

# **Journeys of Jeopardy: A Commentary on Current Research on Trafficking of Women and Children for Sexual Exploitation Within Europe**

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# Contents

<b>1. INTRODUCTION</b>	<b>4</b>
<b>2. THE PARTICULAR CHALLENGES INVOLVED IN STUDYING TRAFFICKING IN WOMEN</b>	<b>5</b>
2.1 Access to traffickers	6
2.2 Vulnerable victims	6
2.3 Unconducive contexts	7
2.4 Personal safety for researchers	8
2.5 Extending what is possible	8
<b>3. THE VEXED QUESTION OF DEFINITIONS AND LANGUAGE</b>	<b>9</b>
3.1 A note on the use of language	11
<b>4. CURRENT BASELINE DATA</b>	<b>12</b>
4.1 Official Statistics	13
4.2 A note on children	14
<b>5. THE CAUSES OF TRAFFICKING</b>	<b>15</b>
<b>6. THE ORGANISATION OF TRAFFICKING: FLOWS, ROUTES AND RECRUITMENT</b>	<b>17</b>
6.1 Mapping trafficking routes	18
6.2 Routes into trafficking for women and girls	19
6.3 Recruitment methods	20
6.4 The local organisation of trafficking	22
<b>7. SEXUAL EXPLOITATION AND ITS CONSEQUENCES</b>	<b>23</b>
7.1 Forms of control	24
7.2 Routes out of trafficking: escape and detection	25
7.3 Return and reintegration	26
7.4 Beyond victim or survivor	27

<b>8. A FOCUS ON THE TRAFFICKERS AND EXPLOITERS</b>	<b>29</b>
<b>8.1 The scale of profit involved</b>	<b>31</b>
<b>8.2 Operating with impunity – the failure of law enforcement</b>	<b>31</b>
<b>8.3 The invisible nature of demand</b>	<b>33</b>
<b>9. PREVENTION AND AWARENESS RAISING</b>	<b>33</b>
<b>10. ASSESSING COUNTER-TRAFFICKING STRATEGIES</b>	<b>35</b>
<b>10.1 National counter-trafficking efforts</b>	<b>35</b>
<b>10.2 Regional and International Policy</b>	<b>38</b>
<b>11. GAPS IN KNOWLEDGE – NEW RESEARCH AGENDAS</b>	<b>40</b>
<b>12. LINKING LOCAL AND GLOBAL KNOWLEDGES</b>	<b>43</b>
<b>13. BIBLIOGRAPHY</b>	<b>45</b>

## 1. Introduction

Although public awareness of, and concern over the trafficking of women and children (and irregular migration in general) has never been greater among governments, international agencies and NGOs, the knowledge base is still relatively weak. After almost a decade of attention, research on trafficking for sexual exploitation has not moved much beyond mapping the problem, and reviews of legal frameworks and policy responses. Despite repeated calls in international documents, including from the European Union and Council of Europe, the vast majority of states are still unable to provide reliable data as to the number of cases, the victims and their characteristics and the perpetrators (IOM, 2001). A project conducted by the International Organisation for Migration (IOM), funded under the European Union's STOP programme, concluded in 1998 that no European country could provide reliable figures regarding the scale of trafficking in women or children either from, into or through its territory. To date, this situation has not changed. One element contributing to this limited knowledge base is that the development of research methods on trafficking remains in its infancy (Salt and Howgarth, 2000), with the result that it is still necessary to rely on overviews and commentaries, data from service providers, rather than on well designed sociological studies. Thus not only are there gaps in our knowledge, but also considerable methodological limitations.

This lack of a strong research base is even more problematic, as policy responses are developing rapidly. The increasing emphasis on what has become known as 'evidence-based' public policy (Davies et al., 2000) makes the need for studies that are thoughtful, rigorous and strategic even greater. Much existing research has been strategic, but the extent to which it has been thoughtful, not to mention rigorous, is open to question. The need for information is pressing, especially because governments and international bodies have demanded it. In such a context the tendency to conduct what social researchers call 'quick and dirty' studies has dominated. While such projects can produce findings speedily to feed into policy debates, the quality and reliability of the data are often uncertain.

To date, the emphasis in research on trafficking for sexual exploitation has been on:

- % estimating the scale of the problem;
- % mapping routes and relationships between countries of origin, transit and destination;
- % documenting methods of recruitment;
- % exploring the control mechanism used and the human rights abuses involved;
- % critical reviews of current legal and policy frameworks and recommendations for new action.

A large part of the data collected has been limited to official statistics and responses to short questionnaires/interviews by women who are either included in return programmes or who have been deported. There are exceptions to this general rule, with some studies using innovative sources of data and/or

undertaking more in-depth work. The danger is that where the information gathered is partial or even inaccurate, intervention will not be effective. We have now reached a point where it is possible and necessary for researchers and organisations involved in counter-trafficking work to generate more reliable data and to conduct better research.

The aims of this review are not to merely summarise what we know today, but also to organise the material into key themes; critically assess the knowledge base and identify gaps and future challenges.

Trafficking in women and children is not limited to exploitation within the sex industry, it encompasses other forms of bonded labour, domestic service and even perhaps cases of involuntary organ transplants. However, research on these aspects of trafficking is even less well developed (but, c.f., Wijers & Lap-Chew, 1997). This review, therefore, will focus on trafficking into and through the European sex industries.

Undertaking the review required an investigation into current research that addresses trafficking of women and children from, into and through European countries, since there is no up-to-date research database on this topic. As will become apparent, most of the studies have been conducted in Central and Eastern Europe, particularly in countries located in the Balkans and Baltic. These states have become major sending and transit areas.

The literature search undertaken involved detailed Internet searches and the follow-up of all references; searching the Women Against Violence Europe (WAVE) database (no research on trafficking in women is logged); contacting the 180 members of the European Violence Against Women Research Network and drawing on the extensive holdings of the Child and Woman Abuse Studies Unit on the topic. Undoubtedly, some research will have been missed, and there was no time to have research reports from Austria, Switzerland and Greece translated into English.

The material is organised into **twelve** Sections which address the challenges of research on trafficking; definitions and language use; current baseline data; the causes of trafficking; flows, routes and recruitment; the realities and consequences of sexual exploitation; traffickers and exploiters; prevention and awareness raising; assessment of national and international trafficking strategies; gaps in available knowledge and a conclusion.

## **2. The particular challenges involved in studying trafficking in women**

All research topics present particular challenges, but trafficking is more demanding than most. Conducting quality research is difficult, potentially dangerous and sometimes expensive. The specific dilemmas involved in research on trafficking are outlined below.

## **2.1 Access to traffickers**

The fact that trafficking is not only illegal, but also often connected to organised crime, violence and corruption, means that access to information and informants is often limited, and even impossible in some cases. The limited research available to date on traffickers, in particular those who organise and make substantial profits, testifies to both their relative invisibility and the fact that they have good reasons to remain so. The secrecy and danger involved also means that some researchers and a number of journalists have used covert methods as the only way to obtain certain information (see, for example, Global Survival Network, 1997).

However, most information on traffickers continues to come from victims, who will only have knowledge of parts of the operation. Women and children who are trafficked are seldom able to provide a detailed account of precisely where they were and who was involved, either because they are not told anything, or what they are told is false. Where researchers have made direct contact with traffickers, they have tended to be small-scale operators, whose knowledge extends only to the stages prior to, and following, their own involvement. Piecing together this jigsaw and deciding which pieces of information are accurate is a problem for both law enforcers and researchers. Therefore, what people 'know' is a significant barrier to a more detailed understanding of how trafficking is organised at the local, regional and international levels.

The limited work on traffickers shows the importance of research rooted in local contexts, where relationships can be built up over time, and ethnographic methods used<sup>1</sup>, in order that more pieces of the jigsaw can be uncovered and local rumours and anecdotes checked across several sources. Yet, such work has rarely been undertaken; presumably because of the potential dangers involved.

## **2.2 Vulnerable victims**

A number of factors combine to limit access to victims, and that has consequences for what and how much those which it is possible to contact are willing to tell. The control strategies used by traffickers and exploiters, including threats to family members, mean that many women and children are unwilling to participate in research while they are in destination countries. The fear of reprisals is also likely to continue to have effects even when they return to their country of origin. Where access to victims is possible in destination countries – possibly through a shelter or advocacy group or even while they are still involved in the sex industry - a further set of difficulties emerges. In most situations the women and children will originate from a range of countries, and many will not speak the local language well or even not at all. This means relying on interpreters which creates two problems for researchers: first, that the negotiation of trust now involves two strangers and, second, the danger of losing the richness and nuances of the experience in the translation process. Where women are still within the sex industry, their fear of both the traffickers and the

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<sup>1</sup> See O'Connell Davidson and Sanchez Taylor, 2001, for an example of these methods being used with respect to sex tourism.

local law enforcement and immigration officials is likely to affect what they will say, including whether they identify themselves as victims of trafficking.

There are substantial ethical questions for researchers to negotiate here, and all should subscribe to, and take account of, a set of ethical guidelines in their work. In whatever context research interviews with trafficked women or children take place, researchers need to bear in mind the fear and understandable reticence, combined with the stigma that attaches to involvement in prostitution, alongside the traumatic experience many of the women have been subjected to. In addition, the cultures many of the women grew up in discourage open discussions of sex and sexuality, and this injunction is even stronger when talking with strangers. Therefore, interviewing victims of trafficking is extremely complex and requires alertness to what is and what is not said/discussed. There is some indication that spending time building relationships and trust means that there is a greater possibility of women revealing details of their experiences, as well as the meaning it has and the consequences for them. In one study (Caouette & Saito, 1999), where the researchers spent weeks in Thai villages, it was only towards the end of their stay and in informal contexts, that some women revealed the extent of their victimisation and the fact that they presented a 'front' to their community, since nobody wanted to either know or understand the damage that they had sustained.

These issues mean that researchers should be careful about the claims they make, especially if they are based on single interviews. It is likely that much remains undisclosed, especially in respect of abuse, violence and sexual exploitation. It is possible to explore this in research by asking questions such as: "Is it difficult to talk about your experiences?" and, "Are there things that you don't feel able/comfortable talking about?" Showing awareness in this way might prompt further disclosures, but even where this is not the case it will provide indications of whether there are aspects survivors choose not to reveal.

### **2.3 Unconducive contexts**

Many research projects rely on getting access to traffickers and trafficked women in contexts that are not necessarily conducive to disclosure. For example, interviewing someone while in custody or detained at the border, is likely to affect what and how much that person is willing to say. Involvement in a return programme is a safer context than that of deportation. But none of these contexts is ideal from a research point of view, since individuals are constrained and influenced by the context, affecting both their decision-making and the information they are willing to divulge. Currently, however, there appear to be very few routes out of this dilemma; most studies that include trafficked women have contacted them in the context of detection in a destination country, law enforcement intervention, involvement with a support agency or within some form of return programme to their country of origin.

This problem of context also applies to interviews with state officials and other professionals where issues of collusion and corruption may be involved, and/or where institutional loyalties may prevent honest responses. Individuals may not feel secure enough to tell everything they know, especially if those involved are

known to carry out threats of reprisals and/or to have high-level connections. There may also be risks attached to exposing one's organisation to detailed public scrutiny, especially in contexts where the principles of democratic accountability are of fairly recent origin and/or where the organisation is already on the defensive owing to previous criticism. The risks involved for people of good conscience can sometimes be too great to justify providing researchers with more than basic information and conjecture. Here again it is important to pay attention to what is not being said and to the kinds of hints that may be given.

The salience of context represent significant challenges to researchers and points to the need to discover new ways of accessing participants, alongside paying detailed attention to creating conditions that encourage disclosure and honesty. For example, some people might reveal more in an anonymous questionnaire than during a face-to-face interview.

#### ***2.4 Personal safety of researchers***

The involvement of organised crime and the willingness of even small-scale traffickers to use violence in defence of their lucrative business, creates risks of a kind that are relatively rare in social research. These potential dangers often act as a deterrent to pursuing particular questions or information sources. Although there is no official evidence of researchers being threatened during projects investigating trafficking, women involved in a study of rape of Chinese women in Indonesia during the riots in the mid-1990s did have their lives threatened<sup>2</sup>.

