

EUROPEAN PARLIAMENT



**Directorate-General for Research**

WORKING PAPER

**TRAFFICKING IN WOMEN**

**Civil Liberties Series**

**LIBE 109 EN**

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Manuscript completed in March 2000

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## Executive summary

The principal objective of this study is to identify the characteristics of the phenomenon of trafficking in women for sexual purposes: its causes, structure and consequences, with the aim of increasing the visibility of the problem and bringing together a number of possible means of putting an end to this lamentable phenomenon, which is taking on ever more alarming proportions in relation to the violations of the victims' rights and its links to organised crime.

Given the lack of documentary material on the subject, the attempt has been made to combine a wide range of material from disparate sources. These include: the documentation of the EU institutions; information provided by NGOs fighting this form of organised crime; information provided by governments and by Europol and Interpol; and information obtained from the press and the Internet.

It is important to quantify a criminal phenomenon so as to establish its true extent. However, as has been stressed by the International Organisation for Migration (IOM)<sup>1</sup>, no comprehensive database exists on trafficking in women, by reason of the clandestine nature of trafficking-linked activities and the failure of many countries fully to recognise the problem officially<sup>2</sup>. The French Ministry of the Interior has drawn attention to the refusal of certain European countries to cooperate: in the words of a senior official, 'the enormous difficulties encountered in police cooperation with certain EU Member States suggests that those countries do not consider trafficking in humans to be a priority area for action<sup>3</sup>'.

Nonetheless, there is enough information to allow us to construct an overview of the situation, taking in the causes of trafficking, the profile of the victims, the modus operandi of the criminals, the routes used, etc, and backed up wherever possible with statistics (these latter are, however, to be taken in all cases as no more than indicators of current trends).

It is hoped that this study will serve to encourage initiatives such as those which will be described below, with a view to putting an end to what can only be called the slavery of our time. The seriousness of the situation is such that the phenomenon will expand over the twenty-first century, unless we take effective action to end it: new and better-organised mafia groups are springing up almost every day, traffickers are not being sentenced by the legal system, the brothels are still open, and a commerce involving huge quantities of money remains rife to an alarming degree.

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<sup>1</sup> Analysis of Data and Statistical Resources available in the EU Member States on Trafficking in Humans, sponsored by the Commission's STOP programme - final report, 1997

<sup>2</sup> Exceptions may be made for some countries, including Belgium, where the Centre for Equal Opportunities, a public-sector body created in 1993 on a political initiative from the Parliament and Government, publishes annual reports and studies on trafficking.

<sup>3</sup> 'Les filières bulgare et albanaise' ('The Bulgarian and Albanian connections'), *Le Monde Diplomatique*, February 1999.



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## Introduction

One of the consequences of the new situation created by the fall of the Soviet empire was the development of networks of 'businessmen' (for which the term 'red mafias' has recently been coined), as a manifestation of organised crime in central and eastern Europe.

Recent developments reveal that trafficking in human beings and the sexual exploitation of children now constitute a major form of organised crime. There is an estimated total annual profit of US\$ 7 bn in the market in trafficking in women for purposes of sexual exploitation<sup>4</sup>, and these profits are used by traffickers to finance other types of crime, such as drug trafficking and money-laundering.

Organised criminal gangs have discovered how easy and profitable it is to move women across frontiers. Simply crossing a few borders can increase their annual earnings twentyfold, since fines and prison terms are relatively low.

Trafficking in human beings is a global business, which generates huge profits for traffickers and organised crime syndicates, creating serious problems for the governments of the countries involved<sup>5</sup>.

Mr Michael Plaitzer, an official at the UN Centre for the Prevention of Organised Crime in Vienna, has said: 'we speak a lot about the profits of drugs, but criminals from eastern Europe earn more from trafficking in women'. Large-scale networks are thus more and more involved in this type of crime.

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<sup>4</sup> AP World stream, 22 June 1998

<sup>5</sup> *The Economist*, 5 August 1995.

For example, in Poland the government estimated there were 100 000 migrants waiting to smuggle themselves into Germany in 1995. German officials were so alarmed that they gave the Polish government DM 100 m (US US\$72 m) to tighten controls along the long border running through forests and marshes - but the smugglers simply moved elsewhere.

<sup>6</sup> UN Economic and Social Council, Commission on Human Rights, Report of the special rapporteur on violence against women, 10 December 1996.

According to police sources, while a stolen vehicle may cost DM 15 000, a woman may be bought for a brothel for as little as DM 3 000 to 5 000. Recruiters earn approximately DM 3 000 per woman from brothel owners, but if the woman is considered beautiful, the recruiter may get as much as DM 5 000, while if she is considered old or ugly, the recruiter may receive only DM 500.



## PART I

### 1. Trafficking in women

Millions of human beings are trafficked and exploited the world over, whether temporarily or permanently. According to IOM estimates, every year 4 m persons fall into the clutches of criminal organisations from which, with the idea of seeking their fortune abroad, they have purchased certain services - a travel ticket, entry documents, false identity papers.

In most cases trafficking leads to exploitation in the country to which the victim is sent: the migrants are obliged to work off the debt they have incurred for the services provided. In the most extreme instances, the victims become slaves pure and simple, losing all control over their lives and becoming objects to be bought and sold on the prostitution market.

The European Commission initially defined trafficking in women as '*the transporting of women from third countries to the European Union ... for the purpose of sexual exploitation*', adding that *such women may enter the European Union by legal or illegal means*, and further specifying that '*trafficking for the purpose of sexual exploitation covers women who have suffered intimidation and/or violence through the trafficking*' and that '*initial consent may not be relevant, as some enter the trafficking chain knowing they will work as prostitutes, but who are then deprived of their basic human rights, in conditions which are akin to slavery*'.<sup>7</sup> This definition was later broadened to include women who are forced to practice forms of sexual commerce other than prostitution and women who are forced into marriage for purposes of commercial sexual exploitation.

#### 1.1 An example

In 1996 Irina K., from Ukraine, was aged eighteen and saw little possibility of a future until the day she discovered an alluring small ad in a Kiev newspaper. An association was looking for candidates for an interpretation traineeship in Berlin, with a job guaranteed at the end.

Like so many other young Ukrainian women, Irina could hope for little from a country where female unemployment and social hardship are at record levels. She made up her mind swiftly: the next day, she hastily signed a contract in the lobby of a Kiev hotel.

Two days later, she took the train, together with a young woman who had replied to the same advertisement and a Polish 'minder'. At the Polish frontier, a new 'minder' arrived, who said not a word up to Berlin. On arrival there, they were taken charge of by a German, who told them there was a change of programme: the interpretation school had closed down, and they would have to find work elsewhere. It so happened that he knew someone in Belgium ...

In Brussels, the three stopped in a 'hostess bar' near the Gare du Nord. The young women were astonished. Their 'minder' then explained the situation: his network had taken huge risks, and their travel costs amounted to a large sum. To get back into the black, he had had to hand the

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<sup>7</sup> See Commission communication on trafficking in women for the purpose of sexual exploitation, COM(96)0567, Brussels, 20 November 1996.

two women over, for US\$ 10 000 each, to a pair of bar owners in Brussels and Antwerp. It was up to them to pay back their debts by becoming prostitutes. The women refused, but it was too late. They were trapped: their passports were taken away for several days, and they were repeatedly beaten, raped and threatened with reprisals.

Irina gave in. But she offered her services with such obvious unwillingness that the owner ended up re-selling her to a Belgian pimp who owned a row of 'windows' in the rue d'Aarschot, the nerve-centre of prostitution in Brussels, where women exhibited behind glass are forced to work up to twelve hours a day, seven days a week: thousands of east European women are exploited day and night - placed under close surveillance, forced to hand over part of their earnings and brutally treated.

Irina finally managed to escape from this hell thanks to a police raid. She was arrested, discovered to be without papers and imprisoned. In prison, a medical check revealed cigarette burns all over her body<sup>8</sup>.

This story is an example of what is the most dramatic, but also the most frequent, manifestation of a certain activity: namely, the trafficking of women from eastern Europe for the purpose of sexual exploitation in western Europe.

This form of criminal activity, now continually on the increase, combines illegal immigration, trafficking in human beings, sexual exploitation and organised crime. Every year, it affects several hundreds of thousands of women from Ukraine, Poland, the Czech Republic, Hungary, Bulgaria, etc. In Moscow, Kiev, Prague and Warsaw, there has been a mushrooming of agencies and small ads offering jobs with travel formalities taken care of. Recruitment also takes place in the Union Member States themselves - especially those with the largest sex industries (Germany, with its 'Eros centres', the Netherlands and Austria) - and in Switzerland.

## **2. Characteristics of trafficking in women**

Trafficking in women differs from other forms of migrant trafficking because it is also part of the exploitation of women. Trafficking involves selling women into such areas as prostitution, pornography, forced marriage and slavery.

As the UN Secretary-General remarked in the report to the fiftieth session of the General Assembly: 'Migration across frontiers without documentation does not have to be coerced or exploitative. At the same time, people can be trafficked with their consent'. Thus, although trafficking and exploitation often go hand in hand, they are not necessarily synonymous.

## **3. Number of cases of trafficking**

Although there is no doubt that cases of trafficked women are increasing, the clandestine and illegal nature of these activities makes it difficult to measure the volume of migration. In consequence statistics are uncertain, but trends are clear:

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<sup>8</sup> *Le Monde*, 27 April 1998.

- There are **4 m people** throughout the world who are victims of trafficking yearly<sup>9</sup>.
- **500 000 victims of trafficking enter western Europe annually<sup>10</sup>.**
- **80 % of prostitutes in Europe are immigrants<sup>11</sup>.** Among the total of trafficked women there are many from central and eastern Europe (from Albania, the Czech Republic, Hungary, Poland, Romania, Bulgaria and Ukraine)<sup>12</sup>. In the Netherlands 70 % (80 % in Amsterdam), in Germany between 60 and 80 %, in Austria 80% and in Italy 80% of all trafficked women come from eastern Europe.

#### **4. The rising number of victims from central and eastern Europe**

Before 1989, most of the foreign prostitutes working in western Europe were recruited from Asia, South America and Africa. Since 1990, the central and eastern European countries have become the major suppliers of prostitutes. For example, in Belgium the number of trafficked women from eastern European countries has more than doubled, while in the Netherlands it has tripled<sup>13</sup>.

A Dutch NGO reported that 69% of the 168 cases registered in the Netherlands in 1994 involved women from eastern Europe. This percentage was found to have doubled in one year while, in the same period, the proportion of Polish and Czech women rose from 7% to 40%. In Belgium, according to the NGO 'Payoke', victims from eastern Europe, mainly Polish and Hungarian, make up 40% of the total<sup>14</sup>.

According to their own law enforcement officials, the majority of the eastern European countries have become, to various degrees, countries of origin, of transit and of destination. Sources have also reported that trafficked women have tended in recent years to be moved regularly from one Member State to another so as to satisfy the clients with new prostitutes and make it more difficult for the victims to be detected by the police or the social services<sup>15</sup>.

#### **5. Reasons for trafficking from eastern Europe**

Various factors explain the migratory movements linked to trafficking in women, namely:

- the feminisation of poverty, which is a direct result of the transition to a market economy in central and eastern Europe following the fall of the Berlin wall. Poverty among women, who account for between 70% and 95% of official unemployment figures, and their continuing marginalisation in society, force many to seek a better life. Extensive interviews with

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<sup>9</sup> UN reports.

<sup>10</sup> IOM reports, 'Trafficking of women' conference, New Jersey, 6 July 1998.

<sup>11</sup> *Dallas Morning News*: 'People in motion', 1997.

<sup>12</sup> Ladika, S., Organised crime profits from trafficking, Associated Press writer, June 1996.

<sup>13</sup> EU Conference on Trafficking in Women, Vienna, June 1996.

<sup>14</sup> DW press - Women's press agency.

<sup>15</sup> Commission communication on further actions in the fight against trafficking in women, COM(1998)0726, 9 December 1998.

women reveal that they are desperate to go to western Europe because of extreme poverty at home;

- the huge profits generated by the business of trafficking in women. According to Interpol, a pimp in Europe can earn approximately EUR 110 000 per year<sup>16</sup>;
- the proximity of the countries concerned to EU Member States, which makes it less expensive to import women from those countries;
- the relaxation of visa requirements, which makes it easier to transport women from Poland, the Czech Republic and Hungary, countries for whose nationals visas are not required. These women arrive in the West with temporary work permits for 'artists'. When their visas or permits expire, they are often moved to a different western European country on another short-term permit, to ensure that they do not stay illegally in any country and to keep them out of the reach of police controls;
- as a factor facilitating the influx of central and eastern European women, the fact that their physical appearance is European and is, therefore, less likely to arouse the suspicion of border guards, while also making them less recognisable as illegal immigrants on the streets of western Europe<sup>17</sup>;
- permissive legislation: criminal groups are moving into migrant trafficking because the risks are low and penalties are lower than for other crimes. For drug trafficking, sentences range from ten to twelve years in prison, while for trafficking in women penalties rarely exceed two years.

## 6. Characteristics of trafficked women

The potential victims of trafficking from central and eastern Europe are very young women living in poverty who want to help their families by moving to the West, so they can earn money to send back home. Currently, women's plans are to make good money and return. In some cases, these girls did not know that they were going to work as prostitutes when they left their homes; other women know that they are being recruited for prostitution (in both cases, on becoming prostitutes they are unable to escape their situation of slavery)<sup>18</sup>.

Based on a small sample of 108 women who contacted an NGO in the Netherlands, the next table shows that only one-fourth of women understood they would be expected to perform sexual services. The majority had been lured into migration with promises of legitimate jobs, for example as domestic workers or waitresses.

<sup>16</sup> 'Traffic des femmes en provenance de l'Est' (Trafficking in eastern European women), *Le Monde Diplomatique*, December 1999.

<sup>17</sup> The majority of the victims of trafficking are illegal residents in western Europe. For some, the illegality begins from the moment of entry; for others, when their visas or permits expire.

<sup>18</sup> IOM, 'Trafficking and prostitution', May 1995.

**Victims of trafficking: type of work promised**

Prostitute	27
Waitress	21
Domestic worker	4
Dancer	2
Other	19
Unknown	35
<b>TOTAL</b>	<b>108</b>

Source: IOM (1995)

It is important to emphasise that in both cases, whether they were aware or not that they were to work as prostitutes, those women are forced to work against their will and are deprived of their earnings. They thus become slaves.

The main differences as between women originating from developing countries and women from the central and eastern European countries (CEEC) are that eastern European women are, on average, younger and better educated than victims from developing countries, and are more likely to be married and to have children.

According to a study carried out in 1994 by the Foundation Against Trafficking in Women (an NGO), of 155 women from eastern Europe, mainly from Ukraine, the Czech Republic and Poland, 75% were under the age of 25, and many of these were aged between 15 and 18.

#### 6.1. An example: the case of Marina

I was born in 1981 in the Poltava region of Ukraine. I never knew who my father was. My mother died when I was three years old and my grandmother brought me up. I went to school and worked hard, on a collective farm and at home.

In 1997 I finished the ninth year of school. I couldn't go on with my education, because it would have meant moving to the regional capital.

One day in summer I was dancing. There were a lot of young people, including some young men from Kiev amongst them. A boy from my school came up to me and said that one of the men from Kiev wanted to speak to me. His name was Rostik. He offered me work in Germany as a nurse.

When my friend Nadja learned about this work, she was very interested too. We decided to go together, but Rostik didn't show up in our village for a long time. I waited for Rostik.

He came before Christmas and asked me to go to Germany at once. He persuaded my friend and me that everything would work out. Nadja's parents, however, would not allow her to go. I also began to hesitate, but he persuaded me. Rostik promised that another woman, who also wanted to work in Germany, would accompany me. He seemed a reliable and thoughtful person. So I agreed to go, and promised my grandmother I would return in a month.

Rostik asked me if I had a foreign passport: I did not even have a Ukrainian passport. Then he said that he would arrange things.

We went by car. There was a woman in the car, but she disappeared during the trip. I didn't notice when we crossed the Polish border. In Poland we stopped for the night at the house of one of Rostik's friends, Stefan. He helped us to cross a river at night and we got to Germany.

We continued the journey by car. A few men brought me to a house and told me that the owner was waiting for me and I had to settle the business by myself. I left all my belongings in the car and went in. The owner was a middle-aged man. He spoke to me in bad Russian, and pushed me into a room and locked me in. I did not understand what was going on.

I sat there for a long time and didn't know what to do. Then a nice woman came and brought me some food. She asked about my parents and my place of birth. The woman was Polish and I understood her quite well. She asked me whether I knew I had to work as a prostitute. I began to cry.

Two weeks passed. I cried all the time. I wasn't allowed to go out and I was scared. The same woman brought me food. Once the woman asked me how old I was. She didn't believe I was sixteen. Next morning she came to me again and said she was very sorry for me. She gave me some money and explained how to escape. She asked me not to tell anybody she had helped me. The woman said the owner had paid big money for me.

I got to Holland. The police helped me to contact a NGO. They helped me to get back to Ukraine. My grandmother has died. I cannot live in my village because the pimps are looking for me. They are very angry that I escaped. They told my neighbours that I had been a prostitute in Germany.

I don't have anywhere to live. I have stayed two months with my uncle and another two months with a friend. I would like to train as a hairdresser, but it costs money and I don't have any<sup>19</sup>.

## 7. Methods of recruitment

Women from central and eastern Europe are recruited **mainly through informal channels**. This has an important policy implication because it means that greater regulation of advertisements for jobs in the sex industry or for domestic work may not have much effect on combating trafficking.

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<sup>19</sup> International Women's Centre La Strada, Ukraine.

Organised criminal gangs often use persons of the same nationality, especially young males, to pose as sympathetic business people offering marriage or employment opportunities in the EU countries. The majority of the recruiters who initiate the first contact with the victims are young males aged between 20 and 25 who give the appearance of being trustworthy<sup>20</sup>.

### 7.1. An example: the case of Olexandra

Olexandra was born in Chernigiv in northern Ukraine. She studied for several years at the local university. Later she got married and had a daughter. Her daughter was two when she divorced. Olexandra found herself in a difficult financial situation, and that is why she agreed to a proposal of a distant relative to go to Germany.

This woman promised her a job in Germany with a good salary. She mentioned that her own daughter had already worked there and was very satisfied.

Olexandra went abroad with the other young Ukrainian woman in August 1997. Foreign passports were given to the women, which were taken from them after they had crossed the Polish border.

In Poland they were pushed into an unknown building, where they were raped and beaten. They were deprived of food for a long time.

After some time, the women were sent on to Germany, across the river. Several times they were resold from one place to another by Turkish men. They were put into brothels to serve clients, together with Polish, Bulgarian and Czech women.

In the autumn of 1997 the police arrested the owner of the brothel and all the women. Olexandra was very ill, but she was deported to Ukraine. After a medical examination in Ukraine, it became obvious that she had become infected during her sex slavery in Germany. She was in hospital for three months and had to have several operations.

Now Olexandra is 23, and her parents are out of money, because they had to pay for her medical treatment. She is still not well and continues to need medical treatment<sup>21</sup>.

**Recruitment through a marriage agency** also happens. Potential husbands simply need a credit card to buy addresses or an agency-arranged package going up to US\$ 5000, including hotels and flights.

Germany has some 60 matrimonial agencies specialising in women from Asia, Latin America, eastern Europe, and the New Independent States. Catalogues and newspapers from these agencies advertise 'Russia's most beautiful export' or 'robust Polish women', and provide a description and a photograph of prospective wives. The process begins with a German man who is willing to marry a foreigner for a substantial fee, which covers the cost of travel, a visa, and services. Although the broker's licence does not allow for the collection of fees from women,

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<sup>20</sup> Coomaraswamy, R. (1996), Report of the Mission of the Special Rapporteur to Poland on the Issue of Trafficking and Forced Prostitution of Women: 24 May - 1 June 1996, Geneva: UN E/CN.4/1997/47/Add.1.

<sup>21</sup> International Women's Centre La Strada, Ukraine.

this regulation is commonly ignored. Women may be required to pay approximately DM 1000-2000 (US\$ 600-1200) for a legal work permit and DM 6000-8000 (US\$ 3600-4800) for the marriage arrangement.

Another possibility is **recruitment through the Internet**, which has become the latest means of promoting trafficking and sexual exploitation of women. Agents offer catalogues of 'mail-order brides', including girls aged as young as thirteen. Commercial sex tours are advertised. Men exchange information on where to find prostitutes and describe how they can be used.

## 8. How women are trafficked to western Europe

The procedure depends to a great extent on the scale of the trafficking network (small, medium or large-scale) involved in the trade.

A **large-scale network** has political and economic contacts in the countries of origin and destination. It has access to fraudulent documents, is flexible and has a considerable infrastructure in the transit and destination countries<sup>22</sup>.

The main difference between a large-scale and a medium network is that the latter does not sell the women it recruits to other groups. Instead, it keeps the women under its control and places them in its own clubs and brothels. Another difference is that women recruited by large-scale networks often stop in a transit country, where, for example, false travel documents may be obtained. By contrast, a **medium network** specialises in trafficking women from one specific country.

