



Not One Victim More:

Human Trafficking in the Baltic States

The voices of victims of human trafficking make direct, immediate and heart-rending pleas for change

*Edited by Paul Downes, Anda Zule-Lapimaa,
Liliya Ivanchenko and Sirle Blumberg*

Tallinn 2008



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© Paul Downes, Anda Zule-Lapimaa, Liliya Ivanchenko and Sirle Blumberg

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Foreword

Trafficking of women for sexual exploitation raises one of the most urgent and alarming challenges confronting states everywhere. A form of slavery which has thrived in an increasingly interconnected and globalised world, it defies easy resolution. Despite its prohibition in international and European law, and the fact that there have even been calls for its recognition as a crime against humanity, it is a phenomenon which has largely evaded legal attempts at resolution. In that context, this book makes an original, timely and far-reaching contribution to the debate around trafficking. Moving beyond the realm of legal anti-trafficking strategies, this victim-centred, empirical and multi-disciplinary work has resulted in an enlightening, multifaceted perspective on the difficult challenge of trafficking. Not only does this book provide an effective and much-needed platform for the victims of trafficking to record their experiences, but it also recognises and explores the possibilities of a holistic strategy in responding to trafficking, which harnesses both the co-operation of states and the expertise of a broad range of disciplines.

Founded on a subtle empirical study of the experiences of the victims of trafficking, this book enables the victims of trafficking to convey their stories much more forcefully than abstract academic or statistical commentary ever could. The interviews of these victims facilitate examination of the reasons why these women become trapped by trafficking: mostly, poverty, despair, educational difficulties, inadequate socio-economic opportunities or coercion. They also convey the sense of isolation and social exclusion experienced by these women, the difficulties they have extricating themselves from trafficking after they have fallen victim to it, and the inadequacies of law in responding to their plight. By focusing on those who have fallen prey to trafficking as a result of the collapse of the former Soviet Union and the opening of the borders to the West, attention is also drawn to the cruel way in which trafficking exploits the innocent hopes of those crossing borders, in anticipation of new experiences and better lives.

As for its multi-disciplinary perspective, this book recognises that anti-trafficking strategies require not only international co-operation between states, but also inter-disciplinary contributions from psychology, law, social policy, economics and education. Insightful contributions are made here from all these disciplines, and throughout, the contributors write dispassionately, but sensitively, about this highly

emotive issue, avoiding the brash, emotional and simplistic responses which can be so easily evoked in this context.

While acknowledging that an ever-improving legal framework is important, emphasis is placed on the need for wide-ranging strategies which engage not only legislators, the police, prosecutors, and the courts, but indeed all state actors and non-governmental organisations. Based on the evidence of the interviews, important practical recommendations are made which range from campaigns to increase awareness of the gravity of trafficking, to stricter monitoring of the standards of agencies arranging employment abroad, to training of state agents in dealing with trafficking, to counselling, return programmes, legal assistance and witness protection programmes for the victims themselves.

Finally, while the themes and issues highlighted are explored in the context of the Baltic States, it is clear that the findings, conclusions and recommendations with regard to prevention, protection and prosecution have an application to wider European and international contexts. The rich combination of empirical work and multi-disciplinary perspectives provided by this book will make a meaningful and lasting contribution to the fight against trafficking of women for sexual exploitation.

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Richard Caddell is a lecturer in Law at Swansea University, having previously taught at Cardiff University, University of Wales, Bangor and also in Tallinn, Estonia. Educated at Cardiff University, where he earned a joint honours LL.B in Law and Spanish and an LL.M awarded with distinction (both overall and also for the thesis), he is currently in the final stages of reading for a PhD in International Law. Richard's research interests lie predominantly in the fields of International and EU Law, Human Rights and Freedom of Speech. He is the editor of Blackstone's Statutes on Media Law (OUP, 2nd Ed., 2008) and a contributor to the Max Planck Encyclopedia of Public International Law (OUP, forthcoming), as well as a number of articles in peer-reviewed journals.

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Sandra Zalcmāne has a secondary education in medicine and a Bachelor's degree in social work and pedagogy. From 2002 until 2006 she worked in the Resource Centre for Women *Marta* where she worked with victims of trafficking in persons. She has aided victims of trafficking also within the scope of various projects of the *International Organisation for Migration* (IOM). She has lectured on trafficking in human beings in several universities since 2003 and provides training for representatives of different professions. She has worked on methodological materials for social workers and has also been a co-author on handbooks designed for social workers, policemen and teachers. Sandra also founded the first free of charge trafficking prevention hotline in Latvia and, in August 2007, founded the government funded NGO (nongovernmental organisation) *Shelter Safe Home* which provides assistance to victims of human trafficking. She is currently in the process of creating an inter-disciplinary team to work with refugees, asylum seekers and persons with alternative status.

Anda Zule-Lapimaa graduated with a B.A. in law from the International University Concordia Audentes in Estonia, Tallinn where the focus of her Bachelor thesis was on children's rights. She is currently a student of LL.M. at the Institute of Law, Tartu University in Tallinn, Estonia. She has worked in the *Legal Information Centre for Human Rights* and the law office of Kaupi & Kerikmae, both situated in Tallinn, Estonia. She has been involved in the EU funded project *EU Kids Online* which focuses on the Contextual and Risk Issues in Children's Safe Use of the Internet and New Media. Currently she works as a correspondent in Estonia for the Latvian National News Agency LETA and as a freelance translator. She has worked in the area of trafficking in human beings since 2003.

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Introduction

Paul Downes

I was there as a “white sparrow”, whom everybody pecked. I cried and others said that I am picky. You are not a human there, you feel like an animal. I wanted home so bad. So what that here is no money? I don’t want to go anywhere anymore. You know that here you are a human, that nobody will tell you a bad word. There you feel even worse than an animal, as some kind of cockroach, whom everybody wants and who cannot hide anywhere.

Interview #10 Latvian

...otherwise I was sold as a simple thing.

Interview #14 Lithuanian

In this situation you are the victim, but if you get in the hands of a law enforcement organisation, then at first you are being examined as a criminal...The main thing that disturbs me is indifference. I would like that people were not indifferent. If that changed, if they were not indifferent towards each other, then everything would be fine. Even if you don’t know the person you should not be indifferent.

Interview #4 Estonian

The voices of victims of human trafficking make direct, immediate and heart-rending pleas for change. They have suffered and they wish to communicate their suffering so that others are not forced to follow paths they were swept into. The countries they were trafficked to are extremely diverse. They include Japan, Bulgaria, Britain - London in particular - France, Spain, Norway, Italy and the United States - both EU and non-EU destinations. In one sense they could be construed as an indirect, unintended, though foreseeable consequence of one of the fundamental freedoms of the Treaty of Rome underpinning the European Union, namely, free movement of persons. As such, it places even greater onus on the EU to ensure high levels of protection to such victims, to develop proactive prevention campaigns and to direct financial resources to these areas as a matter of priority – as well as to further develop comprehensive legal frameworks for prosecution of traffickers, frameworks to be given the flesh of reality rather than to be merely instantiated in codified form on statute books.

This book is a project based on cooperation between a number of non-governmental organisations (NGOs) in the Baltic States, a project initiated by the

Estonian *Living for Tomorrow* NGO, in dialogue with *Marta* in Latvia and *Caritas* in Lithuania, as well as the *Aids Information and Support Centre* in Tallinn. The questions asked to the trafficking victims were developed in dialogue between *Living for Tomorrow* and *Marta*, employing a number of the questions asked in my book *Living with Heroin* (2003)¹ for the heroin addicts receiving support at that time from the *Aids Information and Support Centre* in Tallinn.

The problem of human trafficking requires not only cross-border cooperation at the level of nation states; it also requires a conceptual understanding and solution-focused approach which crosses the border of individual disciplines. This book examines this issue from a range of related disciplines, including psychology, law, social policy, economics and education. While the themes and issues highlighted are explored in the context of the Baltic States, it is hoped that many of the conclusions and recommendations with regard to prevention, protection and prosecution, have an application to wider EU and international contexts.

It is sought to employ a victim-centred approach to social policy and law in this area, through developing policy and law based on the articulated needs of the victims emerging from their person-centred ethnographies. Despite the limits of self-report methods², the victims' accounts of their experience and their interpretations of self and others do have their own independent psychological validity; as the interviewees' constructions of the past and present still affect their present and future behaviour, thoughts and emotions³. One explicit value laden perspective within the open-ended interview questions is that the questions are designed to focus on humanistic concerns regarding the trafficking victims. They are treated as human beings who are victims of trafficking rather than victims of trafficking who happen to be human⁴. Many of the questions asked to them are questions that have relevance for the lives of all human beings. The non-hierarchical and non-judgmental relation between interviewer and interviewee echoes Rogers' (1951, 1974)⁵ humanistic

¹ P. Downes, (2003) *Living with Heroin: Identity, social exclusion and HIV among Russian-speaking minorities in Estonia and Latvia*. Tallinn: Legal Information Centre for Human Rights.

² See e.g., C. Barker, N. Pistrang, & R. Elliott (1994). *Research methods in clinical and counselling psychology*. New York: Wiley pp.86-7 on the advantages and disadvantages of self-report

³ See also I. Shaw (1996). Unbroken voices: Children, young people and qualitative methods. In I. Butler & I. Shaw (Eds.), *A case of neglect? Children's experiences and the sociology of childhood*. Aldershot: Ashgate on constructivist perspectives and qualitative research.

⁴ See also B. Hanson, G. Beschner, J. M. Walters & E. Bovelie. (Eds.) (1985). *Life with heroin: Voices from the inner city*. D.C Heath and Company and P. Downes (2003), supra 1

⁵ C. R. Rogers (1951). *Client-Centered Therapy*. Boston: Houghton Mifflin; C.R. Rogers.(1974). *On becoming a person: A therapist's view of psychotherapy*. London: Constable

therapeutic interviewing approaches. The importance of a humanistic approach is evident from the need to overcome stigmatising of trafficking victims, whether by the general public or state officials, such as judges and police.

The psychological approach adopted in the interviews with the trafficking victims is also a phenomenological one, emphasising the experience of the individual. What is central is how the individual victim makes sense of her experience of the world – and it usually is ‘her’ - how she understands herself and constructs meaning within the world around her. A phenomenological approach, treating the trafficking victims as people rather than narrowly as abstract categories, is an approach with a research tradition with other much stigmatised populations, including in contexts of heroin addiction⁶, other illegal drug use⁷ and schizophrenia⁸. Laing, for example, criticised the attitude to patients which saw them simply as a ‘conglomeration of signs and symptoms’ and thereby losing sight of their humanity⁹.

The eighteen interviews took place in 2005-2006 in locations where the trafficking victims felt at ease to talk with people whom they knew and trusted, having previously received support from them in local NGOs. All interviewees were over the age of 18 and were told that they did not have to answer any question they did not wish to answer; they were informed at the outset that they were not being judged in any way, there were no right or wrong answers, that every effort would be made to ensure the confidentiality of their answers and potentially identifying information would be removed from the final published version of the interviews. Consent was freely given and communicated to the interviewer representing the NGO. The interviewees were paid a small sum of money for each interview. The interview responses were transcribed at the time of interview and subsequently translated into English.

⁶ J. Delaney-Reid (1988). *The Function of Stress as a Determinant in Drug of Choice: A Comparative Study*. Ph.D Thesis, Department of Psychology, Trinity College Dublin, Ireland. See also P. Downes (2003) supra 1, B. Hanson et al. supra 4.

⁷ A-A. Allaste & M. Lagerspetz (2006) *Taking control by losing control? Patterns of heroin addiction in Estonia* in Nordisk alkohol- och narkotikatidskrift, English Supplement 23 77-96

⁸ R. D. Laing (1959) *The Divided Self - An Existential Study in Sanity & Madness*. London: Pelican Books; J.A.Larsen (2007). Understanding a complex intervention: Person-centred ethnography in early psychosis. *Journal of Mental Health*, 16, 333-345. L.C. Wagner, M. King, F. Torres-Gonzalez, F., & Maristan network (2007). *Existential, clinical and social needs of people with schizophrenic disorders: A multicultural qualitative study*. Conference presentation, World Congress of World Association for Social Psychiatry, Prague, Czech Republic, October 21-24, 2007.

⁹ Supra 8

It is important to note that the higher number of interviews obtained in Estonia compared to Latvia and Lithuania was a function of availability and resources within given periods of time; as is clearly highlighted in subsequent sections, it is not an indication that human trafficking is a lesser problem in Latvia and Lithuania. For example, Europol estimates of trafficking victims from Lithuania are from 1000-1200 women annually¹⁰ whereas figures for Estonia are suggested to be 500 annually¹¹, while the US Department of State Country Report on Human Rights Practices for Latvia (2007) states that ‘the number of trafficking victims was impossible to ascertain; NGOs active in combating trafficking estimated that it was several hundred per year’¹².

Most of the interviewees were victims of external trafficking. Interviewing victims of internal trafficking in each of the Baltic States is a key priority for future research, as well as for future policy level interventions – current interventions tend to focus more on external trafficking.

The dimension of ethnicity, for example, the particular vulnerability to human trafficking of Russian-speakers in North-Eastern Estonia - due to regional inequalities of economic development in Estonia - has been implicitly highlighted by the then Council of Europe, Commissioner for Human Rights, Alvaro Gil Robles (2004):

Internal trafficking continues to be an issue of considerable concern. Especially women from north-eastern part of the country are trafficked to work in brothels in Tallinn and in other cities. The Minister of Interior noted that much stronger stance from local authorities is needed in order to tackle prostitution. He stated, for instance, that local authorities are often unwilling to terminate licences of businesses operating hidden brothels under the cover of a bar or shop, despite requests from the Ministry to do so¹³.

Gil Robles (2004) made explicit the need for a strategic approach to tackle the socio-economic dimension to trafficking in regions of most vulnerability in Estonia:

¹⁰ Memorandum to the Estonian Government: *Assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human rights of the Council of Europe*. Strasbourg July 2007

¹¹ Memorandum to the Lithuanian Government *Assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human rights of the Council of Europe*. Strasbourg May 2007

¹² Latvia - *Country Reports on Human Rights Practices* -Released by the Bureau of Democracy, Human Rights, and Labor March 11, 2008

¹³ A. Gil Robles, *Report by the Commissioner for Human Rights, On his Visit to Estonia, 27th-30th October 2003*, Council of Europe, Strasbourg, 12 February 2004

Further efforts must also be placed on tackling the root causes of trafficking, in order to effectively prevent this modern-day slavery. Discrimination of women in the field of employment and the precarious socio-economic situation of many people in the North-East of the country are said to be among the factors increasing the vulnerability of women and girls for trafficking¹⁴.

The ethnic dimension to risk of internal trafficking has been acknowledged by Ms. Kristiina Luht (September 2006, personal email communication), Chief Specialist Ministry of Social Affairs, Estonia, who notes that ‘Around half of the women trafficked into Tallinn come from [the overwhelmingly Russian-speaking area] Ida-Virumaa according to the unofficial opinion of the policemen who work with those cases’¹⁵.

The issue of ethnicity is raised in the interviews with the victims themselves across the three Baltic States, for their views on whether it is a risk factor. The US Department of State Country Report on Human Rights Practices for Latvia (2007) emphasises that ‘Those most at risk were unemployed or marginally employed women from economically underdeveloped areas and persons coming from unstable families’¹⁶, while the equivalent report for Lithuania, published in March 2008, highlights that ‘traffickers targeted the most vulnerable groups’, including ‘young women from ethnic minorities’¹⁷.

It is clear that whereas heroin addiction in the Baltic States and elsewhere is largely a gendered issue with regards to males¹⁸, human trafficking is a gendered issue where girls and women are predominantly but not exclusively the population at risk. The *Living for Tomorrow* NGO wishes to emphasise that despite the vast majority of victims being female, males are also at risk of being trafficked into sexual, as well as forced labour.

¹⁴ Ibid

¹⁵ For criticisms of failures of previous Estonian Government Policy regarding socio-economic integration of Russian-speakers, see also P. Downes (2003) *supra* 1; P. Downes (2005) Failures of social policy: Heroin, HIV and social marginalisation among the Russian-speaking minorities in Estonia and Latvia *Socialna Pedagogika* (Slovenia), Vol. 9, No.3, 449-468; P. Downes (2007). Intravenous drug use and HIV in Estonia: Socio-economic integration and development of indicators regarding the right to health for its Russian-speaking population. *Liverpool Law Review, Special Issue on Historical and Contemporary Legal Issues on HIV/AIDS*, 28, 271-317 and Amnesty International (2006). *Estonia Linguistic minorities in Estonia: Discrimination must end* (December 7, 2006).

¹⁶ *Country Reports on Human Rights Practices - Latvia*. Released by the Bureau of Democracy, Human Rights, and Labor. March 11, 2008

¹⁷ *Country Reports on Human Rights Practices - Lithuania*. Released by the Bureau of Democracy, Human Rights, and Labour. March 11, 2008

¹⁸ *Supra* 1.