A connected issue, albeit one which applies mainly to the quality and validity of data, is the question of involvement in trafficking by key informants. There are no obvious routes for ensuring that this is not the case, especially where researchers are working in unfamiliar locations and regions. Caouette and Saito (1999) describe a local woman who offered her house as the location for a focus group. It was only after accepting her offer and conducting the discussion that the researchers discovered this individual had been a 'mama' (pimp) and broker in Japan (Ibid, p20).

#### ***2.5 Extending what is possible***

These factors have had a limiting effect on what has been possible to achieve in trafficking research, affecting access to certain groups, what they may be willing to discuss or reveal and how to assess the validity of data. None of them is insurmountable, but trafficking – like other sensitive issues – demands creativity by researchers and a preparedness to acknowledge the limits of the data it has been possible to collect. Future developments in methodology will depend in part on researchers thinking seriously about these issues, experimenting with methods and approaches explicitly designed to counteract barriers to disclosure and discovery.

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<sup>2</sup> Contribution at Oxfam International Seminar on Violence Against Women, Sarajevo, November 1998.

### 3. The vexed question of definitions and language

Many policy documents and research reviews note that the lack of consensus on how to define trafficking continues to be a barrier to progress – both in addressing and studying the issue (see, for the most recent discussion, UNICEF et al., 2002).

One central concern has been to clearly differentiate between human smuggling and trafficking. However, although it is possible to do so in literature and in law, in reality the categories often overlap. (IOM Bishkek, 2000; UNICEF et al, 2002). Anyone placing him or herself in the hands of smugglers surrenders a degree of control over their fate, and for some this may result in being trafficked into sexual exploitation. Indeed many women believe that the contract they are making is to be smuggled in order to take up a legitimate employment offer. Applying the categories of “forced” and “free” prostitution to trafficking runs the risk of denying assistance to women who in fact choose to migrate to work in the sex industry, but who, nonetheless, are deceived and sexually exploited in a destination country (IOM Bishkek , 2000). Within the field of migration and trafficking more generally, there is also no consensus on how to refer to those who migrate in ways that contravene national laws and are facilitated by others for profit. Various terms are used, some of the most common are: alien smuggling, trafficking of aliens, illegal immigrant smuggling, human trafficking, trade in human beings (Salt and Hogarth, p11). Many researchers and advocates within the migration field prefer the more neutral terms of illegal migrants or undocumented workers. At the same time, these terms disguise the kinds of exploitation that much organised trafficking involves. As many of the reflective pieces in the special issue of *Migration Research* on trafficking (2000, Issue 37:3) make clear, the boundaries between help, facilitation, smuggling, trafficking and exploitation are not as clear as many conceptualisations suggest.

The “sexual exploitation” element of trafficking can also be a narrower or wider concept. Much commentary implicitly limits it to prostitution; but it ought to extend to pornography and other sex industry activities, such as live sex shows, peep shows, stripping and lap dancing. Whilst much of the western sex industry has expanded into these other areas, little work on trafficking explores the extent to which trafficked women and girls are exploited within these aspects of the sex market.

Debating definitions of trafficking for sexual exploitation has consumed countless hours during international policy discussions, and was not conducive to reaching endorsement of mutually agreed actions. Divergent definitions will remain a stumbling block, despite the fairly broad definition within the optional Protocol to the UN Convention on Transnational Organised Crime, adopted by the UN General Assembly, and subsequently widely signed in Palermo in late 2000. (see box below). Even signatories to the protocol are likely to have different definitions in their national laws, and it is these that are used in the construction of official data. It is even less likely that research participants, trafficked women and children in particular, will be aware of an agreed international definition and they are, therefore, likely to define trafficking in a variety of ways that diverge

both from the Palermo definition and various national laws<sup>3</sup>. While this is a problem in practice, research and policy need not rely on “self-definitions”, especially since the tendency for women to minimise their situation and not define themselves as victims is certainly not limited to trafficking. Extensive literature documents this process with respect to rape, domestic violence and sexual harassment (see, for example, Kelly, 1987; Koss & Harvey, 1991). The question of which definition is being used and by whom, will continue to be a matter that research has to address.

The Palermo definition provides an overarching concept that includes both the explicit use of force and coercion and the recognition that other forms of deception and human rights abuses (debt bondage, deprivation of liberty and control over one’s labour and earnings) can be, and often are, involved in trafficking for sexual exploitation. Such a consensus has not, nor will it, resolve the debate about ‘forced’ and ‘free’ prostitution in the near future (see also, Jeffreys, 1997; Kelly and Regan, 2000a; Lim, 1998; O’Connell Davidson, 2000). At one level, this may seem to be no more than an abstract debate, but the anomalies such positions create in practice range from over-inclusive definitions that encompass all foreign women involved in prostitution to the extremely restrictive, which exclude anyone where there is no evidence of ‘force’ at the recruitment stage (see also, UNICEF et al, 2002, p3). Internal trafficking has also been largely ignored, but there are mounting indications that it has strong links with cross-border trade in women (Hughes, 2000; UNICEF et al, 2002).

**Definition of trafficking in human beings from the UN Optional Protocol, 2000**

For the purpose of this protocol:

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

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

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

The Palermo definition does not obviate the need to document the variety of ways in which trafficking in women takes place – its inclusiveness is welcome at the policy level, but in research it may be useful to explore variations as well as similarities. For example, Derks (1998) distinguishes between voluntary, bonded and involuntary prostitution, and between abusive recruitment and abusive working and living conditions (p35).

<sup>3</sup> UNICEF et al (2002, p3) raise this point with respect to women who are debt bonded, but who do not define themselves as trafficked

Exploring disagreements on definitions is not just an academic sophistry about the difficulties and even impossibility of comparing available data. The definition of trafficking affects access to support, protection and redress, as well as the kinds of activities that will be characterized as criminal acts - areas which are of major concern as regards the optional protocol and policy documents from the European Commission and Council of Europe. For example, it appears that only a small minority of women detected in bar raids identify themselves as having been trafficked and/or request support (see, for example, UNICEF, 2002, p5), and that little attempt is made by law enforcement officials to probe deeper into the matter. Moreover, where only "forced" prostitution is considered illegal under national laws, it is usually very difficult to establish this in court (Hughes, 2000).

### **3.1 A note on the use of language**

Whatever the concept applied, consistency and care in its use is of the utmost importance. The relevant literature reveals many examples of inconsistent use of language and concepts, which fail to appropriately reflect the research data. For example, most research projects based on data from trafficked women find that the majority were either forcibly or deceptively recruited in the country of origin, as well as being given little, if any, of the money paid for their sexual services. It is, therefore, entirely inappropriate to refer to them as "commercial sex workers". Further confusion appears when sentences such as "Ninety percent of foreign migrant sex workers in the Balkan countries are victims of trafficking" (UNICEF, 2002, pxv) are used, since they confuse migration, trafficking and sexual exploitation. The term 'migrant sex worker' has been used to refer to women who choose to migrate, possibly with the help of smugglers, and who are neither controlled nor held in situations of debt bondage (see, Kempadoo and Doezema, 1998). It is inappropriate, therefore, to use the same term for women who are victims of trafficking. The fact that some who choose to migrate to work in a foreign sex industry, subsequently find themselves in situations of sexual exploitation, needs to be addressed too, and they should also be referred to as trafficked or sexually exploited women/workers.

However, how women and children who have been trafficked are referred to is not unproblematic. Much effort has gone into establishing an understanding of them as 'victims' – both in terms of the violent crimes such as rape and assault they have endured, and the range of human rights violations that sexual exploitation involves. But, within the field of violence against women, the term victim has been widely criticised (see, for example, Kelly 1987), since it implies passivity and denies agency. Many NGOs and researchers prefer the term 'survivor'. This concept is also limited, since not all women do survive – too many are killed by their abusers/exploiters. It may also be too soon to introduce this term into work on trafficking, where many are still unwilling to accord the status of victim to those who are sexually exploited (UNICEF et al, 2002).

A slightly less contentious issue is how to refer to the perpetrators of such crimes. Clearly those who recruit, deceive and transport women can be termed 'traffickers', but is this the appropriate term for those who buy women in

destination countries, or who control and profit from prostituting them? In this paper, where the latter group have not been directly involved in the transport of the woman, they are referred to as 'exploiters', and those who purchase sex are being referred to as 'customers' or 'clients'. Collectively these groups constitute the demand side of the trafficking dynamics.

There are additional problems of language which are seldom addressed. The most serious aspect is that in many languages the term "trafficking" is unknown and most translations of it refer to a form of trade. These terms fail to convey any additional notion of human rights abuses, or of victimisation. In a number of countries there are local words for traffickers that position them as providers of a desired service. Such terms, when translated directly, appear as 'protector' and 'tutor'. While it is part of a research undertaking to document such local language use, and even to seek to explore and explain it, such terms should not be used without comment in reports on trafficking for sexual exploitation. The 'protectors' are, in fact, often the same individuals who rape and prostitute women and girls.

Complexities of definition and language continue to make both research and service provision less than simple. There are no simple answers to the fact that the realities of lived experience always challenge the categories and concepts which are supposed to describe and contain it. What can be done, however, is for researchers and commentators to pay more conscious attention to how they - and others - use language, and for the choices that are made about concepts and terminology to be made explicit in published texts.

#### **4. Current baseline data**

Given the lack of any agreed way to estimate the global or regional scale of trafficking, all figures remain 'guesstimates'. The latest, and most frequently cited comes from the US Department of State (2002), which suggests that 700,000 women and children are trafficked each a year across the globe. Figures for trafficking within and into Europe are even fewer. IOM suggested it may involve 300,000 women a year (IOM, 1998), whilst a more recent European Commission publication puts the figure at less than half of this: 120,000 (EC, 2001). Such calculations are seldom accompanied by discussions of how they were arrived at, nor whether they refer to individuals or instances of re-trafficking.

In the late 1990s a number of commentaries suggested that trafficking in women had exceeded the profits from drugs and arms smuggling, more recently the consensus position appears to be that it represents the third largest source of profit to organised crime after drugs and arms (Congressional Research Service, 2002, p1). However, here again there are questions about what such calculations include, since at the sex industry end many make continuing tax free profit, since women and children are traded between exploiters.

In terms of global trafficking systems, Asia is still considered the most common source region, with considerable within region flows. What has also been documented is the expansion of trafficking within Europe, with the majority of women and children originating from the former Soviet Union and former

Yugoslavia (Congressional Research Service p2). Within these broader patterns, there is also evidence of countries with even greater problems: for example, the Ukrainian Ministry of Interior estimates that 400,000 women have been trafficked out of the country in the past decade (Hughes, 2000). The most recent overview of SEE region (UNICEF et al, 2002) concludes that 90% of non-nationals in Balkans sex industries have been trafficked.

Other estimates refer to foreign women within sex industries, with little estimation of the proportion who have been trafficked: In the mid-1990s there were an estimated 15000 eastern European women in the German sex industry (Global Survival Network, 1997) and Kvinnoforum (2002) report that the number of foreign women in the Danish sex industry has increased ten times since 1989. The scale of difference between official estimates and those from NGOs can be seen in the Greek figures: the Ministry for Public Order estimates 3-5000 trafficked women and children in the country, whereas the Research Centre for Women's Affairs puts the figure at 60000<sup>4</sup>.

Whilst trafficking flows have tended to be from poorer to richer countries, especially those with more developed sex industries, later sections will demonstrate that these patterns have become more complex, and that one outcome of trafficking is the emergence or growth of sex industries in origin and transit countries.

#### **4.1 Official Statistics**

Despite repeated calls from international bodies including the EU, most countries still lack systems for monitoring trafficking; data on detected cases remains hidden in prostitution and immigration offences. One advantage of specific trafficking offences are that they facilitate systematic tracking of detection and prosecutions.

Official statistics, however, always have to be interpreted and the context in which they were created understood. A problem, which applies across the field of illegal migration generally, is the difficulty of assessing how far yearly variations in official figures are the result of changes in detection or in the scale of the problem (Salt and Hogarth, 2000). One clear example here is presented in the IOM overview of the Balkans region (IOM, 2001). Germany is one of the few countries to maintain central documentation of detected victims. The figures alone suggest a 47% drop between 1995 and 1999 (Ibid, p4); background information, however, revealed a decline in the number of police investigations over the same time period.