A **small-scale network** traffics one or two women at a time, whenever a club or brothel owner places an order through contacts. The contacts recruit the woman, accompany her to the country of destination and deliver her to the club owner<sup>23</sup>.

According to the Dutch authorities, trafficking in women is increasingly controlled by east European criminal groups, operating in the recruitment as well as in the destination countries.

The influence over the victims is even stronger when the criminal organisations control the whole chain, from recruitment through transportation to the sexual exploitation itself.

This structural change emerges from an analysis of last year's patterns. In the past, the sex business was in the hands of nationals with a foreign link to suppliers of women, and the organisations dealing with trafficking in women used to restrict themselves to that area. Analysis shows that they now tend to control the whole sex business (thus also the voluntary prostitution market) in order to increase volume and maximise profits<sup>24</sup>.

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<sup>22</sup> The UN estimates that at least 200 of the several thousand Russian mafia groups are sophisticated networks, with operations in 50 countries worldwide.

<sup>23</sup> EU Conference on Trafficking in Women for Sexual Exploitation, Vienna, 10 and 11 June 1996.

<sup>24</sup> Revised draft protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN Convention against Transnational Organised Crime, THB/Erwin De Witte/Protocol/comments for the SDP/23/07/99.

These networks are highly organised, extremely violent, and often involved in other criminal activities, such as drug smuggling. This constitutes a danger to law and order and national security, as takeovers often end in gang warfare.

There are reports that Western brothel keepers find themselves under increasing pressure from organised gangs based in the CEEC countries to hire eastern European women<sup>25</sup>.

Women from Romania are being taken to Italy, Greece and Turkey. Women from Russia and Ukraine (controlled by Russian and Ukrainian networks) are being trafficked to Poland, Hungary, and the Baltic states before being sent on to western Europe (mainly to Germany and the Netherlands). For example, in the case of Germany visas are not required for nationals from Poland, the Czech Republic, Hungary, and Slovakia, so Ukrainian women enter Germany with forged Polish, Czech, Slovak or Hungarian identity documents. Further transportation into another EU country is easy.

## **9. Links between trafficking in women and organised crime**

Trafficking involves selling women into such areas as prostitution, pornography, forced marriages and slavery. The 'red Mafia' is adding women to the list of goods it can smuggle across borders, causing a rise in the global 'slave trade'.

International organised crime is taking full advantage of the easy money and the lack of laws or severe punishment<sup>26</sup>. Trafficking in women is less problematic than smuggling drugs, trading arms or laundering money, since risks are low and profits high. For drug trafficking, sentences are considerably higher than for trafficking in women<sup>27</sup>.

The fight against trafficking in women represents an important contribution to the struggle against organised crime, since gangs involved in prostitution are using the profits from this business to finance other types of crime, such as drug smuggling, arms dealing or trading in stolen cars<sup>28</sup>.

Nevertheless, many governments seem to be indifferent to the rise in trafficking in women and young girls, and are not implementing the 1949 UN Convention for the Suppression of the Trafficking in Persons and the exploitation of the prostitution of others.

In some countries the police may be complicit with traffickers and may protect them. For example, in Germany:

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<sup>25</sup> IOM Migration Information Programme, May 1995

<sup>26</sup> Each country must include the necessary provisions in its penal and public administrative law to enable the authorities to take efficient action against organised crime (rules ensuring the immunity of agents and investigators infiltrating criminal organisations, witness protection, etc). 'Organised crime, drug-related crime and illegal migration in the central and east European region', Committees of the North Atlantic Assembly, 14 April 1997.1

<sup>27</sup> Strasbourg, 22 December 1997: Mrs Gradin says the penalties for such criminals are not harsh enough (Agence Europe).

<sup>28</sup> 'The dons of the East', *Time International*, 30 November 1998, Vol. 152, No 22.

In May 1996, Mr Sigfried S., the Chief of the Special Commission on Organised Crime in Frankfurt an der Oder, on the German-Polish border, was arrested for working with a local German pimp, 'Peter R.', to control a ring of eastern European prostitutes. The pimp supplied the police chief with information on local brothels and other organised criminal activities in the region. In exchange, the police chief informed Peter R. of planned raids on his own brothels, for which he received money from Peter R. and sexual favours from the prostitutes.

Many eastern European countries do not want to stop the trade because the women send money home to support their families<sup>29</sup>. When Mrs Buchowska, a programme director for the La Strada NGO in Warsaw, visited Kiev in an attempt to start a similar organisation there, she met with bureaucratic indifference: '*I visited the Ministry of Justice, the Ministry of Social Protection, the Ministry of Internal Affairs. They knew nothing, and they had no interest. The level of consciousness was zero*'<sup>30</sup>.

## 10. Trafficking as a form of slavery

Trafficked women are reduced to a form of slavery from which it is impossible to escape: on their arrival in western Europe, these women are forced to work in the sex industry, and their recruiters take away their documents and deduct the cost of transport and other 'fees' from their earnings.

Normally, women are paid for each client but their debts increase the longer they work, because they are charged weekly rent and billed for everything, from drinking water to electricity.

In Germany women have to pay between DM 10 000 and 30 000 to pimps and traffickers, to cover their 'costs', including a passport, visa, and transportation into Germany. These costs become a debt, often with interest attached. As a result, foreign prostitutes in Germany hand over at least 50 to 60% of their earnings directly to pimps or club and brothel owners. The German Organised Crime Bureau estimates that over a three-month period brothel owners usually pocket about DM 35 000, after expenses, for women's services<sup>31</sup>.

Threats and violence are used to reduce women to a situation of extreme dependency. They are told that if they do manage to escape, the police will not understand their story in a foreign language and they will face immediate deportation or prison. Women fear this, because they don't know what their rights are in a foreign country, and they believe the police are accomplices of the agents. The last thing they want to do is go to the police. A victim of trafficking said after her liberation: '*I took the decision to escape but I did not know where to go. I had no confidence in the police because they were clients of the bar. I didn't know where to turn ...*'<sup>32</sup>. The women become even more vulnerable and isolated, and are perhaps unable to tell their families of their plight because of the concept of 'shame' in their society.

<sup>29</sup> Conference on trafficking in women, Vienna, 10 June 1996.

<sup>30</sup> 'Eastern European women exploited in sex business', *Chicago Tribune*, 7 May 1996.

<sup>31</sup> Global Survival Network, *Crime and servitude: an exposé of the traffic in women for prostitution from the Newly Independent States*, Washington D.C., 1997.

<sup>32</sup> 'La traite des femmes au coeur de l'Europe' ('Trafficking in women at the heart of Europe', *Le Nouvel Observateur*, 1994).

The traffickers always know where the victim's family lives. If they escape, they may be ostracised at home. In most cases, the women are photographed having sex with customers to strengthen the traffickers' hold. They are told the photos will be sent to their families back home unless they cooperate.

Various methods are used to gain control over rebellious women: they are drugged, beaten, isolated from other women, physically tortured - by cigarette burns, knives or electric shocks - or sold to other pimps, and/or have all their personal belongings confiscated. For this reason deported women often have no belongings or personal documents. They may also have serious illnesses, because in order to keep their business secret and keep control over their workers, sex club owners, pimps, and traffickers offer them no form of medical assistance whatever<sup>33</sup>.

Not surprisingly, a high proportion of victims have medical problems. Many, especially the teenagers, contract sexually transmitted diseases, and there is a high incidence of reported mental health problems<sup>34</sup>.

Psychologically, they become prisoners of their employers because of their lack of information. The only human beings the women have any contact with are their clients and pimps. Sometimes it is a client who helps the girls to escape. Another way of getting out is to become incapable of doing the job any more, for example if they get pregnant or lose their sanity.

When victims return home it appears they do not have the same rights as their fellow citizens.

#### 10.1. An example: the case of D.

D. is a 20 year-old girl. She was sold from her small village at the age of seventeen. She has been sold several times. When she came back to Bulgaria she was six months pregnant. It soon became clear that D. would not receive any social assistance. She is not an orphan and she is of full legal age, so no pension is due to her. Even if she were under age, could she go back to her family? She cannot be registered at the labour exchange and receive unemployment benefit, since she has never worked in Bulgaria. She cannot receive any family allowance either, as this is paid only after the child is born. She cannot get a job either, in her advanced state of pregnancy. She can not find even the most basic accommodation, because no-one will rent to an unknown pregnant woman. She cannot see a doctor without being referred by a GP. For any of the above, she would need her documents. On the other hand, to get a new passport she would have to go back to the place she was sold from. So she is caught in a closed circle<sup>35</sup>.

Victims of trafficking remain outside the written and unwritten law. Families and relatives are not willing to accept them. Even if their families do accept them, the community will not.

If trafficked women go to the police, often no conviction will result.

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<sup>33</sup> La Strada, 'Traffic in women in post-communist countries of central and eastern Europe', Prague 1998.

<sup>34</sup> IOM Migration Information Programme, May 1995.

<sup>35</sup> La Strada, 'Programme Prevention of traffic in women in central and eastern Europe', Year Report, 1 January 1997 - 31 May 1998.

## 10.2. An example: the case of Tatyana

Tatyana, a 20 year-old Russian woman, was recruited in Moscow by representatives of Company Y and offered a well-paid job as a dancer, which she accepted. Shortly after, the company arranged for her to fly to Switzerland, and took her to a Zurich cabaret. Half of the FS 2500 which Tatyana earned per month were deducted for her apartment, and an additional 12% was deducted to repay the debt she owed to Company Y for facilitating her travel and documentation.

Tanya claims that, one night in January 1993, she was abducted by the Russian employees of Company Y who were responsible for collecting money. Angry that Tatyana had failed to pay off her debt, they drove her to the outskirts of Zurich and beat her for several hours before dumping her by the roadside. In addition, they took the keys of Tatyana's apartment and stole the money that she had hidden there. Tatyana went to the police, who sent her to a doctor for evaluation and photographic evidence. The doctor's report was handed to the police, but nothing further was done about the case.

A year later the police arrested the men who had assaulted Tatyana. They were finally prosecuted for extortion, kidnapping, sequestration, burglary, and attempted rape. In November 1995, two of the men charged were found not guilty. Although the others were found guilty, their twelve-month prison sentences were suspended on the grounds that they were young and that their crime was a first offence<sup>36</sup>.

## 11. Sexual exploitation of children

The sexual exploitation of children includes: prostitution, trafficking in children, sex tourism and pornography.

Children from eastern European countries are being exploited in the EU as victims of prostitution networks.

### 11.1. Prostitution of and trafficking in children

One of the most disturbing trends in trafficking is the growing number of young women and children involved.

ECPAT ('End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes') estimates that prostitution affects one million children each year.

The German Federal Department of Criminal Investigation estimates that 5% of the women trafficked from eastern Europe are younger than 18.

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<sup>36</sup> Global Survival Network (GSN) 1997, *op. cit.*, p. 30.

In the Netherlands, the Foundation Against Traffic in Women reports that, of the women it assisted in 1995 and 1996 who came from central and eastern European countries and the New Independent States, over 75% were aged under 25 and 57% under 21<sup>37</sup>.

According to a research study of 1995, 10% of prostitutes in northern Italy are aged between 10 and 15, and 30% between 16 and 18<sup>38</sup>.

In Belgium, it appears that one migrant woman in five is under age 19<sup>39</sup>.

Young girls are being taken from Russia, Ukraine and Belarus to Poland, Hungary and the Baltic states, some of them going to western Europe, mainly Germany and the Netherlands. Another route is from Romania to northern Europe, Italy and Turkey<sup>40</sup>.

## 11.2. Sex tourism

Sex tourism, or more specifically, travelling to a foreign country in search of sex, has become a well-developed component of the commercial sexual exploitation of children.

Glossy brochures, as well as web sites on the Internet, advertise packages for travellers complete with air fare, hotel, and addresses of local brothels. Men are using the Internet as a source of information in selecting where to go and how to find women and children to buy in prostitution<sup>41</sup>.

In eastern Europe, prostitution has become a way of making fast money, and the child sex industry is thriving with the increasing numbers of Western tourists. A link has been established in some places between prostitution and pornography - particularly involving children - and the promotion and growth of tourism<sup>42</sup>.

Austrians, Belgians, Dutch, Finns, Germans and Scandinavians flock to the Czech Republic and Hungary.

In Romania, children are hustled in railway stations and many organisations have been infiltrated by paedophile groups<sup>43</sup>.

The NGO Defence of the Child International estimated in 1996 that there were 1000 children working as prostitutes in the Netherlands, and drew attention to the alarming growth of prostitution among Russian, Polish, Romanian, Hungarian and Czech children.

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<sup>37</sup> *Ibidem*, 1997.

<sup>38</sup> World Congress against Commercial Sexual Exploitation of Children, Stockholm, 27-31 August 1996.

<sup>39</sup> UNICEF, Women in Transition; Regional Monitoring Report N° 6, 1999.

<sup>40</sup> *Child Prostitution Seen as Threat to Eastern Europe*, Reuter, 26 April 1996.

<sup>41</sup> The 'World Sex Guide', at: [worldsexguide.org](http://worldsexguide.org).

<sup>42</sup> UN High Commissioner for Human Rights, Contemporary forms of slavery, Fact sheet N°14.

<sup>43</sup> 'Eastern Europe - the New Frontier', ECPAT Newsletter N° 20, July 1997:.

In Romania there are 2000 homeless children who are obliged to sell their bodies in exchange for a place to sleep at night, according to Save the Children (1996).

### 11.3. Child pornography

The production of pornographic material is growing both in eastern and western Europe, and pornographic videos are to be found all over Europe<sup>44</sup>.

The EU's open borders operate in favour of child pornography. The market is awash with videos and magazines, many of which feature young Czech males aged 12 to 15.

### 11.4. Causes of commercial sexual exploitation of children

The main causes are:

- demand from sex tourists and paedophiles;
- fear of AIDS, leading to customers demanding younger prostitutes;
- the international promotion of the child sex industry through information technology;
- the absence of legislation penalising these practices in the countries of origin;
- differing legal systems, which complicate police work against criminals who can flip back and forth across borders: no two countries of the European Union share a common legal system, and eight out of the fifteen have no specific laws on white slavery.

Extraterritorial legislation concerning child sex tourism is necessary, as it will permit the prosecution of child-sex tourists in accordance with the legislation of their country of origin, which is often more stringent than that of the countries where the child sexual exploitation is committed.

It would be desirable for national authorities in each Member State to cooperate in order to subscribe to an international agreement on illegal and harmful content on the Internet. The main illegal cases should be defined with the objective of taking legal action against suppliers of material involving children.

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<sup>44</sup> World Congress against Commercial Sexual Exploitation of Children, Stockholm, 27-31 August 1996.

## PART II

### 1. The main measures needed to combat trafficking in women and the related violence

The efforts made to date have helped raise awareness concerning this totally unacceptable form of violation of the fundamental rights of women. Despite all the good intentions and all the efforts made, new cases come to light daily, and it is clear that ever-increasing numbers of women are being brought illegally into the Member States of the EU as victims of trafficking, obliged to work as prostitutes in conditions bordering on slavery.

Trafficking in women takes on international dimensions thanks to the modus operandi of the networks involved and the ease with which the victims can be moved. An example of this is the case of a Hungarian prostitute who managed to escape from her captors from Graz, in Austria, to the Hungarian border. At the frontier, she was captured by other traffickers operating on the border, and sent back to Graz once again.

In view of the international nature of the phenomenon, there is a consensus that effective action against 'white slavery' requires a coordinated multidisciplinary approach involving all the actors concerned - NGOs, social services, legal authorities, police forces and immigration services - as well as cooperation at national and international level between the countries of origin, transit and destination<sup>45</sup>.

If a country adopts repressive measures in isolation, this will only produce a 'displacement effect'. Traffickers will merely move to another country where they can have a greater margin of manoeuvre for their illicit activities. In 1995, most of the advertisements in eastern European countries offering work in western Europe were for Austria, Germany or Italy; none of them mentioned Belgium, which had tightened up its rules on 'artists' contracts' in 1993.

The internationalisation of the phenomenon calls for an appropriate response by the international community. Convergence of approach is vital if action is to be taken against traffickers and the victims are to be supported. This requires **appropriate legislation** (involving harmonisation or approximation as well as implementation) and the adoption of **suitable policies** (of prevention, protection and assistance to the victims).

#### 1.1. Legislation

International instruments to combat trafficking in humans have existed ever since the first efforts to combat the phenomenon. Nonetheless, despite the subject's presence on the international agenda, as reflected in declarations and conventions, the ever more alarming extent of the problem has not been properly reflected in the criminal law.

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<sup>45</sup> The Treaty of Amsterdam makes express reference to action against trafficking in human, as one of the objectives for the creation of an area of freedom, security and justice. The main instruments for action in this connection are: cooperation between police forces and legal systems, harmonisation of criminal law and coordination at national, European and international level.

One reason for the lack of specific legislation is the newness of the phenomenon. The differences in the legal systems of the countries of origin, transit and destination are allowing traffickers to operate with impunity, with disastrous results, while the work of the police is faced with major obstacles:

- In most of the **countries of origin**, the criminal law does not define a specific offence of trafficking in women: the concept is subsumed under other concepts, such as illegal migration, prostitution or organised crime.
- The actual offence is committed in the **country of destination**, while the mafia organisation responsible is typically based elsewhere and can thus operate with impunity.
- In the **countries of destination**, the penalties for traffickers are absurdly low, especially in relation to other comparable crimes.
- The **countries of destination** generally treat the victims as offenders and proceed to their immediate expulsion. Arrest in the course of a police check is likely to lead to the woman being deported forthwith, and thus being unable to give evidence in court against the traffickers.

Such a policy also prevents prostitutes from legalising their situation as such. In Austria, since the Residence Law (*Aufenthaltsgesetz*) of 1993 came into force, women attempting to obtain a residence permit, so as to legalise their situation by registering themselves as prostitutes, now risk immediate deportation. The situation of illegality into which such women are forced favours abusive practices on the part of the traffickers: the women dare not go to the police and are cut off from all medical assistance.

Some countries have begun to take measures. In the Netherlands the criminal law has been toughened, and traffickers are now liable to eight years' imprisonment instead of one.

Nonetheless, adoption of measures by individual countries will not suffice: legislative harmonisation is needed to prevent a 'displacement effect'.

In view of the above, the following measures are required:

- Rules must be introduced to permit extraterritorial judicial action, to enable the prosecution, extradition and sentencing of nationals who have committed crimes relating to trafficking in women, irrespective of the country in which the crime was committed, and to allow crimes committed in different countries to be punished jointly. Enlargement to the east should be taken as an opportunity to enable the countries of origin, as prospective EU Member States, to cooperate with the countries of destination with a view to the effective application of the third pillar in this field.
- A convention must be signed defining trafficking as a violation of human rights and establishing a scale of punishments proportionate to the nature of the offence, to be operated in common by all the countries concerned (countries of origin, transit and destination).

- Temporary residence permits must be authorised for victims who are willing to give evidence in court, instead of the present practice of immediate repatriation on discovery<sup>46</sup>. The expulsion of the victims is the main cause of impunity. Proceedings taken out against mafia bosses, go-betweens and club owners are necessarily based on the women's evidence. Usually, the defendants are accused of illegal detention, prostitution-related offences, coercion and threatening behaviour. However, these charges have to be substantiated by the word of the victim, who is the only person who can denounce and bear witness to the fact that she was kidnapped and forced into prostitution. The practice of expelling the witnesses leaves these cases in limbo.

For example, **Belgium** has adopted administrative measures to prevent the automatic expulsion of victims, enabling them to testify in court without the fear of being discovered by the traffickers if they return home after testifying, and without the humiliation of their families finding out that they have worked as prostitutes. In Antwerp, 57 women from eastern European and African countries took out lawsuits in 1997<sup>47</sup>.

However, as things stand only a very few cases reach court, and where a trial does take place the punishment is likely to be minimal. **To put an end to this situation of systematic impunity, a two-pronged strategy is needed: temporary residence permits must be introduced for the victims of trafficking, and legislation must be harmonised (incorporating territorial jurisdiction and bringing in tougher penalties).** These measures should encourage victims to come forward, knowing that they will not be deported immediately and that the offenders will get their just deserts.

## 1.2. Protection and prevention policies for potential victims

The aim of any policy in this area must be to give priority to supporting the victims of this extreme and degrading form of violation of human rights<sup>48</sup>.

Few countries operate coherent policies. In most cases, the victim is simply expelled. Little is known about what happens to victims after they have returned to their countries of origin, although there is evidence that in some cases these women end up being reintroduced into the circuit.

For a trial to take place, the victim's evidence is essential. Belgium and the Netherlands have introduced temporary residence permits in cases where the testimony is crucial to the investigation; the permit lasts the length of the trial. However, there are no guarantees that the victim can remain in the country once the trial is over.

