of origin for the destination Greece are Ukraine, Albania, Russia, Bulgaria and Romania. Victims are mostly women, trafficked for the purpose of sexual exploitation. Children are trafficked both for sexual exploitation and for forced labour purposes. Greece has signed but not yet ratified the Convention and the two Protocols.

IRELAND is also a country of *destination*, though less often mentioned than most of the other EU countries. Ireland has signed but not yet ratified the Convention and the two Protocols.

ITALY is both a *destination* and a *transit* country to a very high extent. In fact, Italy leads the region as a *transit* country. Main origin countries are Albania and Nigeria, but victims are trafficked to Italy from many other countries as well. In cases where the age and sex of the victim are known, women make up almost two-thirds of the cases involving victims trafficked into Italy. Children make up less than one-third of known cases. There are very few recorded cases of adult male trafficking victims. Most often victims are trafficked to Italy for the purpose of sexual exploitation. Italy has signed but not yet ratified the Convention and the two Protocols.

LUXEMBOURG is a *destination* country, though to a lesser extent than most of the countries in the region. Luxembourg has signed but not yet ratified the Convention and the two Protocols.

The NETHERLANDS is a key *destination* country in the world, and is also a *transit* country to a high extent. The Netherlands has signed and ratified the Convention and signed but not yet ratified the two Protocols.

PORTUGAL is also a country of *destination*, though not a major destination in the region. Victims are trafficked mainly from Brazil, but also from other parts of the world. The majority of victims trafficked to Portugal are women. There are few available records of child or of adult male victims. The principal purpose of trafficking is sexual exploitation. Portugal has signed and ratified the Convention and the two Protocols.

SPAIN is mainly a country of *destination* and a *transit* country to a medium extent. Victims are trafficked to Spain from all over the world, often from the Dominican Republic, Ukraine and Colombia. Victims brought to Spain are mainly women trafficked for the purpose of sexual exploitation. Children are trafficked less frequently than women, but still referred to considerably. Spain has signed and ratified both the Convention and the two Protocols.

SWEDEN is principally a *destination* country of medium rank. Victims trafficked to Sweden come from all over the world. Estonia is the primary source country. Victims trafficked to Sweden are mainly women trafficked for the purposes of sexual exploitation. Some women are also trafficked for forced labour purposes. Children are also trafficked to Sweden, though to a lesser extent. They are also trafficked mainly for the purpose of sexual exploitation, though there are cases of children trafficked for forced labour. Sweden has signed and ratified the Convention and the Trafficking Protocols, and signed but not yet ratified the Smuggling Protocol.

The UNITED KINGDOM is both a country of *destination* and a *transit* country to a high extent. Victims trafficked to the United Kingdom come from all over the world. Albania, Thailand and China are main source countries. Women and children are the main trafficking victims. Women are trafficked most often for the purposes of sexual exploitation. There are some cases of women trafficked for forced labour. Children are also for the most part trafficked for sexual exploitation, although forced labour is also reported. The United Kingdom has signed but not yet ratified the Convention and the two Protocols.

EUROPEAN UNION ACCESSION COUNTRIES

(AFTER 1 MAY 2004)

The region of Eastern and Central Europe as a whole is predominantly a region of origin, a transit region and also to some extent a region of destination.

CYPRUS is a country of *destination* and to some extent also a *transit* country for victims of human trafficking. Main countries of origin are Ukraine and Bulgaria. Cyprus has signed and ratified the Convention and the two Protocols.

THE CZECH REPUBLIC, owing to its geographical location, is mainly a *transit* country but also a country of *origin* and *destination* to a very high extent. Countries of origin for victims trafficked to the Czech Republic are often Ukraine and Bulgaria. Victims are trafficked from the Czech Republic often to Germany, Austria and the Netherlands. The Czech Republic has signed but not yet ratified the Convention and the two Protocols.

ESTONIA is primarily a country of *origin*; victims are trafficked often to Finland, Sweden, Germany and Denmark. Estonia has signed and ratified the Convention and the two Protocols.

HUNGARY is first of all a *transit* country for victims, but also a country of *origin* and *destination* to a high extent. Victims are trafficked to Hungary from Ukraine, Russia and Romania, and they are trafficked from Hungary to Austria and Germany. Hungary has signed but not yet ratified both the Convention and the two Protocols.

LATVIA is very much a country of *origin*. The main destination countries are Denmark and Germany, but also the United Kingdom. Latvia has signed and ratified the Convention and the two Protocols.

LITHUANIA is mainly a country of *origin*. The primary destination appears to be Germany, but also the United Kingdom and the Netherlands. Lithuania has signed and ratified both the Convention and the two Protocols.

MALTA; there is very little information on the trafficking situation in Malta, which is often referred to as a *transit* country. Malta has signed and ratified both the Convention and the two Protocols.

POLAND is to a very high extent used for *transit* purposes. However, the country is also significantly affected by human trafficking as both a country of *origin* and *destination*. Victims are trafficked to Poland from Ukraine, Belarus and Bulgaria, and from Poland mostly to Germany, but often also to the Netherlands. Poland has signed and ratified both the Convention and the two Protocols.

SLOVAKIA is an important *origin* and *transit* country. Many victims are trafficked to and exploited in neighbouring Austria. Slovakia has signed and ratified the Convention and signed but not yet ratified the two Protocols.

SLOVENIA is a country of *origin*, though to a lesser extent than many of the countries in the region. A main destination has not been noticed; Spain however, is often mentioned. Slovenia has signed and ratified both the Convention and the two Protocols.

THE BALKANS

Most countries in this group rank high as countries of origin and transit. They have medium rankings as destination countries.