It is also the case that depending on the source of data, different patterns emerge. This is clearly illustrated by three diagrams in IOM's study of the Balkans (2001, p12-13), where data from European NGOs, official sources and IOM's own programmes are compared. Not only are the baseline figures different, but the relative flows from of countries of origin vary across each set of data.

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<sup>4</sup> Data from email communication, 30<sup>th</sup> July 2002.

That said, however, there are a number of indicators that could be monitored, which would both point to areas for policy development, and allow their impact to be traced. Examples here include visa applications and work permits. In one year for Georgia 39000 visas were issued of which 31200 (80%) were to women (Lokshina & Bortel, 2001). In several SEE countries, where levels of unemployment for women are running at more than 50% and work permits are only supposed to be provided where there are no nationals with skills or expertise, large number are issued for 'entertainers' and 'dancers' (UNICEF et al, 2002). Other tracking systems could look for significant changes in applications for marriage of a foreign national, and especially trace serial sponsors (Global Survival Network, 1997). Large increases in asylum applications from unaccompanied minors, who subsequently disappear are also an recognised indicator.

There is a clear need for baseline data to be collected in the same format across Europe. This could begin with a small number of fields, and be expanded once collection and reporting have been embedded at national and regional levels. At minimum these would comprise: the number of detected trafficking cases; the numbers of victims and perpetrators involved, their ages, sex and nationalities; the outcomes for victims (numbers of deportations, voluntary returns, temporary residence permits, and those provided with shelter and other forms of assistance); the outcomes of investigations (arrests, charges, prosecutions, convictions and sentences).

#### **4.2 A note on children**

Several studies funded by the EU STOP programme have documented trafficking in children for sexual exploitation. One of the most recent (Wolthius & Blaak, 2001) focused on trafficking to Belgium, Finland, Italy, Netherlands, Norway and the UK. In each case evidence was found of trafficking of minors, with the majority of cases involving girls aged 15-18. In many cases these young women had been raped and exploited prior to arriving in destination countries. However, the even more clandestine operations of trafficking in minors makes strong data difficult to find.

The current knowledge base suggests that there is a significant problem from certain countries and regions, for example, West Africa (Somerset, 2001, Kelly and Regan, 2000a, 2000b), Albania (Renton, 2001) and Moldova (UNICEF et al, 2002). There is very little evidence that a separate 'market' exists for children, or of any significant trafficking of boys (UNICEF et al, 2002)<sup>5</sup>. Rather the pattern is that young women are integrated into mainstream sex markets (see O'Connell-Davidson, 2000, for a similar finding with respect to sex tourism), and current estimates suggest that 10-30% of trafficked females are minors.

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<sup>5</sup> There is evidence of less formalised ways by which men who are seeking children to abuse, locate them in other countries. These may or may not involve forms of trafficking, but are undertaken for personal access, rather than profit through sexual exploitation (Kelly and Regan, 2000b).

There are several additional mechanisms used in the trafficking of girls and young women, especially the (ab)use of asylum processes for unaccompanied minors (Kelly and Regan, 2000b; Somerset, 2001). Interestingly one group of children considered the most vulnerable in SEE - institutionlised children - echoes findings in Western Europe on early routes into prostitution (Kelly and Regan, 2000b). With these caveats in mind, in all following sections children will not be addressed specifically, unless research evidence indicates that there are different patterns involved, or specific support needs and policy responses are indicated.

## 5. The Causes of Trafficking

Understand trafficking requires locating it in various perspectives. It has variously been identified as a:

- moral issue;
- criminal issue;
- migration issue;
- human rights issue;
- public order issue;
- labour issue;
- gender issue.

Each of these angles of vision contributes an element to understanding the issue holistically. At the same time, what is specific about trafficking for sexual exploitation requires locating it within an analysis of the internationalisation of sex industries, and the ways globalisation, economic transition and conflict have impacted on women's migration. Sex industries are now transnationally organised, with considerable expansion, diversification and flexibility at national and local levels. Sex markets have few borders or limits in the twenty first century (Cordero and Facio, 2001).

In traditional migration studies women have been considered 'dependent' or 'secondary' migrants, accompanying or following male family members. This perspective needs to be revised, since there is increasing 'primary' migration by women, and areas of labour where women represent the majority of migrant workes, for example, domestic service.

The one area in trafficking research where there is substantial agreement is the causes of trafficking. Most studies and commentaries include some combination of the following factors:

- globalisation of transport, markets and labour;
- poverty;
- women's inequality;
- economic transition;
- economic and social dislocation due to conflict.

Some also include the category of demand, since the factors above primarily account for supply. It is an open question whether there is any developed sex industry which is not implicated in increasing demand for trafficked women.

Less sophisticated analyses tend to highlight the issue of poverty, which is seen to propel women into accepting dubious offers of employment. Even at the level of the supply, this over simplifies the reality. The feminisation of poverty in, and migration from, SEE is the outcome not just of poverty, but the increase in gender inequality and sex discrimination in countries undergoing transition and/or post-conflict reconstruction. Recent history suggests that women's economic and social position is undermined in unregulated and illicit markets, as power and control in the legitimate and illegitimate sectors is increasingly concentrated in male hands. There is also some evidence that traffickers target countries, regions and social groups, where patriarchal tradition is strongest (UNICEF, 2002)<sup>6</sup>. Moreover where daily subsistence cannot be guaranteed, yet images of the west are ubiquitous, it is not just naivete which drives many to seek a better life elsewhere. The 'lure' of the west is not just about economics, but also, for some young women, a possibility of perceived freedom. That women's inequality underpins trafficking becomes even clearer when the data on the backgrounds of women and girls is interrogated. Many of them are eager to escape families or living contexts in which domestic violence and sexual abuse are regular events. These stark connections place responsibilities on donors and governments to make gender equality a European and global priority.

Within this broad agreement about causes, however, there are more subtle questions which deserve attention, such as how and why particular countries, and regions within them, become centres for trafficking. There are many countries where poverty is endemic and transitions in process, but not all become epicentres for trafficking. At least one necessary condition is that the organisers - traffickers and exploiters - target an area. What motivates this targeting remains vague, although there may be correlates with indexes of gender inequality. The high numbers of young women trafficked from Moldova, for example, may be the outcome of the fact that the World Bank estimates that 55% of the population lives below the national poverty level, and the presence of organised trafficking networks. In BiH in 1998 62% of women in Republika Srpska and 71% in the Federation were unemployed, and women with employment earned 20-50% less than men (Radovanovic & Kartusch, 2001).

Another layer in explaining the risks some women are willing to take requires recognising the conditions those who have paid work endure; there is increasing evidence that here too they are sexualised; where employment is at a premium male employers can expect/demand sexual services from women at the selection stage, and in order to keep their jobs. Sexual harassment, called 'sexual terror' in Russia, is so endemic that some job adverts are explicit about what is expected (Global Survival Network, 1997; Hughes, 2002).

The International Labour Organisation (2002) link what they refer to as a 'crisis of economic security' with the gendered impacts of increasingly restrictive legal migration options. Restrictions affect women disproportionately, since the limited

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<sup>6</sup> One example involving manipulating cultural beliefs and practices involves polygamy in Tajikistan. Here traffickers pay a mullah \$10 to register a marriage, and thus have control over a young woman's destiny (IOM Tjikistan, 2001).

legal options tend to be into areas of traditional male employment. They point to the irony of the fact that there is employment in the fields that deceptive recruitment offers (see later section) use, but women lack any legal route to access them.

The layers of connection between trafficking and gender inequality points to a need for more dialogue and cross-fertilisation between research on trafficking and gender/feminist studies. Of particular interest here is the matter of uneven progress within Europe (and globally), where trafficking flows are from regions where women's political, social and economic position has declined and patriarchal systems remain entrenched, to those where levels of formal equality are stronger.

## **6. The organisation of trafficking: flows, routes and recruitment**

Apart from the increasing scale of trafficking in Europe over the last decade, the other significant change during the period has been that many countries within Europe have become major sources of both women and girls and trafficking networks. This is not to deny trafficking flows from Asia, Africa and South America, but to stress that issues of both supply and demand are now firmly located within Europe. In principle this ought to have made law enforcement easier, but as later sections will demonstrate, as yet this has not proved to be the case.

Trafficking flows within and to Europe, show patterns of continuity and change, both as sex markets expand in some areas, and routes adapt to law enforcement activities and local political circumstances. Some flows reflect nothing more than the geographical proximity of source and destination countries: Scandinavian countries are focuses for traffic from Baltic countries (Moustgaard, 2002)<sup>7</sup>; Greece and Italy from the Balkans (IOM, 2001). Other flows are more far reaching, for example, Russian women are known to have been trafficked into over 40 countries (Hughes 2002), and it is estimated that over two thirds (70%) of trafficked women from Former Soviet countries end up in Western Europe, primarily Austria, France, Germany, Greece, Italy, Netherlands, Switzerland and the UK. The remaining third are taken to the Middle East, Far East and North America (Hughes, 2000). Women from Central Asian republics trafficked to Middle East (UAE seems the most common destination), Russia and Turkey (IOM Tajikistan, 2001; IOM Yerevan, 2001).

Western Europe is also a destination for women and girls from Africa (primarily, Ghana, Liberia, Morocco, Nigeria and Sierre Leone) Latin America (Brazil, Colombia and the Dominican Republic) and Southeast Asia (primarily from the Philippines and Thailand). Spain appears to be becoming a new target country (Sipaviciene, 2002), although traffic from Spanish speaking South American countries has been previously recognised. Other European countries that are emerging as destination and/or transit targets are Cyprus and Turkey (Hughes, 2002).

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<sup>7</sup> Although significant numbers of women from Lithuania have been detected in Germany, Netherlands and the UK.

Some caution is needed about existing data, however, since some findings may be distortions based on detection. For example in both Belgium and Italy, the largest number of detected women were from Nigeria (IOM, 2001). Whilst it may be that this reflects flows of trafficked women, it is also possible that West African women are the most easily identifiable by law enforcement, and/or that they are specifically targeted by police.

### **6.1 Mapping trafficking routes**

Mapping of routes has been most carefully documented with respect to Southeastern Europe (IOM, 2001; UNICEF et al, 2002). IOM's survey (2001, p30-2) revealed that NGOs had more information than officials, and that the mapping of flows looks different depending on the data source used (three are compared - official responses, knowledge held by NGOs and that provided by trafficked women in return programmes). Within the region women are usually taken across borders in groups, using mixtures of legal and illegal channels. There is also increasing documentation of the extent to which women are 'sold on' as they move through various countries and regions, including the existence of 'markets', especially near the borders between BiH, Croatia and FRY (Radovanovic and Kartusch, 2001).

Preferred routes vary according to whether entry requires a visa, the size and porosity of borders, the links trafficking networks have, and the scale of local law enforcement efforts. For example, a recent Croatian study found a shift from entry through Hungary to BiH following successful law enforcement intervention. Interestingly, this modification was also associated with a widening of the geographical spread of the Croatia sex market from the capital into tourist area and military bases (Stulhofer & Raboteg-Saric, 2002).

The documented growth of sex industries within SEE (UNICEF et al, 2002) raises serious questions about the distinctions between origin, transit and destination countries. These transitions from being only a source and/or transit country to also becoming a destination for trafficking, point to critically important policy issues that cannot currently be informed by research. Does involvement of a country in trafficking at any level act as a catalyst in the development or extension of local sex industries? If this is the case, and several of the studies consulted for this review, suggest it is, then an urgent question is to uncover the mechanisms involved and how might they be disrupted. At least two possible mechanisms can be found in the details of recent research. One is the deliberate use of transit locations to 'break in' women - both to the sexual exploitation and their relative powerlessness. The other is smaller operators and middle men choosing to exploit women and girls en route, thus increasing their financial gain from the trafficking process. Another possibility is that there are (sex industry) entrepreneurs whose role is to develop new locations and markets.