<sup>46</sup> Following the Vienna conference, a proposal concerning temporary residence permits was submitted, on the initiative of Belgium, to the JHA Council. The Commission, in its communication COM(96)0567, had already lent its support to the principle of issuing such permits for victims wishing to testify. According to the document COM(1998)0726 of 9 December 1998, the Commission intended to submit a legislative proposal in this connection in the course of 1999. The notion of a temporary residence permit exists in national law in only a handful of Member States.

<sup>47</sup> Antwerp is Belgium's main centre for traffickers in women, who carry out their highly profitable activities in collaboration with the 'window owners'.

<sup>48</sup> See the position of the Commission, in line with the views of the UN, the EU and its Member States.

The main areas of action of prevention and protection policies are:

- in the **countries of origin**, concerning **prevention**:

- monitoring of 'artistic agencies' and marriage and adoption bureaux to ensure that checks are kept on migratory movements;
- information campaigns highlighting the damage caused by trafficking and, above all, refuting the media-induced notion that vast sums can be earned from prostitution in the 'rich West'. Such campaigns have been conducted to date in Hungary, the Czech Republic, Poland, Bulgaria and Ukraine.

Previously to the information campaign organised by the IOM in Ukraine in 1998, 22% of women polled said they were willing to go to western Europe to work as prostitutes. After the campaign, this figure fell to 8%. This demonstrates women's lack of awareness of the facts and the key role that can be played by the media - radio, TV, the press - and by community education programmes in making potential victims aware of the methods used by the traffickers and the real situation in western Europe, through women who have been victims of trafficking.

On 22 September 1999 in Prague, the IOM launched an information campaign on trafficking in women; it produced, with the aid of La Strada and the Education and Interior Ministries, a set of four posters for distribution in public places (schools, clubs, discotheques). The same material appeared in the local press and in women's magazines. There were regular radio and television broadcasts on the subject.

One of these posters told the story of Veronica:

'After finishing school, I wanted to study languages at university but I failed the entrance exam. I decided to look for work abroad, and in a newspaper I saw a small ad asking for an au pair in Italy. I applied and was accepted.

When I arrived in Italy, I was met by a couple who said they were the parents of the child I was supposed to look after. I signed a contract and left my passport in their keeping. They took me to an elegant house, which turned out to be a brothel, and forced me to prostitute myself.

I had thought that with a contract in my hand I would not be in any danger. Now I know that you need much more information. If you're thinking of working abroad, be sure to seek advice.'

The IOM and La Strada have opened a 24-hour telephone helpline; the contact numbers are on the posters and the other information material<sup>49</sup>.

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<sup>49</sup> IOM News, No 2/99

- In the **transit and destination countries**, concerning **protection**:

A) with a view to **rehabilitation**:

- medical and psychological help for the victims of trafficking. In Austria, victims may approach services responsible for welcoming, counselling and assisting them. More support facilities need to be created to carry out such work.

B) with a view to **reintegration**:

- projects for the social reintegration of the victims. This can include training, advice and income-generating activities. The IOM has organised a small pilot scheme of this kind for 100 women who received assistance enabling them to return from Thailand to their countries of origin, with reintegration aid offered once they were back home.

Many women are unwilling to return home for fear of reprisals. Some victims are rejected by their families and have nowhere to go: those returning to Poland, for instance, are often treated as outcasts. The option of unlimited residence permits should be considered, given the existence of humanitarian arguments against the forced return of victims to their places of origin<sup>50</sup>.

The European Parliament, in a resolution on a campaign for zero tolerance of violence against women<sup>51</sup>, has called on the Justice and Home Affairs Council to adopt rules on immigration and asylum requests which would ensure that:

- women who have been threatened or persecuted for sex-related reasons are given shelter in the EU, in line with the recommendations of the UNHCR;
- women from third countries who have separated from a violent partner should not be turned back unless other reasons for refusing them exist.

1.3. Other measures to combat trafficking:

- There must be an agreed common definition of the concept of 'trafficking in women'<sup>52</sup>, and a field of action must be mapped out for fighting it<sup>53</sup>.
- A common policy must be adopted for combating trafficking in women, given the crossborder nature of the phenomenon.

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<sup>50</sup> Report: 'Trafficking in women and forced prostitution in Council of Europe member states'.

<sup>51</sup> OJ C 304, 16.9.1997, p.55.

<sup>52</sup> 'Trafficking in women' is defined differently from country to country and organisation to organisation. The term is quite often used incorrectly to refer to something else (e.g. illegal immigration).

<sup>53</sup> A clear and harmonised definition is required to ensure that victims receive the same treatment in all the Member States, that clear guidelines exist on punishment and that common notions of proportionality are followed in the scale of penalties. As things stand, for instance, the penalties for drug trafficking are harsher than those for trafficking in women.

- Legislation should be introduced to standardise visas<sup>54</sup>. The lack of harmonisation means that many women are brought into the EU through Germany from the bordering countries, because Czech, Slovak, Polish and Hungarian nationals do not need entry visas (a passport is enough). Poland has become a transit point for eastern European women, who often enter Germany on a false Polish passport and are then transported to other EU Member States.
- Suitable training should be given to police and customs authorities. Customs and police officers often lack sufficient information and guidelines concerning the law and its application. Immigration officers may be unable to do their work properly thanks to inadequate information and training<sup>55</sup>. Suitable training programmes should be offered to immigration officers, consular staff, customs officers, border police, immigration police, foreign ministry staff, etc, and should focus on the phenomenon of traffic in humans, its extent, the associated risks and the victims' rights<sup>56</sup>.
- Reinforced police controls are needed if the mafias' structures are to be dismantled.
- Cooperation is required among authorities, police forces and NGOs in the Member States, on the basis of the third pillar (justice and home affairs) of the Treaty of Amsterdam, which permits cooperation among Member States outside the Union's institutional framework.
- NGOs and other organisations should be enabled to take out legal action as the plaintiff on behalf of victims of trafficking, in order to protect them against threats and reprisals and independently of their consent<sup>57</sup>.
- Reliable and comparable data must be assembled on the phenomenon, with a view to clearly establishing its extent and enabling action to be targeted where it is most needed. The obvious institution here is Eurostat<sup>58</sup>.
- A clear message must be sent to the applicant states, in the context of EU enlargement, that they must take action at national level and cooperate with the Union in the fight against trafficking in women<sup>59</sup>. This will facilitate the exchange of information and help bring traffickers within the reach of the law. At present, certain countries do not even have any legislation on trafficking in women, and even where such legislation exists it may be a dead letter.

<sup>54</sup> European Ministers' recommendations on irregular migration, Prague, 14-15 October 1997.

<sup>55</sup> The IOM has assisted in the training of central and eastern European officials with a view to helping them master immigration flows more effectively. A course was held in Budapest from 9 to 19 November 1998.

<sup>56</sup> IOM news, N° 3/98, p. 10, 'UN human rights chief proposes aiding sex workers'.

<sup>57</sup> In Belgium, since 1995, under a Royal Decree (KB) of 16 June 1995, certain bodies and associations have had the right to take out legal action against traffickers, as the plaintiff on behalf of a victim of trafficking in humans, with the aim of obtaining damages. The Centre for Equal Opportunities was party to four cases on this basis in 1998. In one of them, the case of an under-age Albanian girl, damages of BEF 635 000 were obtained, despite the absence of the victim's consent. Unfortunately, two of the other cases were thrown out by the courts on the grounds that the victim's consent was required. It is therefore essential that the condition of the victim's prior consent should cease to apply, in the interests of the objective of protection of victims.

<sup>58</sup> Commission communication of 25 May 1998, COM(1998)0335

<sup>59</sup> Commission communication to the Council and the European Parliament on new measures in the fight against trafficking in humans, 4 December 1998.

- Europol: in its communication of 20 May 1998 (COM(1998)0335) the Commission suggested that Member States should make use of the Europol infrastructure and, in particular, its liaison officers, in order to trace disappeared children and take action against those responsible, and also to help build up databases at national and transnational level.
- The experience gained in international police cooperation in action against drugs trafficking should be drawn on in action to prevent and combat the sexual exploitation of women.
- It is important that EURODAC should be implemented<sup>60</sup>.

#### 1.4. Legalising prostitution

Prostitution is legal in almost all the EU Member States, but central and eastern European women are likely to be exercising it illegally, since most of them are in an irregular situation.

Where prostitution is legal and prostitutes can be registered, they have the right to medical treatment and are more protected. However, for women who are the victims of trafficking and have to prostitute themselves in conditions verging on slavery, legalisation brings no advantage, since they are outside the law: either they entered the EU illegally on a false passport, or their three-month visa has run out.

The key question is to determine whether legalising prostitution and creating a register of prostitutes are in themselves means of combating the situation of slavery in which the victims of trafficking live, given that the legal/illegal distinction places them at an obvious disadvantage.

- The case of Vienna

Prostitution is legal in Austria: police checks are concerned with ascertaining whether prostitutes are registered and in possession of a health certificate.

One means of suppressing trafficking would be to operate far more police checks; this, however, would lead to more deportations, since most of the women concerned have no residence permit and are working illegally. In the long term, such a measure would simply speed up the turnover of women, as those deported would be replaced by others. As the authorities prefer to keep things stable, the priority for the police is not to investigate cases of trafficking in women, but to check that legal prostitutes (who are normally not victims of trafficking, but are selling their bodies voluntarily) have their health certificates. Night-club owners cooperate with the police by ensuring that prostitutes have the certificates, and hide away trafficked women when the police call<sup>61</sup>.

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<sup>60</sup> See the action plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice (OJ C 19, 23.1.1999, pp. 1-15).

<sup>61</sup> MIP, Trafficking in women to Austria for sexual exploitation, IOM, June 1996.

## 2. Specific Community programmes

### 2.1. The STOP programme

On 29 November 1996 the Council adopted the STOP programme (Joint action 96/700/JHA - OJ L 322, 12.12.1996, p. 7), establishing an incentive and exchange programme for persons responsible for combating trade in human beings and the sexual exploitation of children. This programme was established for an initial period running from 1996 to 2000; the financial reference amount for it is EUR 6.5 m for the five years.

This programme is targeted on judges, public prosecutors, police departments, civil servants, public services concerned with immigration and border controls and with social and tax legislation, and services concerned with preventing or combating such phenomena and with assisting the victims or dealing with the perpetrators.

This programme has made it possible to set up cooperation schemes bringing together Belgium, Italy and Albania.

67 projects aimed at combating the sexual exploitation of minors have been cofinanced under this programme.

Commissioner Vitorino announced in Budapest, on the occasion of the launching of the campaign against the trafficking of women in Hungary and Bulgaria, that the Commission intends to prolong this programme for a further five years after 2001 and to open it to the applicant states.

### 2.2. The DAPHNE programme

The aim of the DAPHNE programme is to support action to raise public awareness concerning violence against children, young persons and women, including the victims of trafficking in humans in relation to sexual exploitation, commercial or otherwise, and other forms of sexual abuse.

On 20 May 1998 the Commission adopted the proposal for a Council decision on action to combat violence against children, young persons and women (the DAPHNE programme - 2000-2004, COM(1998)0335)<sup>62</sup>. The financial framework for implementing this five-year programme was set at EUR 25 m for five years. The legal basis was Article 235 of the EC Treaty (which requires unanimity in Council).

On 17 February 1999, the Commission recast this proposal as a proposal for a European Parliament and Council decision adopting a programme of Community action (the DAPHNE Programme - 2000-2004) on measures to prevent violence against children, young persons and

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<sup>62</sup> OJ C 259, 18.8.1998, p. 2.

women (COM(1999)0082)<sup>63</sup>. The legal basis was Article 129 of the EC Treaty (public health), now replaced by Article 152 of the Treaty of Amsterdam<sup>64</sup> (codecision procedure).

In its common position, the Council approved the substance of the Commission proposal, while introducing a number of amendments. These included the pruning of the programme's duration down to four years (2000-2003), which brought in its wake a reduction in the financial framework from EUR 25 m to EUR 20 m.

The purpose of the DAPHNE initiative is to establish and strengthen networks for the support and coordination at European level of information and action aimed at the above objectives. This includes support for cooperation between NGOs and the authorities in this field.

In 1997 requests for aid were submitted in respect of 428 projects. Given the level of funding available (EUR 3 m), the Commission was in the end only able to finance 47 of these<sup>65</sup>.

In view of the results, both Commissioner Anita Gradin and the European Parliament's Committee on Women's Rights made it clear that this level of funding was not sufficient. Mrs Gradin felt that the success of DAPHNE was dependent on the actions already undertaken being considered as a starting-point for coordinated action at Community level.

### **3. Initiatives adopted at European and international level**

#### **3.1. The European Parliament**

The European Parliament has adopted several resolutions on violence against women<sup>66</sup>, on the exploitation of prostitution and the traffic in human beings<sup>67</sup>, and on trade in women<sup>68</sup>.

In December 1995, the European Parliament adopted a resolution tabled by its Committee on Civil Liberties and Internal Affairs (rapporteur: Mrs Colombo Svevo) on trafficking in human beings. This resolution urges the drafting of a new international instrument to supersede 'the obsolete and ineffective 1949 Convention', calls on the Member States to include explicit penalisation of trafficking in their codes, and includes provisions for prevention in the countries of origin and destination of trafficking.

In December 1997, Parliament called on the Commission to create a 'task force for implementation of the actions' listed by the Commission in its communication on the trafficking of women for purposes of sexual exploitation. Parliament insisted on the insufficiency of the funds allocated to the STOP and DAPHNE programmes. It also called for more funds to be allocated in the context of the PHARE and TACIS programmes to projects directly linked to the fight against trafficking in women, given the fact that the countries of central and eastern Europe

<sup>63</sup> OJ C 89, 30.3.1999, p. 42.

<sup>64</sup> COM(1999)0082, 17.2.1999.

<sup>65</sup> COM(1998)0335, 20 May 1998.

<sup>66</sup> EP resolution on violence against women, OJ C 176, 14.7.1986, p. 73.

<sup>67</sup> EP resolution on the exploitation of prostitution and the traffic in human beings, OJ C 120, 16.5.1989, p. 352.

<sup>68</sup> EP resolution on trade in women, OJ C 268, 4.10.1993, p. 141.

are now not only transit and destination countries but also countries of origin. Parliament also called on the Council to enlarge the scope of the future European Information System (EIS) to include the fight against trafficking in human beings.

### 3.2. The European Commission

The Commission, on the initiative of Commissioner Anita Gradin, organised a conference on trafficking in women, which took place in Vienna in June 1996.

On 20 November 1996, in the light of the Vienna recommendations, the Commission adopted a **communication on the fight against trafficking in women for the purposes of sexual exploitation**, tackling the problem from several angles:

1. assistance for victims;
2. the fight against organised crime;
3. prevention in countries where women are recruited. It was stressed that the Commission was not specifically dealing with the problem of child exploitation<sup>69</sup>.

In the line with the Commission's 1996 communication, the sum of EUR 25 m was allocated to projects aimed at combating violence against women and children, under the **DAPHNE initiative**. This sum was later reduced to EUR 20 m.

The most recent **Commission communication on new measures concerning the fight against trafficking in women**, following on from the communication of November 1996, was adopted in December 1998. This communication aims to:

1. ensure that this issue remains high on the EU political agenda;
2. send a clear message to the applicant states concerning the need to adopt national measures and to begin cooperating with the EU forthwith on this issue. The communication further highlights the particular importance of NGO participation, and refers to plans to submit a proposal in the following year for legislative measures concerning temporary residence permits for victims willing to testify<sup>70</sup>.

The Commission intends to reorientate the existing guidelines of the STOP Programme (provided with a budget of EUR 6.5 m) on information enabling victims to find out how to obtain assistance and on more targeted research work comprising the profiling of the customers of prostitutes and the different links in the trafficking chain, so as to define more operational projects.

In addition, actions to promote awareness-raising and education among potential victims will benefit from the SOCRATES and Youth for Europe programmes.

In July 1997, Commissioner Gradin proposed a new training and exchange programme, to be called ODYSSEUS, on developing the knowledge and skills of the officials responsible for border control, immigration and asylum issues. One special issue within this programme is trafficking.

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<sup>69</sup> COM(1996)0567, 20 November 1996.

<sup>70</sup> COM(1998)0726, 9 December 1998.

With the Amsterdam Treaty, the Commission, while respecting the principle of subsidiarity, will be better placed to develop a full 'cross-pillar' approach in the fight against trafficking in women. As is stressed in its communication of 14 July 1998 on creating an area of freedom, security and justice, the Commission is fully committed to exercising its new rights of initiative.

Commissioner Antonio Vitorino, at the launch of the information campaign for the prevention of trafficking in women in Hungary and Bulgaria held in Budapest on 12 November 1999, underpinned the high priority placed by the EU on the international fight against trafficking in humans, and announced initiatives in this field:

- The Commission will prepare **detailed proposals in the first half of 2000 on the alignment of penal provisions** in the Member States concerning trafficking in human beings for purposes of sexual exploitation and will make proposals for the **granting of limited residence permits for victims willing to testify before the courts**.
- The Commission will propose renewing the **STOP** Programme for a five-year period from 2001 and **opening it up to all applicant countries**. In this, '*we are obviously expecting improvements to the legislation and administrative structures in all applicant countries*', said Commissioner Vitorino, stressing that this would be 'an important element in their efforts to join the European Union'.

### 3.3. The Council of the European Union

On 29 November 1996 the Council adopted a joint action based on article K.3 of the Treaty on European Union, establishing an incentive and exchange programme for persons responsible for combating the trade in human beings and sexual exploitation of children<sup>71</sup>, funded to the sum of EUR 6.5 m for the period 1996-2000. This joint action programme (STOP) is targeted on judges, public prosecutors, police departments, civil servants and other public services concerned with immigration and border controls and with social and tax legislation, the prevention or combating of trade in human beings and the sexual exploitation of children, and assisting the victims or dealing with the perpetrators.

On 24 February 1997 the Council adopted a joint action based on Article K.3 of the Treaty on the European Union, concerning action to combat trafficking in human beings and sexual exploitation of children. This joint action sets out measures to be taken at national level and forms of cooperation between Member States<sup>72</sup>.

The EU Ministerial Conference on trafficking in women, held in The Hague from 24 to 26 April 1997, resulted in a series of proposals. The main ones were:

1. adjustment by the Member States of their national legislation in order to prevent the automatic expulsion of victims;
2. closer European cooperation in the fight against trafficking in women;

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<sup>71</sup> OJ L 322, 12.12.1996, p.7.

<sup>72</sup> Joint Action of 24 February 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning action to combat trafficking in human beings and sexual exploitation of children (97/154/JHA), OJ L 63, 4.3.1997, pp. 2-6.

3. improvement of police information networks;
4. a leading role for Europol in the context of specialisation in trafficking in humans;
5. raising the awareness level of police forces and customs and legal services within the fifteen EU Member States, so that they take matters related to trafficking in women more seriously. The Ministers also recommended that the countries of origin of the victims of such traffic should set up surveillance mechanisms aimed at detecting prostitution networks and organising information campaigns aimed at warning women about the false promises of traffickers.

In December 1998 the Justice and Home Affairs Council adopted an action plan on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice.

The conclusions of the Tampere summit of November 1999 confirmed that the EU heads of state and government wish to go further in the fight against trafficking of women. Member States were invited to set up joint teams, in cooperation with Europol, to conduct investigations into traffic in human beings.

#### 3.4. Europol

Europol is the European law enforcement organisation which aims at improving the effectiveness and cooperation of the competent authorities in the Member States in preventing forms of international organised crime.

The convention establishing Europol, which was signed by all Member States in July 1995, defines illegal immigrant smuggling and trafficking in human beings as being two of the priority areas of activity for Europol.

The EU Justice and Home Affairs Ministers, at their 26-27 September 1996 informal Council in Dublin, agreed to extend the mandate of EDU (the Europol Drugs Unit) to encompass the trade in human beings.

The Europol Convention defines trafficking in human beings as follows:

*'Subjection of a person to the real and illegal sway of other persons by using violence or menaces or by abuse of authority or intrigue with a view to exploitation of prostitution, forms of sexual exploitation and assault of minors or trade in abandoned children'.*

The EDU has started to exchange information on trafficking in human beings through the Member States' liaison officers.

Two reports have been produced to date: a 'general situation report 1996-1997'; and a 'special situation report', focusing on central and eastern Europe and dated March 1998.

In its work programme for 1999, the EDU clearly indicated its intention to attach a high priority to this area, proposing, in particular, the following initiatives:

- to undertake an analysis of the main trends of trafficking in human beings and the selection of initial objectives. and to support joint investigations related to the fight against the main criminal organisations in this field;
- to launch a project on the situation in the applicant states, involving all those concerned (NGOs; social services and judicial, law-enforcement and immigration authorities) with the aim of exchanging information and intelligence.
- to update its manual of best practice and police techniques and methods (linked to the Interpol manual);
- to organise a training programme on trafficking in human beings;
- to report on the situation within the EU, as a basis for future Union action in this area of criminality.