ALBANIA is both one of the major countries of *origin* and one of the top *transit* countries in the world. Albania also ranks high as a *destination* country. Victims from Albania are trafficked mainly to Italy. Victims trafficked to Albania come mainly from Ukraine, Romania and Moldova, but also from Bulgaria, Russia, Belarus and Serbia/Kosovo to a slightly lower degree. Women and children are the main victims trafficked to Albania. Men are very rarely victims. The majority of cases where the purpose of exploitation is recorded are sexual exploitation cases. Cases of forced labour are infrequent. Albania has signed and ratified both the Convention and the two Protocols.

BOSNIA AND HERZEGOVINA is primarily a *transit* and a *destination* country, though it is also a country of *origin* to a lesser extent. Victims from Bosnia and Herzegovina are trafficked mainly into the European Union, but also to some Balkan countries. Trafficking victims to Bosnia and Herzegovina come mainly from Ukraine, Romania and the Republic of Moldova. It is mostly women that are trafficked, primarily for the purpose of sexual exploitation. Children are mentioned approximately half as often as women; they are also trafficked for the purpose of sexual exploitation. Bosnia and Herzegovina has signed and ratified both the Convention and the two Protocols.

BULGARIA is both a top country of *origin* and a top *transit* country. It is also a high-ranking country of *destination*. Victims from Bulgaria are trafficked mainly within Europe. Many sources do not specify the exact destination of victims, although the Netherlands seems to be a major destination country. Victims trafficked to Bulgaria come from nearby regions, with Russia most often mentioned as the country of origin. Female victims are trafficked mostly for the purposes of sexual exploitation. Reference is also often made to children, also trafficked for the purposes of sexual exploitation. Bulgaria has signed and ratified both the Convention and the two Protocols.

CROATIA has medium rankings in all three categories, as a country of *origin*, *transit* and *destination*. Victims trafficked from Croatia

are reportedly trafficked to Austria, Italy, France, the Netherlands, Spain, Germany, Switzerland, Serbia and Montenegro, Cyprus and Turkey. As a *destination* country, Croatia receives victims from mainly Ukraine and Romania, but also from Hungary, Bosnia and Herzegovina, and Iran. Victims are predominantly women, but also children. The form of exploitation is mostly described as sexual exploitation. Croatia has signed and ratified both the Convention and the two Protocols.

MACEDONIA, THE FORMER YUGOSLAV REPUBLIC, owing to its location in the Balkans, is primarily referred to as a *transit* country. It is among the main transit countries in the world. It also ranks high as a *destination* and in the middle as an *origin* country. Victims are trafficked from Macedonia FYR primarily to Italy, but also to Germany and Albania. Victims are trafficked into the country from all over the world. Major countries of origin are Moldova, Ukraine and Romania. The majority of victims trafficked into Macedonia FYR are women and children, trafficked for the purposes of sexual exploitation. Macedonia FYR has signed but not yet ratified both the Convention and the two Protocols.

ROMANIA is among the top *origin* and *transit* countries in the world and a *destination* country to a lesser extent. Countries of destination for victims trafficked from Romania are mostly Italy, Bosnia and Herzegovina, Greece and Albania. Romania has signed and ratified both the Convention and the two Protocols.

SERBIA AND MONTENEGRO⁵ has a medium ranking as country of *origin*, and ranks high and very high respectively as a country of *destination* and *transit*. Serbia and Montenegro is among the top ten transit countries globally. Kosovo ranks very low as a region of origin for victims of trafficking, whereas Montenegro has a medium ranking. Victims trafficked from Serbia and Montenegro are primarily trafficked to the European Union and other Western European countries. Victims trafficked to Serbia and Montenegro come primarily from the CIS and Central and Eastern European

⁵ Serbia and Montenegro is composed of 2 Republics (Serbia and Montenegro) and 2 nominally autonomous provinces (Kosovo and Vojvodina). The UNODC database contains information on the following four entities: Serbia and Montenegro, Serbia/Kosovo, Kosovo, Montenegro. The analysis of the information about trafficking in human beings in this country is based on a compilation of the findings for the four entities listed above.

countries. Victims trafficked to Serbia and Montenegro are mainly women and children brought there exclusively for sexual exploitation purposes. Women are mentioned about twice as often as children. Serbia and Montenegro has signed and ratified both the Convention and the two Protocols.

CONCLUSION

It is estimated that between 800,000 and 900,000 people are trafficked annually. However, owing to the difficulties that researchers face in collecting and analyzing data appropriately, the global estimates of the numbers of persons trafficked are very vague and cannot serve as reliable data for policy planning. This is why the GPAT database relies on global mapping, which identifies the “hot spots,” the main countries involved in human trafficking. Origin, transit and destination countries, as well as the involvement of organized crime groups and the main routes used can provide reliable information when developing cooperation between practitioners in the field of prevention, victim assistance and criminal justice responses.

GPAT also works to raise awareness by providing information to potential victims about the dangers of trafficking and informing the general public about the epidemic growth of this form of modern-day slavery.

In January 2001, a Public Service Announcement (PSA)⁶ campaign on human trafficking was launched as part of awareness raising activities, focusing on the trafficking of women for the purposes of sexual exploitation. The PSA was broadcast in over 30 countries, including CNN International and MTV Asia. In February 2002, a PSA on the trafficking of humans for bonded and forced labour was released, and in April 2004, another PSA was released in over 40 countries. Each of the customized versions includes a local telephone hotline number where victims can receive assistance and concerned citizens can find out what they can do to help.

⁶ UNODC PSAs can be viewed at <www.unodc.org/unodc/multimedia.html>.

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