There is a need for a new era of gender equality in the Baltic States combined with the realistic hope that this is now possible, especially in the context of membership of the EU. At the recent meeting in May 2008 in Saaremaa, Estonia, of the Baltic and Nordic countries' ministers dealing with gender equality issues, human trafficking and the related issue of large gender related pay differences on the labour market¹⁹ were areas of common concern and cooperation. Estonian Social Affairs Minister, Maret Maripuu highlighted the 'substantial' level of existing cooperation and the need for proposals on 'cooperation regarding information exchange and return of the victims'²⁰. Yet, from the evidence of the forthcoming chapters, while significant progress has been made, much more remains to be done.

Richard Caddell's chapter examines human trafficking in relation to international law and EU law, highlighting major developments and aspects needing improvement. Sandra Zalcmāne, Liliya Ivanchenko and Laima Trofimoviene's chapters examine the problems and interventions in relation to trafficking in Latvia, Estonia and Lithuania respectively, with a focus on suggesting future steps for reform and development, both in relation to legal provision and social policy and social supports. Robert Mikecz's chapter highlights the economic backdrop of relative inequality in both Estonia and Latvia, disproportionately affecting Russian-speakers especially in Estonia. He provides a stark background context against which to understand the socio-economic conditions which foster particular vulnerability to human trafficking in Estonia and Latvia. Hannah Smelt's chapter draws on common themes arising from the interviews and relates them to US Trafficking in Persons Reports, focusing on recommendations for reform under the key areas of prevention, protection and prosecution. She also highlights a range of issues regarding gender stereotyping and the social roles of women in the Baltic States, issues pertinent to the multi-faceted problems inviting a context for human trafficking. My own chapter considers the issue of human trafficking in terms of violation of the international right of everyone to the enjoyment of the highest attainable standard of physical and mental health; a key opportunity provided by this framework is to develop a system of indicators and benchmarks to monitor a State's progress in prevention, protection and prosecution regarding human trafficking. The concluding chapter, while wishing to acknowledge the work done and progress already made across the Baltic States, sets

¹⁹ For example, the US Department of State Country Report on Human Rights Practices for Lithuania (2007) notes that the average salary of women was 82% of that earned by men in comparable jobs, the figure being 78% in the public sector.

²⁰ *Baltic Times* May 27, 2008

out an agenda for future social policy development in this area, building upon the contributions of prior chapters.

We would like at this stage to give thanks to Valerie McLoughlin, administrator of the Educational Disadvantage Centre, St. Patrick's College, Drumcondra, Dublin for her enormous and invaluable help in bringing together the final text and also to St. Patrick's College Research Committee for their financial support as seed funding for the project.

Extremely important areas which are largely outside the scope of this book include: trafficking of children, detailed profiling of the traffickers and their networks, as well as the highlighting of different problematic issues at the level of each specific destination country. While the emphasis of Surtees (2008)²¹ on the need to profile the traffickers and their networks is to be fully acknowledged, it is a peripheral focus within this book, partly also for reasons of confidentiality as extensive discussion of traffickers and location of the contexts within which they operate would risk exposure of identifying information in relation to the trafficking victims interviewed.

System level change can often meet with an inertia resisting and delaying change. The multidisciplinary focus of this book recognises the need for anti-trafficking strategies not only to take an integrated and cross-border cooperation approach, but also to examine prevention, protection and prosecution within a systems-theory framework – where the goal is to promote organic living systems and subsystems of cooperation²². Translation of policy into practice needs both adequate financial resources and also an awareness of potential resistances to change within more static inert systems and subsystems²³. Processes of monitoring and feedback in relation to system level change, as well as strategies to promote organic, healthy living systems and subsystems, are key aspects of a system level focus. As testified by accounts given in this book, the need for change is urgent.

²¹ R. Surtees (2008) Traffickers and Trafficking in Southern and Eastern Europe. Considering the Other Side of Human Trafficking. *European Journal of Criminology*, Vol. 5, No. 1, 39-68

²² F. Capra (1982) *The Turning Point: Science, Society and the Rising Culture*. London: Fontana; T. Downes. (1993) *Pedagogy of the Processed*. Masters Thesis, National University of Ireland, Maynooth; K. Zappone (2002) *Achieving Equality in Children's Education in Primary Education: Ending Disadvantage*, Proceedings and Action Plan of National Forum. Dublin, St Patrick's College; K. Zappone (2007) Towards a Living System of Education in *Beyond Educational Disadvantage* (Eds, P. Downes & A. L. Gilligan). Dublin: IPA; T. Downes & P. Downes, P (2007) Pedagogy of the Processed in *Beyond Educational Disadvantage* (Eds, P. Downes & A. L. Gilligan). Dublin: IPA

²³ Special Issue: Systems Change. *American Journal of Community Psychology* (June 2007), Ed. W. S. Davidson. Vol 39, Nos. 3/4

Section I.

Trafficking Interviews.

Conducted by Liliya Ivanchenko, Anda Zule-Lapimaa, Sandra Zalcmane, Kristine Misiniene, Anita Udre, Eva Beinarovica, Sergei Dzalalov and Olesja Romanova.

Translated by Anda Zule-Lapimaa, Kristine Misiniene and Olesja Romanova.

Interview # 1 - from Estonia

Russian speaker, 22 years old.

What would be the three most important pieces of advice you would give to your younger sister?

Never trust your friends when it concerns your future life, your decisions and your safety. If you plan anything, always know how you will find a way out in case of problems. To be honest, nice and smart.

What age did you leave school at?

I was 18 when I graduated from school.

What would you change in your school if you had the power?

A year after graduation I tried to correct my grades.

But in the school system?

What concerns this subject... At first I studied in a Russian school. There is in one system. Afterwards I studied in an Estonian-speaking school. There is in another system. In Estonian school I would change the attitude of teachers towards pupils and the system of teaching.

And in the Russian school?

In the Russian school I would probably also change the system of teaching. In the respect that in Russian schools it is much harder for Russian children to learn the Estonian language. It is much harder for Russian children to learn the Estonian language in the Russian schools; the language is not being taught in the way it should be.

Do you think anyone understands you either now or in the past?

I think so, yes. First of all I understand myself; that is the most important thing. My friends understand me and my parents also understand me in a way. At least they try to.

Do you have anyone who you can trust and talk about your stresses to?

Yes, there are people whom I can trust, and whom I can tell talk to about my problems. However I prefer to take decisions by myself. I do ask for advice from others, but I am the one who takes the final decision.

Do you think most people trust each other?

I suppose that nowadays most people do not trust each other.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking?

No, I am not satisfied. I think this is a question of time. People still do not know much about it. Ordinary people think that this problem is somewhere far away, that it does not concern them and that all this stuff is unreal. The fact is that this is near and real.

Do you think it is mostly Russian-speakers who are victims of trafficking?

From my personal experience I can say that probably most of them are Russian-speakers. However, if we talk just about Estonia then no, most of them are not. Actually it depends on the region. It seems that nevertheless most of them are Russian-speakers - if all of that was counted together.

Why do you think it is so?

Because where I was there were a lot of Russian speaking girls but not all of them were from Estonia. What concerns Estonia then is that most of the girls come from Ida-Virumaa and other eastern regions where most of the people speak Russian and these are regions with quite low living conditions. This is why I assume that most of the girls are Russian speakers. But I know that in Tallinn, for example... I do not think that in Tallinn most of the victims are Russian-speakers.

Why did you decide to look for a job abroad?

I was planning to earn money for my studies in university, so that I did not have to ask my parents.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

I found an advertisement in the newspaper and called one firm. We decided to go there together with my friend. I called there and they signed us for an appointment.

After the consultation I decided, that I would not go there in any case. After this they started chasing me by telephone and tried to persuade me to change my mind. They insisted that I have to go because everything is fine; they showed me papers and documents and promised to buy a ticket right after my agreement so I would be able to go there in 4 days. They told me that I did not have to pay them anything at that moment. So in every possible way they tried to lure me into the trap. Then there was such a thing that I talked to some people, who said that it is wonderful there, that they had earned good money. These people were friends of my acquaintances, who I thought I could... I did not know them personally, but my acquaintances told me that I could trust them. However the most important moment was the fact that I was not going to go there alone. But later on my friend decided not to go, because she was afraid to lose her boyfriend. However, she told me: "Don't worry, go! I will solve my problems and probably join you later. I would go if I didn't have troubles with my boyfriend." As far as I understood, she was sure that it is ok to go there, and there is nothing bad or scary. So I decided that perhaps really all my fears and worries were just my imagination. So I thought that perhaps it is worth to go there and I went.

Did you conclude an agreement about going for work abroad?

Actually, there was no contract. I just signed several papers saying that I have received money from them (because when passing the border I had to have some money with me). The thing was that as if I went to [that country] to practise dancing, because this firm in Estonia prepares dancers. I do not mean strip dances just simple dance practice. Actually, according to the agreement I was going there to work as a waitress. Later on I discovered that they lied to me. They told me that they could not send me as a waitress officially, because they were dealing with dancers, so I could go as a dancer for a practice, but work as a waitress. So, I had to sign papers that I was going [there] to practise my dancing skills.

Were those papers in your native language?

Yes, in Russian. In addition to that I had to sign a paper that I will return the money for the airplane ticket if I leave earlier than agreed.

You already said that they explained what you will have to do there.

Yes, they explained me my responsibilities; like, you will have to lay the table and so on.

Did they explain about where you will live?

They said that I would live in apartment with other girls, 6 girls in one apartment, two in each room.

How did others you know get involved in trafficking, if you know anybody?

I believe that I have seen other victims. However I am not sure if they consider themselves as victims. All of them got involved in trafficking in different ways. Some of the girls knew where they are going and what they will have to do; for them this was not the first time there. They went there to earn money for family. Some of the girls were parentless and they had to help their grandmothers and grandfathers as well as themselves. Some of them had to support their children. There were girls, who had gone there to earn money just to move to another foreign country and find a job that would not be connected to erotic work in any way. There were also girls who came there for silly reasons such as to prove to their families and boyfriends that they are strong, free and can earn money themselves. However, most of the girls who had gone there for the first time were shocked because of the reality there.

Where there any girls from Estonia?

I was in several cities. In the first city where I was, there were some girls from Estonia and I also met girls from Bulgaria there. In the other city in the club where I worked all the girls were from Estonia. And then there also were girls from Russia. But as the girls with whom I lived told me it is possible to meet there girls from all the post-communistic countries.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

My parents did not allow me to go. They told me that I have lost my mind, because the person who had asked me to go there had quite a bad reputation. They of course were afraid for me. I also understood myself that I was taking a great risk, which is why I took a cell phone with me.

What happened just after you arrived in the particular country?

First of all, when I came, there was nobody to pick me up from the airport. So, I had to wait for about an hour. When at last they came they brought me to a different town not to the one that was promised to me. They said that I would have to stay there for a week, however if I had not fought for myself, I would have stayed there. Later on I got to know that they did not know that I was due to arrive. They just sometimes go to

check out if there is any new girl sent to them and sometimes they do not even come and a girl has to wait.

Was your passport taken away after you arrived?

No, they did not take my passport, it stayed with me. They only took the money given by the firm to cross the border and my return ticket. They took all my tickets and that was the reason I could not return for so long a time. The country where I was is a country of strict rules that are difficult for Russian people, especially if you do not know the language and all the traditions. It is more difficult if you do not live in a hotel and stay there illegally, because in that case you cannot buy an airplane ticket.

What was the apartment like where you stayed?

To be honest I was in shock. There was like a mist before my eyes, therefore I cannot say if I liked anything. You have to take in consideration the condition of the people you live with, their attitude towards such things as cleaning up, tidiness and other stuff. This condition differs from the one in which the people are at home, when they are calm. They all were like “lost in a fog”. That is why the flat was not too comfortable.

How did you pay for the apartment?

I did not have to pay for the flat. I mean, they said nothing about it. However, as I understood we had to pay in a way, like they took some percentage from our earnings, but we did not know what for, probably rent. Principally tickets, visa and the flat were for free.

Did you need any help and did you have a possibility to obtain it?

Yes, I really was in a strong need for help. I understood that they would not let me go so easily. I had a possibility to call to Estonia because I had some money with me. During my free time I had a possibility to walk freely along the town. I could find the internet and a telephone. Moreover, other girls who were there helped me a lot.

Can you tell what your responsibilities were?

I had to sit with clients, drink alcohol, talk. So your basic duty was to entertain the clients. If you did not drink you could get a big fine. For every drink you earned money so drinking was compulsory. You earned money for the time you spent with clients. Everything there was under a strong pressure of culture, traditions, customs and rules that were very strict and had to be obeyed. The clients were so spoiled by different foreign girls, who were ready to go to bed with them just for 5 dollars, that they were not shy at all. They could touch you everywhere. However you had to be

very polite and careful with the client otherwise you would not earn money. Your goal was to gain as many clients as possible because they were your profit. If you did not have your own clients you got huge fines. That system there was really complicated. Your duty was not just to sit with the clients at the club but also you had to spend time with them outside your working hours. You had to go to restaurants, shops or wherever the client wanted. We were not guarded during these “walks”. If you did not spend time outside with your client you were fined. And one more thing, when I arrived I found out that I have to dance private dances. This was not what I had expected. However, they told me that I have to do that no matter what but I did not want to dance, and I told them that I would not do that in any case I called my employer in Estonia and explained the situation to him. He told me that it would be ok and that he would fix it. He called them and they gave me permission not to dance. It was quite complicated. Nobody guards you during the private dances; that means that client can behave the way he wants. He can touch you everywhere, and you can only rely on yourself. If people had paid they thought that they could behave as they wish. The clients could say ugly things; they could hit or show their genitals or even more.

What is your attitude now to the men who were your ‘clients’? They were men, right?

Sometimes also women visited that place. However, in that country it is more common for the men to come to such places. When women came to visit us they were crueller than men, they could mock you and so on. I do not have any special attitude towards them. I do not keep in touch with them and I don’t want to. I just think that they are lost people. I do not want to get revenge or hurt them in any way. I have forgiven them in my soul. I do not want to burden my heart with these negative feelings. I do not want these feelings to stress me; I want to continue my life calmly. Yes, I have had such an experience, but what to do?

How would you describe the average man who was one of your ‘clients’?

They are workaholics; they all work there very much. They come to us after a working day. As they eat a lot of fresh fish and other such kind of products, they have a very unpleasant peculiar smell. They have very bad teeth. They do not know how to touch the way European men do. If they want to touch you they hit. They think that they are ugly and Caucasian girls are supposed to be an embodiment of beauty there. Therefore from one side they are afraid to touch this beauty, but from other side they have paid, so they feel free to touch you. What else? They drink a lot and when they

are drunk they forget about the basic rules of cultural behaviour. At least it was like that in the place where I used to work.

How did you return to your Country?

I stayed there for about 3 weeks. Every day I called my mom. I looked for people who would speak [the local language], with whom I could go to a bank, when money would be transferred to me. I couldn't turn to the police because I lived together with a lot of girls. If I had turned to the police then it would have helped others as well, but for them it would not have been a help. My mom contacted Y in Estonia from the *Living for Tomorrow* Project, as I could not call her myself that is why my mom did that for me. So during these 3 weeks I called my mom every day, I did every day and waited that the next day I could leave. Afterwards it happened so that I received help from the girls, with whom I lived. They gave me money that I could return the expenses to my employers. It helped that I told to one person at the club that I want to leave. However, I received help from a person who worked there, who was responsible for us and he treated me very humanely. He persuaded the management to do everything that I could leave as soon as possible.

Who asked you not to tell them that you want to leave?

The employer in Estonia.

So those people there think that you want to work there?

Yes, they all think that we go there with knowledge of where we are going, what is being expected from us. Then there was such a problem that they forced you to learn the local language. If you did not do that you were fined.

How did others you know get out of trafficking?

I do not know any girls who would have tried to get out of trafficking. Some girls want to leave; but because they do not have money to return or they have some other reasons why they stay there, they get used to it and keep living in that way. Also many girls told me not to worry; after some time I will get used to it.

Do you wish or think you will have the same friends in 5 years time?

In this respect I do not want to predict anything. I try to be happy with what I have now.

Do you trust your friends?

Yes, I probably... Not probably - I do trust my friends. However, I have decided, that I have to take all decisions by myself, no matter what my friends say.

Do you believe in a God?

Yes, I believe in a God.

Can you tell – why?

Well... How to put this? I belong to the Russian Orthodox Church. However, my religious views are not an obstacle to understanding other religions. For example I strongly support Buddhism and other eastern religions. Actually, I understand that the main thought of all religions is that there is only one God, so what is the difference in what do you believe? If you are born in one part of the world then you follow the traditions of that particular place, although in another part of the world people may have other views.

What makes you happy?

Honestly speaking, everything makes me happy. I think that every day, every moment of life is happiness. When you think how happy you were two days ago, that it was the best moment of your life and your thoughts bring you back to that moment. Then you don't want to do anything; right now you want to live in that wonderful moment. However if you think that every day is happiness, you want to live further; you want to experience something interesting. So every day makes me happy.

What makes you feel most angry?

I do not like when people do not keep their promises. I cannot say that this makes me angry but this disappoints me a bit. Sometimes when I am really busy my mother comes to me and asks different silly questions, then I can say to her: "Enough!"

Do you ever cry?

Yes, sure. I think all people cry. In my opinion it is better to cry than to hold the pain or anger inside.

Do you do that because of the sadness?

I cry when I feel sad or when something bad happens, like what happened to me. During my rehabilitation period I cried a lot more, now I cry less. How to put this? I'll think about that... I cry when people that are close to me hurt me. I cry not because I feel sad, but because it hurts.