### 3.5. The Council of Europe

The Council of Europe's heads of states and government expressed, at their summit of 10-11 October 1997, their determination to combat violence against women and all forms of sexual exploitation of women.

Since June 1997, a multisectoral group on action against trafficking in human beings for purposes of sexual exploitation (EG-S-TS) has been operational. This multisectoral group of specialists is made up of experts from various committees of the Council of Europe, under the authority of the Steering Committee for equality between women and men. Its task is to plan and prepare actions which the Council of Europe could undertake in the field of combating traffic in human beings for purposes of sexual exploitation, and in particular traffic in women and children, notably girls. It is in the process of preparing a draft recommendation setting out principles and suggested actions at national level in the fight against trafficking in human beings for sexual exploitation.

### 3.6. The UN

Under the UN umbrella, a number of significant initiatives have been adopted, including the reports of the special rapporteurs of the Commission on Human Rights and the conclusions of the 1997-1998 session period of the Economic and Social Committee, advocating the creation of legal frameworks and suitable political and judicial mechanisms with a view to aiding women who are victims of trafficking. The UN's Commission on Crime Prevention and Criminal Justice has begun work on drafting a protocol on trafficking in humans. This would be worded in parallel to the International Convention on organised crossborder crime.

If cooperation is to be reinforced at world level, stress must be laid on the need to adopt the Convention Against Sexual Exploitation, which defines trafficking as a violation of human rights and institutes mechanisms for combating trafficking and aiding the victims. In September 1997, in the UN General Assembly, the Austrian foreign minister proposed the adoption of an international convention against trafficking.

At its seventh session, held from 21 to 30 April 1998, the Commission on Crime Prevention and Criminal Justice adopted two resolutions on trafficking in women and girls, relating to the drawing-up of a new international legal instrument to deal with the phenomenon<sup>73</sup>.

### 3.7. The G-8

The G-8 heads of state and government decided at the Birmingham summit of 15-17 May 1998 to develop principles and an action plan to combat trafficking in women and children.

## 4. Measures taken by eastern European countries

- In May 1999, nine countries of south-east Europe<sup>74</sup> signed an agreement on cooperation in fighting the growing phenomenon of organised crime. This accord commits the signatory countries to exchanging information and acting jointly to prevent crime. A police and customs officer from each country is to be sent to the headquarters of this South-East European Cooperation Initiative (SECI), to be established in Bucharest, to coordinate the fight against crossborder crime and corruption.
- Coordination between actions taken at EU level and those taken by central and eastern European states is very important in the fight against trafficking in women.

At the European Council held in Luxembourg on 12 and 13 December 1997, it was decided to open up some Community programmes to applicant states under the pre-accession strategy. In this connection, Commissioner Vitorino announced in Budapest, in November 1999, the opening-up of the STOP programme to the applicant countries of central and eastern Europe.

## 5. Why NGOs are essential in the fight against trafficking in women

The action of NGOs is crucial, for the following reasons:

- NGOs can develop information campaigns. In 1998, La Strada carried out in Poland an information campaign with PHARE democracy funds; IOM conducted, in parallel, a campaign in Romania, Albania and Ukraine to offer women realistic information about their potential future in the West. Following an IOM information campaign in Ukraine, a survey has revealed that more than half of those who had been considering working abroad as prostitutes no longer wished to.
- NGOs can provide social assistance to the victims, allowing them to rebuild both their health and their personal identity through the appropriate assistance. These organisations can provide counselling to the victims and encourage them to denounce their traffickers. NGOs can cooperate with social services in this field. According to the Commission communication on further actions in the fight against trafficking in women<sup>75</sup>, 'these organisations have demonstrated their ability to devise innovative ways of reaching and

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<sup>73</sup> UN General Assembly, A/53/409: Trafficking in women and girls, 21 September 1998.

<sup>74</sup> Albania, Bosnia-Herzegovina, Bulgaria, Greece, Hungary, Moldova, FYROM, Romania and Turkey. The other two SECI members, Slovenia and Croatia, did not sign the agreement.

<sup>75</sup> COM(1998)0726, 9 December 1998.

helping victims of sexual exploitation. They have also started to structure themselves and to cooperate at European level. However public financial support is often insufficient<sup>76</sup>.

- One of the main problems is the lack of statistics on trafficking in women and children for purposes of sexual exploitation, given the need to establish the real extent of the phenomenon and to prepare appropriate and targeted strategies to combat it. These organisations are in direct contact with victims, so they can find first-hand information.

The STOP Committee commissioned IOM to undertake a study of the data analysis and statistical resources available in the EU Member States on trafficking in humans, particularly in women and children. This study shows that there is a remarkable paucity of reliable statistics on trafficking in women and children for sexual exploitation<sup>76</sup>.

- Cooperation among NGOs and between NGOs and governmental institutions is important.<sup>77</sup>.

## 6. The Treaty of Amsterdam

The provisions of the Treaty of Amsterdam on the creation of an area of freedom, security and justice state that in the case of crimes whose effect goes beyond the territory of individual Member States, action must be taken as a matter of urgency to establish minimum rules concerning the definition of criminal behaviour and appropriate punishments. Under Article 31 of the TEU, this could be applied to trafficking in women for purposes of sexual exploitation.

It is important that the EU's Council of Justice and Home Affairs Ministers should, at its future meetings, take action to make the area of freedom, security and justice introduced by the Treaty of Amsterdam a reality, with the support of the other European institutions.

## 7. Conventions and instruments

### 7.1. International conventions and instruments

- **International Agreement for the Suppression of the White Slave Traffic**, signed in Paris on 18 May 1904, in force since 18 July 1905.<sup>78</sup>

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<sup>76</sup> Analysis of Data and Statistical Resources Available in the EU Member States on Trafficking in Humans, Particularly in Women and Children for Purposes of Sexual Exploitation. A project of the International Organisation for Migration (IOM) for the European Commission's STOP Programme. IOM, 1997.

<sup>77</sup> La Strada Programme: Prevention of Traffic in Women in Central and Eastern Europe. Year Report 1 January - 31 May 1997.

The next example, concerning a Polish girl called Katarzyna, shows the practical usefulness of joint action by organisations working together in the fight against trafficking in women: Katarzyna had been missing for a few months. Her family had registered her as an absent person, when one day they received a phonecall from their missing daughter. The phone call was very short, but the girl managed to explain that she was being forced to work as a prostitute behind a window in the red-light district in The Hague. She had managed to escape for a few minutes to make this phonecall. Katarzyna was very scared and was desperate for help. The family decided to contact the La Strada NGO in Warsaw. The first step the La Strada team undertook was to inform the Polish embassy in the Netherlands. The embassy contacted STV (a Dutch NGO), and, in its turn, STV informed the police in The Hague. The police eventually found the house where Katarzyna was being kept and freed her, together with two other girls.

<sup>78</sup> States party: Belgium, Denmark, France, Germany, Italy, Netherlands, Portugal, Spain, Sweden, United Kingdom. States whose accession was entailed ipso facto by virtue of article 8 of the Convention of 1910: Finland and Ireland.

- **International Convention for the Suppression of the White Slave Traffic**, signed in Paris on 4 May 1910 and amended by the Protocol signed at Lake Success, New York, on 4 May 1949, in force since 14 August 1951<sup>79</sup>.
- **International Convention for the Suppression of the Traffic in Women and Children**, concluded at Geneva on 30 September 1921 and amended by the Protocol signed at Lake Success, New York, on 12 November 1947<sup>80</sup>.
- **Slavery Convention**, signed at Geneva on 25 September 1926<sup>81</sup>.
- **United Nations Convention for the suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others**<sup>82</sup> - approved by the General Assembly in its resolution 317 (IV) of 2 December 1949 and opened for signature at Lake Success, New York, on 21 March 1950. The Convention has been ratified by less than half the UN Member States. It has a very weak and ineffective implementation and monitoring system<sup>83</sup>. Another problem is that victims of trafficking can be repatriated if their 'expulsion is ordered in conformity with law'. Additionally, victims do not have a procedural right to participate in proceedings against traffickers, unless national law accords them that right.

In a resolution adopted on 18 January 1996, the European Parliament called upon the Commission and Member States to 'take action on an international level to draft a UN convention to supersede the obsolete and ineffective (trafficking Convention); any new convention should focus on coercion and deception'.

**United Nations Convention on the Elimination of all Forms of Discrimination Against Women**, signed on 10 December 1979.<sup>84</sup> This Convention, which entered into force on 3 September 1981, is the most comprehensive document on women's rights in existence<sup>85</sup> and has had its importance underscored by three successive UN Conferences on women. Article 6 calls on all Member States 'to take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution'. This Convention is a powerful political instrument.

Concerning the implementation of Article 6, a report by the UN Secretary-General (A/50/369 on 24 August 1995) suggested that measures taken to combat trafficking could include legislation

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<sup>79</sup> States party: Austria, Belgium, Denmark, Finland, France, Germany, Italy, Netherlands, Portugal, Spain, Sweden, UK.

<sup>80</sup> States party: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Ireland, Luxembourg, Netherlands, Portugal, Spain, Sweden, UK.

<sup>81</sup> States party: Austria, Belgium, Bulgaria, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Netherlands, Poland, Portugal, Romania, Spain, Sweden, UK.

<sup>82</sup> States party: Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Hungary, Ireland, Italy, Luxembourg, Poland, Portugal, Romania, Spain, Ukraine.

<sup>83</sup> Conference on Trafficking in Women for Sexual Exploitation. Vienna, June 1996.

<sup>84</sup> States party: Austria, Belgium, Bulgaria, Czech Republic, Finland, France, Germany, Greece, Hungary, Netherlands, Poland, Portugal, Romania, Spain, Sweden, UK, Ukraine.

<sup>85</sup> UN General Assembly: 'Traffic in women and girls' - Report of the Secretary-General A/50/369, 24 August 1995.

to prosecute all person involved in exploitation of women through prostitution and trafficking, including brothel owners, pimps and airlines; increasing the statutory age for rape to 18 and actively prosecuting clients who violate this law; and establishing commissions of inquiry to investigate allegations of abuse and complicity by government agents.

- **The Convention on the Rights of the Child**, adopted by the UN General Assembly in 1989 and ratified by 177 countries<sup>86</sup>, is an international instrument that promotes and protects the human rights of children. This convention specifically addresses the issue of trafficking in its Article 35: ' States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form'. In addition, the convention protects children against being victims of any form of trafficking under other articles: Article 3, on the best interest of the child; Article 11, on illicit transfer and non-return; Article 21, on adoption; Article 32, on child labour; Article 34, on sexual exploitation; Article 36, on other forms of exploitation; and Article 39, on physical and psychological rehabilitation.

- **The United Nations International Covenants on Civil and Political Rights**<sup>87</sup>.

- **The Covenant on Economic, Social and Cultural Rights**<sup>88</sup>.

- **The Universal Declaration of Human Rights**. Article 4 states: 'No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms'. Trafficking in women and children has been recognised as a form of slavery, and slavery has been unequivocally condemned as one of the worst of all human rights abuses.

## 7.2. European instruments

- Convention for the Protection of Human Rights and Fundamental Freedoms, signed on 4 November 1950 in Rome<sup>89</sup>.

- European Convention on Extradition, signed on 13 December 1957<sup>90</sup>.

- European Convention on Mutual Assistance in Criminal Matters, signed on 10 April 1959<sup>91</sup>.

<sup>86</sup> States party: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal, Romania, Spain, Sweden, UK, Ukraine.

<sup>87</sup> States party: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal, Romania, Spain, Sweden, UK, Ukraine.

<sup>88</sup> States party: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal, Romania, Spain, Sweden, UK, Ukraine.

<sup>89</sup> States party: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal, Romania, Spain, Sweden, Ukraine.

<sup>90</sup> States party: Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal, Romania, Spain, Sweden, UK, Ukraine.

<sup>91</sup> States party: Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal, Romania, Spain, Sweden, UK, Ukraine.

- European Convention on Laundering, Search, Seizure and Confiscation of the proceeds from Crime, signed on 8 November 1990<sup>92</sup>.

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<sup>92</sup> States party: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal, Romania, Spain, Sweden, UK, Ukraine.

## PART III

### 1. Laws on trafficking in women

MEMBER STATES	SPECIFIC TRAFFICKING LAW	PENALTY FOR TRAFFICKING
Austria	Recruiting or bringing a person into prostitution in another country	6 months to 10 years
Belgium	Guilty of traffic in women	1-15 years
Denmark	Abetting immorality	≤ 4 years
Finland	No specific law	
France	No specific law - trafficking is included in the prostitution law	20 years
Germany	Trafficking of women for sexual purposes	6 months to 10 years
Greece	Trafficking in female minors	1-5 years
Italy		
Ireland	Trafficking in children Using Ireland as a transit point for trafficking	
Luxembourg	Trafficking is punished	
Netherlands	Trafficking in human beings for prostitution, related to all forms of violence	Fine or 6-8 years
Portugal	Trafficking equivalent to slavery-like practices	2-8 years
Spain	Abusing a position of power or forcing someone into prostitution	2-8 years
Sweden	Trafficking in human beings	1-2 years
UK	No specific law, related to law on illegal entry (under consideration)	

### 2. Prostitution and trafficking in the European Union countries

#### 2.1. Austria

- **Prostitution and trafficking in Austria**

Prostitution is legal everywhere in Austria except for one state (Vorarlberg).

Given its geographical location, Austria is one of the countries in western Europe which have been most affected by the growth in East-West trafficking in women; the most important 'source' countries are the Czech Republic, Hungary and Slovakia.

According to the Austrian police, in Vienna about 3000 eastern European prostitutes compete with 600 local prostitutes. According to IOM, Hungarian prostitutes work mainly in bars and Polish prostitutes work in various types of locality in Vienna.

According to the police forces, the red-light milieu is mainly controlled by Austrians, who, in order to provide new prostitutes to meet local demand, have to cooperate with partners in eastern Europe.

Interviews carried out by IOM with the police suggest that foreign prostitution is generally tolerated, and investigating possible cases of trafficking in women has not been seen as a priority for the police<sup>93</sup>.

In Austria it is possible to be legally registered as a prostitute. Nevertheless, trafficked women from eastern Europe enter Austria as tourists. They work as illegal prostitutes because of the illegality of their situation, which protects traffickers<sup>94</sup>.

In the 1990s, there has been a remarkable increase in cases of trafficking registered by the police.

Year	Cases registered	Cases investigated
1990	50	50
1991	98	93
1992	161	160
1993	88	87
1994	316	313

Source: Interior Ministry.

In the period from **1 January 1994 to 30 June 1995**, there were 205 charges. In these cases, 541 victims from central and eastern Europe were identified.

Number of victims from 1 January 1994 to 30 June 1995

Country of origin	Number of victims
Czech Republic	133
Hungary	118
Slovakia	112
Poland	60
Russia	43
Bulgaria	23
Romania	23
Ukraine	12
Slovenia	17
Total	541

<sup>93</sup> MIP, 'Trafficking in women ..... , *op. cit.*

<sup>94</sup> Under the present law, residence permits are closely tied to work permits. Under the new residence law (*Aufenthaltsgesetz*) which came into effect in 1993, women trying to register as prostitutes risk deportation.

Source: Interior Ministry

In 1995 the cases of trafficking in women which were discovered resulted in the identification of 752 trafficked women from some 35 countries. Roughly three-quarters of these women were recruited in the CEEC countries<sup>95</sup> (half of the victims were from central Europe, and one-quarter from eastern Europe).

At the beginning of April 1998, the Vienna police liberated 20 Hungarian women who were being held in forced prostitution by Turkish and Yugoslav criminals. The youngest of these women was aged 16 and had been sold for less than US\$ 1000<sup>96</sup>.

- **Measures against trafficking in women**

In autumn 1995 the Ministry of Internal Affairs decided to create an interministerial working group. One of the tasks of this group was to explore effective ways of assisting trafficked women in order to encourage them to provide evidence which could be used to prosecute traffickers.

Under the new Aliens Act, which entered into force on January 1998, protection is granted to victims intending to testify in the matter of trafficking in human beings: they receive *ex officio* residence permits for the purposes of criminal prosecution, as well as psychological, health and legal support.

Trafficking in human beings is punished by Austrian courts under Austrian law (no matter where the offence was committed and irrespective of whether the action constitutes an offence under the law of the country where it was committed) if Austrian interests are involved or if the offender cannot be extradited (sec. 64 para. 4, Penal Code).

All other offences committed outside Austria can only be punished by Austrian courts and under Austrian law where the action also constitutes a criminal offence in the country where it has been committed ('double incrimination') and where the offender is either an Austrian citizen or a foreign citizen who has been arrested in Austria and cannot be extradited, for reasons not related to the nature of the action (e.g. if the foreign country concerned does not request extradition).

Trafficking in women is defined in the Austrian Penal Code. Punishment is from six months to ten years in prison for trafficking in humans for the purpose of forced prostitution.

## **2.2. Belgium**

- **Prostitution in Belgium**

Prostitution is not a crime in Belgium. Only the exploitation of another person's immoral activity can be prosecuted (irrespective of consent).

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<sup>95</sup> MIP, 'Trafficking in Women .....*op. cit.*

<sup>96</sup> IOM, 'Trafficking in migrants', *Quarterly Bulletin N°18*, June 1998.

The NGO 'Payoke' estimates that in Belgium 40% of the victims of trafficking are from eastern Europe, especially Poland and Hungary.

All the police forces confirm that more and more prostitutes in Belgium are from Albania.

Entry into Belgium is effected by one of three very different means:

- regular entry into Belgium by simply producing a passport, in those cases where a visa is not required (e.g. for persons originating in Poland, the Czech Republic or Hungary);
- in a small number of cases, entry into Belgium with a passport and a visa issued by a Belgian consulate or a consulate of another EU Member State, obtained in the normal fashion (but with a false purpose declared for the journey) or with false documents;
- entry by means of false or falsified documents (e.g. an identity card of another EU Member State, conferring the right of free movement or even of free establishment).

'Payoke' is highly critical of the inflexibility of the Belgian legal system and the leniency of sentencing: 'most traffickers are only sentenced to two or three years in prison'. The organisation says that it was only in May 1998 that, for the first time, an Antwerp court sentenced a number of traffickers, eight of them Albanian, to the maximum term of five years.

Every large city in Belgium has a red-light quarter or an avenue full of prostitutes' bars. However, local attitudes differ markedly: the nature of the systematic controls practised (at the levels of the police, the administration, the social services and the tax authorities) varies greatly between regions.

The owners of brothels play an active role in the exploitation of prostitution. In Liège, Antwerp or Ostend each 'window' is worth several million BEF to its owner. In Brussels, the hotel brothels in rue d'Aerschot, behind the Gare du Nord in the borough of Schaerbeek, generate an annual turnover estimated at BEF 1 bn<sup>97</sup>.

**Antwerp** has become one of the main destinations for trafficking in women from eastern Europe, especially in the Schipperskwartier (port district) and the Lange Winkelhaakstraat. On the 'Antwerp market', traffickers exploit illegal migrants hand-in-glove with the brothel owners; the former hire out the 'windows' in which under-age prostitutes are exploited. In Antwerp, checks are carried out by the city police ('police communale'), while the 'gendarmerie' is responsible for legal cases relating to trafficking and the 'police judiciaire' deals with the financial aspects of cases. Despite this division of labour, the leniency of the legal authorities continues to work to the benefit of the pimps and 'window' owners, who can draw on the resources of a highly developed organisation<sup>98</sup>.

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<sup>97</sup> *Le Vif/L'Express*, 7 May 1999.

<sup>98</sup> *Le Vif/L'Express*, 7 May 1999.

1998 witnessed further growth in organised crime in the Antwerp area, including trafficking in humans, which has become one of the main manifestations of such crime, above all in the sex industry<sup>99</sup>.

In **Brussels**, there has long been a problem of rivalry between the different police forces, which has prevented the development of a coherent policy on prostitution. In an endeavour to put an end to this situation, the public prosecutor, Mr Benoît Dejemepepe, has, since 1994, organised coordination meetings between the 'police judiciaire', the 'gendarmerie' and the 'polices communales' (borough police forces). A protocol was concluded in 1996, but there still seems to be no clear division of labour between the different police forces responsible for tackling prostitution.

In **Ghent**, the 'Het Zuid' quarter is the centre of prostitution for eastern European women. Of Belgium's five biggest cities, Ghent is the one which, according to the Centre for Equal Opportunities, has achieved the most successful integrated approach to prostitution. In its evaluation report for 1997, the Centre stressed the ongoing commitment of the 'police communale', the practice of rotating the membership of the teams responsible for dealing with the underworld (to prevent collusion), the involvement of women staff, the attention paid to compliance with the social legislation, and the close cooperation existing between the police and the public prosecutor's office.

Other Belgian police forces, such as those of Liège, Antwerp, Schaerbeek and Courtrai, have now begun to follow the example of Ghent.

#### • **Measures taken to combat trafficking in women**

The high degree of tolerance attached to the exploitation of prostitution in Belgium has been fully taken advantage of by eastern European traffickers.