The situation in post-conflict contexts also deserves further analysis. There has been a particular focus on Kosovo and BiH, where the presence of the international community and peace keeping forces has not only failed to prevent trafficking but, according to some, exacerbated the process (Radovanovic & Kartusch, 2001). In both locations ample legal basis existed for addressing

trafficking, but the problem has continued to expand (op cit). It is now widely accepted that significant sex industries have emerged in both Kosovo and BiH (IOM, 2001; UNICEF et al, 2002). In many discussions it is taken for granted that this is the outcome of the international presence, and especially that of peace-keepers.. But why is this so obvious? Why do we not expect that the presence of large numbers of soldiers and human rights observers and advisors would act as a form of prevention? That large numbers of men, separated from partners, necessitates prostitution is taken for granted. The equation becomes even more unstable once the fact that the highest estimate of international demand is 50%, and most suggest it is closer to 30%. What factors, therefore, explain the emergence of local demand - is it a response to supply, that trafficking plays a significant role in the creation and expansion of sex markets?

## **6.2 Routes into trafficking for women and girls**

One of the recurring debates in the literature is the extent to which women are aware of the fact that they are bound for the sex industry. Those who maintain that many (even the majority) women are (see, for example, the collection edited by Kempadoo and Doezema, 1998) proceed to argue that the involvement of traffickers (and if this reflects reality, the accurate term would be smugglers) is the outcome of limited possibilities for legal migration, especially into Western Europe. This perspective tends to underplay sexual exploitation, and argue it is limited to the conditions of work and bonded labour in destination countries. This picture is often used to support an argument that a combination of legalisation of prostitution and extension of legal migration routes would largely resolve the trafficking problem.

However, all of the recently published research studies and overviews involving European countries tell a different story. The vast majority of women interviewed in IOM return projects in four countries (IOM Kosovo, 2001; IOM Tajikistan, 2001; IOM Yerevan, 2001; IOM Bishkek, 2000), and research by an Albanian NGO (Koci, 2000), say they were deceived about what work they would undertake, or recruited in other illegal, coercive or deceptive ways. These specific findings are supported by the most recent estimate (UNICEF, 2002) that 90% of non-national women in sex industries in Southeastern Europe have been trafficked.

Research that seeks to explore risk and vulnerability factors further supports this conclusion; with a number of studies finding considerable interest amongst young women in migrating for employment, but hardly any viewing work in the sex industry as an acceptable option. For example, an IOM study in the Ukraine based on a sample of 1189 young women, found that whilst 40% expressed a strong interest in working abroad not one thought that prostitution was acceptable employment. A similar study was undertaken by an NGO in St Petersburg; high proportions of women reported a desire move abroad and find a husband, but none said they wanted to work in the sex industry and only 2% said they would accept any job offer (Hughes, 2002, p37).

Whilst not disputing that some women may choose to migrate to work in Western European sex industries, the construction of concepts such as 'sex migrants' and 'foreign migrant sex workers' appears to have little basis in the existing research

literature. Moreover, whilst the desire for a better life, and dreams of making it in the west are entirely understandable, few people know how to migrate illegally without assistance, and it is an open question as to how women from one side of Europe are able to find their way into prostitution at the other, with no third party facilitation, not to mention recruitment. A number of researchers also point out that decisions to migrate into other sex industries are made in conditions where there are few, if any, alternatives: it has been termed a 'forced/coerced willingness' (CVME, 2001, p17). Whether women are voluntarily migrating does not negate that fact that for some, their human rights are violated in destination countries with respect to the ways in which they are prostituted and controlled, as the next section will demonstrate.

### **6.3 Recruitment methods**

There are at least six common patterns of recruitment:

- complete coercion through abduction or kidnapping
- being sold either by family members or a 'boyfriend' or trafficker
- deception by offers of employment with no sex industry connotations
- deception through offers of marriage
- deception through offers of employment in entertainment, dancing etc
- deception about the conditions in which women will undertake prostitution.

Women who are recruited through deceptive methods are led to believe that they can travel to a western country and earn large amounts of money in a short space of time, or establish a different life through marriage. Women believe that such offers represent the only possibility through which they and their families can move out of poverty and despair (Konig, 1997; IOM, 1999).

How women are recruited will depend on the trafficker and kind of organisation they are part of and the woman's social location. Large-scale organisations can present a semi-legal front, possibly even using newspaper advertising, whereas smaller scale groups will use more informal methods (De Ruyter, & Van Impe, 2001).

The most common route seems to be deceptive job offers, ranging from domestic work and child care through to work as dancers, made in person or through advertisements and employment agencies (UNICEF et al 2002), but marriage agencies, model agencies and travel agencies are also implicated (De Ruyter, & Van Impe, 2001). There is a widespread consensus that forced recruitment, through practices such as kidnapping, is "rare" (see, for example, UNICEF, 2002, p7). Research evidence, however, suggests that about 10% of detected women were kidnapped, and that there are even higher rates in some countries and areas: for examples an IOM/ICMC study of 125 women detected in Albania originating mainly from Moldova and the Ukraine put the rate at 18% and Daniel Renton (2001) estimates that 35% of minors trafficked from Albania were kidnapped. The scale of forcible recruitment also depends on how 'force' is defined - does it apply only to the initial contact with traffickers, or also encompass being sold (against one's will and/or without prior knowledge) to others at subsequent points? If the latter is included, then the numbers would

increase significantly: the 200 women interviewed by IOM Kosovo (2001) reported they had been re-sold between 3-6 times; IOM Albania also report 're-sale', with the price, and therefore women's debt, increasing each time.

Other recruitment methods documented in the literature include: false or deceptive offers of marriage by eligible young men in country, especially prevalent in Albania: deception through international marriage agencies, most documented in Russia (Hughes, 2001) and also Norway and Denmark (Moustgaard, 2002). Recent Swiss research (Le Breton & Feitcher, 2001) reports that trafficked women were mainly recruited through deceptive offers of marriage and domestic work. More recent discoveries in Denmark have documented sex industry exploiters in destination countries directly recruiting via the Internet, using both deceptive job offers and open invitations to work in the sex industry (Moustgaard, 2002). It is unclear how women responding to such offers would make the journeys involved.

Some commentaries suggest that it is particular groups of women and girls who are targeted, and that prevention efforts should focus on these identified 'vulnerable groups'. There are variable findings, however, with respect to which women are targeted for recruitment; some studies find primarily women from urban areas, others those from rural settings and with limited education. There is also some evidence that ethnic minorities, and especially Roma girls, are targeted (UNICEF, 2002). Data from 200 women detected in Kosovo showed that they came from range of backgrounds and life circumstances (IOM Kosovo, 2001). The sample comprised women who were: well and poorly educated; married and single; with and without children. Of the 148 who had never previously worked abroad 74% had previously had paid employment, only 4% had been involved in the entertainment/ sex industry. Of the 61 women who had previously worked abroad almost two thirds (60%) had worked in the sex industry. This figure provides some evidence about the potential scale of re-trafficking. There are also indications that Russian gangs trawl marriage agency data bases, to target women for recruitment (Congressional Research Service, 2002, p4) and street children (Hughes, 2002). Recent publications have also noted the extent of cross-border trafficking of women who are already involved in local sex industries, especially those which are pimp controlled and based on internal trafficking, for example, Bulgaria, Moldova and Romania (UNICEF, 2002, p8). In the last two years the importance of internal trafficking and its links to that which crosses national borders, has been identified as a critical area for further investigation:

We cannot and must not divorce the two. Trafficking into the sex industry feeds into existing or developing sex markets (Lokshina & Bortel, 2001, p73)

One research team argue that the easiest way to obtain women is to 'buy' them on the open market (Radovanovic & Kartusch, 2001) and there is increasing documentation of markets emerging for this purpose, the most infamous being 'Arizona' on the border between BIH, Croatia and FRY<sup>8</sup>. There are at least three

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<sup>8</sup> The UNICEF report (2002) notes that all but two of the bars within the market have been closed.

more in BiH alone (Ibid, p12). Direct sale has also been documented, where girls and young women are delivered into the hands of traffickers by their parents or guardians.

Whilst these various processes have been identified, including the frequent involvement of friends and acquaintances in making initial approaches, there is surprisingly little detail about the process itself, the numbers of individuals involved or the range of fees that recruiters receive.

#### **6.4 The local organisation of trafficking**

The level of trafficking in any particular location will depend upon scale of sex industry and the legal framework. Lazos (CVME, 2001) explores the development in Greece, noting that whilst the scale was small in the 1980s, and most women came from Poland and Philippines, this period involved testing (and developing) market demand and responses from the state and civil society. The discovery of a conducive context laid the foundation for growth in the 1990s, to the point where current estimates are that throughout the 1990s there were 10 times more foreign women and children involved in the Greek sex industry than local women, most of whom had been trafficked. He concludes that trafficking had profound effects on the sex industry in Greece, taking it out of Athens into large cities and then to villages; it both created new, and expanded existing, sex markets through an extension of demand.

Border areas appear to be locations for particular concentrations of brothels/bars and so-called 'safe houses' where trafficked women are held until they are taken across borders (Radovanovic, & Kartusch, 2001). Border regions between EU countries and the rest of Europe have also become sites for widespread highway prostitution, and a proportion of these women and girls will have been trafficked.

Increasing evidence suggests that women are moved around brothels and bars within transit and destination countries (see, for example, UNICEF, 2002). The explanation for this tends to be that it relates to 'demand'; the desire for 'new' faces. It is just as likely, however, to be a control strategy, in that it serves the purpose of keeping women disorientated. It could also simply be the outcome of the way traffickers and exploiters 'sell' women on, especially at the point when they have fulfilled the requirements of their initial 'contract' - to service a set number of customers for 'free', in order to pay off their transportation debts.

Sex industries globally are remarkable flexible, shifting locations and the form and content of what they offer in response to technological change, market testing and the relative strength or weakness of law enforcement and monitoring. This makes intervention more complex, since poorly conceptualised actions can merely displace activity, and even make it less subject to any form of scrutiny - which in turn means that any women who are entrapped have less possibility of escape or detection. One clear example of this process has been the increase in bar raids Kosovo, increasing the use of private flats (Corrin, 2000).

A new concept of 'mobile prostitution' has been coined to describe the organised movement of groups of women across borders for short periods of time - from

weekends to a couple of weeks. This has been most evident between Russia and Finland and Norway (Hughes 2002; Kramvig and Stien, 2002). The extent to which this is voluntary, or trafficking is involved has not been carefully documented.

## **7. Sexual exploitation and its consequences**

The conditions in which trafficked women are sexually exploited are not the same, and the extent to which their human rights are violated vary. Obviously at one extreme are the women who lose their lives – at the hands of traffickers who dump those they are transporting into the sea, or dispose of them in other ways, or whilst involved in the sex industry<sup>9</sup>. The extent of women's mistreatment varies according to how they were recruited, the journeys they undertake, the indignities and abuse they were subjected to en route, the forms of control used, and the conditions in which they are used in the sex industry. Some women and girls have stories of unmitigated victimisation, including being held in slavery type conditions, which causes extensive physical and psychological damage. Others had periods when they were treated well by their recruiters, who seduced them and/or protected them during their journey through Europe, and for some, their mistreatment has been limited to a period of bonded labour in a destination country. Most trafficked women's accounts sit between the extremes, and it is important for researchers and those who provide support and assistance to trafficked women to bear in mind the discussion earlier in this paper: that many women choose not to reveal the most distressing and degrading elements of their experiences. This has been documented in a number of countries with respect to survivors of domestic violence and sexual abuse in childhood (see, for example, Kelly, 1987), and points to the importance of creating time, space and conditions in which disclosure is possible, and never presuming that one has heard the whole story.

Previous sections have indicated the extent to which women and girls are abused, and prostituted whilst in transit. On arrival at a destination the woman is transferred from the trafficker to the brothel owner/pimp with whom the traffickers are dealing. False papers will be taken back at this point, and the woman's passport will invariably be handed over to the person to whom she is now indebted, who has 'paid' for her. It is at this point, that those who have been deceptively recruited, and who have not been harmed en route, discover the extent to which they have been lied to. Discovering that there is no good job, the debt they owe is thousands of Euros, and that they have to pay it off in three months, are a series of shocks. For others it is the virtual imprisonment, lack of papers and that they will receive no money for three months, which are the realities they had not anticipated. Yet others understand that the first three months work are to pay off the debt, but then expect the money they earn will enable them to save. For them, the deception comes later — with various additional fraudulent tactics which ensure they receive minimal payment.