What makes you feel most sad?

I feel sad when I cannot handle something or somebody has hurt me. Sometimes I feel sad just because I am sad. I do not know, maybe I feel sad just because of the weather.

Have you ever taken any drugs?

No.

Have you ever wanted to hurt yourself? Why?

Yes, earlier I have had such thoughts. I wanted to hurt myself. I thought that I was bad, that I was not like others, which I think otherwise, that others think badly of me and so on.

What does love mean?

What does love mean? It is a complicated question. I think that love means happiness, kindness, and honesty. This is the greatest feeling ever. You can feel it not only towards a man or a woman who is close to you, but even towards the entire world. This feeling is a gift from a God. It is impossible to lose it.

Do you think true love exists?

Of course.

What would you like to change in the world?

Maybe the usual things... I do not want to change it; I would like to try to find more good people. I want to see that there really are a lot of good people, although we don't see them now.

Do you think there is a big risk of increase in AIDS in Estonia?

I think that yes, there is a risk. All the things indicate that there is. Why? Because many people do not understand that this problem actually stands very close to them. They believe that all this (the same as trafficking in people) is somewhere far away.

Would you like to have a family of your own one day?

I think I would like to.

What do you imagine your children to be like?

I see them as nice, loving, kind, sunny and healthy children.

What would you do if you found out your children were at risk from traffickers?

I think I would tell them my story first. Secondly, I would try to show them that there is another way, with no need to go somewhere. I think I would help them in such a case.

Do you like Estonia? Why/Why not?

Yes, I like Estonia. I like the architecture of Estonia. I have lived here since my birth. I love the nature here. This is my place. I feel it especially when I have to leave to go somewhere.

What are your nicest and worst qualities as a person?

My positive features are the following: I can understand people around me; I share my kindness and my honesty with them. As to the negative features I think that I am

quick-tempered and not really self-confident. That is why I am probably in search of myself. I do not know what to add, you should ask my mom.

What colours do you prefer? Why?

My favourite colours are: green, turquoise, violet, pink and all shades of those. And, possibly, brown... The reason is that these are beautiful, juicy, alive colours; they are as a candy for an eye, at least for me.

Interview # 2 - from Estonia

Russian speaker, 33 years old.

If you had a younger sister, what would be the three most important pieces of advice you would give to her?

In respect of what?

In respect of the situation you were in.

I would give her advice never to go abroad without signing a contract. If she would be in a similar situation I would recommend her to get access to the Internet as soon as possible and write a message of any kind with Latin letters in Russian, if there was no other way to get in touch with somebody. She should write this note on her personal e-mail box. If for some reason it was not possible she should write a message in some portal, then people would anyway see that.

What age did you leave school at?

I graduated from school when I was 17.

What would you change in your school if you had the power?

After school I finished university at age of 21. After that I finished a lot of more educational institutions. Therefore I am not thinking to change anything in my personal education.

But in the school system?

I think that I would add psychology lessons - ordinary communication with people. I don't know how it is now, but when I studied at school there was not such a subject.

Do you think anyone understands you either now or in the past?

Yes, sure.

Who?

My relatives.

Do you have anyone who you can trust and talk about your stresses to and do you think most people trust each other?

I believe that most people trust their relatives. That is the reason why people do not need to share this trust with others.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking?

First of all Estonia does not have this kind of protection, there is just information. Neither the Human Rights Centre, nor Ministry of Foreign Affairs of Estonia, nor Interpol of Estonia nor other organisations like North Baltic Consul, Karita Peltonen nor other migration organisations in Estonia, none act, they just inform about this problem.

Do you think it is mostly Russian-speakers who are victims of trafficking?

I do not think so. Also Estonians get in these situations quite often.

Why did you decide to look for a job abroad?

Paul Eerik Rummo, Minister of Population Affairs, officially called my region a ghetto. That is why here is supposed to be an unsafe, poor region. Most of the people have low incomes because they work in the private sector and that means that people get a minimum salary officially and another part in envelopes. All factories were closed and people cannot find other ways to earn a living. People are ready to work for minimum salary.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

...

As I understand you were not sold.

No, that person tried to make out of me a domestic slave.

Can you tell in detail, how did it happen?

If a person who is trying to find a possibility to earn money for survival receives a deceptive offer to earn money for a living not for simple survival, then this person, of course, will choose the best.

What was talked about during the interview with a representative of the company or the individual? Did they ask any strange questions?

No, there were no strange questions. I explained that previously I had talked to the manager, but specifically the director of this firm liked my work on the Internet and that was the reason they offered me work there.

Did you conclude an agreement about going for a work abroad?

I did not have any contract. However, I had an official invitation from the firm on the basis of which I got my visa.

What did the person explain about where exactly you will work, what will you have to do, and where you will live?

I was told that I would be given an apartment, that they have the necessary computer software and that I will deal with web-design.

Who was supposed to cover travelling expenses?

I had a two-way ticket. This was an embassy requirement for getting my visa.

So the employer bought the tickets for you?

No, I paid for the tickets myself.

Do you know others who have been involved in trafficking?

I do not have such acquaintances.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

They just wished me good luck. They did not give me any particular advice.

What happened just after you arrived in the particular country?

First of all nobody took away my passport. When my plane landed at the airport I knew that somebody would meet me. The manager of the firm was supposed to meet me in order to take me to an apartment. He really took me to the apartment. It was at 10 pm; I left my place in Estonia at 6 am., then we went to Tallinn, then I had two flights and I arrived in [there] at 10 pm. No wonder that at 2 am. I was exhausted.

What was the apartment like where you stayed? How did you pay for the rent?

Actually, in this apartment in a normal condition I was only for 2 hours. When I went to bed somebody just started to beat and strangle me.

Did you need any help and did you have a possibility to obtain it?

First of all I needed medical and psychological help. This man hurt my arms and tried to strangle me. I spent 2 or 3 days in the locked apartment with no food just drinking coffee.

I wanted to ask whether you had a possibility to obtain any help.

In every country there are good people. One Polish woman, who was selling tickets, helped me. When, through the Internet, I informed my acquaintances that I have gotten into a bad situation and then I told the man who had imprisoned me that I had done this, he called the police himself. When the police saw in what condition I was

they drew a scheme of the accident. Then they talked on the radio for a very long time. Afterwards they took me to the train station of the airport. I got help from the [local] Red Cross organisation. They gave me a possibility to have a sleep for the first time during my 4-day stay [there]. The free legal aid organisations of [that country], provided to me by the Estonian embassy, tried to give me legal help. During the following 3 years I contacted with Estonian embassy in order to obtain some information about the development of my criminal case, however they told me that the [local] police did not respond to them.

How did you return to your Country?

I went to the Council of Estonia. My relatives had already contacted it before that. The embassy of Estonia changed the ticket, which I had bought, to a different date. I had spent 4 days of my life in hell.

What is your attitude now towards this man?

I think that nobody is safe from crazy people. But to be angry with ill people is silly.

How would you describe him?

This person is an affective-mobile type. That means that he is completely unpredictable, impulsive and impudent person.

What are you dreaming of doing in the future?

I am going to continue to do the same as what I do now: video and video advertisements.

Do you understand yourself?

Yes, I do.

Why?

I am 33 and that means that I have developed my personal views and opinions.

Do you wish or think you will have the same friends in 5 years time?

Those friends that I have now will stay with me forever.

Do you trust them?

Yes.

Do you believe in a God?

Yes.

Why?

I think that everyone has to have a spiritual food.

What makes you happy?

Nature, flowers, green plants make me happy. Simply life makes me happy.

What makes you feel most angry?

Aggression makes me angry.

Is that it?

Depending on the situation you can find any reason to get angry.

Do you ever cry?

Yes.

What makes you feel most sad?

Conditions of life. I think that a human being without emotions is just a machine.

Have you ever taken any drugs?

No.

Have you ever tried to hurt yourself?

No.

Even after that situation?

I believe that time heals.

What does love mean? Do you think true love exists?

No comment. Let's skip this!

What would you like to change in the world?

To build a real democracy of course is Utopia. I would like that people are more humane to each other. That's all.

Do you think there is a big risk of increase AIDS in your country?

As far as I know from statistics only young homosexual men from age of 14 - 28 and drug addicts are in real danger of AIDS.

Would you like to have a family of your own one day?

I have a family.

What do you imagine your children to be like?

The same as my mother taught me to be.

What kind of, if you could tell in detail?

Decent and honest.

What would you do if you found out your children were at risk from traffickers?

I think that I would not let this to happen; I have my own experience to prevent that.

Do you like Estonia?

I was brought to Estonia when I was 2 years old. The north-east region of Estonia was in need of Russian technical intelligence during those times. That is why my parents were forwarded to Estonia. Nevertheless I still cannot consider myself as a permanent

resident of Estonia. I have a grey passport; I am a non-citizen - a real child of the world.

So you don't like Estonia?

Why? I like Estonia. It has a beautiful nature. But I do not like that politics interferes everywhere: in education, even in culture. The people do not know how to build up a country as it should be.

What are your nicest and worst qualities as a person?

Evil.

That is the worst one. But what about nice ones?

I don't know. I am kind, because it is better in that way.

What colours do you prefer? Why?

As in nature there is not good or bad weather... I am an artist and that is why it is so hard to choose a particular colour. There is no use to specify any colour because there are only three basic colours in a rainbow that mix up. However I prefer green-blue shades.

Interview #3 - from Estonia

Russian speaker, 26 years old.

If you had a younger sister, what would be the three most important pieces of advice you would give to her?

First of all never listen to her (girl)friends, she should trust only relatives and close ones and never try to catch easy money.

What age did you leave school at? What would you change/have changed first in your school if you had the power?

I graduated from school when I was 18. I think I would change the attitude of teachers towards pupils. In respect of the educational system I do not think that I have a power to change something there.

Do you think anyone understands you either now or in the past?

I think that only my mom understands me.

Do you have anyone who you can trust and talk about your stresses to? Do you think most people trust each other?

I do not have such close people now anymore. I have a lot of (girl) friends that share their secrets. However, they suffer from this later. If you know less you sleep well. But here, if you speak less you sleep better.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

Hmmm, does Estonia really have this system of protection of women? I hear it for the first time. I had one friend who was involved in trafficking. She tried to get some help but she did not succeed. She got just stupid informative help, and that's all.

Do you think it is mostly Russian-speakers who are victims of trafficking? Why/why not?

I think no. Where I worked there were Romanian, Estonian and Polish girls.

Why did you decide to look for a job abroad?

I guess I wanted to earn a lot of money.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

My best (girl) friend told me that there is a firm, which forwarded girls abroad for babysitting and that this work was well paid. First of all I called this firm and they almost right away set an appointment with me. When I came they met me very nicely and warmly. They promised me a lot and described my future work in bright colours.

What was talked about during the interview with a representative of the company? Did they ask any strange questions?

He just wondered if I had friends or relatives in this country. It seemed to me strange. I, of course, asked why he wanted to know that, he replied that this is "just-in-case" information.

Did you conclude an agreement about going for a work abroad? Was an agreement in your native language? Did you read the terms of the agreement?

Yes I signed a contract. This contract was in Estonian, but I did not speak Estonian so well back then.

So you did not understand what was said in there?

Yes, practically I didn't. Actually I did not put enough attention to this contract. I believed every word what was said to me. My friends had gone there and everything was fine with them.

At least they said so?

At least they came back and told me so.

Did the person explain about where exactly you will work, what will you have to do, and where you will live?

He told me in detail, where I will live, he even showed it on a map. Honestly speaking this person was so persuasive that I wanted to trust him.

Who was supposed to cover travelling expenses?

The firm had bought a two-way ticket. I went by plane.

Do you know others who have been involved in trafficking?

How did it happen to them?

Yes I know those girls - the same "friends" who recommended to me this firm and my best friend, who gave me the contacts of it.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

I did not ask my parents' advice in this case. As for my friends, they assured me that nothing bad could happen that everything would be fine and that I will earn a lot of money.

What happened just after you arrived in the particular country?

Did anybody meet you at the airport? Did you know about that in advance? Was your passport taken away after you arrived? If yes, how was this justified by the one who took your passport?

It is hard to remember that of course... A representative of the company met me at the airport and took me to the apartment. There he asked me to give him my passport and tickets. He said that it is necessary for official purposes. In the evening they took me to another flat. However my passport was not returned to me. When I asked, where my passport was and why I have been brought here, the representative of the firm replied that it is supposed to be like that. Afterwards I got to know that my working place had been already taken, but I have another work. I had to work as a dancer in a nightclub. When I tried to object he told me that if I did not like something then I had to pay the firm for all expenses plus penalty otherwise they would find me anywhere.

So they threatened you?

Yes. I was frightened and I did not know what to do. I was 18 then. Perhaps that is a reason why I agreed.

What was the apartment like where you stayed? How did you pay for the apartment?

It was a little apartment. 6 girls lived there. However most of them did not spend nights there, I did not see them much. We met mostly at work in the nightclub. Our living conditions were not the best ones.

Can you tell what your responsibilities were?

First of all I had to meet a client and make him to buy a drink; my duty was to perform before him a private dance. I had to have not less then 3 private dances and one bottle of champagne per working day. If I did not fulfill these minimum requirements I was fined. Additionally in the beginning of the evening we had to dance on a stage so that clients could see us and choose.

What did you do to avoid sexually transmitted diseases, including HIV?

How all people do - I used a condom.

Did you need any help and did you have a possibility to obtain it?

Of course I needed help. But it was impossible to get it. They guarded us all the way to work and back. New girls like me were not allowed to go for a walk freely. They were afraid that we could escape.

How did you return to Estonia?

Just before the end of my “contract” they returned me my passport and tickets. They also paid me my salary.

Was it good money?

Yes, it was.

How did others you know get out of trafficking?

Nobody was trying to escape. At least, not when I was there.

What is your attitude now to the men who were your ‘clients’?

I think that they are lost people. They do not know the taste of life.

How would you describe the average man who was one of your ‘clients’?

It was an average man who believed that if he had paid then he had bought all the rights on you; that he can use you all the evening and do whatever he likes except to go to bed with you. To do that the client had to negotiate with administrator of the club first.

Do you have any dreams as to what would you like to do in the future?

I guess to bring up and educate my child.

Do you understand yourself?

Hmmm... It is a strange question. I guess that no, I do not understand myself yet. I guess it is too early for that yet.

Do you wish or think you will have the same friends in 5 years time? Do you trust your friends?

Time will show if I am going to have the same friends. Now I do not trust my present friends much.

Do you believe in a God? Why, why not?

Yes, I believe in God. I guess it is because in the most difficult situations I prayed and I got help from some kind of power. I think it was God.

What makes you happy?

My child makes me happy now.

What makes you feel most angry?

I can become angry at my naivety.

Do you ever cry? What makes you feel most sad?

Yes, I cry. I guess everybody cries sometimes. I am sad because I still do not understand the goal of my life and it upsets me.

Have you ever taken any drugs?

Yes. I smoked hashish with one client.

Have you ever tried to hurt yourself?

When I was young I wanted to.

What does love mean? Do you think true love exists?

I think it exists. Love is when you are ready to give everything to the loved one.

What would you like to change in the world?

I would like, that people would be happy not only because of money but because of something else.

Of what?

For that people need to have a goal in their lives, they have to strive towards something, to try to achieve something.

Do you think there is a big risk of increase AIDS in your country?

I think - yes. First of all because now the borders are open.

Would you like to have a family of your own one day?

I already have family.

What do you imagine your children to be like?

First of all they should be healthy, well educated, happy and, of course socially protected.

What would you do if you found out your child were at risk from traffickers?

I do not want even think about it.

Do you like Estonia? Why/Why not?

Yes I like Estonia. I was born here; I grew up and still live here with my family. This is my homeland.

What are your nicest and worst qualities as a person?

I guess I am kind but a little bit naive and faithful. Worst... I like to gossip like most women do.

What colours do you prefer? Why?

I like yellow, orange and lately I like pink very much. They are very bright and make me happy.

Interview # 4 - from Estonia

Russian speaker, 38 years old.

Do you have a younger sister?

No, I have an older one.

If you had a younger sister, what would be the three most important pieces of advice you would give to her?

If I was the older sister, I would give following advice: to study languages, so that it would be a little bit easier for her in life; to be herself, not to lose herself in any kind of situations; to learn... not only to finish university, but also to learn from the examples of life.

What age did you leave school at?

After school I finished two universities and studied a lot more, I studied all the time. When I received my master's degree I was 28.

What would you change/have changed first in your school if you had the power?

You know, I grew up in a world of change. At first I finished Soviet school and studied in a Soviet institute, but afterwards I studied in the independent Estonia, in the international university. The system of teaching has changed. But nevertheless I do

come in contact with young people, who are still studying. I think that besides knowledge - and it does not matter in what subject – there should also be given practical advice. I understand that there are subjects that you cannot check in practice; however theoretical lessons should be combined with practical lessons as much as possible throughout all period of studies both in universities and schools.

Do you think anyone understands you either now or in the past?

Right now I am sure that people understand me. I am trying to make myself understood.

Do you have anyone who you can trust and talk about your stresses to?

Yes, I have a wonderful family that always supports me; I have a close friend, with whom I have lived through a lot in this life. And actually if there were no such people next to me, with whom I could be open, I know that there are different organisations, professionals, people - for instance psychologists and social workers - who are able to provide professional support.