No coherent policy of controls exists as regards asylum requests. In both the Brussels region and Antwerp, the problem of the abuse of asylum procedures for trafficking in human beings and exploitation of prostitution is such as to require urgent action<sup>100</sup>.

#### **Legislation adopted**

- In 1993 the rules governing 'artists' contracts' were tightened up to put an end to the abuses perpetrated by underworld gangs which were organising the entry into Belgium of foreign women who ended up as prostitutes.
- On 27 June 1996 the Belgian Senate adopted a draft law amending the law of 15 December 1980 on access to the national territory, residence, establishment and the expulsion of aliens. One of the objectives of this draft law was to improve the system of immigration controls. To this end, the government proposed that the offence of aiding illegal immigration should

<sup>99</sup> Centre for Equal Opportunities and Action against Racism, 'The fight against trafficking in human beings', Annual report 1998

<sup>100</sup> Belgian Chamber of Representatives, ordinary session of 30 January 1998, hearing of the Director of the Centre for Equal Opportunities.

be extended to cases where the illegal entry or illegal residence of a person in a Schengen Group country is facilitated from Belgium.

- The law of 13 April 1995 contains penal provisions relating to the punishment of trafficking in human beings, child pornography and sexual abuse of minors. In particular:
  - ◆ a specific offence of trafficking in human beings is introduced;
  - ◆ Article 380b of the Penal Code is amended to introduce the exploitation of prostitution as an aggravating circumstance permitting harsher penalties for offenders (Articles 2a to 4);
  - ◆ the courts are given the power to order the closure of premises and the confiscation of goods (Article 5);
  - ◆ it is made illegal to advertise 'sex tourism' or to publish advertisements that operate as a smokescreen for trafficking in women and children;
  - ◆ the principle of extraterritoriality is introduced: this allows prosecution in Belgium for acts committed abroad, where the act concerned is illegal in the criminal law of the country where it was perpetrated.

As matters stand, the principle of extraterritoriality has been applied in Belgium in only a small number of cases, by reason of the obstacles to its use. For an offence to be actionable in Belgium, two criteria have to be present: i) the act must have been committed outside Belgium; ii) it must be a criminal offence in the law of the country where it was committed. In practice, acts which are punishable under Belgian law may often not be against the law in many other countries.

Accordingly, in its resolution on action to fight sex tourism, the European Parliament called on the EU Member States to 'enact legislation to abolish the requirement of double incrimination for sexual offences against minors; in other words, there should be no requirement that the crime be punishable in the place where it was committed in order for a prosecution to be brought'<sup>101</sup>.

- ◆ an Interministerial Committee has been set up, with the responsibility of combating trafficking in persons and child prostitution and pornography.
- ◆ a general legal framework has been adopted with a view to ensuring that Belgian law is fully compliant with the Convention on Children's Rights (since its entry into force in 1992). A law has been adopted extending national jurisdiction to cases of child prostitution and pornography and enabling the state to try any person accused of sex tourism.

'Payoke' considers that the law of 13 April 1995 is not an adequate response to the most recent trends. Indeed, since that law was adopted the recorded numbers of victims of trafficking have steadily risen:

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<sup>101</sup> A4-0306/97, Sexual abuse of children, OJ C 358, 24.11.1997.

YEAR	Number of cases
1995	43
1996	97
1997	117
1998	127

Source: Annual report 1998: Action against trafficking in humans. Centre for Equal Opportunities.

According to the report on the IOM's STOP programme<sup>102</sup>, in 1997 49 cases of trafficking were investigated, none of which reached the courts; in 1998 there were 57 such investigations, of which only one resulted in the conviction of the traffickers.

**Belgian policy on trafficking in persons can be considered a positive example: considerable progress has been achieved by comparison with other EU Member States. However, much still remains to be done. The laws have to be adapted to changing trends in society: the number of victims appears to be greater every year.** For example, 1998 was marked by the further growth of organised crime in the Antwerp area, where most of the victims brought in are exploited as prostitutes.

### 2.3. Germany

- **Prostitution and trafficking in Germany**

Prostitution is legal. Pimping and promoting prostitution are illegal.

Between 60% and 80% of the women trafficked into Germany come from eastern Europe, Russia or the New Independent States (NIS).

The German Federal Office of Criminal Investigation (*Bundeskriminalamt*) estimates that there are a total of 200 000 prostitutes in Germany at present, of whom 50 000 originate from the central and eastern European countries (CEECs). Some experts suggest that these figures are too low. One police source claims that the total number of prostitutes, both German and foreign, is close to 400 000<sup>103</sup>.

The figures for the proportion of trafficked women from the CEECs among sex workers in Germany vary from city to city. The majority are Polish. Following this group are women from the Russian Federation and the Baltic states, the Czech Republic, Slovakia, Bulgaria, Romania and the Yugoslav successor states.

<sup>102</sup> 'Analysis of Data and Statistical Resources Available in the EU Member States on Trafficking in Humans, Particularly in Women and Children for Purposes of Sexual Exploitation', IOM 1997.

<sup>103</sup> 'Migration in central and eastern Europe', IOM 1999 Review.

Most trafficked women enter Germany with a three-month tourist visa. It is generally easier to obtain legal documentation from countries bordering Germany than from Germany itself, where immigration is more strictly regulated.

After the expiration of their visas, women work illegally. German law stipulates that migrants who enter the country or stay illegally may be punished with fines and/or imprisonment of one year. Furthermore, although German nationals may work as prostitutes if they are registered, the practice of prostitution by foreigners is grounds for deportation.

Visas are not required for nationals from Czech Republic, Slovakia, Hungary and Poland to enter Germany; so many trafficked women carry false passports.

Poland itself has become a major source of trafficked women, as well as a central transit country for traffic to other points in Europe<sup>104</sup>. Many trafficked women carry false Polish passports to enter Germany. Further transportation into other EU countries is easy.

Others enter the country as spouses of German nationals, and find themselves exploited or prostituted upon arrival. Many others enter the country illegally, crossing land borders in cars or small vans at night<sup>105</sup>.

**Berlin** is considered to have the highest number of sex workers - over 8000 in 1994, according to the *Bundeskriminalamt*.

The Hamburg State Bureau of Criminal Investigation (*Landeskriminalamt*) estimates that there are a total of 6000 to 8000 female prostitutes in Hamburg, some 2000 of whom are migrants. According to the German NGO Amnesty for Women, every second migrant prostitute in Hamburg comes from the CEECs.

While many brothels, sex clubs, massage parlours, and saunas are owned and operated by Germans, they are frequently under the financial control of foreign organised criminal groups, from Russia, Turkey, or former Yugoslavia<sup>106</sup>.

One hour with a woman can be purchased at many sex clubs in Germany for DM 130-150 (US\$ 78-90). For thirty minutes or for meetings in apartments rather than in clubs and brothels, the price may be as little as DM 30-60 (US\$ 18-36) with a condom or DM 70-100 (US\$ 42-60) without a condom. An expert at the German Organised Crime Bureau has calculated that the average migrant prostitute earns DM 500 per day (US\$ 300) and keeps DM 20 (US\$ 12).

Victims of trafficking are usually aged between 15 and 21. Pimps employ young girls as prostitutes to service lorry-drivers and travellers along the borders with Poland and the Czech Republic. In addition, several German citizens have been arrested for sexually exploiting children by producing pornographic films in Romania and Hungary:

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<sup>104</sup> GSN, 'Crime & Servitude: *op. cit.*

<sup>105</sup> 'Migration in central and eastern Europe', *op. cit.*

<sup>106</sup> GSN, *op. cit.*

In 1996 a German citizen called Peter R. was arrested on 36 charges of trafficking in human beings, pimping, and bribery. He had at least 23 Russian and Ukrainian women working for him in the brothels he owned. He had allegedly recruited by placing ads for 'babysitters' in Polish newspapers. Police suspected he was responsible for trafficking up to 500 women and girls into Germany under false pretences. One of Peter R's victims was a 16-year-old girl, who stated that she was brought into Germany by two men who confiscated her passport, raped and beat her, and took her to Hamburg, where she was forced to have sex with ten clients per day.

In February 1998, the police of the German state of North Rhine-Westphalia carried out their biggest raid for many years, on more than twenty brothels, clubs and apartments. Twenty-four women from eastern Europe, who had been imprisoned in inhuman living conditions by German, Albanian, Turkish and Italian gangsters, were liberated. The average age of these women was 20. They had been traded for US\$ 1700. In 1996, the North Rhine-Westphalia police rescued 400 women working in forced prostitution. They believe that figure is only the tip of the iceberg<sup>107</sup>.

- **Policy against trafficking in women**

Germany has not ratified the Convention signed on 2 December 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The decision is based on the consideration that it is not the phenomenon of prostitution as such that should be fought under the criminal law, but only those activities that lead women into prostitution or which severely restrict the personal self-determination and economic independence of prostitutes.

In 1993, the German federal law was amended to strengthen sanctions against traffickers, making them stricter than in most European countries. In the German penal code there are currently two paragraphs relating to trade in human beings, providing for sentences between six months and ten years.

According to IOM, there is an extremely low incidence of actual convictions. This is due to the frequent lack of evidence and witness testimony, and the difficulty of proving trafficking. At the same time, despite the large number of trafficked migrant women entering, residing and/or working illegally in Germany, they are rarely arrested. With the exception of North Rhine-Westphalia, which offers counselling and a four-week period of grace before deportation, most of the German Länder simply deport the women upon discovery<sup>108</sup>.

#### The case of Anna

On 30 August 1995, Anna, aged 19, from Szczecin (Poland), was arrested by the Swiss police while she was working in a brothel near Zurich.

When Anna was 17, she met Piotr Russo, who offered her work in his summer cottage. After she had worked as a domestic helper for some weeks, Dzem, a Turk, and his Polish girlfriend Olympia, who were car dealers, offered Anna a job in Berlin as a domestic worker.

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<sup>107</sup> IOM, 'Trafficking in Migrants', *op. cit.*

<sup>108</sup> 'Migration in central and eastern Europe', *op. cit.*

Anna was taken across the German-Polish border by car, showing a Polish identity card. Once in Berlin, she was taken to Dzem's and Olympia's apartment, told they were going to visit a friend and made to put on an elegant dress and some make-up. They drove her to an old house, in front of which Dzem announced to her that this visit was to be her first house visit as a prostitute. Anna, shocked and dumbfounded, and with no chance to escape, thought she might be able to run away after Dzem and Olympia left her at the house. When she entered, however, the door was locked behind her and she had to face an old man of 60, who stank and seemed completely drunk. Anna had to submit to a 90-minute sex ordeal, after which Dzem and Olympia came back for her.

When Anna protested vehemently that she wanted to return home, Dzem and Olympia physically attacked her. They also confiscated her identity card, thus putting an end to her chances of returning. Anna had no choice. Filled with terror before such a sadistic and violent couple, she gave in to their will and was forced to prostitute herself.

Anna had to serve five to six clients a night and was promised DM 40 per client. Another, very young girl from Szczecin joined Anna later, and the two young women were kept under constant guard. They were locked up in the apartment or constantly accompanied by Dzem or Olympia. During this period Anna was allowed to call her family from public telephone booths, but only in the presence of Olympia, who understood Polish, so that Anna was too frightened to say anything and only told her parents that she was fine.

Finally, Dzem and Olympia, fed up with Anna's continuous resistance, 'sold' her to Ali, the owner of the 'Café Casablanca' in Berlin. Anna was again kept under lock and key, serving clients in the brothel behind the bar from 8 p.m. to 4 a.m. She received DM 10 per client, from which all expenses, including clothing and food, had to be paid. Every Saturday, Anna was again escorted by someone who spoke Polish to a phone booth to call her parents.

One day Anna spotted an open window and decided to escape.

Anna returned to Russo's cottage in Poland. She did not want to return to her parents' home, out of shame over her experience in Berlin. Anna trusted Russo, who denied knowing anything about Dzem's and Olympia's activities.

After some weeks, Russo's friend Dragan invited Anna to go with him to Switzerland to find a husband. Anna decided to take the opportunity and went to Switzerland at the beginning of August 1995.

The horror repeated itself: Anna was forced to work as a prostitute in a brothel near Zurich, without documents, confined to her room, with no money and little food. Anna was frightened of Dragan, who had become threatening and had promised her that she could always go back to Poland in a black plastic bag if she did not like her job. Finally, after four weeks, Anna was able to confide in a client, who took pity on her and alerted the police. The brothel was raided.

Dragan and his co-conspirators were arrested. After a one-month ordeal during which she told her story to the police, Anna was deported from Switzerland in September 1995<sup>109</sup>.

## 2.4. Greece

### • Prostitution in Greece

Under Greek law, prostitution is not in itself a punishable act. The laws applying to prostitution do not have a prohibitive character, but, rather, regulate the conditions for practising it.

Police estimate that foreigners make up 2000 of the 5000 prostitutes in Greece. Trafficking in women for prostitution, mostly from the former Soviet Union, Albania, Bulgaria, and Romania, has increased sharply in recent years.

Among the 118 foreign women arrested in Attica province, 60 were from Albania, 19 from Russia and 25 from elsewhere in the former Soviet Union<sup>110</sup>.

According to the report submitted to the UN by Greece in 1996, 'there are agencies that import women from abroad under the pretext of promoting artists, which does not enable the police to intervene. The residence permits of these women are valid for one to six months. The women work mainly in bars and hotels'<sup>111</sup>.

### • Measures against trafficking in women

The penal law on the elimination of the exploitation of women stipulates prison sentences and fines in the cases of pimping (Article 349), exploitation of prostitutes (Article 350), and body trafficking (Article 351).

The United Nations Committee on the Elimination of Discrimination Against Women noted in its concluding observations of February 1999 the increase in trafficking in women and the insufficient attention being paid to possible links between lack of enforcement, trafficking in women and migration. In this regard, the Committee recommended introducing adequate measures to address trafficking in women<sup>112</sup>.

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<sup>109</sup> UN Economic and Social Council, Commission on Human Rights, 'Report on the mission of the Special Rapporteur to Poland on the issue of trafficking and forced prostitution of women (24 May to 1 June 1996)', E/CN.4/1997/47/Add.1.

<sup>110</sup> US Government source, Greece, Country Report on Human Rights Practices for 1996, released by the Bureau of Democracy, Human Rights and Labour, 30 January 1997.

<sup>111</sup> UN Committee on the Elimination of Discrimination Against Women, Consideration of reports submitted by states party under Article 18 of the Convention on the elimination of all forms of discrimination against women. CEDAW/C/GRC/2-3, 11 November 1996.

<sup>112</sup> UN Committee on the Elimination of Discrimination Against Women: Greece; Concluding Observations, A/54/38, paras. 172-212, 1 February 1999.

## 2.5. Spain

- **Prostitution in Spain**

Prostitution is legal and widespread in Spain.

Criminals typically use the same standard method to obtain their victims: they offer the hope of a better life to persons who have no money and see no chances of improving their situation in their home country, given the economic and social hardships confronting eastern European women.

A number of standard elements recur as effective 'givens' in criminal trials for prostitution-related offences: contact is made with young women in their home country, they are lured with false promises of legal work in Spain, transport is arranged for them and they are advanced a sum of money which may go up to PTE 600 000<sup>113</sup>.

Women from eastern Europe typically enter Spain by road, thus crossing the 'Schengen area' whose outer limits constitute the EU's effective frontier for policing purposes. The victims are escorted to the frontier in a van or bus by a member of the criminal organisation, until they reach a club where they are informed of the real nature of their 'employment'. Their passports are taken away and they are forced to prostitute themselves to pay off the debt incurred in travel and documentation costs. The debt is further increased by their having to pay for accommodation and food on the club premises.

Over the last few years, a large number of networks devoted mainly to trafficking in women have been dismantled. After making a statement to the police, the women are typically kept in custody for up to 24 hours. Although prostitution is not a crime, the law provides that women in such cases are to be expelled from the country for the 'administrative irregularity' of carrying out an 'undclared activity'. The expulsion order is in most cases executed, although judges and prosecutors may allow victims who cooperate with the legal authorities to go free.

According to information provided by the Spanish police authorities<sup>114</sup>, in 1998 the police detected the presence of a total of 72 women from CEECs who were victims of trafficking. In 1999 (up to 1 July) 41 networks were dismantled; ten of these included victims from central and eastern Europe. The breakdown by nationality was as follows:

1998		1999 up to 1 July	
COUNTRY OF ORIGIN	No. OF VICTIMS	COUNTRY OF ORIGIN	No. OF VICTIMS
-----	-----	Belarus	1

<sup>113</sup> *El Mundo*, 17 July 1999.

<sup>114</sup> Commissariat for Aliens and Documentation - Central Aliens Unit - Central Aliens Brigade (Group V), 20 July 1999.

Bulgaria	1	Bulgaria	6
Czech Rep.	12	Czech Rep.	32
Slovakia	5	Slovakia	11
Slovenia	3	Slovenia	2
Hungary	24	Hungary	11
-----	-----	Lithuania	1
Poland	3	Poland	10
Romania	8	Romania	6
-----	-----	Russia	9
Ukraine	16	Ukraine	16
-----	-----	Yugoslavia	5
<b>TOTAL</b>	<b>72</b>	<b>TOTAL</b>	<b>110</b>

Source: Spanish National Police Administration, Central Aliens Brigade (Group V)

### An example

July 1999 saw the dismantling of a network dedicated to the illegal introduction of women: the victims were transported in vans and forced to prostitute themselves in clubs in the Castilla-La Mancha and Valencia regions in order to pay off debts of PTE 600 000 to 1 m. They also had to pay PTE 7000 per day for accommodation in dormitories on the club premises, where they had to sleep on bunk beds in foul conditions.

The club owners obliged the women to have sex with at least ten clients per day: failing to fill this quota led to fines of PTE 2000 to 20 000. The same penalties applied if they could not work from illness and therefore became 'unproductive'.

Attached to the walls in the clubs were 'tally sheets' recording the number of services provided by each victim and the time spent with each client (the absolute maximum being twenty minutes). Each woman generated profits for the organisation to the tune of PTE 1.5 m per month<sup>115</sup>.

There were no witnesses for the prosecution in the case of this operation. In such cases, as a rule the clubs can stay open pending a decision by the judge, which can take up to two years: the usual outcome is a fine.

In November 1999 another network was dismantled. It emerged from documents seized by the police that the business had, in the ten months of its existence, generated profits in the region of PTE 234 m. Thirty-two individuals were arrested; all were subsequently freed.

<sup>115</sup> ABC, 14 July 1999.

- **Actions to combat trafficking in women**

In May 1998, Senator Ana Isabel Arnáiz asked a parliamentary question relating to government spending in 1997 on measures aimed at ending trafficking in women and girls and the exploitation of prostitution. In the official reply it was stressed that *the Interior Ministry's budget did not include a specific heading for the various forms of action to combat violence against women and minors, and that such violence was being combated by both specific and general means of a material and individual nature*<sup>116</sup>.

In 1997 the Joint Committee on Women's Rights appointed a rapporteur with the brief of producing a non-legislative report on the problem of international trafficking in women and children. After the relevant hearings are concluded, the rapporteur will draw up the report.

Under Organic Law 11/1999 of 30 April 1999 amending Volume II, Title VIII of the Spanish Penal Code, the penalties for sexual abuse of minors and child pornography and prostitution have been increased, and the offence of trafficking in persons for purposes of sexual exploitation has been redefined. The rules governing extraterritoriality have also been changed in order to apply the principle of universality to offences involving the corruption of minors. The principle of double incrimination no longer applies in cases where it is not required under an international treaty or a legislative act of an organisation of which Spain is a member<sup>117</sup>.

Concerning the victims, under the existing law foreign women exploited by international trafficking rings are dealt with on an individual basis, involving the detailed study of their personal and legal situation at the moment when they were liberated by the police. They may have a medical examination on request, and are entitled to legal aid. Should the vulnerability of their situation require it, they may be taken care of by social workers.

Women discovered to be in breach of the law are held in non-custodial establishments ('centres for the detention of aliens'), for the minimum time required to process their expulsion. Experience has shown that, thanks essentially to a lack of infrastructures, most are freed within a few hours.

According to information supplied to the European Parliament by the Central Aliens Brigade, the police officers responsible for dismantling trafficking rings are fully aware of the women's position as victims and make every effort to provide all possible support.

A number of NGOs provide support for the victims of sexual exploitation, although there appears to be no NGO solely and specifically devoted to helping trafficked women from central and eastern Europe.

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<sup>116</sup> Official Bulletin of the *Cortes Generales*, Senate, Series I, No 467, 12 May 1998.

<sup>117</sup> Articles 178 ff. of the Spanish Penal Code, adopted by Organic Law 10/1995 of 23 November 1995.

## 2.6. France

- **Prostitution and trafficking in humans in France**

Prostitution is not against the law.

Since 1997, France too has been affected by trafficking in eastern European women.