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<sup>9</sup> The death rate for women in prostitution has been noted in previous research, and is a combination of fatal assaults by pimps or customers, and the high rate of drug overdoses. This does not include the numbers who die as a consequence of contracting HIV, or other serious diseases, which can also amount to death sentence where access treatment is limited by economic stress.

Research evidence suggests that this latter group is fairly small, since the majority of women maintain they were deceptively recruited. Should any woman protest here treatment a series of threats will be made to friends and family, and if these levels of coercion still do not produce compliance, physical and sexual violence will be used.

There are status hierarchies within all sex industries, which turn on the wealth of the men who buy, the appearance and health of women and girls, their countries of origin and levels of education – all these determine the contexts in which they work (O'Connell Davidson, 2000). There is a small 'high class' end of the market, and some trafficked women are located there, but this is not the reality for the majority. The majority are in small seedy bars and brothels and street/roadside locations; and their living arrangements are frequently small poorly furnished rooms in which between four to ten of them live. The recent UNICEF et al report notes: "The living and working conditions in the Kosovo sex industry are abhorrent, exploitative and akin to slavery." (2002, p96). The minimum estimate is that there are over 1000 women and girls involved at any one time in 85 recognised brothels. Less than a fifth (13.5%) are regularly paid and the majority are forced to have unprotected sex, with only 10% having access to regular health care. Whilst the majority of customers are local men, this needs to be understood in the context of a location where prior to the conflict and international presence there was an extremely small prostitution scene.

The reality for most trafficked women is that they 'earn' considerable amounts of money, since they are expected to work longer hours, and service more clients, than indigenous prostitutes, yet they are lucky if they receive any of it.— In the system that operates in the UK (Kelly and Regan, 2000a) it is virtually impossible to earn enough to pay off the huge and mounting debt. In this context most women are operating from call flats or brothels; once they have 'paid off' the original debt they are then told that there are charges - rent for the flat, payments for the maid, laundry, any number of expenses which they already owe and will continue to, and that they also have to pay exorbitant amounts to cover their transport home once their visa expires.

A method of further exploitation has been uncovered in Croatia: at the point where a woman has paid off her debt managers notify the police, resulting in her arrest and removal (Stulhofer & Raboteg-Saric, 2002). This pattern has also been reported in Israel (Hughes, 2000). Some women have also reported suspicions that their managers arranged with border guards for them to be searched when returning home. Whatever savings they had were confiscated, under the pretext that it was illegal to carry foreign currency into the country. They maintain that the money was then split between the customs officers and manager (Stulhofer & Raboteg-Saric, 2002).

### ***7.1 Forms of control***

The forms of control that are used vary according to how women have been recruited, the extent to which they resist exploitation and the brutality of the network they are trafficked by. Where women and girls have been forcibly recruited, many have their spirits broken during transportation through rape and

other forms of humiliation. These methods, and being prostituted during transit may also be used with those who have been deceptively recruited. Of the 200 women assisted by IOM Kosovo between 2000 and 2001, more than half (55% for each) report being beaten and sexually abused (IOM Kosovo, 2001). Of the women surveyed by IOM Tajikistan (2001), 89% reported being sexually abused by pimps, 27% that they were beaten and 95% that they were forced to undertake unsafe sex.

The two most effective control methods used once in a destination country are threats, especially with respect to families left behind, and the awareness - reinforced by traffickers and exploiters - that one's illegal status makes seeking outside intervention or support futile since it will result in being sent home. This sense of having an uncertain status is further reinforced through removal of women's passports and papers. Many trafficked women also talk of being isolated from others and subjected to surveillance and even being locked in the rooms where they stay. What is seldom mentioned in discussions of how women are controlled is the impact that being sexually exploited has on women: the shame and humiliation is a powerful silencing tool in and of itself. But more than this, the coping mechanisms which many women deploy to survive - getting through each hour or day - also constrain their space for action.

There have also been examples of additional control strategies, related to specific cultural contexts, documented. Girls from West Africa, for example, are often required to go through ritual processes prior to departure, which lead them to believe that they may have to forfeit their lives if they do not do what they have been instructed to (Kelly and Regan, 2000b).

## ***7.2 Routes out of trafficking: escape and detection***

Despite the extent of control women are subjected to some do manage to escape, and find their way to police and/or support agencies. Presumably, others escape but do not come to the attention of any official agency. The despair that some women feel can be seen in the fact that some risk (and sustain) physical injury through jumping out of windows (they are locked in rooms), rather than continue their current existence. Others 'escape' through establishing relationships with customers. These exit strategies, however, appear to be less usual than either detection by law enforcement or being returned/abandoned by their exploiters<sup>10</sup>.

The recent review of counter-trafficking in Southeastern Europe raises a number of complex issues with respect to responses to non-national women detected in bar raids, or other law enforcement activity (UNICEF et al, 2002). Being treated as a trafficked women (ie someone whose human rights have been violated, and who is entitled to protection and assistance) depends on two layers of definition: that the woman herself places herself in this category; and that the law enforcement officers concur. Many women may not define themselves as trafficked because they have been instructed not to by their exploiters, or because they do not think that they are, or because they do not understand what

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<sup>10</sup> The only clear data on this found for the review is from IOM Kosovo (2001), 60% of the 200 women were rescued during police raids, the other third managed to escape.

is being asked of them (there are not always interpreters present who can communicate the nuances of meaning). It also appears that law enforcement officers are operating with narrow definitions of trafficking (forcible recruitment) and/or using poorly constructed and limited questions in interviews.

This tendency of police to focus on whether women are 'voluntarily' involved rather than whether they are being sexually exploited has been documented in Southeastern and Western Europe (Moustgaard, 2002; UNICEF, 2002). Women's accounts include comments on police and KFOR troops coming to brothels and asking questions, but when owners and pimps were present (IOM Kosovo, 2001). There seem to be no mechanisms in Balkans currently which identify trafficked women who have legal documents (UNICEF, 2002). As a result only a minority of women detected are defined as trafficked and referred through for assistance. These findings suggest that there is urgent need for the development of interview protocols which cover all aspects of the definition of trafficking in the optional protocol, and for training programmes across law enforcement and assistance agencies.

The consequences for women of being detected, but not designated as a victims of trafficking, are extremely negative, ranging from being arrested and spending periods from a couple of weeks to several months in custody, through to immediate deportation. One study from BiH (Radovanovic & Kartusch, 2001, p13) reports that most detected women are arrested, held in prison for periods of up to 60 days, then deported in such a way that the outcome is re-trafficking. We thus have the bitter irony of women being prosecuted for prostitution and/or illegal migration offences, in contexts where they have not been paid, were threatened and deprived of freedom of movement, and in the majority of cases sexually and physically abused.

As alarmingly, the treatment of some women who not only identify themselves, but also give statements to the police is not much better. In several countries this seems to make them 'unshelterable' since the local shelters do not have 24-hour security (see, for example, UNICEF, 2002, p99)! Access to support services in Southeastern Europe appears, in many instances, to involve multiple interviews, and passing a number of 'entry' requirements. These would not be acceptable standards in most direct services addressing violence against women in Western Europe. These selection practices are becoming a source of tension between NGOs and international organisations (Ibid), and indicate the need to develop some standards for good practice across organisations which work directly with trafficked women.

### ***7.3 Return and reintegration***

The increased detection of trafficked women, and the fact that the majority express a desire to return to their countries of origin (IOM Kosovo, 2001; Kelly and Regan 2000a), exposed the absence of programmes that could facilitate their return in a safe and respectful way (in contrast to deportation) and provide support that facilitates re-integration. The importance of such programmes is reinforced by accounts from women returned to the Kyrgyz Republic (IOM Bishkek, 2000), where 75 per cent report extortion and exploitation by customs

and law enforcement officers on their return. There is, however, very little evaluation to date of any of the programmes, and virtually nothing that has surveyed women over time about the outcomes for them. The question about whether special provision is needed and provided for minors is also an emerging concern.

The review of counter-trafficking work in Southeastern Europe (UNICEF, 2002) does address what is currently known about programmes in the region, and they are less than complimentary about both the scale and content of current provision. The absence of evaluation data, however, means that these judgements are based on the most basic of information, and in one instance a misleading statistic. The analysis begins from a calculation that 35% of women detected in the countries under review are referred for assistance, which includes voluntary return programmes. Of this group it is argued that only 1 in 5 get any form of long-term support: ie 20% receive both assisted return *and* re-integration. For some unstated reason, however, the percentage is calculated only as a proportion of all women detected, which produces a figure of 7%.

Whatever the calculation, it is clear that only a minority of women are receiving any assistance that might enable them to both deal with the legacies of their victimisation and establish some form of sustainable economic and social life in their country of origin. Some estimates are that up to 50% of women returned are re-trafficked (UNICEF, 2002, p28), although one NGO in Romania claims an 84% rate of reintegration. The absence of effective re-integration programmes which address issues of housing, education, health<sup>11</sup>, employment, substance abuse, trauma have to be a factor in the scale of re-trafficking, and such provision needs to be understood as a form of secondary prevention.

One issue that is seldom addressed are the kinds of education and re-training being offered. The limited documentation available suggests that they are stereotypical gender-based skills, which fail to equip women to compete in labour markets (Radovanovic & Kartusch, 2001), or to challenge the male monopoly of areas of the economy. There is also considerable debate about what is needed in terms of intervention; with some NGOs promoting the view that all trafficked women need 2-3 years of intense individual therapy (UNICEF, 2002, p145).

#### **7.4 Beyond victim or survivor**

Descriptions and images of women who have been trafficked tend to position them as either passive victims, or 'migrant sex workers' who are exercising agency in seeking to find a way to earn a living.

... victims of trafficking remain one-dimensional figures whose terrifying stories are condensed and simplified for media reporting (Hughes, 2002, p33)

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<sup>11</sup> There is currently minimal data on women's HIV status, or their health generally. Many assistance programmes offer free health status tests, but the majority of women refuse them.

Women's abilities to survive brutality, re-build a sense of self and re-make connections with others has been a core theme in much feminist research on gender-based violence (see, for example, Herman, 1992; Kelly, 1987), and has underpinned the work practices of women's support services based on feminist principles. To date, however, this perspective has not been that evident in work on trafficking (for an exception, see Erez, 2001). Recent Swiss research, however, (Le Breton and Fietcher, 2001) has explored processes of both accommodation and resistance within women's experiences of sexual exploitation; noting that trafficked women - like all human beings - exercise agency, but in conditions where their space for action is severely constrained. The researchers argue further, that women's marginal legal status is a form of social exclusion that denies them access to redress. The other side of this complex reality is the fact that some women suffer the ultimate victimisation of being killed: in 2000 the Italian Ministry of the Interior recorded 168 murders of foreign women involved in prostitution, most of whom came from either Nigeria or Albania.

Some NGOs which support trafficked women are also beginning to develop more complex frameworks for understanding the impacts of sexual exploitation, within a perspective that emphasises the role of women's own coping strategies. A Bulgarian NGO argue that:

For someone to survive in these circumstances, she needs to be able to mobilise all of her physical and emotional power. Women who manage to escape from the traffickers by themselves usually demonstrate more of this power. (Kozhuharova, 2001)

As a consequence when women arrive at support agencies they are in this 'mobilised' frame of mind - they are full of energy and want to take actions. However:

The safer the women feel, the more the reality overwhelms them and their enthusiasm quickly turns to hopelessness. Survivors of trafficking are alone because they have survived things they cannot share with others, they don't have any money or documents, they have a broken past and an unclear future. They feel very confused. They fall into a deep emotional crisis. (Ibid, p145)

This analysis points not only to the importance of understanding trauma, but also that there are new dangers and challenges, even when women are in a safe context. The realisation that no one wants them, everyone blames them, and that they do not fit into criteria for most mainstream social programmes, represents a new crisis that has to be managed. Building a positive sense of identity in the aftermath of sexual exploitation, and in national contexts where fatalism, rather than hopefulness is the prevailing social mood, is a profound challenge. The one study (Caoutte & Saito, 1999) based on extensive contact with a group of women who did return home, in this case to Thailand, found that women had a double and conflicted identity. In terms of their community they were expected to be proud, whereas internally and occasionally with each other,

feelings of shame, disappointment and betrayal predominated. What women found hardest to bear was the combination of the failure of their families to invest money they had sent home in a sustainable future and that no one understood, or wanted to understand, what involvement in sexual exploitation has cost them. This insightful study reveals that safety is not just a matter of physical security, but also a matter of identity and belonging - both of which sexual violation has been shown to damage, and even destroy (Herman, 1992).