Do you think most people trust each other?

No. Nobody trusts at all. Not a single person.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

Of course not. There is no such thing. How can I be satisfied if there is no protection? And I mean exactly in respect of women.

Do you think it is mostly Russian-speakers who are victims of trafficking?

Why/ why not?

Yes and it is not that I think so, that is a fact. And it is exactly because of the economic situation of Russian speaking population, not that they are stupid or anything.

Why did you decide to look for a job abroad?

I don't know whether it is worth to look at this question in this interview, because I was probably one of the first victims in Estonia after it gained its independence and people got a possibility to go somewhere more easily. I was one of the first who read an advertisement about the possibility to go and earn some money. Because of the money it seemed to me a wonderful possibility. That was the first thing that fascinated me about going abroad, that in so short a period of time I could earn quite a big amount of money. Secondly, back then I had been to very few places, I was very young; I was excited to see that country. Those are the reasons.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

Yes, I want to tell about that, I have told that already for many times. I cooperate with many organisations and keep in touch with girls, who lead such kind of life and do not want to change anything about that, however some advice helps them to avoid many unpleasant consequences.

That how I was deceived perhaps may seem very banal, today everybody understands that and there are less victims in that respect, although there are some. But with me that happened a very long time ago, almost 10 years ago. However can you imagine that during these 10 years nothing has changed in Estonia? 10 years ago I bought a newspaper and read an advertisement and made an appointment for a real job interview where I spoke to my employer who explained to me the conditions of work. This country is situated very far away from Estonia. There was no Internet, no organisation through which to check the genuineness of this job offer, even the word “trafficking” did not exist yet. I even did not know that there is such a thing.

I went there with a hope to work in a hotel. I knew German quite well; I had finished a school with a specialisation in English. I thought that I am so smart, why should anybody deceive me? In Estonia I concluded an agreement and I went to that country. Everything seemed to be wonderful; there was no sign of deceit. And when we arrived in that country, some people there nicely met us; we were taken to a hotel (I went together with my friend). Nevertheless I had secured myself by giving all our contacts to relatives. I was with my friend, we were together, and we could support each other. Everything was thought through thoroughly, it seemed to us that we are ready for everything, but then - you can say - happened disaster. When we arrived we were given a room in a hotel, according to the contract we were supposed to meet there our employer. But next to the hotel there were bars, nightclubs and small restaurants and we were invited there. We drank tea and coffee, talked to the people. We were told that everybody speaks English, that we will understand everything, but people who met us and our employers talked only in the local language, which we did not understand. Apparently they decided all that among themselves. It seems that this meeting in the café was meant for showing us to those people. They talked among each other, then we were left in the café, but the people who met us and our employers went away. After we had waited for a while some person came, who said that he is our employer. He said that he would show us our place of work in that very

café and explain the conditions. That was a nightclub where girls served the clients as waitresses, but at the same time they offered to them sexual services. If a client liked some girl, she did not have a right to refuse; she had to go with him. That was a terrible shock for us. Yes, it is possible to cope with a lot of things, but we had nowhere to go, we were in a strange country. That day we did not go with any clients; we simply worked there as waitresses and waited for the evening. Afterwards we went to the hotel. It was located not far away from that place. We came to the hotel to pick up our things, but it turned out that our room has already been cancelled. Our things were not there anymore.

This country is very far away, we were two young girls, we didn't know the local language, and there was almost nobody who would speak in English. And now it turned out that we don't have our things, our hotel room has been cancelled, we don't have documents and money, completely nothing. A good thing was that we managed to make the receptionist to contact the police. The police came and took us away. They talked very badly in English; that was a local police department. Somehow we managed to tell them to contact Russian embassy. We were also able to talk in Estonian, however back then there was not Estonian embassy. They contacted the Russian embassy, the Russian consul arrived, and however as we were citizens of Estonia they had no right to provide us any help. I want to say that if somebody is in any country without documents, money and clothes, practically on the street all alone or in some terrible bar, the most correct thing to do is to look for some public place like the police or some organisation that can protect you and provide help. Our experience was not the worst one; the main thing is that we ran away at the right moment, when nobody could catch us. The police guarded us very strongly, because as it turned out the prostitution in that country is very widespread, there are very many girls from Europe, very many missing persons. Some girls from Russia asked us to help them with the contacts. We had met those people, we could tell, how this system works, how we got there, with whom we had spoken, with what firm we went. International trafficking of course works very actively. Over the long time the girls simply disappear, they go somewhere and vanish trackless. So we stayed in that country, we received help from the Agency of European Countries that contacted Estonia. It had its own consulate there; they arranged for us the documents. In Estonia our relatives provided all necessary information and photos for the documents. We communicated through diplomatic mail.

What concerns the help – I tell that to girls also now – if you turn to some official organisation it will help you with everything – documents, they will buy a ticket for you. I have faced that myself. We were sent back by passenger airplane, they escorted us to the airport, in Estonia we were also met by some people. The saddest thing was that we spent there a very long time, because we had to give our testimony. The miracle was that I still had my camera with a photo film that was later developed. When we were in that café we had made some pictures and this film had stayed with us. The police developed the photos and there were those people, with whom we had met. We testified in that country, in the consulates in that country, also here, when we returned to Estonia. We were ready to take part in everything just to stop this kind of thing. When we just returned to Estonia we had a terrible depression, we were in a terrible shock, it was a nightmare; our relatives had to live through terrible times. They went here to all kind of embassies, they were waiting for our return, it was a terrible psychological pressure, not so much for us as for them. We waited for the beginning of proceedings, however back then there was no law concerning trafficking of human beings, there was no such thing in the criminal code. Only 3-4 years later corresponding articles appeared in there.

When I came to Estonia, I gave testimonies; I talked to the people who had sent us there. Even right now not one of them has been called to justice. Now there are loads of similar advertisements, but I don't pay attention to them anymore, for me this case is closed – nothing has changed. There are the same advertisements; the phone is being answered by the same person; the same old system goes on. People are being offered a possibility to work as dancers. We went there to work as maidservants in a hotel. And also now there is the same advertisement, there is the same person, whom I already know personally. The conditions they offer are the same as they were then when we went there. Nobody is punished; nobody has been called to justice. Although I am sure that our policemen still has those archives. I am not anymore interested in resolution of our case, but why are those people not being arrested? There are witnesses, photos, everything. I was told that there is a change of authorities and that this case goes over to others. Actually the criminal case was initiated, but it still has not been closed. This business flourishes; I know that for a long time from my acquaintances who happen to get in touch with me. After this experience I started to study law in the university, and now I have a very important mission. I defend the girls that have been arrested in the houses of ill repute are brought to the police in

Tallinn. I am the advocate, who comes and demands their release. In order to understand all these legal aspects I especially went to law school. That is my second education. The most terrible thing is that everything is in the same level. I see those people in Tallinn, they deal with the same business, and they take women and send them abroad. I am sure for 90% that they are going there to work in prostitution. They are being told that they are going to work as prostitutes, they know that. I have met girls who know that they go abroad to work as prostitutes. Perhaps they are in so big a need for money that they are forced to do that – I can understand that. They have no other choice but to go, and my assignment is to warn them that they won't earn that much, that there are pimps, drug addicts, AIDS. It is terrible to get involved in that. So there is at least some information for the girls who know that they go there to do such things and agree with that.

My friend is from Narva. I could invite her to give the interview as well, although her experience is not any different from mine. However she is weaker in morale than I am. She was in depression for a very long time; she could not get married for a very long time. I want to say that if you go to another country to work as a maidservant and all your relatives and friends know about that and you return in disgrace, then it is being very much highlighted – the police question all your acquaintances and the victims are being interrogated (I am telling that from my own experience) as suspects, as if you were the criminal. Everything happens like that although you tell them what you did and that you really did not know about that beforehand. In this situation you are the victim, but if you get in the hands of law enforcement organisation, then at first you are being examined as a criminal. Therefore I understand very well those women, who have gotten in such kind of situation. They are afraid to talk about that, because you are right away handcuffed and taken to the pre-trial investigation cell and you are being interrogated as a criminal. And if they bring pimps, after interrogation they can right away return home, but you still stay in the cell. Therefore I understand very well the women who don't want to testify. My own experience - the large files that were gathered about my case are not needed by anyone. Nobody has led this case to the end. And all that flourishes. You can make your own conclusions. That is a completely inconceivable mob, which is impossible to bribe. That is the work of policemen and I have met policemen who do not consider you as a human being - perhaps not exactly me, but the girls. For them they are not human beings. What kind

of fight is going on? With what does it go on? They should not fight with the girls, but with the system that exists in this business.

So you managed to escape before you even started to work there?

Yes, of course, I did not fall into that trap. However I know that there are a lot of women, especially from Baltic region. We saw those girls in that bar. We asked why are they sitting there. We understood that it is possible to serve those tables, receive the tips, somehow earn the money and go away from there. That was one of the options we considered as well. But we were told right away that we have no right to refuse to be with a client alone. It was that kind of nightclub. And those poor girls who work there in terrible conditions are afraid to return in disgrace. They are not dreaming to earn loads of money; they want to earn enough for the ticket home. We had testimony with all the addresses; everything was fresh in the mind with phone and house numbers.

What about your documents?

We did not have documents; we came to the hotel and there was nothing anymore. We did not find anything there. We had left them in our hotel room. We went to the meeting. They were so pleasant, they escorted us, they were very friendly, nice young people, who would never raise any doubts. We had a room in the hotel. Who would, in a strange country go around with their bags? We were so afraid about our documents that, exactly because of that, we left them in the hotel. Now of course I know that you should have three different documents that you have to hide in different places. And I am sure that even if I had taken the documents with me to the café, they would not have stayed with me. I am watching those women who believe in the pimps, who promise them that some time later they will give back the money that they have earned and their documents. We understood that we had already been sold; the interpreter explained that to us. We had cost loads of money. We had to earn this money back. That is a real slavery. To earn back that huge, cosmic sum of money, return it to the master, who had bought us. Therefore we had to run away from there. Such a sad picture.

The main advice, what I can give to women and girls – if you go abroad and if you know the local language, then you won't get lost. Also a clear mind is needed, but language is the main thing. But if our girls go abroad without even knowing the language, then that is the end.

Who was supposed to buy the airplane ticket?

The ticket was bought by the firm. It was a long flight to a south eastern country. For our return tickets we had to pay the money back. Our relatives bought them. It was a large sum. When we arrived we started to return that money. One more reason why girls are afraid to return is the fact if you don't have a wealthy family it costs very much, later you have to return all that money. When we returned I had to work in three places, I worked almost twenty-four hours a day in order to return to my relatives the money they had paid. My friend had to work as well. The situation is mad also because of the fact that there are suspects, but all the expenses have to be covered by us. And all those girls who go abroad, they borrow money for this trip. And they borrow quite a lot of money. It is not cheap at all. They are already dependant on their relatives and acquaintances. Sometimes they take a credit from bank. They go, they are sold and now they have to return and give back all the debts.

Do you understand yourself? Why/ why not?

Myself? I guess I do understand.

Do you wish or think you will have the same friends in 5 years time?

Well, yes, my life has already become steady.

Do you trust your friends?

Yes of course. I am very lucky. My friends had nothing to do with the problems that concern this tragedy. They tried to talk me out of that. However back then they did not have all this information. Perhaps now my relatives and friends would even close the doors and say that I will go nowhere.

Do you believe in a God? Why, why not?

I guess I do believe. Perhaps I don't know the Christian traditions so well (that is the religion I belong to), but I think that He exists. At least I always hope.

What makes you happy?

My children make me happy.

What makes you feel most angry?

Angry? I can become angry with myself. That is all that can make me angry.

Do you ever cry?

Yes, always.

Because of the sadness?

Of course then when I feel bad I cry.

What makes you feel most sad?

The fact that circumstances are stronger than us. I feel sad because I am not able to do a lot of things. I am not able, because it is not within my powers. I am sad that lot of things what we would want don't depend on us.

Have you taken any drugs since becoming involved in trafficking? Before you were involved in trafficking?

No, I have not even ever smoked, and I don't use alcohol almost at all. I have never smoked.

Have you ever tried to hurt yourself ? Why ?

Have I? I don't know, perhaps in my teenage years I wanted to. No, I don't remember anything like that.

What does love mean? Do you think true love exists?

I think about that all the time, although I am in an age when I should not think about love anymore. According to general understanding there can be love towards your relatives, children, and nature or towards a man, person who is by your side. I think that love is then when you feel very good (it does not matter towards whom you feel it). That is love.

What would you like to change in the world?

The main thing that disturbs me is indifference. I would like that people were not indifferent. If that changed, if they were not indifferent towards each other, then everything would be fine. Even if you don't know the person you should not be indifferent.

Do you think there is a big risk of increase AIDS in your country?

Of course, AIDS flourishes at every turn.

Do you have a family?

Yes, of course.

And also children?

Yes.

What do you imagine your children to be like?

Of course every mother wants to see her children happy, healthy, and successful. I want that I would have them that nothing would happen to them.

What would you do if you found out your children were at risk from traffickers?

All my family life is built in such a manner that it would not happen. I all the time do everything possible to prevent that. I live with that every day.

Do you like Estonia? Why/Why not?

Estonia? It is a hard question. I was not born here, but I have lived here all my life. Do I like it? I like it because here are my family and friends. But I don't like it, because... probably it is like that everywhere. Here is no equality. Interests of the nation are being emphasised here, everywhere else it is interests of rich ones. Perhaps there are European states with rich history, where there is not so explicit nationalism. But in Estonia you can feel it very sharply. The nationalism here is very developed.

What are your nicest and worst qualities as a person?

I am very self-critical. I won't talk about nicest... although I could. At first the worst ones. I guess I am very... but that is the nice one... I don't know. I can be... I can be impetuous. That is one of my worst qualities. I don't know Estonian very well. It is very bad for me. I don't know... About my worst qualities I could talk a lot, but my nicest ones perhaps could tell somebody else. I am a usual person, I live as I can.

What colours do you prefer? Why?

Colours? My most favourite colour is white. That is my most favourite, because it is so clean and light. I always feel a lack of white colour and lack of light. I also like yellow – I love the sun and warmth. In Estonia I feel lack of it – of light. And here the sun is a rarity. If I miss it, then I wear clothes in those colours – white and yellow. My apartment is in those colours, so that I would feel myself cosier.

Interview # 5 - from Estonia

Russian speaker, 25 years old.

Do you have a younger sister?

Yes.

What would be the three most important pieces of advice you would give to her?

I don't know. For example concerning work, I would advise her not to go abroad by advertisements, only with help of acquaintances who have gone there and have checked it. I would advise not to go with the help of random acquaintances as it was with me.

What age did you leave school at?

18.

What would you change/have changed first in your school if you had the power?

I would like that languages would be taught more thoroughly. And mathematics. Those are the main things.

Do you think anyone understands you either now or in the past?

Of course my relatives understand me.

Do you have anyone who you can trust and talk about your stresses to?

Only to my (girl)friends. The closest ones.

Do you think most people trust each other?

I think that these are not the times to trust. You cannot trust even your friends.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

Yes.

Do you think it is mostly Russian-speakers who are victims of trafficking?

Why/ why not?

I think that yes. I think that Russian-speakers become victims more often, because there are more Russian women without work than Estonian ones; that is, of Estonian nationality.

And why are they without work? Because they don't know the language?

Yes, because they don't know the language. In Estonia it is like 50:50, 50% of Russians, 50% of Estonians. An employer of course will hire an Estonian who knows the language.

Why did you decide to look for a job abroad?

I worked as a waitress. For me 200 EEK (approx €13) is very little to survive, I am renting a room in an apartment. I had enough only for modest food and the rent.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

I went to Tartu to my friend and got acquainted with one man. I asked him about work. I saw that he is so decent therefore I asked whether he can help me with some kind of work in Tartu or in Tallinn; we talked about that a lot. After some time he called and told that one of his acquaintances needed a Russian girl who would go to [another country] to nurse an ill man. I was promised 15 000 [958 euro.] EEK a month. I said that I could go just for a month, that I have to study, that I will go there just for August. I gave him a passport, because I don't have a blue (Estonian) but a grey (Alien) passport, and he was supposed to get for me a visa and invitation. To

make a visa it took about 2 months. Afterwards he called and asked whether I am going. I said of course, I was so happy. I thought that I would go, work a little, and see the world. He said that in the airport the wife of that man would meet me. When I arrived some man approached me. He said that this woman could not come, because she was ill and that he was her son that he had come to meet me. I sat in a car and there was one more man. He said that it was his brother. He said that to this place we have to go for 9 hours. We went and he started to say: "Do you know where you have come? You will work here for us as a prostitute and everything that you earn we will take away from you." I got very scared, I started to think what to do; I could not jump out of the car, because... when we arrived to that town, I was taken to some house. There were some Ukrainians; I lived in a room with a Bulgarian girl. I spoke to her in English; she did not know any Russian. She asked how I had gotten there. I told her everything; we spoke to each other... It turned out that they got money, because they worked there voluntarily but me they had decided to hold as a slave so that they would not have to pay me. I cried and cried, but afterwards decided that tears wouldn't help here, that I have to do something.