According to a senior official at the Central Office for Action against Trafficking in Humans (OCRETH), the traffickers are to be found mostly in Paris and the major provincial cities - above all Nice, where '70% of foreign prostitutes are from eastern European countries'. In 1997, for the first time, OCRETH recorded the arrival on French territory of full-blown organised gangs, 'who target a quarter and then take over control of prostitution there'.

In September 1997 the police dismantled a network of Bulgarian traffickers who were organising the forced prostitution of a score of fellow nationals on the main boulevards of Paris. Similarly, in Nancy an Albanian ring was forcing some twenty young women to prostitute themselves. A 'Lithuanian connection' was also discovered. The women were temporarily stationed in Paris before being sent to Guadeloupe to work in nightclubs.

Sixteen international rings linked to organised crime were dismantled in 1998, of which the largest included eastern European operations based in Bulgaria, the Czech Republic, Croatia, Russia, Ukraine and Albania<sup>118</sup>.

- **Policy in France concerning combating the sexual exploitation of women**

France is less affected by the problem than Belgium or the Netherlands. Police sources say that traffickers are deterred by the severity of the French penal code. The offence of belonging to an 'association of malefactors' is punishable by twenty years' imprisonment; the penalties for living off others' immoral earnings and for forcing others into prostitution are five and ten years respectively.

A recently introduced law provides for the punishment of 'sex tourism', making it possible to prosecute for all sexual offences perpetrated abroad by a French person, whether or not the act concerned is illegal in the country where it was committed.

In parallel to the penal approach, numerous actions for prevention, aid to the victims and the social reintegration of prostitutes are carried out by local or national NGOs, with financial support from the state.

Further new legal provisions are aimed at encouraging local coordination of official services, on the grounds that the problem of prostitution requires a social approach but also falls under the fight against discrimination, violence and outrages against human dignity<sup>119</sup>.

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<sup>118</sup> PN/DCPJ/AC/OCREH/N°99/519. Interior Ministry, Central Office for Action against Trafficking in Humans, 'General characteristics of prostitution and the exploitation of prostitution in 1998'.

## 2.7. Ireland

- **Prostitution in Ireland**

Prostitution is illegal.

- **Measures against trafficking**

According to the Irish Government, trafficking in women is not a major problem in Ireland. There is a relatively small amount of movement - mainly from the UK, and not to a significant extent from other countries<sup>120</sup>.

The United Nations Committee on the Elimination of Discrimination Against Women asked the Irish Government to provide information on legislation and policy with respect to trafficking in women. The Government responded to this request by saying that 'there is no evidence available to date that women are being brought into Ireland to engage in prostitution'<sup>121</sup>.

Ireland's sexual offences legislation targets child sex tourists and organisers of sex tourism.

The Child Trafficking and Pornography Act 1998, which was enacted in June 1998 and came into operation in July 1998, is a very comprehensive piece of legislation regarding the sexual exploitation of children. It protects children from being trafficked from one country to another, and also makes it a serious offence to use Ireland as a transit point for this activity.

According to the law, Irish citizens or persons ordinarily resident who engage in sex with children abroad can be dealt with by Irish courts.

## 2.8. Italy

- **Prostitution in Italy**

Prostitution itself is legal. Streetwalking and operating or working in a brothel are not. Promoting prostitution is also illegal.

Many small, illegal brothels, employing only one or two women, exist.

Streetwalking is widespread, and many women on the streets are from eastern Europe<sup>122</sup>. According to IOM, 75-80% of 'trafficked women' are street prostitutes, because in Italy, unlike some other EU countries such as Austria, Belgium and the Netherlands, there are relatively few

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<sup>119</sup> Source: Ministry for Employment and Welfare, 'Prevention and reintegration measures', July 1999.

<sup>120</sup> Periodic report on Ireland (document CEDAW/C/IRL/2-3) submitted under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. UN Women's Anti-Discrimination Committee, Press Release WOM/1143, 441<sup>st</sup> meeting (PM), 21 June 1999.

<sup>121</sup> Responses to issues raised by the United Nations Committee on the Elimination of Discrimination Against Women, April 1999.

<sup>122</sup> The 'World Sex Guide', at [worldsexguide.org](http://worldsexguide.org)

'sex bars', where men pay for a drink for a hostess before negotiating a price for sex. Particularly alarming is the fact that some of the victims were aged 14 when they were trafficked<sup>123</sup>.

Children aged from 5 to 14 have been found prostituted in Sicily. They were controlled by an organised sex ring and abused in the process of producing pornographic videotapes. About 10% of prostitution in northern Italy involves girls aged between 10 and 15 years, and 30% girls aged between 16 and 18<sup>124</sup>.

Although women are trafficked from the CEECs to Italy, a distinctive feature of the Italian case is the trafficking of women from Albania. According to the Helsinki Committee, one-third of all prostitutes in Italy are Albanian.

The migration routes and methods of entering Italy are those generally employed for illegal migration from Albania: fishing boats up to the territorial water limit, then small boats to the Italian coast, especially on the Otranto Channel, between the southern coast of Apulia and Albania, or along the Calabrian coast southwards or the coast of Abruzzi northwards. The route along the eastern Adriatic coast northwards is also used.

In December 1997, the Milan police broke up a ring that was acting as an auction house, selling women abducted from the Soviet Union for just under US\$ 1000 per person<sup>125</sup>. Most of the women arrive in Italy legally, for example with tourist or entertainment visas.

#### • **Measures against trafficking in women**

Since November 1995, Italy has changed its immigration law to allow the immediate deportation of illegal immigrants. Given this context, trafficked women are regarded by the authorities as offenders rather than victims. It must be stressed that where immigration laws and police forces consider trafficked women as ordinary clandestine migrants who are immediately to be deported, this discourages victims from testifying. It is therefore necessary, as a matter of urgency, to take measures to grant regular or temporary residence permits to trafficked women.

In April 1997, alarmed by the dramatic increase in the number of reported cases of sexual abuse of children, the Italian government adopted a National Plan of Action for the Protection of Children. The Italian Department of Tourism has been supporting campaigns against sex tourism.

Italy has a new law which classifies the sexual exploitation of children as slavery and imposes a twelve-year prison sentence. This legislation also criminalises the sexual exploitation of persons under the age of 18, including cases where such offences take place overseas. The Italian law on child prostitution is thus applicable even to offences committed abroad.

In 1998, Prime Minister Prodi and US President Clinton agreed that new strategies were needed to eradicate trafficking in women and children. To this end, Italy and the United States

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<sup>123</sup> IOM, 'Trafficking in women for sexual exploitation to Italy', June 1996.

<sup>124</sup> 'Report on Europe - Sexual exploitation of children', 17 April 1999, at [www.safe4kids.org/reports/europe.htm](http://www.safe4kids.org/reports/europe.htm)

<sup>125</sup> IOM, 'Trafficking in migrants', *op. cit.*

established an Italy-US Working Group on Trafficking in Women and Children. The Group, which held its first meeting in Rome on April, has agreed to the following joint actions:

- Protection of the rights of victims of trafficking through exchange of best practice with respect to assistance to and protection and social integration of victims; joint initiatives and protection of victims and their families in the countries of origin.
- Joint public information campaigns in the countries of origin, with the cooperation of their authorities and NGOs.
- Regular exchange of information, with the cooperation of the Italian National Anti-Mafia Directorate, and within the limits of existing legal provisions in the two countries as regards confidentiality of investigations, statistical data and general analysis of trafficking.
- Training for law enforcement, immigration and border officers in the countries of origin with a view to identifying patterns and methods of trafficking through effective investigation and prosecution.
- Development of services for witness protection and support for the victims.
- Promotion of joint initiatives in multilateral institutions to combat trafficking, in addition to the efforts under way at the UN to prepare a Convention on organised crime.

■ Anna's story

One morning Anna and two friends were standing on the platform of Sandanski railway station in Bulgaria, waiting to catch a train to Greece. They had travelled from their native Moldova - a small, poor ex-Soviet republic next to Romania - where job prospects were bleak, in the hope of finding casual work in Greece and sending money back to their families.

A moment later, they were dragged off the platform by two men and bundled into the back of a van. Four other women from the station were thrown in after them.

The seven women were taken to a house where their passports and money were stolen. They were told they would be forced to work as prostitutes. That same evening, they were made to set off on foot to Macedonia.

At the border they were stopped by frontier police and detained. The men escaped, and the women were released after two days and told they were free to go home.

But they had no money to go home. The police accompanied them to the bus, but the driver refused to take them if they could not pay for the ticket. The men who had abducted them arrived back on the scene and bribed the police, taking the women back into their possession.

And so it began again. For two days the seven women and their two Bulgarian captors walked across hilly terrain to Macedonia. It was snowing. Anna said she heard wolves howling, and was very afraid.

Once they arrived they were sold like slaves, first to a group of Macedonians, then on to Albanians. Anna was separated from her friends and smuggled by boat to Italy.

In Italy she worked as a prostitute on the street, her Albanian pimps never letting her out of their sight. Even when she went off with a client in his car, her pimps would follow behind. One day a client took exception to the three men following them, and started a fight. In the confusion, Anna ran.

It was two o'clock in the morning and she stopped a police car. Crying and trembling, she told them her story.

She says the Albanians were arrested, but she does not know if they were convicted.

Anna is now in Italy. She is now looking forward to rebuilding her life. 'When I was on the street, I thought I'd never get out. I thought I'd die on the street', she says.

The anti-trafficking organisation 'On the Road' has reported that Anna was helped to find a family to live with and a job in Italy<sup>126</sup>.

## 2.9. Luxembourg

### • Prostitution and trafficking in humans in Luxembourg

Prostitution is legal in Luxembourg.

1073 'artists' have been identified in the country's 21 'cabarets' - 60% from eastern European countries<sup>127</sup>.

The main legal form of recruiting foreign women is the residence permit granted under an 'artist's contract'.

The 1998 evaluation report on developments and results in the campaign against trafficking in humans, published by the Centre for Equal Opportunities and Action against Racism, states that networks for trafficking in women operate from Luxembourg with the purpose of importing women into the EU from third countries for prostitution. The policy of granting residence permits for 'cabaret artists' has enabled rings based in Luxembourg to organise the entry of foreign women to work as prostitutes. The same problem (abuse of permits for 'cabaret artists' by trafficking rings) existed in Belgium until the reform of the system in March 1993.

Following the considerable rise in the number of prostitutes, in August 1997 restrictions were placed on the issue of permits for cabaret workers. A reform of the penal code is currently under consideration with a view to reinforcing the available means of action against prostitution networks and rings trafficking in women for purposes of prostitution.

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<sup>126</sup> EUROP magazine, 'Anna's story', 25 June 1999.

<sup>127</sup> Annual evaluation report on developments and results in the campaign against trafficking in humans, published by the Centre for Equal Opportunities and Action against Racism, March 1998.

- **Measures against trafficking in women**

Trafficking is punishable by severe penalties under the criminal law, but there have not been any court cases<sup>128</sup>.

In 1997, the Committee on the Elimination of Discrimination Against Women noted the lack of effective measures for the protection and rehabilitation of women prostitutes<sup>129</sup>.

Services for the counselling and rehabilitation of the victims of sexual abuse were improved during 1998.

## **2.10. The Netherlands**

- **Prostitution in the Netherlands**

Prostitution has been legal in the Netherlands since January 1988, when it was defined as a legal profession. This legalised status allows prostitutes to have access to the social security system. Nevertheless, pimping and facilitating prostitution are illegal.

Women from eastern European countries and the CIS tend to enter the Netherlands illegally. By contrast, most central Europeans arrive legally as tourists, but become illegal once they have been in the country for more than three months without a work permit<sup>130</sup>.

According to the Foundation Against Trafficking in Women (STV) and the police, the majority of women working in the prostitution business in the Netherlands are from the former eastern bloc. Since 1995, STV has received a large and constant number of women from the Czech Republic, Poland, Romania, Russia and Ukraine. The numbers of Bulgarians increased significantly in 1997 and 1998, whereas less were reported from Ukraine<sup>131</sup>.

Women work in 'window brothels', on the streets and in clubs. Near the borders with Germany and Belgium there is street prostitution. In rural areas there are so-called 'sex farms', brothels which provides living quarters for the prostitutes. In urban areas window prostitution is the most frequent form. For example, in Amsterdam 75% of the 50 000 women in the sex industry work in the window brothels located in the red-light district known as the *Wallen*. In Rotterdam too, trafficked women work mostly in clubs and windows.

- **Measures against trafficking in women**

In an effort to end the exploitation of foreign and illegal prostitutes, the Dutch Government will in future include in its licences the provision that sex club owners may not hire illegal immigrant prostitutes.

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<sup>128</sup> Report of Luxembourg to the European Committee on Crime Problems, April 1998.

<sup>129</sup> UN Committee on the Elimination of Discrimination Against Women: Luxembourg., 14 July 1997 - A/52/38/Rev. 1, part II, paras. 184-227.

<sup>130</sup> 'Migration in Central and Eastern Europe', *op. cit.*

<sup>131</sup> IOM, La Strada Programme, Prevention of Trafficking .....*op. cit.*

The Netherlands was the first country to introduce a temporary residence permit for victims of trafficking. In August 1988 a ruling was obtained under the aliens law to prevent migrant women who may have become victims of trafficking from being deported before investigations have been carried out. The Dutch aliens law now states that a woman concerning whom at least the suspicion exists that she has been trafficked may remain for a certain period, to allow her to decide whether to press charges. If she goes ahead, she will be allowed to stay in the Netherlands until the judicial process has been completed. In 1993 this provision was extended to witnesses willing to testify for the prosecution in trafficking cases.

According to the Foundation Against Trafficking in Women (STV), between 1988 and 1992 only 17 temporary residence permits were issued to victims. The majority of women were simply sent back to their country of origin.

In 1994 the Dutch penal code was revised to increase the maximum sentence for trafficking from 5 to 6 years of imprisonment. In cases involving trafficking in children, the sentence is now ten years.

#### An example

Hilda is Polish. For two years she lived in fear of the traffickers: 'It was in September 1991. I was working in a restaurant in Yugoslavia. Someone introduced me to John, who asked me if I was interested in working in Germany, where, he said, I could earn three times as much. But as soon as we had crossed the border, the atmosphere changed. They told me I would have to work as a prostitute. I tried to resist, but there was nothing I could do.'

Hilda was raped by one of the men while another photographed the scene: 'They threatened to send the photographs to my mother'. A few months later she was sold to a Dutch pimp for the equivalent of FF 10 000. It was made clear that any attempt to escape would cost her life: they showed her a pistol and told her they would not hesitate to use it - they would shoot her and throw her body into a common grave.

She was kept under permanent surveillance. Her jailers warned her there was no point in going to the police, because they were all corrupt<sup>132</sup>.

#### 2.11. The Nordic countries

The problem of trafficking is not widespread. However, there are reasons to believe that the problem might increase, in Sweden and Denmark at least. Numerous women from the Baltic states come for street prostitution. This seems to happen on an individual basis, without the involvement of trafficking networks.

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<sup>132</sup> 'Trafficking in women at the heart of Europe' ('La traite des femmes au coeur de l'Europe', Le Nouvel Observateur, 1994).

## Denmark

- **Prostitution in Denmark**

In March 1999, Denmark's Parliament legalised prostitution. The new law, which has been in force since 1 July 1999, makes it illegal to purchase sex from anyone under the age of 18, with a maximum sentence of two years' imprisonment.

At the same time, the Danish authorities have stepped up measures to prevent prostitution by minors, help women get out of the sex trade, and combat the import of women from eastern Europe for prostitution.

The police in Denmark are reluctant to speak about tendencies, as they do not have sufficient knowledge on the issue, and because the situation in Denmark is somewhere in between migration for prostitution and trafficking<sup>133</sup>.

The police are, however, registering an increase in the number of prostitutes from eastern Europe<sup>134</sup>.

- **Measures against trafficking in women**

According to the Minister of Justice, the Government plans to crack down on the growing problem of criminals bringing women from poor countries to Denmark and forcing them to work as effective sex slaves. In the opinion of the UN Committee on the Elimination of Discrimination Against Women, more efforts should be made to combat trafficking and to determine whether trafficking in women and exploitation of prostitution are taking place<sup>135</sup>.

## Finland

- **Prostitution in Finland**

Prostitution is neither illegal nor regulated. Pimping and promoting prostitution are forbidden.

Prostitution has not been common in Finland and it has not been professionally organised. Previously there used to be no street or child prostitution. However, the situation has changed since the beginning of the 1990s, when prostitution became more common and more organised.

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<sup>133</sup> 'Trafficking in women for the Purpose of Sexual Exploitation', Women's Forum Foundation, Stockholm, August 1998.

<sup>134</sup> Swedish National Crime Investigation Bureau, Report on trafficking in women, May 1998.

<sup>135</sup> UN Committee on the Elimination of Discrimination Against Women: Denmark 27/01/97, A/52/38/Rev.1, paras. 248-274, Concluding Observations, Sixteenth Session, 13-31 January 1997.

The police speak of hundreds of women from Estonia and Russia who come to Finland on a tourist visa for a few weeks. These women work as prostitutes in their home countries but come to Finland to earn more money<sup>136</sup>.

Today there are 13 sex clubs in Helsinki, as compared to only one two years ago.

- **Measures against trafficking in women**

The police do not expect trafficking in women to be a problem in the future, but are at the same time working on having prostitution included as one of the grounds on which a woman may be expelled from the country<sup>137</sup>.

As far as sex tourism is concerned, a Finnish citizen sexually exploiting children abroad may be sentenced in Finland even if the offence is not punishable under the law of the country where it was committed.

## **Sweden**

- **Prostitution in Sweden**

Prostitution is legal but pimping, brothels and live sex shows are illegal.

New legislation was introduced in January 1999 which criminalises the clients of prostitutes. Paying for or offering to pay for sex is now illegal, punishable by a fine (about US\$ 1000-2000) or a maximum six-month prison sentence. Sweden is the only country that outlaws the buying but not the selling for sex.

The law was introduced to stop the increasing influx of eastern European women coming to Sweden for the sex trade. So far only two men have been charged with buying sexual services, and the number of prostitutes and clients is back to normal levels in the main cities of Sweden.

In Stockholm there has been a considerable increase in young women from the Baltic states and Russia on the streets<sup>138</sup>. In Gothenburg the phenomenon concerns women from Poland, Hungary and Bulgaria.

On 8 October 1999 Swedish police smashed a sex-slave ring by which more than 25 eastern European women were forced to work as prostitutes. Four people, including one woman, were arrested.

Women aged from 17 to 20 from the Czech Republic and Slovakia had been held against their will and forced to work as prostitutes. 'They were locked up during the day and at night someone came to pick them up and put them out on the street again to work', police inspector Per-Ulo Hagestad said.

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<sup>136</sup> Swedish National Crime Investigation Bureau, *op cit.*

<sup>137</sup> *Ibidem.*

<sup>138</sup> 'Trafficking in Women for the Purpose of Sexual Exploitation', *op. cit.*

The ring was discovered after a young Czech woman phoned her mother in the Czech Republic saying she was being forced to prostitute herself and was being held in a hostel for refugees, along with two other women in Stockholm<sup>139</sup>.

Trafficking in children is not widespread in Sweden<sup>140</sup>.

- **Measures against trafficking in women**

The penalty for trafficking in human beings is no more than one or two years' imprisonment.

## 2.12. Portugal

- **Prostitution in Portugal**

Prostitution appears to be tolerated in Portugal, and is widespread.

A number of prostitution outlets exist, such as 'Hipopotamo' and 'Elefante Branco' in Lisbon and 'Pérola Negra' in Oporto, where, according to certain sources, eastern European women are obliged to prostitute themselves.

Press sources suggest that half of the women engaged in prostitution are foreigners, especially from central Europe and Russia<sup>141</sup>.

Most of these women enter Portugal by land with a tourist visa, ending up in Lisbon, Aveiro, Oporto, Viseu or the south of the country. They appear to receive between 20% and 40% of their earnings<sup>142</sup>.

In June 1999, a French woman and seven Portuguese citizens were accused of offences related to the prostitution of 17 eastern European women who had been imported from Russia, Estonia and Ukraine via an 'artists' agency' based in Luxembourg.

- **Measures to combat trafficking in women**

Under the Portuguese penal code, trafficking in women is punishable by two to eight years' imprisonment.

In March 1997 an extraordinary parliamentary session was held on the subject of trafficking in women.

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<sup>139</sup> Central Europe Online, 'Swedish Police Smash East European Sex-Slave Ring', 11 October 1999.

<sup>140</sup> Implementation in Sweden of Council of Europe Recommendation No R(91)11 concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults.

<sup>141</sup> Report by Portugal on human rights, 1997.

<sup>142</sup> 'Female slavery', Portuguese press cuttings agency, 27 August 1998.

## 2.13. Great Britain and Northern Ireland

### • Prostitution in the UK

Prostitution itself is legal, but several related activities are outlawed. It is illegal to solicit, to advertise or to run a brothel.

In a survey of sex establishments carried out by the Metropolitan Police, a dramatic rise in the number of immigrants working as prostitutes in central London was registered.