In developing policy and practice in this field more attention needs to be paid to the expertise and practical knowledge of NGOs internationally that have experience of working with the traumatic legacy of repeated sexual violation, including those which have proved effective in enabling women not just to leave prostitution, but to construct a different sense of self (Hedin & Mansson, 1998; Hotaling, 2001).

## **8. A focus on the traffickers and exploiters**

There is remarkably little in the research, or more general literature, on traffickers (see also UNICEF, 2002, p5): what we undoubtedly know is that individuals may or may not be part of organised crime networks, and the majority of traffickers and exploiters are male, although women are increasingly used at the first stage of recruitment (see, for example, Hughes, 2002). Tatiana Cordero and Alda Facio (2001), in the context of Latin America, alert us to the ways in which formerly trafficked women become recruiters and even organisers, but are seldom found at the higher levels of organised crime. The researchers also note that women are deliberately used as recruiters, since they are more likely to be trusted.

Unsurprisingly, at the initial recruitment stage there are parallels with routes into local prostitution, with those who make initial approaches (or on occasion sell) women and girls including family members and young men who encourage young women to believe they are their boyfriends (Barnardos, 1998, Kelly et al 1995). What is different about trafficking is that there are a large number of 'professionals' whose businesses are fronts for deceptive recruitment.

Reports compiled by law enforcement agencies tend to stress the extent to which organised crime groups are involved in both human smuggling and trafficking for sexual exploitation. Whilst this is undoubtedly the case, the extent is seldom quantified in any rigorous way. Nor are the links at various stages of the process explicated. It is unclear, therefore, whether those who recruit and organise early stages of the transit process are independent contractors who are paid set fees for each transaction, or if they are the lower echelons of organised networks. The argument is also consistently made that trafficking networks move variable combinations of drugs, arms and people; yet here again the published evidence for this is weak. That said, however, the scale of organised crime, and its involvement in trafficking human beings, has become an acute concern in many European countries (IOM, 1999).

There are some indications that trafficking networks are taking over aspects of sex industries in Western Europe (Congressional Research Service, 2001 p6;

Hughes, 2002). The Russian mafia are now thought to be in control of much of the sex industry in Israel (Hughes, 2000). Moustgaard (2002) argues that 60 per cent of the sex industry in Western Europe is now controlled by mafia like networks. She also argues that medium sized networks specialise in trading in women from particular countries into brothels that they own and run in a range of other countries, whilst the smaller groupings are made up of myriads of individuals who organise movements across borders, have various links with others, and who buy and sell women between them. What remains unclear is how smaller scale operators in countries of origin connect to the larger networks. For example, do successful enterprising individuals expand their operations and move into the organised crime frame, are they absorbed into existing networks, or are they perceived as threats by established groups if they seek to extend their activities and profits? The lack of detailed description and analysis of the organisation of trafficking means that there is a weak knowledge base on the potential levers that might disrupt and prevent growth at the bottom of pyramid.

A Croatian study (Stulhofer & Raboteg-Saric, 2002) includes a useful typology of the layers of those involved in trafficking. The primary group are *Organisers*, who belong to organised crime networks. They employ *Middlemen*, who work in particular localities and are responsible for recruitment, transportation and sale of women – this group will contract out to other individuals elements of these tasks. *Managers* are sex business operators, including pimps, bar, nightclub hotel and brothel owners. Some of this latter group may be legitimate businesses, but where at some level there is knowledge of, and complicity with, the sex industry connection. *Aides* are individuals with positions in government, administration and law enforcement who provide information and/or legal documents for money, and who may intervene in other ways (such as dropping prosecutions, or 'loosing' evidence) to protect the interests of the other layers of the operation. At lower levels, aides also include taxi drivers, waiters and others in the service sector who provide information and encouragement to clients. What would aid understanding now is some local mapping and quantification of the numbers, and the scale of financial benefit, involved at each level.

An example of the role of aides, in a particular context, is that in a number of European countries it is the role of the police to issue work permits for foreign women as 'dancers' and 'waitresses'. In BiH where the unemployment rate is at least 40%, and such permits are only permitted where there are no nationals registered for the occupation, police officers continue to issue large numbers. Researchers have noted that they must know that these permits are covers for trafficking (Radovanovic & Kartusch, 2001).

Donna Hughes' (2002) study on the Russian Federation contains the most detailed information of traffickers, almost all of whom are thought to belong to organised crime groups called *mafija*. They range from small to large networks, with the recruiters and pimps at the base of the pyramid. Once a small group establishes itself in Russia, they will either be taken over or linked to larger groups through payment of protection money. In 2000 the Russian Interior Ministry estimated there were 200 organised crime groups operating in 58 countries, many of which had links with other organised crime networks. Within Europe particularly strong links exist with Hungarian, Czech and Polish groups.

The role of pimps also deserves more attention. Some of the trafficking literature appears to suggest that there are several patterns operating concurrently, but the data is too vague at this point to do more than raise questions. Are there levels involved here too, with some exploiting a single, or small number of women and others operating on a much larger scale? Are the small time operators both pimps and traffickers, or is there a division of labour between recruitment and transportation? What are the various ways in which pimps link up with bar, nightclub and hotel owners?

### ***8.1 The scale of profit involved***

Despite strong claims about the scales of profit involved in trafficking, very few studies have sought to examine this in any systematic way, nor to explicate the layers and levels of monetary transactions involved. One estimate at the level of the sex business exploiters is that they make 5-20 times the payment made for a woman (Hughes, 2000). Lazos (2001, p10) with reference to Greece estimates that pimps earn 8 to 10 times more from trafficked women compared to the money they make from exploiting a Greek national. In terms of the UK, in off street flat prostitution the usual arrangement is that the woman splits her earnings 50:50 with the owner/organiser. With trafficked women the owner/exploiter not only gets to keep close to 100% of the takings, but also to increase takings since trafficked women can be required to take more customers, and engage in sexual acts that customers pay more for (Kelly and Regan, 2000a). One study, based in the Kyrgyz Republic (IOM Bishkek, 2000) makes a serious attempt to calculate the scale of money and profit involved; they arrive at a figure that women receive 3-5% of what they earn.

It is also relevant to note that large-scale profits seldom return to be invested in countries of origin, but are often laundered into western economies (Hughes, 2000).

### ***8.2 Operating with impunity – the failure of law enforcement***

One of the key elements in any successful counter-trafficking strategy has to be law enforcement targeting all levels of the system: recruitment, transportation, false documentation, sexual exploitation and corruption. Where relevant other crimes such as rape, physical assault and deprivation of liberty should also be addressed. The limited information we have on law enforcement suggests that efforts to date have not been effective, with actions targeting the lower and middle level operators, often in the most obvious settings: for example, the most used transport routes, well known bars and brothels, and women involved in street prostitution.

A study in Albania, that sought to discover what local people knew about the issue (Renton, 2001) revealed that many knew who the traffickers were, but their reputation for ruthlessness and the failure of the police and legal system to enforce the law, combined to create a sense that there was no point in making official reports, since nothing would be done. This is how cultures of impunity develop, where a sense of fatalism and powerless undermines any efforts to address a problem.

The abject failure to effectively prosecute traffickers is evident in the eight country reports within the extensive overview of Southeastern Europe (UNICEF, 2002). The numbers of cases where arrests are made is small, but the number of eventual convictions is miniscule: often less than 5% of cases detected. In several countries more foreign women were charged with prostitution offences than traffickers prosecuted. An attempt was made for this paper to compile a table comparing rates of arrests, prosecutions and convictions, but the inconsistency of the data provided mean that few other conclusions can be drawn (see Table 1 below).

An operation in BiH during 2001 is documented (UNICEF, 2002, p66-7) in which 39 bars were raided and 177 foreign women detected, of whom only 13 were referred to IOM for support. Thirty-four foreign women (and eight Bosnians) were charged with prostitution offences, and sentenced to either fines or 15 days in prison plus deportation. The charges against most of the bar owners were dropped, with only four being sentenced to 20-40 days in prison.

The report further documents that the sentences in proven cases often resulted in an immediate release and/or the closure of premises for a matter of days or weeks. Overall, there was a failure to confiscate property, the widely agreed strategy that would make trafficking and sexual exploitation less profitable. One much cited barrier to successful prosecution is the lack of witness protection. What this report outlines is that the main witnesses (trafficked women) were seldom brought back for the legal case. As a consequence the evidence against the defendant was limited to their original statement, which the report states is considered 'weak'. Quite why this is the case, when in many of these countries the statement will have been made in front of investigative Judge, is not addressed. Nor is it made clear whether the absence of the key witness is due to laxness in the law enforcement system, pressure on resources meaning money is not available to cover the costs, or because the lack of witness protection makes women unwilling to take further risks. However, the conclusion that "prosecution is the weakest part of the whole anti-trafficking system in SEE" is surely correct, and undoubtedly also applies to much of Western Europe.

**Table 1: Prosecutions related to trafficking in SouthEastern Europe**

Place	Number of traffickers arrested/charged	Cases pending	Cases Prosecuted	Convictions
Albania	150	X	10	03
Bosnia and Herzegovina	unclear	04	(see note 1 below)	11
Bulgaria	x	x	14	x
Kosovo	62	15	unclear	unclear
Macedonia	147 (2)	47	80	unclear
Moldova	48	33	15	0
Montenegro	02	x	x	x
Romania	x	x	148	x
Serbia	50	1	0	0

Notes: All data from UNICEF (2002), relates to cases up to Sept 2001, unless otherwise indicated  
X = data not provided  
1. 174 trafficked women have given evidence before an Investigative Judge  
2. Between 1995-2001

Unfortunately, to date, most emphasis in research and policy has been upon statute law and legal procedures, and the barriers that these represent to effective law enforcement. But most countries do have laws under which elements of trafficking could be prosecuted. Equally, and arguably more significant barriers appear to be: the lack of resources and priority allocated to this area; the attitudes of law enforcement officers which frequently view women as responsible for their own fate and undeserving of protection and redress; and the failure to develop and share creative strategies for investigation, evidence gathering and successful prosecution (Kelly and Regan, 2000a).

### **8.3 *The invisible nature of demand***

If there has been little serious research on traffickers, there is even less European research on demand at the client level. Whilst there is the beginnings of innovative work on prostitute users, especially the work Julia O'Connell Davidson and Jackie Taylor Sanchez (2001) on sex tourists and that of several Scandinavian social scientists (Keeler & Jyrkinen, 1999; Mansson, 2001) on local prostitute use, little has specifically addressed trafficking.

The kinds of questions which need addressing include: What proportion of prostitute users consciously seek to have sex with women who cannot speak their language, who are 'vulnerable', 'exotic', 'other'? Is the demand side of the equation driven by customer interest, or merely that trafficked women are more profitable for sex industry entrepreneurs, and thus they are who is 'there'? Or are both aspects of demand operating simultaneously, serving a mutual interest between suppliers and customers? What proportion of prostitute users think about whether the women they use might have been trafficked? Does this make a difference? What factors increase and decrease prostitute use? This kind of information would be invaluable in thinking about awareness raising and prevention in destination countries targeted at demand.

## **9. Prevention and awareness raising**

Increasing effort has been put into awareness raising and prevention efforts, focussed primarily on countries of origin, and young people. The majority of this work has been undertaken by IOM or La Strada, and they have often conducted basic research prior to running campaigns. Most find that there is a generally high level of awareness of the issue, and even that some people are aware of cases locally (see, for example Stulhofer & Raboteg-Saric, 2002 for Croatia; Renton, 2001 for Albania). IOM Lithuania (2001) found that 10 percent of young Lithuanians had come across the issue of trafficking and almost nine percent said they knew of attempts to recruit women. People's knowledge is primarily gained through the news media, highlighting the significance of their role in counter trafficking, but also from friends and neighbours. Much media reporting, however, tends to be salacious, using language and imagery that constructs trafficked women in negative ways.