Afterwards he took me to a street. I had asked him would it be some bar or establishment, he said that it was a street. I could not imagine that, because in Estonia we don't have such streets. We went there. It is of course very nice to have a rest there, it is very beautiful there and everything is so cheap. We went there; this street was 200 metres long and it was full of girls. I asked how many girls there were. He answered that there are 250 girls. There were 3 Ukrainians, I from Estonia and the rest were Bulgarians. They said that they earn very good money. It even started to seem to me that all the girls work there. When I was later taken back to the house I said that I wouldn't work and I cried; I went into hysterics. He beat me and raped me as usually in such situations. When we again came to that street, there was a row of girls and when foreigners went by they shouted: "Sex, sex!" People said: "No sex." Foreigners did not want it. One woman was walking together with a man and a prostitute was running after them and grabbing the man behind his arm: "Hallo! How are you? Come on! Sex!" The woman, who was Russian, was shouting: "Please! He is my husband, get off him!" It was so funny to watch all this from the side.

I was standing there and the boss said that girls would explain to me how the things go there. There was a Ukrainian who told me about herself. It is very hard for Ukrainians to get a visa, therefore she had concluded a fictitious marriage with a

[local man]. She said: “I want to work here, but you are in trouble. You have to run away or you will be killed. You have gotten to such a person...” There were several bosses – 15 men. On one side of street stood prostitutes, but on the other the pimps and one broad-shouldered man who, I thought, would break my neck. There were bosses and each of them had henchmen. She said: “And you have gotten to such a person, who is literally an animal. He won’t let you go anywhere.” But I just stood there; we were taken there and back every day but I did not do anything. When they saw that I am not working they beat me several times, in order to make me understand that I have to work. I asked the Ukrainian for help. She said that I still have to work in order to gain several permanent clients who would give me some money for a return ticket. But I anyway had just two days left, because he had told me that if I didn’t work then he would sell me; if I didn’t bring him profit, then he would sell me. Then came some man; they talked between each other and he said that he would come two days later.

The first day was complete shock for me. Girls humiliated themselves, ran after men. And even if I had worked I would not have earned any money. On the first day when I was standing there I fainted, it was so hot there. I hit my nose and legs. They all thought that I am a drug addict or something. They poured water on me asked what the matter was. The next day the boss called and asked whether I was drunk so that I fainted. I said if I had a bottle then I would for sure get drunk from sorrow. The girl that helped me, we made up a plan. I called my friend in Tallinn and said that I will be sold; I asked her to send some money and promised to return it later. I said that I have two days left and if she won’t help me, then later nobody will be able to help me. She transferred the money to a bank. But I could not go and get it, because they did not let me to the town. I asked this Ukrainian to get this money for me and to reserve a bus ticket to [the capital city]. She could put this money in her own pocket and if I had protested she could have told the boss that I was trying to escape. But I was lucky with her. She bought me a ticket for the last bus to the capital city at half past twelve at night. We were thinking to meet some day again. I would like to meet her and ask how she is doing.

We met in a bar on that street. For two years he had lived in [that country]. I approached him a day before I was supposed to be sold. I sat next to him, but he said: “No sex.” I said that I was not going to offer him anything. He was used to the fact that there everybody right away offers sex. I said that I don’t want any sex; that a day

later I will be sold. I did not care about any sex. I told him everything, he bought me a drink, and I started to cry. He asked, why I was working here and I told him that I am not here because of my fault. I told him: "Can you help me? Come tomorrow around the same time and buy me for a whole night, but in fact you will help me to escape. You will pay them and take me until six o'clock in the morning. Afterwards we will go for my things and at half past midnight you will take me to the bus station." He came at ten o'clock. We talked to each other for a while, not to create any suspicion. He said: "Smile a bit, you are so serious." But my legs were trembling from the worries that they would get to know about that and capture me. What will I do then? That was a last chance for me. I went to the boss, gave him money and said that this person wants to take me for whole night. My voice was trembling; my legs were shivering. One wrong word, one simple question and I would be discovered. "Ok, we will pick you up from his place. In what hotel does he live?" Actually he did not live in a hotel. He bought a house where he rents apartments and lives himself. I saw in the far a hotel so I said that he lived in that hotel. "Ok then, we will come there at six o'clock to pick you up." So I went with him. We should have taken a taxi. It was possible to get a taxi near that street, but all those drivers work for the mob. They would have told them that we went to the bus station; that would have been an end for us. So we walked for several kilometres. We went through a wood and only then caught a taxi. Before that I had taken my bag from the house and I had 15 minutes to hide it somewhere. If I had gone to get it now, the bosses would have gotten to know about that and would have gone to the bus station. Before going to work I had taken my bag over a fence and hidden it in a bush of wild roses. The girl saw that and said that she would tell about my plan to escape to the boss. I said: "Why should you do that? Just tell that you did not know anything and that is it." She agreed with that. I asked her for a help to get the bag downstairs, but she refused. So I hid the bag and when we caught the taxi, we went to get it. I was in such a short dress and sandals and the taxi driver was watching and wondering why are some Russian girl and some foreigner so nervous. I told him to stop and he saw that there were bushes. He probably thought that we are couple of robbers. While I was searching for my bag in that bush of wild roses, I hurt my arms. It was dark there and I broke my heel, and the man was all the time worrying: "Where is your bag? Where is your bag?" I told him to be quiet. What if somebody heard us? He was around 50 years old and I am only 25. When I found my bag, we went to the bus station. There were so many people

who wanted to go on the last bus, it was good that I had bought the ticket before, otherwise I would not have gotten a place on it. We were running and I was in a short dress that barely covered my butt. There was a policeman standing, everybody was watching us and we were running with some kind of bag and my heels were broken. Everybody was watching; what kind of stupid couple are we? We went to a public toilet where I cleaned off cosmetics and changed my clothes so that I would look normal. Otherwise everybody was watching me. I had no make-up on, I was dirty, and my arms were scratched.

He said that he would go with me to escort me to the airport. The way was around 6 hours long. I knew that my boss has friends in [the capital city], also mob members. He could call them and tell them to find me. Then I would not even get to the airport, they would capture me in the bus station [of the capital]. I told him that I would like him to come, so if they captured me, there would be somebody who could report about that. He went to buy a ticket, but all the tickets were sold, he should have booked it in the morning. Then he told me: "We did not even have any relationship, but I started to like you. You are so brave; not everybody is so lucky to escape. I really started to like you." Now I communicate with him through Internet. "I will have a birthday in September, come to visit me!" I said: "Of course, I will never go to [there] ever again. I escaped from there. Why should I go back?" In the bus I had a little sleep and then my phone started to ring. I did not switch it off. Let them think that I am drunk and can't answer it! If I had switched my phone off, then they would have right away understood that I have escaped. They called me so much that at three o'clock at night my battery died. I had around 85 unanswered calls. Then they wrote a message: "Call urgently!" Yes, of course I will call! I was very worried and I had caught a cold, the weather was very bad there. When I arrived at the bus station I sat in the taxi right away. I asked him to take me to some hotel, where I would sleep for some hours. He took me to some expensive hotel; it cost 50 Euros. I asked why so much, I need just 4 hour sleep. But they said that you have to pay for the whole day. At last he took me to some hotel, where I paid 20-30 Euros. The friend who transferred me money wrote me in a message the phone number of the hotline in [that country] that provides help in similar situations. I was told that this hotline is for free. When I had had a sleep for some hours, I called there from Estonian number and asked them to escort me to the airport. I had the money; I just needed somebody to escort me, because I was afraid that they would wait for me there. I called them, said

everything in English, but the woman did not understand anything, she was just saying: “Yes, yes.” I asked: “What means yes? Will you help me or not?” She said “yes”. Afterwards she said that her colleague just came. I had talked to her for half an hour, and now it turned out that she does not understand English. Ok, now I told everything to her colleague. Afterwards it turned out that this hotline was not for free. It was 24 EEK per minute. Now I have a phone bill for 3000 EEK [€190 approx]. I went to their office. She said that I could stay there for night. I said that I don’t want to stay for the night, that I only want that somebody to escort me. But they said that they couldn’t escort me, because it was Saturday and on weekends they don’t work. They gave me a room that was in the style of the times of Stalin – high ceilings, small room, with white walls that were painted, and in the middle there was a foldable bed. Windows were covered with a dirty curtain. I was so worried and now I had to spend two days in there like in a madhouse. I did not even have a book to read, I was sitting in complete idleness. I barely survived those two days. I cried, I wanted to get away; I was in such a depression. After that I was escorted to airport and I bought a ticket. ‘Y’ from *Living for Tomorrow Project* called me; she said that she would meet me. I said that I would arrive at midnight. She said that she would try anyway. Afterwards I sent her a message that my friends would meet me. But she said that she would come anyway, that she was worried about me.

I was so worried that in the airplane my blood pressure rose. I had written in the agreement my address in Tallinn. So I thought that they would capture me at the stairway. Perhaps they got scared. I lived in fear for two weeks. Perhaps they will wait for some time, perhaps after a year or two they will come for revenge. Or perhaps they are afraid that I will go to police. I won’t go to the police, because I don’t want to have a connection with such kind of people. Perhaps the police would imprison them, but later they would get free and get revenge anyway; perhaps then when I would have my family. It is better not to get involved with them. Now everything is fine. I still keep in touch with that man. He calls me, writes me, and invites me to visit him. I asked, is he crazy? He is 50, just like my father. I told him to come to Tallinn. But he said: “No, you better come to me; I will send you money for a ticket.” But I don’t want to. I don’t want to go to [. . .] – that is what that place was called. Even if I had wanted to work, it was impossible to earn anything there. I could not stand that I was being forced to do such a thing and that I was beaten.

So you said that you concluded an agreement about nursing an ill man.

Yes.

Was it an agreement in the Russian language?

Yes, it was in the Russian language. I had to write there where I lived, where I studied and so on. According to the contract I was supposed to work in [the capital city] but I was taken 9 hours away from there. I was thinking to run away on foot, but where could I run? Perhaps I could have, but to where, in what direction? I don't know. We were not allowed to go even to town.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

They said: "To [that country]? It is a poor country. You won't earn there anything." I told about that only to two of my close friends. Nobody else knew about my plans to go there.

How did others you know get out of trafficking? Did they even try to do that?

There was one man from [...]. I told him everything; I thought he would help me. He said: "Why should I do that? Last year I helped one Ukrainian to escape. I have been here six times. Should I help somebody every time when I come here?" If you work as a prostitute you have to give away half of the money to your boss. And from your half, a half to the mob so that police would not disturb us. However, they came anyway, just for appearance and took away 10 girls a day. We paid to the police. Some took the money, some did not. Anyway everybody knew that prostitutes are standing there. It is impossible not to understand that. So we paid the mob and to the police.

You said that you did not work. So you did not have any clients?

I had two clients. After I was raped I was told that I would be killed, if I did not bring any profit. With one of the clients I was in a hotel. I told him everything, I cried. He got so drunk that there was even nothing between us. I got drunk myself and fell asleep. He said: "I can't help you, I am flying away tomorrow. And you will fly with me." I think he was from [...]. He was quite rich. He said that he would take me with him. How could I go with him to [...]? Even if I wanted, I have a grey passport. Nobody would have let me there. I would have stayed on the border and they would have taken me back. When I had told him everything, he went to the boss and said in English: "I will make a call to Moscow and you will be done." It was good that the boss did not understand. So he said he would make a call to the mob in Moscow and

get me out of here. I said: "What are you saying?" The boss asked, what is he saying. I said: "Don't you see he is drunk? What can he say?" I told the man: "I am already in a trouble. Why are you saying such things? Calm down! If you make that one call, it is us who will be done."

How would you describe the average man who was one of your 'clients'?

They all are foreigners. [Locals] could not afford that. Even foreigners, when you told them €50 an hour, said that it is too much.

Do you have any dreams as to what would you like to do in the future?

Right now I am studying in business school. If I will be lucky then after I finish I will work in my profession. Although now in Estonia if you study to be cook, you work as a locksmith. No matter what profession you have chosen, you will work in another.

Do you understand yourself? Why/ why not?

How to understand that? If I have decided to do something, then I will do that. If I have decided to go somewhere, then I will go.

And do you understand why are you doing that?

Because I want a lot of money.

Do you wish or think you will have the same friends in 5 years time? Do you trust your friends?

Perhaps the friends that I have will stay, but there will definitely come as well new ones.

Do you believe in a God? Why, why not?

I know of course that there is a God. There is one God. Each religion calls him differently but he is one. I of course don't go to church every day and I don't read the Bible, but I know that there is a God and that is it.

What makes you happy?

I am happy when everything is fine, when my friends are fine. That makes me happy.

What makes you feel most angry?

When somebody deceives me. I am very vengeful.

Do you ever cry?

Yes, when I remember about all this. I often remember with a laugh, how I was running in that dress with scratched arms. Now it seems funny, but back then my legs were trembling, that they would look at me and understand that there was something wrong.

What makes you feel most sad?

I think that everybody becomes sad when things are not well. There are always some problems.

Have you taken any drugs?

Yes, I have tried. All my friends have tried. I don't use them, but I have tried and have not understood what is so good about them.

Have you ever tried to hurt yourself?

No, I am such kind of person that I could not hurt myself. I have a good sense not to hurt myself.

What does love mean?

Love? I don't know. It is a feeling between two people, who help each other in everything. It emerges after being a long time together.

Do you think true love exists?

I think that it exists, but people rarely love each other all life long. It becomes a habit. Love exists for three years; afterwards you just get used to that person and understand that you cannot live without him. In prosperity or scarcity you just understand that you miss something. That is a habit.

What would you like to change in the world?

It is possible to change a lot of things in the world. There is unemployment; there are lots of things to change. They should be changed, but right now it is impossible.

Do you think there is a big risk of increase of AIDS in Estonia?

I think it is a problem everywhere, not only in Estonia. In Estonia this problem mostly touches Tallinn, Kohtla-Järve, Narva, where there is unemployment and drug addicts.

Would you like to have a family of your own one day?

Yes, but not right now. In the next 5 years I don't want to have a family. I am not ready for that, I have not become completely independent; I don't feel enough self-assured to have a family. I don't have anything - no profession, no home of my own, and I have not found an appropriate person whom I would want and whom I could trust. Especially after [...], I cannot look at men.

What do you imagine your children to be like?

I would like them not to be drug addicts, because right now everything is so easily available.

What would you do if you found out your children were at risk from traffickers?

What would I do? It is hard to say. What would I do... I got in such a situation myself, although I watched on TV programmes about crime once about how people are being made slaves, but I never thought that it could happen to me.

Do you like Estonia? Why/Why not?

Yes, I like it, however after 15-20 years I would like to go to some other country. But I would remember my childhood here (I was born here), so sooner or later I would come back anyway, here everything is so homely.

What are your nicest and worst qualities as a person?

It is hard to tell anything about that. The worst probably is that I am very gullible, but nicest that I help all my friends but not always; that is also a good thing, because people often take advantage of that. I can be easily deceived, also by friends.

What colours do you prefer? Why?

I like dark tones, that is, in my clothes. I don't know why. It is a hard question. I like blue, red, and black.

Interview # 6 - from Estonia

Russian speaking male, 72 years old.

During the interview his wife was also present– Russian speaking, 60 years old.

What age did you finish school at?

At different. When I finished the Highest Military-Naval School, I was 23. Afterwards I finished the Institute of Air Device Construction, back then I was 35. Afterwards I finished the Institute of Economics, I was 44. I received there legal education. Back then it had no practical use. Now I earn my living as a security guard.

Do you think anyone understands you either now or in the past?

Yes, my daughter and wife understand me, also my friends.

Do you have anyone who you can trust and talk about your stresses to?

Of course.

Do you think most people trust each other?

Most of the people trust each other, at least those whom I know do trust.

Most of the people, if they know about the problem of trafficking in human beings, think that it concerns only women. Is it so?

I think that it is not so. I witnessed and experienced that by myself. I was not sold; I was rented out. It was a real slavery. I got there because of my stupidity, because I believed in that agency, which is managed by one woman, who said, that official documents for official work will be formed in [that country]. We were in a big need for money. They promised that there I would have normal conditions of living and work. In May I became 70 years old, that woman knew about that. She said that everything will be fine, that she will call the boss, who will arrange for appropriate work for me, that I will live in a room together with one more person.

When I arrived that boss met me with his car and took me to one house. The room was about 15 m² large, and there lived around 25 people. We all slept on the floor without any mattresses, blankets or pillows. Mostly there were Uzbeks, Tajiks, Kazakhs and people from all around former Soviet Union. At first I worked in a hotel as a cleaner of the rooms, afterwards in a washhouse – I had to gather and deliver laundry. I worked as a cleaner of territory and I did many other jobs. They made you work wherever they could, the commands were given by them. We worked in supermarkets that are as big as stadiums. That was a hell of work. I was not warned that in the first month they are not paying you that this money goes in a deposit. They were supposed to pay that money back in the very end. Actually they did not return it to me. The first month was very hard for me. I had some cash, but it was not enough for a whole month, I was starving there. I was lucky to live next to some immigrant families, who lived in similar rooms. They gave me food. But I was very ashamed to be dependent on them, because they were the same kind of workers as I. Every day we were taken to and back from work for 2 dollars in each direction. A place in that small room cost 100 dollars [€65] a month. When I came back I went to hospital, I had problems with my heart. Doctors said that I have had an infarct. Before that I had been completely healthy.