A team of officers of the Metropolitan Police Service (MPS) investigated 75 brothels in Soho, central London. They found that they had a combined turnover of £ 1 m a month, with each woman earning £ 350 a day on average. 76% of the brothels were staffed by foreign prostitutes, mostly from Albania and Lithuania.

The situation is similar in southern coastal resorts and in northern cities such as Manchester and Birmingham. It is said that six out of ten prostitutes operating in Britain's inner cities are illegal immigrants<sup>143</sup>.

According to the National Criminal Intelligence Service (NCIS), it is not possible to put an exact figure on the number of women who are being trafficked to the United Kingdom for purposes of prostitution, because women are exploited predominately in private houses and other off-street locations, such as saunas and brothels<sup>144</sup>.

The Street Offences and Juvenile Protection Unit uses proactive techniques, including financial investigation and covert surveillance, and has dealt with frequent requests for advice and assistance from police forces throughout Europe.

### • Measures against trafficking in women

The Sex Offences Act 1997 permits the prosecution in the UK of offences committed against children abroad (extraterritorial legislation).

The United Nations Crime Committee is currently debating a protocol to the Convention on Transnational Organised Crime, concerning trafficking in human beings. The UK is actively participating in that debate through David Wilson, Assistant Director of the Immigration Service<sup>145</sup>.

The Home Office is also considering introducing a new criminal offence of bringing a woman into the country to work as a prostitute, which will carry a fine and imprisonment.

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<sup>143</sup> 'Most prostitutes are illegal immigrants', *Electronic Telegraph*, Sunday, 28 November 1999.

<sup>144</sup> National Criminal Intelligence Service, 'Trafficking in Human Beings from Central and Eastern Europe', 30 September 1999.

<sup>145</sup> *Ibidem..*

According to the NCIS, the police service in general regards prostitutes as victims of crime and prosecution is usually reserved for the most persistent offenders, as a last resort where all other options has failed.

### **An example of a police operation in London**

Police officers regularly visit Soho's 75 prostitutes' flats, their main purpose being to gather about under-age prostitutes and about other areas of prostitution such as pimping and illegal immigrants.

The officers show their identification and ask politely if they can enter the flat. Many of the illegal immigrants working in London do not speak English, which causes difficulties when trying to establish whether they are legitimately in the country, how they got there, and where they came from. If they cannot produce papers or a passport, the police are obliged to take them to a police station and hand them over to the immigration authorities (they are thus treated as illegal immigrants, not as victims of sexual abuse).

In most cases these women are victims of a much larger trafficking operation, and the traffickers can control entire groups of women. Often they own the leasehold on a number of flats, and can move the women around to avoid suspicion<sup>146</sup>.

## **3. Prostitution and trafficking in central and eastern European countries**

### **3.1. Bulgaria**

#### **• Prostitution in Bulgaria**

It is only in recent years that prostitution has become visible. Prostitution is illegal but is tolerated and controlled. The law is not being implemented, and sex clubs are freely advertised in the press.

In Bulgaria prostitution is closely connected with organised crime. Prostitutes are dependent not just on pimps but also on a whole organised hierarchy.

Pimping is illegal in Bulgaria, but in reality the pimps remain unpunished. If they do get arrested they are released within 24 hours. This may be for various reasons, such as corruption or skilful manipulation of the law.

The girls involved in prostitution are often quite young, e.g. between 14 and 16<sup>147</sup>. According to the police, some 10 % are minors.

Victims of trafficking from other eastern European countries work on the streets and in brothels. First they are taken to one of Bulgaria's larger cities, where they are kept in total isolation for

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<sup>146</sup> 'Inside Job', Barkers Trident Communication, London, 10 May 1999.

<sup>147</sup> La Strada Programme, Prevention of traffic ..... , *op. cit.*

several months, with no human contact other than with their kidnappers. Later, they are made to work as prostitutes on major roads or on the streets of big western European cities<sup>148</sup>.

An official of the Women's Alliance for Development, a local NGO, has said that Bulgaria serves as a base for women from Ukraine and other countries of the former Soviet Union. With forged passports and after a 'preparatory period' of several months, they are sent to Greece, Macedonia and Turkey. Pimps buy and sell women like slaves.<sup>149</sup>

According to police data, Sofia alone has some 80 prostitution operations, masquerading as escort agencies. All operate illegally. Clients pay approximately US\$ 20 for an hour and up to US\$ 70 dollars for a night. None of this income - estimated in millions of dollars per annum for Sofia alone - is taxed.<sup>150</sup>

Mobility is also characteristic of prostitution in Bulgaria. Women are rarely kept in one place: they are sold and resold all over the country within an organised criminal structure.

- **Prostitution at Bulgaria's borders**

The regions close to Bulgaria's borders are the highest-risk areas. Two of them seem to be the most popular: the north-east (Dobritch, Varna, Rousse) and the south-west (Blagoevgrad, Kyustendil, Kurdjali, Petrich). According to the La Strada Programme, the number of trafficked women from these regions is extraordinarily high.

A new phenomenon known as 'highway prostitution' is on the rise in the border regions. Generally, the prostitutes involved are foreign women who have entered the country on tourist visas and serve a clientele consisting mostly of long-distance lorry drivers. For example, Krajnik, a checkpoint at the Polish-German border, is currently frequented by 20 to 30 Bulgarian women who enter Poland on tourist visas valid for a maximum of 30 days, then return home and re-enter on a new tourist visa after a short period<sup>151</sup>.

- **Trafficking in women from Bulgaria**

Most than 10 000 Bulgarian women, many of them minors, are enslaved in the sex industry abroad<sup>152</sup>.

There are typical groups of girls - often very young - who are exposed to the risk of becoming victims of trafficking. After finishing their basic education, at the age of 14 and 15 years, they have few opportunities of finding a job. It is mostly for financial reasons that most of these girls do not continue their schooling. It is very easy to involve them in trafficking by luring them with get-rich-quick promises.

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<sup>148</sup> *Ibidem.*

<sup>149</sup> 'Sex trade scars Czech borderland', *Central Europe Online*, 8 February 1999.

<sup>150</sup> Associated Press, 5 May 1998.

<sup>151</sup> Economic and Social Council, Commission on Human Rights, Report of the Special Rapporteur on Violence against Women, 10 December 1996.

<sup>152</sup> BBC News, August 5, 1998 - 'Bulgaria, market for sex'.

Bulgarian women are the fourth largest group of victims of forced prostitution in western Europe<sup>153</sup>.

The number of victims of trafficking also includes those forced into prostitution in Bulgaria who, whether they want it or not, are trafficked outside the country<sup>154</sup>.

Women are most easily trafficked to ex-socialist countries since there are no visa requirements. A three-month stay is allowed without registration, whereas Bulgarians are not allowed into western European countries except with a visa. This is the reason why women are initially taken to another eastern European country, such as the Czech Republic, Poland or Hungary. Then, after being supplied with forged documents (usually the women's passports are false), they are trafficked to the West, especially Italy, Greece and Germany, where they are forced into prostitution. They are sold for DM 2000 to 5000 (US\$ 1120 to 2700) to owners of bars and clubs who treat them as their property<sup>155</sup>. The average prostitute earns the equivalent of US\$ 42 000 in net profits per year, of which she sees nothing.

On 16 January 1999 officers of the Interior Ministry's Border Police National Service broke up an international ring for trafficking people from Bulgaria via Macedonia to Greece. The business consisted of gathering women, transporting them to the border, and transferring them to Macedonian territory, from whence they were illegally taken to Greek territory. Once in Greece, they were sent to various population centres. The women did not have visas; some of them were under-age and were forced to prostitute themselves<sup>156</sup>.

#### • **Measures against trafficking and prostitution**

Since 1990, there has been a significant increase in crime in Bulgaria in many areas, including trafficking in women. Most groups are of local origin, but there are close connections to foreign groups.

In 1997 the Government, for the first time, enacted a law against trafficking in women.

According to the Government, given the extent of the problem, regarding both Bulgarian women who are led into prostitution in other European countries, as well as women from other countries who have been prostituted in Bulgaria, priority must be given to international and regional cooperation on this issue<sup>157</sup>.

A national coordinated programme is being developed by the Government to fight organised crime; the intention also exists to revise the penal code to tackle such crimes more effectively<sup>158</sup>.

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<sup>153</sup> Coalition to Abolish Slavery and Trafficking, Country Reports on Human Rights Practices for 1997.

<sup>154</sup> La Strada Programme, 'Prevention of traffic ..... *op. cit.*

<sup>155</sup> Nadya Kozuharova, conference marking the opening of the La Strada bureau in Sofia, August 1998.

<sup>156</sup> BBC, 'Bulgarian border police breaks up human trafficking ring', 18 January 1999.

<sup>157</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women: Bulgaria, 14 May 1998; A/53/38 (Part I).

<sup>158</sup> Agenda 2000, Commission Opinion on Bulgaria's Application for Membership of the European Union.

In May 1998 police officials in Sofia, concerned at the growing number of prostitutes, called for legislation to be passed as a matter of urgency to regulate the trade.

In December 1998 the European Commission granted aid of EUR 317 000 to help street children in Sofia. The St Sofia Bridge project is being implemented over a three-year period by ChildHope UK, in partnership with the Free and Democratic Bulgaria Foundation. The NGOs will seek to reintegrate the children, most of whom are from the Romanian minority, through counselling and education.

### **Example**

There are two girls at the bus station just stepping off the bus. They are poorly dressed, pale and trembling. The girls are now in Sofia and their parents live somewhere at the other end of the country. The girls are short of money and have no documents. They are hungry, and have not so much as had a shower for the last week. They are shaking with fear that their pimps might already know they are missing from the highway in Poland (or the Czech Republic, or somewhere else). There might already be people in Bulgaria waiting for them to take them back<sup>159</sup>.

## **3.2. The Czech Republic**

### **• Prostitution in the Czech Republic**

Since 1989, the number of women working in prostitution has rapidly increased, and the forms of prostitution have changed. In the days of socialism prostitution officially did not exist. It was hidden away in hotels and at railway stations, airports, and other places known to clients and prostitutes.

Since 1989, however, prostitution has become part of the daily life. It is highly visible on the streets of every larger city in the Czech Republic and in the smaller towns near the German and Austrian borders<sup>160</sup>.

The Czech Interior Ministry estimates that there are 20 000 prostitutes working in the country.

The Czech Republic is now more a country of destination or transit than a country of origin for victims of trafficking in women. More and more women from eastern Europe end up in Czech sex clubs or illegal brothels or on Czech streets.

Besides Czech women, prostitutes from Bulgaria, Slovakia and Ukraine are to be found, mainly in Prague.

It is almost impossible for a woman to work independently as a prostitute. Women who start out on their own are very soon forced to accept the 'protection' of a pimp<sup>161</sup>.

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<sup>159</sup> La Strada Programme, Prevention of Traffic .....*op. cit.*

<sup>160</sup> Netherlands Foundation against Traffic in Women (STV)/La Strada Programme, September 1996.

According to Mr. Kopriva, the Czech Deputy Interior Minister, the (untaxed) income from prostitution amounts to 10 bn korunas (US\$ 300 m), and this money goes straight back into organised crime<sup>162</sup>.

- **Prostitution at borders in the Czech Republic**

Hundreds of prostitutes line the roads of the Czech Republic close to the German frontier. Their low prices are a magnet for German customers, and the region has become an important source for East-West sex tourism. Along a six-mile stretch of highway, 150 prostitutes ply their trade every night. Sex is usually conducted in a car in a country lay-by. More and more customers return with some form of sexually transmitted disease.

With an estimated 800 prostitutes out of a population of less than 9000, the northern Czech border town of Dubi has earned the unenvied reputation of being a 'sex playground' for Germans from across the frontier, eight kilometres away. According to the Dubi police, many of the prostitutes are there voluntarily, but some are the victims of an illicit, often violent, trade across eastern Europe to the borders of the rich West<sup>163</sup>.

- **Trafficking in women from the Czech Republic**

Measures were adopted to strengthen border-crossing controls (visa policy in line with the EU Council regulations of September 1995, agreement with Slovakia, etc). However, trafficking in human beings has not decreased. The number of under-age and female victims of traffickers apprehended by police rose from 48 in 1995 to 69 in 1996<sup>164</sup>. The activities of the organised gangs operating at international level have become more secretive and better articulated.

- **Case studies**

The case of Nadia<sup>165</sup>

Nadia is a young single mother who formerly lived in the Czech Republic. One day she met a young Albanian man called Michael, with whom she fell in love. He promised her he would take care of her, and told her of a job in a Dutch bar where she would be paid NLG 3000 a month, i.e. the equivalent of US\$ 1500 a month. Pleased as she was with the opportunity to build a new life, Nadia took her four-month-old baby to her mother and left for the Netherlands. When she arrived in Utrecht, she found out that the bar where she was supposed to work did not have any vacancies. Her whole journey had been based on false promises. Michael forced her to pay him back the travel expenses for her flight to the Netherlands. He beat her up and made it clear to her that she had to earn money as a prostitute. Michael appeared to be the owner of

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<sup>161</sup> La Strada Programme, Prevention of traffic ..... *op. cit.*

<sup>162</sup> BBC News, 27 February 1999.

<sup>163</sup> 'Sex Trade Scars Czech Borderland', *Central Europe Online*, Monday, 8 February 1999.

<sup>164</sup> Statistics from the Interior Ministry and La Strada.

<sup>165</sup> La Strada Programme, 'Prevention of Traffic in women ..... *op. cit.*

some 'windows' where prostitutes were working. Nadia felt she had no choice but to work behind those windows to pay him back the debts.

Nadia is one of the victims who were promised a better life and came to the Netherlands to earn a living by working in a bar.

Numerous cases in the Czech Republic indicate that legal and judicial authorities are often swayed by payments from the traffickers and offers of free sexual services.

In July 1998, police in the Czech Republic and France broke up a white-slave trading gang based in Litomerice in northern Bohemia. This resulted in the arrest of nine Czech men alleged to have masterminded an operation that exported Czech women - including girls under the age of 18 - to France, where they were forced to work as prostitutes. According to Mr Suttner, a senior Czech police officer, the gang planned to force the women and girls to take drugs until they became addicts. French police found a dozen Czech women and girls, some bearing the marks of beatings and stab wounds, inside the brothels<sup>166</sup>.

When police raided the brothel, they found women from Ukraine forced into prostitution, as well as a cache of illegal weapons, stolen cars and drugs. But the court case has been quietly dropped because of one telephone call from a senior politician to a prosecutor. 'The political connections saved them', said Mr Kulisek: 'There have been a number of cases like this. A lot of these people are saved by either political connections or some type of miracle, and I don't believe in miracles.'

Another example is the Manila Club, an expensive Prague brothel, where police found members of the foreigners' police serving as bodyguards<sup>167</sup>.

The foreigners' police, whose job is to keep illegal migrants out of the Czech Republic, apparently use their influence to procure work permits for the women, thus speeding up a process that usually takes months on end.

According to the police, the Czech Republic has become a transit country for migration to western European countries, especially Germany.

In early October 1997 the Czech police, in close cooperation with the Bulgarian police, carried out the largest raid in the history of the post-communist Czech Republic. In a house near the German border 60 young Bulgarian women were found who were being kept there prior to being imported into the Czech Republic. Mr Vaclav Kubec, a police supervisor who helped coordinate the raid that freed the women, said: 'It was like a concentration camp. They were kept as prisoners. There was no way to escape. They got fed once a day, soup and bread, and they were watched the entire time. These girls were forced by violence to become prostitutes'.

This raid on the Bulgarian criminal organisation is further proof that the part of the Czech Republic bordering on Bavaria and Saxony is a highly attractive area for traffickers and pimps,

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<sup>166</sup> *The Prague Post*, 4 August 1998.

<sup>167</sup> *The Dallas Morning News*, 'Czech Republic: sexual slavery', 21 December 1997.

for reasons of social and economic infrastructure. Minimal red tape is required to import women from Ukraine and Bulgaria into this area, since they do not need visas for the Czech Republic.

- **Sexual abuse of children**

According to the Czech authorities, in recent years the number of children involved in prostitution and pornography has steeply increased<sup>168</sup>.

Many of the trafficked women are aged between 15 and 18<sup>169</sup>.

Entry to Germany is quite easy, and girls from 15 to 18 of age frequently travel without passports because there are often no customs checks on board the buses. Moreover, girls who have reached the age of 15 may travel without being accompanied by an adult<sup>170</sup>.

The child pornography industry is a major problem. Segmentation of production helps to avoid police raids and prosecution. Production abroad makes it difficult to identify the participants and establish whether a crime has been committed.

Two Czechs run a casting agency in Prague that recruits young males for films and photos which they shoot locally. The cassettes and cartridges are sent to Cologne for development and editing. The final material goes to Düsseldorf for distribution throughout Europe<sup>171</sup>.

- **Measures against trafficking in women**

Trafficking in women and children, along with deprivation of freedom, procuring and trafficking abroad, are all offences in the Penal Code.

Prostitution, although not considered a criminal offence, is a growing problem representing a lucrative source of money for criminal gangs<sup>172</sup>.

A number of measures have been adopted by the Czech Republic to fight prostitution, including the creation of specialised organised crime units, which have been established in the police force to tackle these crimes more effectively<sup>173</sup>.

Czech law with regard to the definition of children creates a problem. As far as sexual consent and sexual relations are concerned, a child is a person under 15. Therefore, persons aged between 15 and 18 are considered as minors under Czech law, but are no longer children. This

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<sup>168</sup> UN Economic and Social Council. E/CN.4/1997/95/Add. 1.

<sup>169</sup> Migration Information Programme, 1995.

<sup>170</sup> UN Economic and Social Council. E/CN.4/1997/95/Add. 1.

<sup>171</sup> 'Eastern Europe - The New Frontier', July 1997.

<sup>172</sup> UN, Concluding observations of the Committee on the Elimination of Discrimination against Women: Czech Republic. A/53/38 (Part I), 14 May 1998.

<sup>173</sup> Agenda 2000. Commission Opinion on the Czech Republic's application for membership of the European Union, July 1997.

law is in discrepancy with the provisions of the Convention on the Rights of the Child and removes legal protection for minors aged between 15 and 18.

### **3.3. Hungary**

- Prostitution in Hungary**

Prostitution was legalised in 1992, and it is thought that there are about 2000 women working on Hungarian streets.

With regard to trafficking in women, Hungary is a source, destination and transit country.

The majority of sex workers in Hungary are young women and girls working in roadside areas, and their clients are a mixture of local men, lorry drivers and foreign tourists.

According to unofficial estimates, there has been a significant increase since 1990 in the number of foreign prostitutes coming to Hungary, mostly from Romania, Ukraine and Russia. Most are apparently engaged in prostitution 'behind closed doors'.

Ms Zsuzsa Kadar, a trade union official active on women's issues, draws parallels between Budapest and Bangkok, Asia's sex capital<sup>174</sup>.

A Ukrainian mafia now controls prostitution in Hungary, and Hungarian criminals are only able to control street prostitution in certain areas. Hence there has apparently been some displacement of Hungarian criminal elements to Slovakia.

- Prostitution at Hungary's borders**

On 24 August 1998, the Austrian magazine Profil published an article on street prostitution on the transit route E60-E5-M1 through Hungary, Romania and Bulgaria.

The first prostitutes are to be found shortly after the Austrian-Hungarian border (Nickelsdorf/Hegyeshalom).

Localities where the phenomenon is particularly rife are Mosomagyarovar, about 14 km after the Austrian border, and Otteveny. Shortly after Otteveny, there is a motel on the left side of the road, and a group of 'sexily dressed' women are waiting for customers. Then in Abda there are more women and a nightclub. After leaving Abda, turning off the E60 and then left to the M1 motorway, one reaches Györ, where 'highway girls' may also be found standing on the roadside, some of them aged under 18<sup>175</sup>.

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<sup>174</sup> *The Financial Times*, 28 January 1997.

<sup>175</sup> *The World Sex Guide*, 21 July 1998.

- **Pornography**

In only eight years, Budapest has become probably the biggest centre for pornography production in Europe, eclipsing rivals such as Amsterdam and Copenhagen. Participants' fees have dropped sharply. Even excruciating or humiliating acts usually cost the producer only US\$ 200-300, roughly one-third of the fees paid ten years ago<sup>176</sup>.

It is estimated that between 100 and 120 feature-length pornographic films are made in Hungary each year, mainly for western European markets - something which is tolerated because of the large sums of money involved<sup>177</sup>.

Foreigners, who, to the concern of the police, are increasingly active in the local sex industry, make big profits from pornography.

The growing involvement of international criminal groups is, according to police and activists, a significant factor behind the rise in migrant women and children working in the industry.

- **Trafficking in women from Hungary**

Relatively little is known about trafficking in Hungarian women, because there are no NGOs specifically dealing with this problem in Hungary.

It is known that trafficking in women produces a substantial profit and that women can be secured for a minimal outlay.

In December Belgian police found three Hungarian women in an Antwerp brothel who had initially been bought for the equivalent of £2000 each and had then been sold on by dealers at a large profit.