The sophistication of such studies could be improved, moving beyond simple baseline measures, to exploring how far local populations are implicated in trafficking, and the extent to which they conceal information from law

enforcement. Also of interest would be the barriers to extending counter-trafficking into communities.

There has been rather less attention to assessing the impacts of campaigns, or assessing their content and reach: for example, the difference between general awareness raising, those targeted at 'at risk' groups, and the few that have been directed at demand. Calls for evaluation (see, for example, UNICEF, 2002), however, underestimate both the expense and complexity of such research, and fail to take account of the knowledge base on public education more broadly, which suggests that 'one shot' campaigns have short term impacts. It is sustained and clear messages that have been able to change public perception around issues such as HIV, smoking and drink driving. There is some evidence that the 'one shot' work increases awareness in the short term, through the reports of the increases in calls to helplines offering advice about working abroad (CVME, 2001; UNICEF et al, 2002); but this is not sustained when the campaign wanes.

Juliette Engel (2001) notes that too often the awareness element in European projects relies almost totally on the 'mass media' rather than public education, unlike the models used in other regions, for example, Asia. In such a context, infrequently broadcast radio and TV spots constitute little more than a 'scattershot' approach. The need for capacity building in both leadership and skills in this area is also stressed. Daniel Renton's study in Albania (2001) also warns against unintended consequences of careless implementation. The outcome of a campaign seeking to raise awareness about the possibility of abduction of young women resulted in many parents in rural areas refusing to send their adolescent girls to school.

Studies which have sought to identify 'at risk' groups have been variable in the methods used and the sophistication of analysis, with some finding little more than that it is young women who have fewer employment options. A large study of almost 3000 women and girls in Ukraine (Kedova, 2001) developed a set of risk factors through discovering what made women more likely to accept an offer of employment abroad<sup>12</sup>, and these were found to be most common in smaller towns. The study also confirmed a close correlation between living with domestic violence in the family and the risk factors. They conclude that prevention has to be targeted at young people in general, whilst addressing the misinformation that makes them vulnerable, and strong efforts need to be made to take the messages and materials to smaller towns.

The link with domestic violence is not addressed in the conclusions, and much research and commentary skates over the many connections that arise between trafficking and other forms of gender based violence. There are, however, some interesting questions here with respect to prevention, especially whether longer term integrated campaigns on all forms of violence against women and children might be both more cost effective and successful. Some commentators argue that the many links between forms of violence, and the commonality of victim

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<sup>12</sup> These were: willingness to work abroad illegally; seeing going abroad without a visa as normal; disregard for personal safety; positive attitude to working in the entertainment industry; belief in the legitimacy of marriage agencies.

blaming, makes an integrated approach the best use of scarce resources, whilst at the same time enabling strong and coherent messages to be developed (Erez, 2001).

An additional strategy in countries of origin, can be found in the recent practice in the Philippines of mainstreaming 'international migration and development' into the school curriculum (Maceda, 2001). In a holistic approach to decreasing the extent to which Philippine migrant workers are exploited, over 43000 teachers have been trained to deliver lessons in school. There is also high take up of pre-departure seminars for migrant workers, and those departing to marry a citizen of another country. A database through which serial marriage sponsors can be tracked has also been introduced.

Serious primary prevention has to address the links between women's inequality and trafficking. The majority of trafficked women say that the most effective preventative strategy would be employment creation, and the call by UNICEF et al (2002) for evaluation of the impact of economic reform and development as part of counter-trafficking strategies is undoubtedly critical.

## **10. Assessing counter-trafficking strategies**

Research has a number of roles, one of which is to provide an independent and critical voice on current policy and practice. Given the increase in counter-trafficking activity, the requirements of European Commission communications, national law reform and Plans of Action and regional work such as that undertaken by the Stability Pact, OSCE and the SECI Centre, the time is right for researchers to examine what differences, if any, can be demonstrated.

One clear concern is that the widespread sense of urgency to curb trafficking will result in narrow and ad hoc measures that offer little more than short-term disruption (De Ruyter, & Van Impe, 2001). This short section summarises the limited assessments that have been made of national action, and the kinds of issues and questions that need to be addressed at the regional/international level.

### **10.1 National counter-trafficking efforts**

Few studies have systematically examined trafficking for sexual exploitation from the perspective of practitioners, in order to explore both best practice and the barriers to effective counter-trafficking (for an exception, see, Kelly and Regan 2000a). A Croatian study (Stulhofer & Raboteg-Saric, 2002) included interviews with law enforcers, and distinguished two groups: one that ignored and/or minimised the issues and those who recognised it as crime issue. For the latter group three major impediments to action were noted: corruption; inadequate resources and training; and the lack of clear policy directives. This study and anecdotal evidence throughout the region suggests corruption involves many at lower levels and extends up to high-ranking officials: the case in Greece in 1999

where a former head of the police and 15 others were charged with corruption is just one obvious example (Hughes, 2002, p45)<sup>13</sup>.

There is considerable agreement on the barriers to effective counter-trafficking amongst a number of commentators (see, for example, Dan, 2001; Kartusch et al, 2000; Lazaridis, 2001; Niesner & Jones-Pauly, 2001; Radovanovic, M and Kartusch, A, 2001). These include:

- inadequate legal frameworks, with loopholes that are exploited by traffickers;
- ineffective law enforcement, especially with respect to traffickers and exploiters;
- lack of concern about the fates of the women and girls involved, due to a combination of their being illegal migrants and involved in prostitution;
- lack of specialisation, both within law enforcement and the NGO sector;
- disinterest and even complicity within authorities.

Legal reform has, in the main, been limited to ensuring an offence of trafficking exists, and too little attention has been paid to the multitude of ways in which traffickers and exploiters manage to evade prosecution. Examples of gaps here would include ensuring third party organisers can be held accountable, regulation of organisations like marriage agencies and the abuse of laws which allow for large scale 'import of artists for entertainment centres' as is the case in Greece (CVME, 2001) and Bosnia (UNICEF et al, 2002).

One strategy recommended to address the inconsistency of responses to trafficked women is to explicitly include the term 'victims of trafficking' in legislation. Mattar (2002) argues this is a way to establish the principle that women and girls should not be criminalized, and that they have rights to protection and redress. The need for a legal statement establishing these principles can be seen in the fact that where action is taken in many countries, women are arrested on either prostitution and/or immigration offences, and treated accordingly. For example, of 1500 trafficked women detected by German police in 1997, 95% were deported (Hughes, 2000). Even more concerning is that in some countries police investigate the 'moral' standing of victims, and use any negative assessment (not difficult where someone has been involved in prostitution) as justification for discontinuing investigations (CVME, 2001, p105).

The variation in interpretations of 'trafficked women' between agencies and countries is starkly evident in the UNICEF report, as are the 'hoops' which women have jump through in order to access support and shelter. It is questionable whether these multiple processes uphold human rights principles, and they certainly cannot be commended as 'good practice'. They contrast sharply with attempts in policy and practice with respect to other forms of violence against women and children, where multiple interviews over a short time

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<sup>13</sup> Another example came from a recent training course in the Balkans conducted by the author and colleagues. A recently elected mayor decided to prioritise the local trafficking problem in his village. There was much resistance, but he persisted, and had found some allies locally. He regretfully abandoned the work when he recognised a car belonging to a government minister outside one of the local brothels.

period have been subject to intense critique, and where concerted efforts have been made to extend access to services and support.

Even where new laws have been passed, implementation has not proceeded in constructive ways: it is unclear whether this is to do with poor drafting, inadequate powers being given to law enforcement or internal resistance within police and prosecutors. For example, the new law in Republika Serbska created a new crime of 'trafficking in persons for the purpose of prostitution' in 2001. According to UNICEF (2002) "it has to be proven that money has been given for the services of a woman, which is very difficult" (p67). However, a similar law in the UK has been the most effective way law enforcement has been able to mount prosecutions (Kelly and Regan, 2000a).

More detailed analysis is needed, therefore, about the implementation of similar laws across jurisdictions: are the differences explained by variations in procedure and evidential requirements or by the determination (or not) of officials to make the laws work? There is also a lesson to be learnt about the dangers of legal reform where efforts are not taken to explore its 'enforcability' in local contexts; what is needed is not 'declarative' law but law that works. Prosecution has not just a repressive effect, but also a preventative function in decreasing the profit and increasing the risk. To be effective sanctions need to move much more into a "proceeds orientated approach" through serious monetary penalties (De Ruyter, & Van Impe, 2001).

The stories of corruption amongst state officials in countries of origin are legion, ranging from border guards taking money from several parties and handing women who are being deported directly back to traffickers (UNICEF et al, 2002) through to less obvious actions, such as deliberately making procedural mistakes to invalidate evidence (Radovanovic & Kartusch, 2001). Far less attention has been paid to the fact that many officials do not have the material resources that would enable them to do their jobs properly: for example many border stations lack computers/faxes or even working telephones.

There is a clear need for National Plans of Action which address local realities, that are based on an assessment of current practice and capabilities and which set priorities for incremental change. For example, training and awareness raising programmes are urgent needs, but their impact will be lessened in contexts where officials lack the basic tools to be effective, and the courts and law enforcement are chronically under-funded (Global Survival Network, 1997). Anti-corruption measures also need to be put in place, but their effectiveness will be minimal in contexts where police officers and border guards are not paid a living wage.

The emergence of innovative responses at the NGO level also deserves to be looked at in more detail. There are a range of models for shelters, with some integrating support for women escaping domestic violence and trafficking, others linking support for women detected and women returning, and still others providing services to more delimited groups. Some have high-level security facilities, others minimal. There are also examples of integrated helplines, and others specialising in trafficking. With such variation, and virtually no external

evaluation, it is impossible to suggest what constitutes 'good practice', on grounds other than personal preference.

## **10.2 Regional and International Policy**

At the European level a number of communications and decisions have been made through various European Union mechanisms, and the Council of Europe has also addressed trafficking directly. Significant capacity building work at the levels of governance, law enforcement and the NGO sector has been undertaken in Southeastern Europe through OSCE and Stability Pact Trafficking in Human Beings Task Force (SPTTF) and the Southern European Cooperative Initiative (SECI Centre). There is also increasing activity by various UN agencies, international organisations, especially IOM, and international NGOs, particularly La Strada and ICMC. Regional activity in the Baltic region has resulted in co-operation at both government and NGO levels<sup>14</sup>.

There is undoubtedly some need to take stock of the 'emerging anti-trafficking system' (UNICEF et al, 2002), although doing so will require negotiating an arena in which there are considerable conflicts, and unpicking which are in fact about matters of principle, and which are disputes about turf and spheres of influence. Neither the barriers to implementation nor successes have been properly evaluated, raising the possibility that donor input is not being used to best effect. This is not a simple matter for research, since in each national and regional context there are similarities and differences to be addressed, and a multitude of key players to take account of. Whilst the yearly monitoring effort begun by the US State Department is a welcome first step, more sophistication needs to be introduced to the model whereby countries are rated. Currently, the allocation is made on the basis of meeting a set of minimum standards with respect to: legal codes and law enforcement; protection of and support for victims; and efforts on prevention. Countries achieving Tier 1 are seen to have complied with the standards, Tier 2 have made 'significant efforts' to comply and those placed in Tier 3 are not making sufficient effort. Allocations have caused much controversy, not only because of the threat of sanctions to countries located in Tier 3, but the apparent inconsistency in allocations. For example, some Western European destination countries still lack legislation and support services and thus would seem to fall short of the minimum standards required for classification in Tier 1. At the same time some transit and countries of origin who, in their view, have put serious effort into addressing the problem, question the justification of a Tier 3 allocation. At the very least, there needs to be some measure that addresses actions and interventions in relation to the disparities in the resources and capacity each nation has at its disposal.

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<sup>14</sup> This regional NGO networking is unusual in the field according to the review of Southeastern Europe (UNICEF et al), yet there are two successful examples in the Baltic of links across origin, transit and destination countries. This raises the question of why it has not happened in an adjacent region. Two obvious differences between the two regions may play a part; firstly, the predominance of international agencies in the Balkans; secondly, the strength of Scandinavian women's movements, and their critical position with respect to prostitution.