On the second month they paid me, but not everything. I was taken from [one city to the other] it is 60 miles away. I had to work there in washhouses and stores. I earned there more than 2,000 dollars [€1,291], but I never saw that money and I was taken away from there. I was nobody there. My surname did not appear there anywhere, everybody called each other by first names. I never received any documents. I was an illegal worker as everybody else.

When I decided to leave, I did not get any money. I had an airplane ticket, but somehow I had to get to [another city], that would have cost 100 dollars [€65]. I did not have such money. An intermediary refused to give me the money I had earned. I had decided to go to the police and give myself in. I told Uzbeks, who lived with me, that I will go to the police and tell that I am an illegal worker, let them send me out of the country and I will calmly return home. They got very worried; they said that if I go to the police then also they will be sent out of the country. They persuaded me not to go to the police. I told about my plan to go away to the boss. He said that I have already received some money and I will get no more. I was [there] for three months. My health went bad. During that period of time I lost 16 kg. All those Uzbeks put money together for my ticket to [the capital city]. That is how we parted.

When I returned I asked the company that had sent me [there] to return me the money I had earned. The manager pretended that she does not know me. [They] are such kind of nation that forces others to work for them. Later I got to know that the owner of the hotel paid to the intermediary 15-20 dollars [€10-13] in an hour. To us the intermediary paid 4 dollars [€ 2.66] an hour. In my opinion that is slavery. We worked 10-12 hours a day. It was very hard work. I lost consciousness for several times. It was not possible to leave from there and it was not possible to stay there.

How do you think, does it happen like that often?

Of course. There were a lot of people from the former Soviet Union.

Men?

There also were a lot of women. Whole families go there. There was one family – husband, wife and son.

Why do people here know so little about that?

He: Those who have been there won't tell about that, because they think that it is their fault. That is what I think.

Wife: You think correctly. I turned to the press, police, prosecutor's office, nobody could help us. One policeman said: "Why are you turning to us? You knew where you were going."

He: We turned to Embassy of the [country]. They said: "Yes, that really is slavery. We will take care of that, we will give you an answer." Two years have gone by, I called them twice, they just say: "Yes, the police does not give us what we need."

Wife: That company still flourishes.

He: When I went [there] I lost my job.

Wife: Not only job. We will soon lose our apartment. Those are the consequences that come from there.

Do you think it is mostly Russian-speakers who are victims of trafficking?

He: No, it does not matter. For them it does not matter who are you or where do you come from. There were Tajiks, Uzbeks, who work there for coins.

Wife: People go there not because of good life. They have to feed their families, but countries of the former Soviet Union cannot or does not want to provide people with work.

Why did you decide to look for a job abroad?

He: They promised money. My family and I needed money for the apartment that we had bought on credit. The company promised that I will be able to earn the necessary money abroad, but that was fraud.

Wife: He did not tell everything. We together in the family decided that somebody has to go to earn money abroad. Actually I was supposed to go, but our daughter back then was young, therefore we could not go together either. I was supposed to go to him when our daughter would have finished school.

What did you talk with the representative of the company about during the interview?

She said that good acquaintances of hers from [there] promised that everything will be fine. My wife found that company. It was located near that place where we lived. We paid 500 Euros large commission fee for search of a legal work in [that country]. I would not have agreed with illegal work. The manager of the company gave me address and telephone number of the contact person [there]. It turned out that he was slave-dealer. He controlled a whole street, where illegal workers lived [there].

Did you conclude an agreement about going for work abroad?

Nobody concluded any agreement with me. They promised to form all necessary documents on legal living and work then when I would arrive in [that country]. They promised that if I wish I will be able to stay there by extending my residence permit.

Did you buy the airplane ticket yourself?

Yes, the manager of the company recommended us one tourist firm, through which we bought the tickets.

What is your attitude now towards your employers?

Since childhood I have not liked fraudulent people. According to documents I earned 249 dollars. All those documents I gave to the Embassy of the [that country].

Do you have any dreams as to what would you like to do in the future?

I had dreams when I was 16-17 years old. Now I think about how to survive, how to put our daughter on her feet, I want her to receive an education, specialisation. That is what I dream about.

Do you understand yourself? Why/ why not?

Absolutely. I always knew what I wanted. I wanted to take care of my family, my daughter, to earn some money. But everything turned out differently.

Do you believe in a God? Why, why not?

Faith is then when a person believes that it exists. I don't believe that it exists. I don't want to say that it does not exist, but I don't want to say that it exists either. There is something in nature, if we look from the point of view of science. You can call it God or in whatever other name, but it is not a being. We all consist of molecules. There is a law that nothing appears or disappears. Where does all that information go that molecules contain when a person dies? It does not disappear; it joins together somewhere there in the reason of the entire heaven.

What makes you happy?

As every normal person success makes me happy. People living next to you – a wife, a child, even a kitten – can make you happy.

What makes you feel most angry?

I don't know, perhaps insults. I don't let anybody to insult myself physically. I am myself a self-contained person.

Do you ever cry?

Once [there] I did cry. I hugged a tree and cried. I was in a deadlock. I could not think of anything, nothing came to my mind as to how I could escape this situation. I had no money, no single piece of bread. I had no money to stay [there]and no money to return home. As I had no money I could not call home. I had a feeling as if I was on an uninhabited island.

What makes you feel most sad?

When I am not successful in my life, I become sad. I still don't have work...

Have you taken any drugs since becoming involved in trafficking?

No. I first had a smoke when I was 50. I drank my first gulp of vodka at the funeral of my father. Usually I don't drink.

Have you ever tried to hurt yourself?

It depends on that how you look at it. Once I had such a feeling.

What does love mean? Do you think true love exists?

Of course, it is impossible to live without it. In youth it is a concentration of feelings, attraction. Later it is a spiritual intimacy of two people, who have found something in common. Love is mutual understanding. Love at age of 18 and love at age of 70 is something different.

What would you like to change in the world?

He: At first I don't have and I won't have such a possibility.

Wife: You did not answer the question. She asked what you would like to change.

He: I want that I live well and people around me live well; that there were no envious persons; that people live in good relationships, in wealth and friendship. More attention should be turned to children and elderly people.

What would you do if you found out your children were at risk from traffickers?

I would exterminate them. I am an armed person.

Do you like Estonia?

He: Yes, I do. Here are nice people, my friends, life is calm here.

Wife: Estonia has a wonderful history. It is located in very unique place; Tallinn was created on a trade route. Estonia has a very beautiful nature.

He: I travelled through whole former Soviet Union; I have been in many countries, but I could not stay for a life anywhere else except in Estonia. Here I found that which I like.

What are your nicest and worst qualities as a person?

He: I am not malicious, but I remember everything. I get into contact with others very easily.

Wife: They want to know your self-appraisal. Your self-appraisal has declined. Before [this] he was different. [That country] broke him. Actually he is a very kind-hearted and diligent person.

He: That is a bad quality.

Wife: Yes, very bad. He could even get in contact with Tajiks and Uzbeks [there]. He is a communicative person. He has very many good qualities, only now he has become less confident. After [this] all our family is broken. He did not receive any money there; I did not have any work either because of my age. We had to pay for the apartment, daughter studied at a school where we had to pay 2000 EEK a month, she needed a computer. I sold everything that we had. For a year I slept on the floor. We

had no refrigerator, no TV-set. Of what self-appraisal we can talk after such kind of experience?

What colours do you prefer? Why?

I like blue, mostly bright colours. They are more alive and pleasant.

Interview # 7 - from Latvia

What would be the three most important pieces of advice you would give to your younger sister?

I would advise her not to trust anybody, to think about what she is doing, and to solve her problems by herself.

What age did you leave school at?

I don't know. Wait! What age? I was almost 18.

What would you change/have changed first in your school if you had the power?

At school there should definitely be a psychologist or psychiatrist. I would certainly order everybody to obey strict behavioural norms. Otherwise no one can push me around; no one can mock me. I would make everybody wear identical uniforms, so that children from families that cannot afford expensive clothes would not differ from others. I would also make teachers dress according to the rules, so that they would not be vulgar and provocative. I would forbid teachers to discriminate against the children, because, for example, they discriminated against me and hated me.

Do you think anyone understands you?

Not everybody. Perhaps a psychologist can understand me, perhaps a person whom I have trusted, or a person, who has in their life experienced the same. There is one person, who understands me, because she has been in the same situation as me. Everything: children, foreign country...

Do you have anyone whom you can trust and talk about your stresses to?

I do not have anybody to whom I can tell completely everything and who I trust. I don't know. I also cannot tell anybody about my problems, because I know, that afterwards anyway everybody talks about that, discusses that, and than you have to think, whether you have met the right person whom to trust.

Do you think most people trust each other?

Most of the people do trust each other. I have had an experience, when at my working place somebody has come up to me and told me about their problems. Abroad my (girl) friends told me their problems. I myself did not do that. I confined my problems to my boyfriend in the foreign country. He knew completely everything about me- all my problems, what I did - completely everything.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

I don't know. I do not know the laws. I have not heard that anybody protects the women. If I were in charge, I would strictly control everybody who crosses the border. I would check every person, documents, contracts and places where they are going to, and whether or not these places at all exist. Sometimes it happens that you go to some place, but it does exist. I would also check whether the person has reached the right place.

Do you think it is mostly Russian-speakers who are victims of trafficking?

Why/ why not?

I think that both nationalities are victims of trafficking. To deceive you, it does not matter which language you speak.

Why did you decide to look for a job abroad?

To support my children. I had an idea to earn some money and to support my children, at least for a while.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

Through acquaintances. Actually I was a friend of one girl, with whom I had studied in school. She knew my sister. We wrote to each other, we kept in touch. Then she suddenly sent me an offer to go abroad to earn some money. When I asked what kind of offer it was, she did not answer and just wrote to tell me to call a number. I remember that I called her but she told me: "Sorry, but I do not know what work it is. I am just a supplier." When I kept asking, she gave me some other phone number. There, a girl, who explained everything to me, answered the phone and I said – "No". A week later that girl called me herself. Then I decided to meet her and talk about everything. It happened so, that I did not go to meet her. Then she called and asked, where was I. I told that I would not come. The girl told that actually also she was not there. She said that meeting should be postponed. I hung up. Later I often received

calls from that girl's boyfriend. Finally he came to me with a car full of his friends. I told them – “No. Then they called me and threatened me. A year went by, a year and a half and another girl called me, who said that she was connected to everything that had happened before. At the end, after three months of persuasion I decided to go.

What did the people explain about where exactly you will work, what will you have to do, and where you will live?

Everything was explained but when I reached the destination everything was completely different. These women had promised me mountains of gold.

Did you conclude an agreement about going for work abroad? Was an agreement in your native language? Did you read the terms of the agreement?

No papers, no agreements; I had only a passport and the tickets.

Who was supposed to cover travelling expenses?

Those women covered my travelling expenses.

Do you know any others who have been involved in trafficking? How did they arrive in such a situation?

Yes, actually I know quite many. Those people also got involved through acquaintances.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

All of them told me not to go. They said: “Don't go, you have children, we will help you to support them.” But I told: “You help to support them just with words.” In the end I made that decision on one day, which is why many didn't know that I had gone.

Did anybody meet you at the airport? Was your passport taken away after you arrived? If yes, how was this justified by the one who took your passport?

At first I went to [that country], but in [the city] nobody met me. They had promised me that somebody would meet me there. After four hours of waiting a car came and then my passport was taken away. They said they wanted to see it. When I asked for it back, they told me that I would not get it until I earned back the money they had paid for me.

What was the apartment like where you stayed? How did you pay for the apartment?

On the first day I slept at their home, but afterwards I lived in a hotel. The hotel was OK, only dirty. On the first day they gave me money for a hotel, but later I had to pay for it by myself.

Can you tell what your responsibilities were? How did they differ from those that were promised before?

The responsibilities differed from those that were promised in Latvia. I was told that I will live in a guarded villa and that I will be a call girl, but in fact I had to work on the street. There was a certain amount of money that I had to get back during a night. On the first day I felt shame and fear; I was thinking, how could I get out of there.

What did you do to avoid sexually transmitted diseases, including HIV?

I bought the condoms myself and told the clients to use them. If he did not agree to use a condom, I declined

Did you have a possibility to obtain help, if you needed some?

At first I did not know where to look for help. I turned to the police; however nobody understood what I was saying. I received help then when the members of nongovernmental organisations (NGOs) drove along the streets offering medical and material help, but with the condition that you give up that work. A month and a half after I met them, they helped me to return to Latvia. But, before them, I received a lot of help from my first client, who later became my friend. He helped me a lot.

How did you return to Latvia?

With the help from a French NGO and the Latvian International Organisation for Migration.

How did others you know get out of trafficking?

I know that a lot of girls have run away by hitchhiking. Two girls I know told me that they returned with help from journalists. There are some that have gone on foot and have received help on the border.

What is your attitude now to the men who were your ‘clients’?

Towards some I feel disgust; disgusting. But there were clients that I liked. On two of them I even had a crush

Do you understand yourself? Why/ why not?

Sometimes I don't and I can't explain why. There are things that I should not do, but I do. I was not satisfied with myself. I tried to calm myself down with thoughts that tomorrow it won't be so, but with every next day I went deeper and deeper and later I did not pay any more attention to what I was doing. It was stuck in my mind that I have to do what I was doing.

Do you wish or think you will have the same friends in 5 years time? Do you trust your friends?

No, because now many have turned away from me. All the time new friends turn up. There are just some people that have been my friends also before. Mainly they change. I do not trust them; not at all.

Do you believe in a God? Why, why not?

Yes, because in Latvia I prayed to God only when I needed him, but abroad I went to the church every night after I worked. I had a feeling that there I am being purified. When I heard that my children in Latvia had problems, I prayed a lot. And God helped me much.

What makes you happy?

Meeting with old friends; meeting my children. But it is not so that somebody makes me happy often.

What makes you feel most angry?

The smallest nonsense; completely everything.

Do you ever cry?

Often. Abroad I even cried every day. Now I also cry often, but not as often as abroad. I cry about the memories; that I am alone; that I am not with my little ones. If I have somebody to talk to, I try to hide that I am sad.

Have you ever taken any drugs?

Weed and also some kind of tablets. They gave me something, amphetamines I guess so that I was in a good mood. Once they injected something in my veins.

Have you ever tried to hurt yourself? Why?

Yes, once.

What does love mean? Do you think true love exists?

I don't know what love is. I think there is no such thing. Attachment, I think, is something similar to love.

What would you like to change in the world?

In the world I would like to change the laws - the laws that refer to mothers who leave their children; criminal laws; laws that refer to men.

Do you think there is a big risk of increase AIDS in Latvia?

I think that yes. I know there are those drug addicts and the ones that don't use condoms. They come from abroad and do not know whether they are ill or well. They

go to the doctor and it turns out that they are ill. I think that some years later here will be a real hell.

Would you like to have a family of your own one day?

Yes, but not now. Actually, I already have a family; I have two children and that's enough.

What do you imagine your children to be like?

I am trying not to think about that. I am afraid to think about that. The country will have a great influence, what the laws will be like. But I know that I won't let my girl anywhere over the border.

What would you do if you found out your children were at risk from traffickers?

I would probably kill that person. If somebody would endanger my child and would want to sell him, I would not go to court; I would simply kill that person.

Do you like Latvia? Why/Why not?

No. Stupid laws and too dirty. Unemployment.

What are your nicest and worst qualities as a person?

Nicest and worst qualities? Nicest is the one that I have too soft a heart, but the worst is the one that I am really vengeful.

What colours do you prefer? Why?

I like black, dark violet, dark green, dark red. I do not know why. They suit me. Usually they say that people who like dark colours have had a gloomy life. My boy, for example, likes light and bright colours.

Interview # 8 - from Latvia

Latvian, 26 years old. Trafficked inside borders of Latvia

Do you have a younger sister?

I have two sisters, but I don't know where they live because also they in childhood were put in the orphanage.

What would be the three most important pieces of advice you would give them?

Never trust people. Trust more yourself and be independent. With questions you don't understand turn to some grownup person, for example, mum, dad or grandma, or some other relative, if you have one. But if you don't, then I don't know; then turn

to some closer person. Never do things hastily, on your own, without thinking everything through, because then you won't know what you are getting involved in.

What age did you leave school at?

After special boarding school, I went to study in medical school. I was 20 when I left medical school.

What would you change first in your school if you had the power?

At school I would like to have more subjects that would be separate for girls and boys then girls would know everything that could happen to them. Otherwise it happens that the girls get lost, get pregnant and don't know what to do next. At the graduation of the 9th grade many girls were already pregnant. I would also want separate general subjects. For example, we had sewing, knitting and painting lessons. I don't want boys in the classes, because they tease you and don't leave you alone.

Do you think anyone understands you either now or in the past?

Yes, there are some people who do understand, but many don't, because they have not had the same experiences.

Do you have anyone who you can trust and talk about your stresses to?

Now, only social workers.

Do you think most people trust each other?

I think that most people in society do not trust each other. Very seldom someone trusts others with problems. No one trusts with his or her problems right away.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

There are several people who help people like me. Now there are specialists such as social workers, psychologists. There are places where to receive information, so that you would not get into such a situation, as well as where to receive help.

Do you think it is mostly Russian-speakers who are victims of trafficking?