In Hungary, a paper called **Expressz** regularly publishes 'information' about jobs for women in the West as dancers, waitresses or bar-girls in nightclubs. Typical examples are:

'I am looking for hostesses and dancers for Swiss night clubs. Work permit, contract. Outstanding pay. Call me!'

'We are looking for young, pretty girls for dancing and dance hostess jobs abroad with excellent pay!'.

Most of the advertisements are placed by agencies which claim they will provide a contract and legal papers, even insisting that the person hired will be officially registered with the police, with proper papers and permits. All claim that the work is legal. It is usually stated that earnings

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<sup>176</sup> *The Economist*, 14 February 1998.

<sup>177</sup> *The Economist*, 14 February 1998.

are linked to hours worked and that it is possible to earn a very high salary (approximately US\$ 1500 per day)<sup>178</sup>.

Travel arrangements vary. The club or bar owner would pay for the cost of travel from Hungary to Spain or Greece, and the amount would automatically be deducted from the woman's initial earnings; on arrival women find themselves in debt to the person or network that has recruited them. For Germany and Italy, the woman is expected to pay in advance and would usually be transported by car.

Interviews carried out by IOM reveal that the Hungarian police are well aware of the existence of such advertisements, and know that nearly every week women are transported by bus from outside a well-known hotel to work in the western European sex industry. However, since the advertisements change all the time, along with the addresses of the agencies, the police say that they do not have the staff to investigate these advertisements properly<sup>179</sup>. While reported crime has doubled in the past four years, the police budget has been cut by one-fifth<sup>180</sup>.

- **Sexual abuse of children**

The sexual abuse of children is flourishing in Hungary, where it is possible to find prostitutes as young as fourteen.

A UNICEF survey has listed some 500 child prostitutes in Hungary.

Apparently many minors aged between 14 and 18 are trafficked from neighbouring eastern European countries.

- **Measures against trafficking and prostitution**

In 1997 Hungary introduced a programme aimed at reorganising the work of the border guards. This programme laid particular stress on devising measures to prevent trafficking in children and young adults<sup>181</sup>.

According to the United Nations Committee on the Rights of the Child, there is an insufficiency of legal and other measures to address the issue of the sexual exploitation of children, including child prostitution and trafficking of children<sup>182</sup>.

The police service has been radically restructured to tackle organised crime more effectively, with specialist units (on organised crime generally) being established<sup>183</sup>.

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<sup>178</sup> Migration Information Programme, IOM, May 1995.

<sup>179</sup> Migration Information Programme, IOM, May 1995.

<sup>180</sup> *The Economist*, 11 March 1995.

<sup>181</sup> Council of Europe. Implementation of Recommendation N° R(91)11 on sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults, 15 March 1997.

<sup>182</sup> UN Concluding Observations of the Committee on the Rights of the Child: Hungary. CRC/C/15/Add. 87. 5/6/98.

<sup>183</sup> Agenda 2000, Commission opinion on Hungary's application for membership of the European Union, July 1997.

The Hungarian government authorities, in cooperation with the police and the national security agencies concerned, evaluate applications for residence permits and visa applications.

The Hungarian Government has proposed to Parliament a law to allow prostitution in locally designated 'tolerance zones'. Under such a law, the authorities would simply shut their eyes, ignoring the problem of migrant women trafficked for prostitution.

### **3.4. Poland**

#### **• Prostitution in Poland**

In the past Poland was a typical country of origin, but today it is also a destination country as well as a transit country for trafficking in women, as a consequence of the changes in the trafficking phenomenon. The routes and forms employed are extremely flexible.

Prostitution is not a criminal offence under the penal code. Pimping is defined as a crime, but the law is not respected in practice. Brothels are often described as, say, massage parlours, and there are many advertisements in the newspapers for prostitutes.

The criminal justice system and the police do not respond at all to prostitution-related crime, often completely ignoring obvious signs of pimping or forcing others into prostitution<sup>184</sup>.

There is a common practice of prostitutes or pimps advertising services by placing small leaflets on car windscreens or in hotel rooms.

The number of women working as 'highway girls' in Poland is estimated at between 10 000 and 12 000. 40% are foreign women<sup>185</sup>, especially from the former socialist countries.

According to La Strada's Year Report for 1997/98, the 'higher level' of the prostitution hierarchy in Poland is mostly occupied by Bulgarian, Ukrainian, Russian and Belarussian women. They work in escort agencies and service a number of very exclusive clubs. Closer to the top of the pyramid more and more Polish women may be found.

The Polish Deputy Interior Minister, Bodgan Borusewicz, has said that there are at least 3500 Bulgarian prostitutes in Poland, and more than 1000 from Ukraine and Belarus.

Most Bulgarian prostitutes live in the villages close to the main roads, car parks, and petrol stations where they work. They are accommodated in scandalous conditions (no bathrooms, outside toilets, etc), in groups of ten to sixteen. They have to work outside for ten to twelve hours per day, and have to return used condoms to their pimps in order to prove the number of clients. Sometimes these women receive no money at all.

In the western part of Poland, there is a big problem of young people engaging in 'weekend prostitution'.

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<sup>184</sup> The Women's Rights Centre Report, 'Violence against Women'.

<sup>185</sup> La Strada Program, Prevention of Traffic ..... *op. cit.*

In the Szczecin region, which is bordered by Germany to the north-west, certain economic and social developments in connection with prostitution and trafficking have been observed, according to local police. Before 1990, prostitution was concentrated mainly in hotels and restaurants, whereas since 1990 a tremendous increase in massage parlours and fitness clubs serving unofficially as brothels has been observed. The police regularly inspect such parlours, and the owners of the establishments are mainly Polish citizens. It is, however, criminal gangs that actually control these parlours, and their owners are often required to pay 'protection money' to be free from threats, blackmail and physical violence.

The number of children engaged in prostitution has increased every year, and was estimated at 400 in 1996.

#### • **Prostitution at Polish borders**

A recent phenomenon in Poland, namely 'highway prostitution', is increasing in the frontier regions bordering on Germany and the Czech Republic. Normally, such prostitutes are foreign women who have entered the country on tourist visas and serve a clientele of mainly long-distance lorry drivers, very close to the checkpoints. For example, Krajnik, a checkpoint on the Polish-German border, is currently frequented by 20 to 30 Bulgarian women who enter Poland on tourist visas valid for a maximum of 30 days, then return home and re-enter on a new tourist visa after a short period<sup>186</sup>.

The prostitution of children under the age of 18 at the Polish-German border has taken on serious proportions.

#### • **Trafficking in women from Poland**

Trafficking in women is illegal, and two specific provisions in the Criminal Code address this problem. Those convicted of trafficking in women or children may be sentenced to prison terms of three to ten years.

According to police sources, while a stolen vehicle may cost DM 15 000, a woman may be bought for a brothel for only DM 3000 to 5000<sup>187</sup>.

Payoke, a Belgian non-governmental organisation working with trafficked women, claimed that, most of its victims from central and eastern Europe in 1993 were from Poland.

It is easy to traffic women from Poland because they do not need visas to enter Germany, but only a passport. Further transportation into another EU country is easy.

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<sup>186</sup> UN Economic and Social Council. Commission on Human Rights. Report of the Special Rapporteur to Poland on the issue of trafficking and forced prostitution of women, E/CN.4/1997/47/Add.1. 10 December 1996.

<sup>187</sup> UN Economic and Social Council, Commission on Human Rights, E/CN.4/1997/47/Add.1, Interview with Inspector Boguslaw Tomtala, Police Headquarters, Warsaw, 25 May 1996.

Many trafficked women from other eastern European countries carry false Polish passports to enter Germany. So Poland itself has become a major source of trafficked women, as well as a central transit country for traffic to other points of Europe.

According to a report published by La Strada called 'First Central and East European programme on prevention of Traffic in Women', 70 cases of trafficking in women were reported during the first four months of 1996.

The La Strada report noted, however, that the available data on trafficking in women is only 'the tip of the iceberg'. Many victims do not want to talk about their experiences, and the real scale of the phenomenon is estimated to be at least twice the number of reported cases.

### **The case of Grazyna**

'My name is Grazyna. I am 30 years old and I come from Poland. I used to work in the shipbuilding industry, but since the so-called 'revolution' there has been no more work for me. The economic crisis has turned my life upside down. I am divorced, I have two children. In September 1991 I had been working in a restaurant in Yugoslavia, and had just come to the end of my contract. Through some acquaintances I met a man - John G. He asked me whether I was interested in going to work in a restaurant in Germany, where I would earn three times as much as in Yugoslavia for the same kind of work'.

Grazyna followed the advice of the man, and she let him take her passport at the border, as he had said he would arrange everything. The very same day, the man and his companions told to Grazyna that she would have to work as a prostitute. When she protested, she was raped by one of the men, while another took pictures. They threatened to send the photos to her family. She was frightened - her mother, who was a devout Catholic, might have a heart attack if she saw the photos. The men drove away with her, and then sold her to a third man, who took her to the Netherlands.

There she was forced to work as a prostitute, and was threatened and watched most of the time. Finally she managed to escape, and was in the end brought to the Dutch Foundation against Trafficking in Women. She managed to file charges, but the case was dismissed for lack of evidence<sup>188</sup>.

### **• Measures against trafficking in women**

Although many Polish women are trafficked, Poland, because of its geographical location, is also a transit country. The phenomenon of being a source country, a country of destination and a transit country at one and the same time, has made Poland highly visible in the international trafficking arena.

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<sup>188</sup> Conference on Trafficking in Women, Vienna, 10 June 1996, opening statement by Commissioner Anita Grdin.

Government officials are aware of the various problems facing Poland, but concerted action to eliminate the problem of trafficking and forced prostitution is still lacking<sup>189</sup>.

In September 1998, a number of amendments to the penal code entered into force, by virtue of which those trafficking in humans across borders will in future be liable to criminal penalties.

An organised crime unit was set up within the Polish police in 1994, and special units also exist in other ministries (Finance, Central Bank, Justice), but internal coordination has been poor, and Poland has a significant problem with the forced trafficking of women, both from Poland to the West and from the NIS to Poland<sup>190</sup>.

### 3.5. Romania

#### • Prostitution in Romania

Prostitution is illegal. Street prostitution is widespread.

There are significant links between Romanian criminals and foreign groups<sup>191</sup>.

There are serious problems concerning the sexual abuse of children. Romania has been hit harder than many of its neighbours, because it had more unwanted children. Under the dictator Ceausescu, abortion was illegal and contraceptives were unavailable.

There are 1500 to 2000 street children in Bucharest, sleeping outdoors in the summer and descending into sewer systems or abandoned buildings in the winter. To stay alive, the children get involved in prostitution<sup>192</sup>.

#### The case of Marinela

Until last autumn, nine-year-old Marinela earned her daily bread in a clump of bushes behind the North Station in Bucharest. She sold sexual services for Lei 2500 a time (about US\$ 0.70). She shared her takings with a pimp. The station police knew about it, but said that they could not do anything. Some time later she disappeared from the station area and never has been heard of since. Marinela is one of the examples of the commercial sexual exploitation of children in eastern Europe<sup>193</sup>.

Bands of youngsters are found roaming the streets or living in the North Station in Bucharest, which has become a notorious contact point for men seeking under-age sex. At railway stations, most customers are local. The children receive a little food, alcohol, chocolate, cigarettes or a

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<sup>189</sup> UN Economic and Social Council, Commission on Human Rights, Report on the mission of the Special Rapporteur to Poland on the issue of trafficking and forced prostitution of women, E/CN.4/1997/47/Add.1, 10 December 1996.

<sup>190</sup> Agenda 2000, Commission opinion on Poland's application for membership of the European Union, July 1997.

<sup>191</sup> Agenda 2000, Commission opinion on Romania's application for membership of the European Union, July 1997.

<sup>192</sup> Radio Netherlands, Severed Roots - Romania's abandoned children, 4 and 6 February 1999.

<sup>193</sup> World Congress Against Sexual Exploitation of Children at: [worldcongressexploitationofchildren.org/romania.htm](http://worldcongressexploitationofchildren.org/romania.htm).

small amount of cash. The sexual act is performed in some corner of the station area, in a car outside or the like<sup>194</sup>.

- **Measures against trafficking in women**

Romania is working to bring its laws against organised crime into line with EU standards, for example by revising the criminal and civil procedure codes and acting to tackle corruption within the public services.

Considerable work needs to be done to professionalise the police<sup>195</sup>.

### **3.6. Ukraine**

- **Prostitution in Ukraine**

There is no legislation regulating prostitution in Ukraine. Prostitution is not a criminal offence; it is regarded as a civil offence which threatens public order and security, and is considered in the same category as drinking alcohol in public places.

According to data supplied by women's NGOs, in Ukraine, up to one-third of unemployed young women become involved in the sex business.

It is practically impossible to obtain information from official sources. For instance, quantitative data do not even exist in the records of the Interior Ministry. There are only operational data, which are purely for internal use and are not generally accessible<sup>196</sup>.

- **Trafficking in women from Ukraine**

In the past ten years, 400 000 women under the age of 30 have left Ukraine<sup>197</sup>.

According to statistics from European police reports, Ukraine is currently one of the largest 'exporters' of women working either willingly or under duress in the international sex industry.

Ukraine has replaced Thailand and the Philippines as the epicentre of the global business in trafficking in women.

In a survey on migration intentions of Ukrainian women, IOM found that 40% of the women surveyed were at risk of becoming a victim of trafficking.

According to Mrs Nina Karpacheva, vice-chair of the Ukrainian Parliament's Committee on Human Rights, up to 85% of Ukrainian women involved in prostitution abroad are forced into the sex business against their will; scores of thousands of Ukrainian women have been turned

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<sup>194</sup> The World Sex Guide at [worldsexguide.org](http://worldsexguide.org) - 21 July 1998.

<sup>195</sup> Agenda 2000, Commission opinion on Romania's ....*op. cit.*

<sup>196</sup> La Strada Programme, Prevention of Traffic in women .....*op. cit.*

<sup>197</sup> *The Kyiv Post*, 23 January 1998.

into 'white slaves' in many countries, in particular Greece, Germany, Belgium and the Netherlands.

Ukrainian investigators say they are simply outnumbered and outmanoeuvred by slick, well-financed trafficking rings. 'We have a serious problem here, and we are simply not equipped to solve it by ourselves,' says Mr Mikhild Lebed, head of the criminal investigation department at the Ukrainian Interior Ministry. 'It is a human tragedy, but also, frankly, a national crisis. Gangsters make more from these women in a week than we have in our law-enforcement budget for the whole year. To be honest, unless we get some help we are not going to stop it'<sup>198</sup>.

Mafias buy these women and make a fortune out of them. Currently traffickers pay US\$ 500 to 1000 for a Ukrainian woman, and each has 15 to 20 clients a day, working at least 25 days a month. One man can own fifty women, earn a million dollars and pay no taxes: it is like a factory running on slave labour<sup>199</sup>.

- **Measures against trafficking and prostitution**

According to Mrs Karpacheva, until now the Ukrainian authorities have possessed no information on trafficking in human beings because it has not been defined as a criminal offence.

In March 1998, the Ukrainian Parliament adopted a new law amending the acting legislation and outlawing trafficking in people in Ukraine. The President of Ukraine, Mr Leonid Kuchma, signed it on 13 April 1998.

The adoption of a law on criminal responsibility for trafficking in people is very important. Legislation with regard to the protection of victims and witnesses who agree to testify against the traffickers is lacking<sup>200</sup>.

Ukraine's current criminal code provides for the prosecution of pimps and brothel owners. However, in 1996 only 24 individuals were convicted, according to La Strada<sup>201</sup>.

Ukraine has no legislative basis to prevent trafficking in children.

Aid to victims from NGOs takes the form of La Strada's hotline, which provides counselling and emergency help in finding and rescuing captive women, and the information campaign launched by IOM in April 1998.

- **Case histories**

In recent years, women from Ukraine have been responding to pernicious invitations to 'work abroad' - seemingly legitimate enticements to make money as waitresses, translators, dancers,

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<sup>198</sup> *The New York Times*, 11 January 1998.

<sup>199</sup> *The New York Times*, 11 January 1998.

<sup>200</sup> La Strada Programme: Prevention of Traffic in Women .....*op. cit.*

<sup>201</sup> *The Kyiv Post*, 23 January 1998.

cooks, childcare providers or even entertainers for 'the Diaspora,' invitations that in reality are lures for the trap of sexual servitude. One typical advertisement placed by traffickers in Kiev reads:

'Single, tall and beautiful? Feeling like working abroad as a model, secretary, dancer, choreographer, or gymnast? Lodging will be offered. Present your application personally.'

This was an advertisement for a 'well-paid job abroad for a respectable escort agency', such as can be found in thousands of magazines and newspapers every day.

Lyuba, now aged 21, from Kherson (Ukraine), could have known better than to follow the lure of such an advertisement. In the end she did follow it, as she thought it might be a way out of the desperate situation she and her family found themselves in after her father died.

Lyuba and another woman went to Germany thinking they would soon be working as waitresses in a restaurant in Frankfurt. A man who even supplied them with a passport and visa escorted them. On arrival, she had the passport taken away and was told she was in a brothel and would be serving clients in bed - not behind the counter.

When she refused, 'they locked me alone in a dark room for several days without food, beat me, raped me and threatened trouble to my family,' Lyuba told IOM. Three years later, she finally managed to return home<sup>202</sup>.

The next letter, which explains the situation of trafficked women, was quoted in the working seminar 'Women against violence and rape'<sup>203</sup>:

'... Help the girls from Ukraine. Their situation is hopeless. They need immediate help. They are taken under false pretences to bars to 'work as dancers', and find themselves forced into prostitution. The girls do not receive any money and the bar owner makes a tremendous profit out of them. The corrupt local police help the owners set up in business and avoid police raids.

The girls' documents are taken away. They threaten and harass them. They have no way of escaping from this hell and returning home. During the day the owners keep them prisoners in a room, and at night force them to sleep with clients. In one such night, an owner makes 200-300 German marks from one girl, and for one hour, 100 marks. If the girl begins to protest, she gets harassed and beaten and is refused food. They have no place to look to for help. They are later resold to the Muslim part of Bosnia, from where there is no return forever.

These people are without heart, horrible mafiosi, who work in close contact with the police. Often the girls commit suicide. In their name I turn to you to help them to return home to Ukraine. My name I cannot give because I will be killed by the mafia if they find out about this letter ...

I expect your help very much ...'

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<sup>202</sup> IOM news, N° 2/98, p. 10.

<sup>203</sup> Seminar 'Women against violence and rape', Belgrade, 1997.

In Belgrade bars, the Ukrainian girls are beaten and forced into prostitution. The owners do not allow them to leave to see a doctor, and refuse to spend money on abortions. If a girl gets pregnant, she is forced to work until her fifth month, and is then thrown out on to the street. Some of these girls successfully run away. But the road home runs through the Belgrade prison for foreigners. They wind up on the streets of a foreign city without any documents. Lena, a young Latvian waiting to be deported, said 'I just want to know one thing: how will I ever walk down the street like a human being again?'<sup>204</sup>.

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<sup>204</sup> *The New York Times*, January 1998.

## Conclusion

**The numbers of victims of trafficking in women for purposes of sexual exploitation are increasing thick and fast.** Every day the police discover more young women in this situation. Women are being bought and sold to a terrifying degree as if they were objects with no inherent value: the existing figures are no more than the tip of the iceberg, given the underground nature of the phenomenon and the lack of a comprehensive database.

**One of the main causes of this form of organised crime is poverty in the victims' countries of origin.** It is therefore vital that those involved in the debate on EU enlargement should be aware that action to enable the eastern European countries to develop their economies and fight poverty will make it possible to tackle the problem of trafficking in women and children at its root and achieve real progress in the fight against organised crime. Development measures have a major part to play in improving the lot of women and children.

**Governments need to be aware that trafficking is a major threat to law and order and national security.** The huge profits obtained from trafficking are used by the criminal rings involved to obtain the services of talented lawyers in their defence and to commit other crimes (drug trafficking, arms dealing, money laundering).

**Trafficked women are victims.** It is difficult to believe that the majority of them knew where they were really going when they left home. They are often categorised as mere prostitutes, although, even where they knew that they would work as prostitutes, they invariably end up as sex slaves, working twelve hours day after day, going unpaid for their work and suffering physical violence as their sole reward.

Recognition of these women's status as victims would bring about major advances. **To ensure that these women are not caught up again in the trafficking circle, they should not be deported against their will from the country where they find themselves. There are good humanitarian reasons not to oblige them to return home, since they may fear reprisals and are likely to have nowhere to go. Having worked as prostitutes, they will not be accepted in their communities of origin, and may be harassed or persecuted by the police (this has happened to women returning to Poland).**

If we are to create the area of freedom, security and justice defined by the Treaty of Amsterdam, it is vital to put an end to the enormous scandal of trafficking in women. This is a major form of organised crime, based on speculation in human lives, whose profits are used to commit other crimes.