One unresolved policy issue within Europe is whether the legalisation of prostitution<sup>15</sup> has a role to play in counter-trafficking efforts. Here is not the place to rehearse the arguments, other than to say that from a research standpoint there is no evidence that legalisation has a beneficial impact. What little evidence there is points in the opposite direction, with greater numbers of trafficked women being detected in Western European countries where aspects of prostitution are legal. As Chris Corrin (2000) points out, legalisation only protects nationals, and can in fact make the position of trafficked women more marginal. The impacts of legalisation in Victoria, Australia witnessed an increase in both the legal and illegal sectors, and minimal counter-trafficking law enforcement (Sullivan and Jeffreys, 2001). From an evidential point of view, therefore, the case that legalisation will benefit trafficked women is still to be made.

The ILO (2002) make the further point that even where aspects of prostitution are legal the sex industry continues to be exempt from routine inspection and regulatory control. This absence of monitoring, which might best be undertaken by health and safety officials rather than law enforcement (Kelly and Regan, 2000a) creates a context in which exploitative working conditions can become a norm, rather than an exception. They also argue that international discussion on creating 'gender-sensitive migration policies' is urgently needed (Ibid, p9)

It is clear that in some countries it has been left to NGOs to maintain interest in trafficking, and arguably too much has been expected of an emerging sector. One local activist comments:

Relying on struggling women's NGOs to lead the battle against multi-billion dollar criminal trafficking is completely unrealistic and dangerous. NGOs are intimidated by the very real threat of [organised crime] violence - particularly in villages (cited in Hughes, 2002, p58).

Whilst the concerns raised about the absence of common standards for service provision in the statutory and voluntary sectors are valid, there is a danger of imposing impossible, and even irrelevant standards in countries where lack of provision and action is the main issue. There is a continuing need to restate human rights principles, the need for attention to the rights and needs of trafficked women, whilst not being prescriptive about how these might be met. Innovation and variation has been lifeblood of the violence against women movement globally, and trafficking for sexual exploitation is no exception. Perhaps as important would be creating more opportunities for NGOs across Europe to meet and share their insight, skills and expertise with each other. This movement of ideas and practice across borders is likely to enrich not only understanding, but the ability of NGOs to build a strong voice in advocating for, and with, trafficked women.

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<sup>15</sup> Usually it is only aspects of prostitution which are legal, often that involving the sale of sex by the prostitute to the client within certain prescribed contexts, such as registered brothels. Other aspects, such as pimping and procuring tend to remain criminal offences. Sweden remains the only country to make the purchase of sex the offence, criminalising the buyer rather than seller; Finland and Norway are currently considering passing similar laws.

## 11. Gaps in knowledge – new research agendas

Whilst much has been learnt over the past decade, there remain unanswered questions and new challenges to understanding. Future research needs to move beyond simply establishing that there is a problem, to more nuanced studies of the organisation of trafficking, its impacts on individuals, gender relations and communities and begin critical assessment of counter-trafficking initiatives. The research agenda below outlines areas that deserve detailed attention in the near future.

- Explicating the links between trafficking and other forms of sexual exploitation connected to migration, such as those occurring in domestic service and through marriage bureaus, and the extent to which trafficked women and children are involved in sectors of the sex industry other than prostitution.
- Patterns of in-country trafficking and how these are and are not linked to international movements, both in terms of organisation, exploiters and dynamics.
- The extent to which women and children are literally sold between traffickers and by traffickers to exploiters, the meaning of this to those subjected to it, and some estimation of the scale of these financial transactions.
- The scale of murder of trafficked women and children in both destination countries and countries of origin, and who is responsible for the deaths – traffickers, exploiters, customers or others (such as family members). Within this topic attention should be given to the impacts that such crimes have on others who are entrapped, and to how often the threats, used to control women and children, to other members of their families are actually carried out<sup>16</sup>. There are important connections to be made here with the literature on the homicide rates for women involved in prostitution more generally, and on how frequently threats are used as a control strategy in domestic violence.
- How much re-trafficking occurs, especially where countries are involved in large-scale removals and deportations of women and children – such as between Italy and Greece and Albania, and within the Balkans region itself (UNICEF et al, 2002)? If the outcome of such policies is merely the recycling of women and children, they are expensive undertakings for minimal gain. They neither benefit the states involved, nor the women and children who are removed. Such data would be a powerful tool in arguing

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<sup>16</sup> For example, Renton (2001) contains an example of a case in Albania where threats were made to a family attempting to find a daughter trafficked from Albania to Italy; another daughter was brutally murdered when the family did not drop their search.

for more strategic interventions, including investment in advocacy and support projects in both destination and origin countries.

- Uncovering the membership and structure of trafficking networks – both those which are highly organised and those which are not. We currently know very little about how the organisations work – including whether anything can be discovered about the highest echelons. Many studies and commentaries argue that at the local level networks are seldom well organized, although little data is offered to support these assertions. If this were the case, discovering how young men become recruiters at the lowest levels would constitute new knowledge that could inform prevention and awareness raising efforts. For example, are recruiters also deceived about the nature of the work and conditions in which trafficked women's human rights are abused? Are people in the early links in the chain subjected to threats and control? Also worthy of investigation is what potential sanctions would act as deterrents to those who gain least from the process. The extent of involvement of women as recruiters, especially those who have themselves been trafficked deserves more in-depth study – in terms of how many are involved, whether this is a 'trade off' for no longer being sexually exploited themselves, and the extent to which they are still being controlled.

Within studies of the organization of trafficking the question of whether there is a 'trafficking career' could be explored – do individuals begin at the lowest levels, but then develop a network and style of recruitment that allows them to move up into a more profitable and sophisticated network?

- The organization of trafficking between countries deserves more detailed attention. Is it highly organised, disorganised or a combination? How are the various links in the chain connected? How are they disguised/hidden? In particular, to what extent are state officials (border guards, immigration, police, embassy staff) and employees of companies (such as travel agencies, airport staff, airlines) involved? Each of these represents potential pressure points and targets in counter-trafficking, but we lack detailed knowledge that could inform well-targeted training and anti-corruption programmes.
- Evaluation of shelter and advocacy projects in both destination and origin countries. There are a range of questions, which need to be addressed here. Can shelters serve the needs of both women detected in country and those who are part of return programmes to their country of origin, or is separate provision necessary? How are shelters organized, what services do they offer, and how much are they used? How do they manage the diversity of age, experience, countries of origin in the women needing shelter? What proportion of referrals are they able to accommodate, and what services, if any, do they provide to those for whom there is no space? Are they effective in promoting women's safety? Are they run on the principles of self-determination and the promotion of human rights? Are there differences between groups run by religious organisations, the state and women's NGO's? What do women living in

shelters say about them, are they responding to their needs? How do project workers assess their contribution, what are the problems and barriers they face? Do workers think women have unmet needs which projects are currently unable to address<sup>17</sup>? What similarities and differences are there between shelters for trafficked women and those dealing with domestic violence? Does joint provision work, whereby women seeking safety from various forms of gender based violence are sheltered together?

- The success, or otherwise, of return and reintegration programmes also needs to be assessed. These projects are growing rapidly, especially within IOM, and detailed evaluation is sorely needed. This could include an overview – how many programmes are there, what components do they have, and how many women and children do they serve, with what outcomes? Alongside, or following this, more in-depth evaluation of several projects would reveal good practice and the barriers to effectiveness. Such studies must include interviews with staff and users. Some of the questions to be explored here include: Do we know that trafficked women and children really do wish to return, or have they been told to say this by traffickers? What needs do trafficked women have, and how do projects address them?; How is the danger of re-trafficking addressed?; What measures are used to promote re-integration, and are they effective?; What are the local economic, social and cultural barriers to re-integration?; Are the education and training opportunities provided relevant and marketable? This last point is critical in a number of ways. For example: is skills training confined to traditional gender expectations in the labour market (such as crafts, sewing etc) or does it open up access to new possibilities for women (entry into areas of traditional male employment such as manual trades)? And does it take account of the fact that a proportion of women who are sexually exploited are in fact highly qualified? In relation to the latter group there is a possibility of thinking more creatively – such as exploring the possibility of language classes, which might then enable legal migration to countries experiencing labour shortages in various fields.

Return programmes would also benefit from more detailed knowledge of exactly how women manage their own return, without either being deported or receiving support from organisations like IOM. How many women manage this? What are their experiences? Are they able to re-integrate, and if so how?

- Evaluating the effectiveness of prevention and awareness raising includes exploration of whether and how such programmes ‘work’, and how ‘success’ can be measured. Such studies are necessary in order to highlight the most fruitful avenues for further investment. Many IOM programmes have used research to inform their campaigns, but less has been done with respect to assessing the impacts. Measuring the outcomes of awareness raising and prevention efforts is, however,

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<sup>17</sup> For example, recent discussions between the author and NGOs in the Balkans revealed a skill gap in dealing with women who are extremely traumatised.

extremely complex, especially when there is no obvious single outcome measure to assess (like, for example, the numbers of people stopping smoking), and where projects are relatively small scale and not sustained over time<sup>18</sup>.

- Evaluation of the effectiveness of legal reform and policy change is overdue. We know from work on other forms of violence against women and children that changes at the statute and policy level are only the beginning. Consistent and co-ordinated implementation remains the most intractable issue across a range of institutions, and the failure to invest in and replicate proven innovative projects means that the kinds of intervention and support available depend on what area of the country someone lives in. Trafficking is unlikely to be different. It is essential, therefore, to monitor implementation, identify locations where good practice emerges, as well as the barriers to this being mainstreamed at local, national, regional and international levels

One element of this strand would include monitoring of state compliance with international agreements and arrangements, ranging from the Palermo agreement through regional activities such as OSCE and the Stability Pact. Within this arena the effectiveness of initiatives on trafficking by organisations such as Europol should be assessed – what information is being collated, and how is it being used, has it made any difference to counter-trafficking initiatives?

These are just some of the most obvious gaps in our knowledge, selected because the need for research is most pressing, in order to ensure that counter-trafficking draws on an accurate local and international knowledge base. In the absence of such knowledge, policy and practice may, inadvertently, serve to deepen, rather than loosen the factors that make trafficking both so profitable and difficult to address. The issue of re-trafficking is a case in point, since mass removals may not act as a deterrent but merely result in the recruitment and exploitation of even more women and children.

## **12. Linking local and global knowledges**

Whilst much has been learnt in the last decade, and it is now incontrovertible that there is a significant trafficking problem affecting much of Europe, there are considerable gaps in our knowledge, which in turn means that policy is being developed in the absence of strong data. At almost every level, from the compilation of official statistics, through understanding in detail the organisation of trafficking, its impacts on victims, to evaluation of counter-trafficking initiatives, there is a need for thoughtful and rigorous data collection and analysis. It is not

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<sup>18</sup> Examples of programmes which have been sustained and where there is a clear outcome measure are those on HIV/AIDS and drink driving in many western countries. In both cases the campaigns continued over many years, and the measure of success could be assessed relatively easily: in the former by the decrease of identified cases of HIV infection, and in the latter by the fall in road accidents due to the driver being affected by alcohol. Such clear measures are not immediately obvious in the case of trafficking for sexual exploitation.

the intention of this piece to argue that actions cannot be taken in the absence of research, but rather that careful research enables action to better informed and connected to local contexts.

Since trafficking is now global in its reach, it has become even more essential that professionals in the state and NGO sectors understand the contexts and motivations within which women and girls are located when they are recruited. Both the factors which make women and children vulnerable, and their possibilities for re-integration in the country of origin vary. Lack of understanding of the local and individual contexts result in generalised, rather than specific interventions, which are less likely to be effective. For example, women who come from honour cultures are likely to encounter higher levels of stigma and shame, and re-integration within their family and local community will be more difficult. A more concrete example of the vital importance of detailed knowledge about local recruitment and control strategies involves girls arriving from West Africa in the UK and the Netherlands claiming asylum, and then disappearing from children's homes they were placed in. A number of them were subsequently discovered being sexually exploited in Italy (Kelly and Regan, 2000b). It was only when the social workers, in both countries and independently, discovered and understood how rituals had been used in Africa to frighten and control the girls, that they were able to work effectively with them. Research that enables widespread understanding of these local differences can make a significant difference to interventions intended to protect women and children, and they may also help in undoing some of the damage.

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