Why/ why not?

Where I was, there were more Russian-speaking women. By the end, more and more Latvian girls arrived. There are a lot of Russians in Latvia. But for such an occupation, it does not matter what nationality the girl is.

Why did you decide to look for a job abroad?

Actually I had not thought of going abroad. Already, in Riga I was not doing well, I didn't know how it would be abroad. I would not have had any close person to talk to. I did not know the roads of Latvia to return to [the other city]; in some foreign country

it would be even worse. It seemed that I was in a deadlock, and there was no one who could give me the right advice.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

It started when I was studying in medical school and I did not have anyone who could help me. I don't have any relatives. I did not know whom to turn to and where to go. Then appeared some people, whom I trusted and who later started to sell me as some thing or object. I met people whom I trusted but who later just sold me as an object. With people who used me, I met in such a way that I was offered a job. They asked me, whether I have found work and I said: "No, but I surely will." He said: "I can offer you a job." I asked, how so fast and what will I have to do. Then we talked and he told how it all would happen. I asked how much I would receive in a month. Then he said that this is such a job, where I will have to sleep with the men at first in [in the other city], where I lived, and then in Riga. For a short period of time I had to work [there], but then I was transferred to Riga. I learned that I have been sold for 300 lats. [€427] I had not arrived to Riga yet, but that money was already in their hands.

When did you get to know that you were sold?

Only at court. There I was asked: "Did you know that you were sold for 300 lats?" I answered: "No."

What did they want to do with you further?

I was taken to the apartment, where there was also other such kind of girls. He was in [the other city] and ordered me to send him the money I had earned. I had to send it by post or with the bus. On the third time he told me to come [there]. Then he took my passport, stole my phone and many other things. He told that soon I would have everything new. He also sold mobiles.

When you worked in [that other city], how many clients did you have to serve?

During the day I was at home. In the evening they called me and told me to take a bath, to get dressed, to make myself up and wait until they come after me. I had to work only during nights and I had to serve 2-3 clients. I was allowed to use a condom. When I was in Riga, I served more than 15 men a day, each of them for about one hour. It depended on that how much they paid. For an hour I got from a client 7 lats. [Approx €10] After Riga they wanted to take me to Germany but one day I was called to some home and instead of the client there was the police. That is how I got free.

What did the person explain about where exactly you will work, what will you have to do, and where you will live?

They told me that I would have to do the same as in [that city]. But when I got there I was 'tried out' by a lot of men so see whether I was suitable. For a month I did not get out of the apartment. I was tried out; they scared and threatened me, so that I would not even think about running away. Then I was tortured. They tried to take me somewhere by car.

Did you conclude an agreement about going for a work abroad?

I did not have to sign any documents.

Who was supposed to cover travelling expenses?

No one; I paid by myself. I paid from the money that I had earned.

Do you know any others who have been involved in trafficking? How did they arrive in such a situation?

Yes I do know. There were several girls from [there], who came some time later after me. I told them: "Go away, girls! What are you looking for in here?" I talked to them secretly and urged them to go faster away. How did they get there I don't exactly know, but some of them arrived in this situation in the same way as I.

What advice, if any, did you get from friends or relatives about your plan to go to Riga?

Nobody knew that I am leaving [there] and going to Riga. I could fly away from Latvia and nobody would know.

What happened just after you arrived?

In Riga some girls met me. They took from me the passport already before. They took my passport from me and I did not get it back. When I asked why they needed my passport, they told me that they have to arrange different documents so that I could work as an airplane stewardess. It seemed to me that they were trying to make for me a fake passport.

What was the apartment like where you stayed? How did you pay for the apartment?

I can still remember that place. I did not like that place, but well... that apartment was in a very noisy place, there were driving by a lot of cars. It was very scary. For the apartment I had to pay to the host. It was a three-room apartment. One room was very small. There could sleep only two girls. In the second room slept four girls. In the

third room, oddly enough, slept seven girls. In this apartment we also offered the services.

How did your responsibilities differ from those that were promised before?

They told that I would do the same thing; just the wage will be better. I did not know exactly what I am getting myself involved in.

What did you do to avoid sexually transmitted diseases, including HIV?

I used only condoms. I did not have anything else.

Did you have a possibility to obtain help, if you needed some?

When I understood, that I was being used, at first I could not obtain any help, because I was locked in. Later on I was allowed to go on a balcony. Then I was very happy. In the small room full of cigarette smoke I could not breathe anymore.

I didn't go to look for help. Three months later I had a possibility to talk to police. That is how I got out of that apartment. Afterwards I received help from *Talsi Crisis Centre* and the "Marta" centre.

How did others you know get out of trafficking?

I kept in touch with one girl, but then she left this job. Afterwards she disappeared. I don't know, what happened to her. I heard she was sent abroad.

What is your attitude now to the men who were your 'clients' ?

How would you describe the average man who was one of your 'clients' ?

At first the host said that I was a new girl, not so experienced, so every client did as he liked. It depended on his character. Some were more evil, some were harsher, and some did not touch me at all. The worst ones were those who had already used some girls, because they could do with you what ever they liked. Clients were cruel. I had about 10 awful clients. Some clients took me for almost a whole day. Those were moneyed clients. Then I had to satisfy them several times a day. My clients were men. Some were married, some not. From 22-45 years old. Often the clients offered alcoholic drinks, saying that then it will be easier for me. Back then I drank very little alcohol, because I did not know how much I can afford to use it. I was afraid to get drunk, because then the client could do what ever he wanted.

Do you understand yourself? Why/ why not?

There are some things I don't want to think about at all.

Do you wish or think you will have the same friends in 5 years time? Do you trust your friends?

I don't think that I will have the same. I hope that in the future my life will change. About my ex-acquaintances... If I met some of them, it would be a tragedy for me. I do not want to see them or hear them. I think that I don't trust my friends. I remember I had a friend to whom I told everything. But in the end she told everything to others. Therefore I don't tell to any close friend everything anymore. You should not tell anybody about everything. You should not trust, you should not.

Do you believe in a God? Why, why not?

Yes I do, because there is something inside me that makes me to believe. That helps. A God I can trust fully.

What makes you happy?

I am happy that there are people who help me. It does not matter how much they can help me, the main thing is that they do. It is important for me that I know where to turn and where I can talk about my pain. Then I am not alone in this world.

What makes you feel most angry?

No one especially. Only when somebody mentions the past times or asks me how I could have done that.

Do you ever cry?

I do cry. More often then, when some close person causes me pain - if a person at first has been kind, good and loving towards me, but in the end makes me suffer.

Have you taken any drugs since becoming involved in trafficking? Before you were involved in trafficking?

No, never.

Have you ever tried to hurt yourself?

I thought about that when I lived in [that city]. When I left school, I needed someone to talk to about things like where to go, where to turn to, in order to get an apartment, and other things. But I did not have anybody. Others just asked me for money (for apartment, renovations etc.). My brother with whom I was in the special school asked me for money. Later he got into prison. It was a deadlock. I didn't know where to turn or what to do. I went to the beach to get rid of the gloomy thoughts, but actually sometimes it didn't help. On the way back home I was thinking of jumping off the bridge, of hanging myself. Such disgusting thoughts came to my mind. I told that also to other girls, but they held me back and said: "You are still a young girl, you have to live."

What does love mean? Do you think true love exists?

Yes, love exists. Only then when people understand each other. For instance he understands me and I understand him. It is not so that there is no true love, but I do not have it.

What would you like to change in the world?

I would like that there was less violence in the world, that people would fight against drugs, because many children use them; that there was a bigger belief in good things and God; that there were more Sunday schools and children were told that they cannot trust all the people.

Do you think there is a big risk of increase AIDS in your country?

I think that yes.

Would you like to have a family of your own one day?

Yes.

What do you imagine your children to be like? What would you do if you found out your children were at risk from traffickers?

I have a small baby. I am waiting for that moment... I think he will look at me with different eyes; he will have a lot of questions which perhaps will remind me of pain or which I might not be able to answer. Or maybe I would be able to answer. Time will show. While he is small, he won't ask such questions, later perhaps I will already know how to answer them. If I learned that my child was at risk from traffickers, I would turn to the police and ask them to find my child.

Do you like Latvia? Why/Why not?

Yes, because Latvia is a beautiful country. Many people do not even notice that. When I was abroad, it is beautiful there as well, but there are not so beautiful woods, fields and rivers as here. Only bad thing is that these places are neglected.

What are your nicest and worst qualities as a person?

Nicest – I love very much the person with whom I fall in love. Then I respect this person and I cannot deny him my help.

Worst – when I reject somebody, something like a rock falls on my heart, beneath which no water flows. On such occasions I think that this person will never ask me anything again.

What colours do you prefer? Why?

White, silver and blue. White one I like because it is light, sincere and it attracts. Light thoughts are coming to mind. I like light rooms. They sweep aside bad thoughts.

Silver colour I like because it sweeps aside bad thoughts. It is not like a golden colour that attracts crows, but it is a warm colour. Blue is my love colour, because for Gemini blue colour usually is a love colour.

Interview # 9 - from Latvia

Latvian, 20 years old.

If you had a younger sister, what would be the three most important pieces of advice you would give to her?

If I had? To study and not to trust people too much.

What age did you leave school at? What would you change/have changed first in your school if you had the power?

At the age of 16. I would like that pupils would have school uniforms again, because then there would be no difference between those who can and can't afford to wear something better.

Do you think anyone understands you either now or in the past?

I think, I hope that yes. My (girl) friend; family.

Do you have anyone who you can trust and talk about your stresses to?

Yes, I do. My (girl) friend. We have a similar understanding of life.

Do you think most people trust each other?

They do, but not fully. I have experienced that myself.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

Only now something has started to happen. Now people talk about that. Magazines publish articles about this problem. Apart from that it seems to me that nothing more happens. When I was in this situation, I did not have this kind of information.

Do you think it is mostly Russian-speakers who are victims of trafficking?

Why/ why not?

No, I think that this is completely untrue. It even seems to me that there are more Latvians that go. I have heard a lot about that.

Why did you decide to look for a job abroad?

In fact I did not decide that; somebody else decided that for me. There was an offer and I accepted it because of the influence of another person.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

In a firm, I got acquainted with a person who offered me a job.

What was talked about during the interview with a representative of the company?

I was told that I will work in a cafeteria as a waitress and I will live right there with a hostess.

Did you conclude an agreement about going for work abroad?

No. I did not even know that I could demand an agreement, when going to work abroad.

Who was supposed to cover travelling expenses?

I covered my travelling expenses.

Do you know any others who have been involved in trafficking? How did they get into this situation?

Yes, I know already two. They got in this situation in the same way as I.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

They told me both good and bad things that can happen to me. I was told that I should not give my passport away to anybody, that I should call home right away, if something happens. My relatives warned me that the thing that really happened to me could happen.

What happened just after you arrived in the particular country?

The hostess met me in the airport; I was warned about that already in Latvia. Nobody took my passport away.

How did you like the place where you stayed? How did you pay for the apartment?

Yes, I liked it there. Beautiful nature. Nevertheless at that time everything disgusted me anyway. For the time I stayed there I did not have to pay rent. However perhaps if I had stayed there longer I would have had to.

Can you tell what responsibilities you had? How did they differ from those that were promised before?

Of course responsibilities differed from those that were promised in Latvia. There I had to provide sexual services.

What did you do to avoid sexually transmitted diseases, including HIV?

The hostess herself told me that the only way how to avoid that is by using condoms. She gave them to us herself.

Did you have a possibility to obtain help, if you needed some?

I needed the police and somebody, who could help me to return to Latvia. I received this help from the police and the International Organisation for Migration (IOM). When I had nowhere to stay I lived for a while in a monastery.

How did you return to your Country?

I received help from the Latvian embassy and the IOM. A week later I flew back home.

How did others you know get out of trafficking?

I know one woman who did not want to return home and stayed there.

What is your attitude now to the men who were your ‘clients’?

How would you describe the average man who was one of your ‘clients’?

I do not have any attitude towards them. As people they all were different.

Do you understand yourself? Why/ why not?

I don't know. Perhaps something has changed after I returned from [that country]. Until then I did not always understand myself. Now it seems to me that I know why I think or do something. Simply now my attitude towards life has changed. I think that I am the same, but others say that I have changed.

Do you wish or think you will have the same friends in 5 years time?

Probably not, but I think that this one (girl) friend will always be next to me.

Do you trust your friends?

No, actually I don't trust anymore. Earlier I did.

Do you believe in a God? Why, why not?

I do believe. I was taught to since birth. I do not go to church. I think that the most important thing is to believe.

What makes you happy?

All kind of things: music, people and nature. Every simple thing. But it depends on the mood. Other times nothing makes me happy.

What makes you feel most angry?

People. Those that don't understand me, pretend to be friends, but in the end deceive me. Faithlessness.

Do you ever cry?

Yes, I do. I cry also then, when I am glad.

What makes you feel most sad?

When things do not go the way I have planned; when my family does not understand me.

Have you taken any drugs since becoming involved in trafficking? Before you were involved in trafficking?

No.

Have you ever tried to hurt yourself?

No.

What does love mean? Do you think true love exists?

Love certainly does exist. But for everybody it is something else. The way how a person loves depends on his/her personality. These times it seems that love is not the main thing anymore; it is money or something else that has greater importance.

What would you like to change in the world?

I would make people less greedy, that they notice more the person who is next to them, not only themselves. I would also make so that people are not so ambitious.

Do you think there is a big risk of increase AIDS in your country?

Actually I don't know. I have not taken any interest in that.

Would you like to have a family of your own one day?

Yes. That is the thing that is most important in life.

What do you imagine your children to be like?

Of course the best ones.

What would you do if you found out your children were at risk from traffickers?

I would do everything not to allow them to do the same mistakes. No matter how, but I would try to prevent that. I would look for help from others as I probably would not manage to do that on my own.

Do you like Latvia? Why/Why not?

I do, a lot. Only before I went to [that country] I did not appreciate that. Perhaps it was because I was used to everything here.

What are your nicest and worst qualities as a person?

Worst and nicest? Nicest – open, cheerful, frank. Worst – impatient.

What colours do you prefer? Why?

Pink, red, black, brown. Because that they suit me. Only because of that.

Interview # 10 - from Latvia

Russian, 20 years old

If you had a younger sister, what would be the three most important pieces of advice you would give to her?

First of all I would tell her to think about the people she meets and is in contact with. Second, I would tell her to look at me. But actually if I had a younger sister, I would not allow such a situation to happen. I would tell her myself how to do everything and how to do it best, so that she would not repeat my mistakes, so that she would learn from my mistakes. I would tell her my experience.

What age did you leave school at? What would you change/have changed first in your school if you had the power?

I was 15, when I graduated from grade 9. If I had a chance to change something, I would definitely finish the school and go to study further. It happened so that after the school I started to work and started the studies in vocational school. I thought that to learn some profession is the most important thing, but I left my studies. Now I think that I should start to study in high school and find a job, because I am ashamed to tell somebody that I do not even have a high school education. After the high school I would like to study in some open university, as I understand that nowadays you cannot do without education.

Do you think anyone understands you either now or in the past?

I think that somebody does understand me.

Do you have anyone who you can trust and talk about your stresses to? Do you think most people trust each other?

The only person that understands me is my mom. There is no one else whom I can trust. There are such problems that others cannot understand. There is no other person, who would be more understanding than my mom. To talk about my problems with my friend I do not want. I do not believe her much. I would not like to tell something to anybody else either.

It seems to me that people can trust. It is not possible not to trust all the time; otherwise you can lose your mind. But I think that nevertheless people are cautious. Yes, they are cautious in trusting to somebody. People try to trust, but not completely. They want to believe in another person. They want to believe, that this person is good, but not always it is so.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

Yes, there is a system. I will tell you how it was in my case. I was very lucky. The system perhaps works well, but if I were not so lucky, if I was not hidden, if I had not received help, then no one would have found me. The moment of luck is also very important. There may be also such situations when there is no exit. The system works well, because I received help immediately, also psychological help. I was told what to do. I was alone there and I did not know anything. The Latvian embassy helped me; they told me what I should do. But if I was not so lucky, then these organisations would not have found me, it simply would not have been in their power. I guess God helped me.

Do you think it is mostly Russian-speakers who are victims of trafficking?

Why/ why not?

There are Russian-speakers. Yes. I guess it is easier to communicate in Russian and many people speak in Russian. For example, from our neighbouring countries go a lot of girls. They talk to each other in Russian, for instance, girls from Latvia and Lithuania. I don't even know why there are more Russian girls.

Why did you decide to look for a job abroad?

I thought that I would earn good money. I had a plan to earn some money and finish my studies. I live in a small town and it is hard to find normal work there. And this seemed to be a good chance. Everything went so well. It was organised by my good acquaintance. Why not to try and earn some money? Everything happens because of the money.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

I simply trusted people who are good acquaintances, who are grown up, not some kind of youngsters. A woman, who persuaded me to go, works nearby my house as a pharmacist. I could not imagine that people really can do something like that. That woman introduced me to her family, to her daughter, who is three years younger than me. I was at their home, I drank coffee... she persuaded me to go.

Why did I believe that woman and go? I saw in her folder copies of passports of many of my town's inhabitants, who it seemed wanted to work abroad. I knew them. There were about 60 people, also men around age 40. That woman said that a bus would take them. I thought that she wouldn't cheat those people and neither me. Now I

understand that she did it on purpose, to involve young girls. Everything was considered so well and I trusted.

Did you conclude an agreement about going for a work abroad?

No, I did not.

Did the person explain about where exactly you will work, what will you have to do, and where you will live?

Yes, of course, she explained to me. That was the thing that interested me in the first place. That woman said that I would live together with her and her friend in a three-room apartment and one of the rooms would be mine. I was supposed to pick ripe blossoms from peach and apricot trees to increase the harvest. It was a seasonal job. I would have lived and eaten at her place, although the owner of the house was some local inhabitant not the woman. She said that if I didn't like something I could return home any time.

Who was supposed to cover travelling expenses?

I did not have to buy a ticket. We were several girls and a car took us.

How did others you know get involved in trafficking, if you know anybody?

Yes, I went together with those girls and I understood that people are very different. When we arrived they were satisfied with the situation. There were several bosses. We had to live with one and then with another. If they didn't like you they could take you somewhere or sell you... I don't know. I was not told before that there would be some kind of bosses.

When we arrived other girls were ready to do anything just to have a chance to live there. We, all the people, are so different. I was there as a "white sparrow", whom everybody pecked. I cried and others said that I am picky. You are not a human there, you feel like an animal. I wanted home so bad. So what that here is no money? I don't want to go anywhere anymore. You know that here you are a human, that nobody will tell you a bad word. There you feel even worse than an animal, as some kind of cockroach, whom everybody wants and who cannot hide anywhere.

I know one girl who came back recently. She worked as a prostitute. She knew what she would do abroad. She needed money; she said that right now she does not care. Everybody has their own...there they do with you what ever they want. You simply start to go mad.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

They of course told me to be careful. Everybody told me that. Mom was very worried, tried to talk me out of it, because actually this was the first time when I went abroad.

What happened just after you arrived in the particular country?

As I got there I was told that this man was my boss and I had to live with him. My boss was 58 and I am 20. He talked in his language and I did not understand anything. At night I ran away from him, but then I was promised to be put in a brothel. I was lucky, because one person hid me in his home. I was very afraid. I sat in a closed room. It was like in the movies, when you sit and somebody is breaking into the house and you don't know what will happen to you when you will be found. You have no escape and that is very, very awful. Before that a lot more happened. They took me from one town to another. They did not take me right away to that man-boss. That woman took my passport away from Latvia. She said that I wouldn't need it.

What was the apartment like where you stayed? How did you pay for the apartment?

I did not like there. I slept in the place of a dog – in an old armchair. I did not have to pay for the living.

Can you tell what your responsibilities were?

Of course; to provide sexual services, but luckily I did not have to do that.

Did you have a possibility to obtain help, if you needed some?

Yes, I needed a place where to hide. A complete stranger gave it to me. Afterwards he also got back my passport and got in contact with necessary organisations, so that I could return.

How did you return to your Country?

The Embassy of Latvia helped me; it also provided me the money for tickets. I had two very long flights. At the airports I had to wait for my flight for several hours. I also had to get to the airport by some transport. It was very hard – large cities, complicated traffic, for example the subway. I even called the embassy, because I did not know how to get to the airport. Now I admire myself that I managed to do that. I found out that I am a strong person. I wanted home so bad. I felt scared also in airports, when I saw people with dark skin, when their black eyes hypnotised me. In my life I had not seen so many black eyes. I put a scarf around my head so that they

would not see my blond hair. I did not wash and did not take care of myself, so that I would be less noticed. I feel so well in Latvia, here people have light eyes.

How did others you know get out of trafficking?

They did not try to do that.

What is your attitude now to the men who were your 'clients' ?

I did not have any clients.

How would you describe the average man who wanted to be one of your 'clients'?

Approximately the same as my boss, he also had a fat stomach. In the first evening he wanted to sleep with me, but I resisted and kicked. Afterwards I ran away.

Do you have any dreams as to what would you like to do in the future?

I want to study and work.

Do you understand yourself? Why/ why not?

I think that yes. I have experienced so much. Now I know what to do next.

Do you wish or think you will have the same friends in 5 years time? Do you trust your friends?

I think that no. People change. There are other interests and then it is not interesting to be together. Five years is a long period of time.

Do you believe in a God? Why, why not?

Yes, I do believe. Because, when no one else can help, there is He. There I prayed to God a lot, that he would help me.

What makes you happy?

A lot of tiny things can make me happy. I don't have a big happiness. Right now I am happy that I am home.

What makes you feel most angry?

People, who lie, all kind of bad things that happen to people, war, terrorism...

Do you ever cry?

I cry then when the things to cry for pile up.

Have you taken any drugs since becoming involved in trafficking? Before you were involved in trafficking?

No.

Have you ever tried to hurt yourself? Why?

When I was there I wished that I had a scar on my face. I did not wash either, my hair were dirty. But it was more for self-protection.

What does love mean? Do you think true love exists?

There is a true love. It is then when you do not see minuses. There is a love of a mother that brings along a huge responsibility.

What would you like to change in the world?

I would like that there were no wars, no terror acts. The government could make sure that people do not kill each other. I would like that there was no alcoholism, drug addiction. Youngsters have to live, not to kill themselves. They are used to live with no care. I would like that there were less of those people who trade with girls. Those traffickers should be sent to some island. Let them live there and think. That would be for them a lesson for the future.

Do you think there is a big risk of increase AIDS in your country?

Yes, there is, because there is drug addiction. We take from abroad all what is bad. Also sexual minorities... Heaven forbid!

Would you like to have a family of your own one day?

I would like and I want.

What do you imagine your children to be like? What would you do if you found out your children were at risk from traffickers?

I want my children to be healthy and smart, that they would love their parents, that they were friendly. As for trafficking, then I would prevent that; I would meet the traffickers myself.

Do you like Latvia? Why/Why not?

I like Latvia – my native country, civilised people. I don't like the government. If there were another government this would be a golden country. Riga is very beautiful. I am proud.

What are your nicest and worst qualities as a person?

It is hard to criticise yourself. Negative: laziness, slight nervousness sometimes. Positive: kindhearted, sympathetic, I will always help, I won't betray my friends.

What colours do you prefer? Why?

Light ones: white, pink, yellow, light blue. I think that they fit a woman. They simply create a happy mood.

Interview # 11 - from Lithuania

35 years old, Lithuanian national.

Do you have a younger sister?

Yes, I have a younger sister.

What would be the three most important pieces of advice you would give to her?

My advice would be: don't trust friends; always strive towards an aim in life (education, job), to get full information about jobs abroad.

What age did you leave school at? What would you change/have changed first in your school if you had the power?

I finished school when I was 19 years old. After school I attended vocational school. If I had the power, I would do so, that all schoolchildren wore a uniform at school.

Do you think anyone understands you either now or in the past?

I think my nearest friends understand me always.

Do you have anyone who you can trust and talk about your stresses to? Do you think most people trust each other?

Yes, I have. In my opinion, most people do trust each other.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

I'm not satisfied with the situation in my country. Our government does not care about protecting women from traffickers.

Do you think it is mostly Russian-speakers who are victims of trafficking?

Why/ why not?

No. There are a lot of women from other countries, for example: Lithuania, Ukraine and Latvia.

Why did you decide to look for a job abroad?

I am an invalid therefore I cannot work in Lithuania. I wanted to earn money to buy a computer for my children.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

A good friend of mine is married to an Albanian. She got to know that my family was in a need of money, so she offered me a job of a cleaner abroad. I trusted her.

Did you conclude an agreement about going for a work abroad? Was an agreement in your native language?

There was no agreement.

What did the person explain about where exactly you will work, what will you have to do, and where you will live?

She told me that I will work as a cleaner in a stadium and I will live at her and her husband's house.

Who was supposed to cover travelling expenses?

They covered travelling expenses.

Do you know others who have been involved in trafficking?

No, I don't know anybody.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

Relatives did give me some advice: not to give my passport to anybody else, to keep in mind the number plates of cars, to call relatives always.

What happened just after you arrived in the particular country?

I flew together with the same good friend of mine to [the] airport. In the airport, we met her husband. We went to their house. The next day, my friend and I went to work in a stadium. But on the third day, an Albanian told me that I have lost this job. I ordered a ticket to return to Lithuania. The Albanian agreed to buy for me this ticket and took my passport. On another day the Albanian told me that he has bought the ticket and that we have to go to the airport. We did not go to the airport but to a brothel. The Albanian sold me to other Albanians. In the brothel five men raped me.

What was the apartment like where you stayed? How did you pay for the apartment?

My friend's house was very nice (there were a lot of expensive things). The brothel was shabby.

Can you tell what your responsibilities were? How did they differ from those that were promised before?

Before that they had not promised me anything. They wanted me to be a prostitute.

What did you do to avoid sexually transmitted diseases, including HIV?

I didn't do anything to avoid diseases.

Did you have a possibility to obtain help, if you needed some?

I had no possibility to obtain help.

How did you return to your country?

After I was raped I said that I wouldn't work as a prostitute. I jumped out of a window (it was the third floor). Some people called the police and ambulance and they helped me. After treatment, I gave a testimony against the Albanian. One organisation helped me to return to Lithuania.

How did others you know get out of trafficking?

I don't know.

What is your attitude now to the men who were your 'clients'?

How would you describe the average man who was one of your 'clients'?

I hate my rapists. One of them was a Greek. His hair and skin was dark. His one leg was shorter than the other.

Do you have any dreams as to what would you like to do in the future?

I would like to live without tension and fear. In my future I would like to be healthy and to find a job.

Do you understand yourself? Why/ why not?

I don't know. It's hard to understand yourself.

Do you wish or think you will have the same friends in 5 years time? Do you trust your friends?

No. I don't trust my friends.

Do you believe in a God? Why, why not?

Yes, I believe in a God. God protects me and cares for me.

What makes you happy?

My happiness is my children.

What makes you feel most angry?

Lies make me feel most angry.

Do you ever cry? Do you do that because of the sadness? What makes you feel most sad?

I do cry. Desperation and obscurity makes me feel sad.

Have you taken any drugs since becoming involved in trafficking? Before you were involved in trafficking?

I haven't taken drugs since becoming involved in trafficking. I don't use drugs.

Have you ever tried to hurt yourself? Why?

Yes, I tried to hurt myself, because traffickers raped me and I didn't want to be a prostitute.

What does love mean? Do you think true love exists?

I think that true love exists. Love is when people understand and trust each other.

What would you like to change in the world?

There is a lot of poverty. I would like to change this situation.

Do you think there is a big risk of increase AIDS in your country?

Yes, I think so.

Would you like to have a family of your own one day?

I have my family: my husband and 3 children.

What do you imagine your children to be like?

I want my children to be respectable and honest.

Do you like your country? Why/Why not?

I like it. Lithuania is my native country.

What are your nicest and worst qualities as a person?

I always help other people. I'm generous. My worst quality is that I trust others too easily.

What colours do you prefer? Why?

My favorite colours are pink, black and blue. These colours are close to my heart.

Interview # 12 - from Lithuania

22 years old Lithuanian national.

If you had a younger sister, what would be the three most important pieces of advice you would give to her?

I don't have a sister. My advice would be: to obtain a profession, not to trust people, to believe in herself.

What age did you leave school at? What would you change/have changed first in your school if you had the power?

I was 16 years old. There should be more possibilities to study extramurally.

Do you think anyone understands you either now or in the past?

Yes, my nearest people understand me.

Do you have anyone who you can trust and talk about your stresses to? Do you think most people trust each other?

No, I have not. No, they don't trust each other.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

I'm not satisfied with the situation in my country, because our government does not care about poor and unemployed people.

Do you think it is mostly Russian-speakers who are victims of trafficking?

Why/ why not?

No. I don't think that only Russian-speakers are victims. There are a lot of Lithuanian and Polish victims.

Why did you decide to look for a job abroad?

I was unemployed for a long time. I had no money for normal living.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

There were two men from another town in Lithuania. They offered me a job of waitress in [that country]. For one week I lived in their flat. Those two men took care of me: bought food, cosmetics, clothes and other things. After this week I went abroad.

Did you conclude an agreement about going for a work abroad?

There was no agreement.

What did the person explain about where exactly you will work, what will you have to do, and where you will live?

They explained to me that I will live in a big house with a pool and that I will work in that same house. It was supposed to be a restaurant or cafe.

Who was supposed to cover travelling expenses?

Those two men.

Do you know others who have been involved in trafficking?

No, I don't know anybody.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

I didn't get any advice.

What happened just after you arrived in the particular country?

My trip to [that country] was via [another country]. In the airport of [there] I met a Lithuanian woman. This woman took my passport. She said that I must talk to those two men. They were supposed to decide, whether I can work as a waitress. I didn't

want to talk to them. When the woman went to the toilet, I took my passport from her handbag. After that I ran away from the airport.

What did you do to avoid sexually transmitted diseases, including HIV?

In Lithuania I worked as a prostitute. My “clients” used condoms to avoid sexually transmitted diseases.

How did you return to your Country?

I asked for help from some people. One man accompanied me to the Lithuanian embassy. The embassy workers did not offer me any help, only gave me a possibility to phone my mother. I called my mother and asked for money for a ticket to Lithuania. The man helped me. He offered me to stay at his house and gave some money for living. Two days later I got money from my mother and I returned to Lithuania.

How did others you know get out of trafficking?

I don't know.

What is your attitude now to the men who were your ‘clients’?

My attitude to those two men is negative. I feel hate, anger and disappointment to them. Sometimes I detest them.

Do you have any dreams as to what would you like to do in the future?

Yes, I have some dreams of my future. I want to have a profession, to find a good job and to buy a flat.

Do you understand yourself? Why/ why not?

Yes, I understand myself. I know what I want to do in my life.

Do you wish or think you will have the same friends in 5 years time? Do you trust your friends?

Yes, I think so. Yes, I trust them.

Do you believe in a God? Why, why not?

Yes, I believe in a God. A God for me is a hope.

What makes you happy?

My family: 2 of my children and husband.

What do you imagine your children to be like?

I want my children to have a good education and a sense of responsibility.

What makes you feel most angry?

I feel most angry for my conflicts with my mother.

Do you ever cry? Do you do that because of the sadness? What makes you feel most sad?

I do cry. My mother is an alcoholic. She always drinks. She makes me very sad.

Have you taken any drugs since becoming involved in trafficking? Before you were involved in trafficking?

I don't use any drugs and I have never tried.

Have you ever tried to hurt yourself? Why?

No. I live for my children.

What does love mean? Do you think true love exists?

I think true love exists. Love is the only value for which I live.

What would you like to change in the world?

I would like that there were more work places and more safety for people in the world.

Do you think there is a big risk of increase AIDS in your country?

Yes, I think so.

Do you like your country? Why/Why not?

No, I don't like it. Our government does not care for people.

What are your nicest and worst qualities as a person?

I'm neat; I don't have any harmful habits. Worst qualities: I am very responsive to the influence of negative people.

What colours do you prefer? Why?

I prefer sky-blue and pink colour. These colours calm me down.

Interview # 13 - from Lithuania

Russian-speaker. Lithuanian national.

What would be the three most important pieces of advice you would give to your younger sister?

I would give the following advice – to obtain at least some kind of education, not to trust everybody that comes in your way and not to run after easy money.

What age did you leave school at? What would you change/have changed first in your school if you had the power?

I left school when I was 15. If I had a possibility I would order to hire only young and fair teachers.

Do you think anyone understands you either now or in the past?

Nobody understands me.

Do you have anyone who you can trust and talk about your stresses to?

About my problems I can talk to my sister and social worker.

Do you think most people trust each other?

I don't know.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

In my opinion the Lithuanian government with its laws does not properly protect women.

Do you think it is mostly Russian-speakers who are victims of trafficking?

Why/ why not?

Most of the victims are Lithuanian women. I don't know why.

Why did you decide to look for a job abroad?

I had debts for a flat and I was unemployed. Friends I know talked me into it.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

A guy I knew promised me a good job in [the capital city]. He accompanied me on the way, but as soon as we got there he sold me. During the talk, that guy told me how much Lithuanians in [that country] earn. He promised to help me, to get me a cheap and good place of living and so on. He asked almost no questions. He talked all the time by himself and told me about the wonders I was about to experience, about the good money I will earn, with the help of which I will be able to pay my debts and have some savings. And that I will be able to buy beautiful clothes, eat good food and that I will learn English and so on.

Did you conclude an agreement about going for a work abroad?

Any agreement was not even mentioned.

What did the person explain about where exactly you will work, what will you have to do, and where you will live?

That guy said that I will work in a café and that he will take care of everything.

Who was supposed to cover travelling expenses?

All the tickets were bought by him. We went by bus to Riga and then [there] by airplane.

Do you know others who have been involved in trafficking?

How did it happen to them?

[There] I met 8 more girls that also were victims of trafficking. Some were promised good work, others – a great trip.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

My sister was against my trip, but I did not listen to her. She did not believe in the things what that guy I knew had promised me. She had doubts about a good ending of this trip.

What happened just after you arrived in the particular country?

As soon as we reached [that city], we were met by some people. As I understood later they were Albanians. I was sold by my companion. At first I did not know about that. My passport was taken away by that guy already before the trip. He explained that he needed it in order to buy a ticket. Afterwards he gave my passport to those men, when he had received the money for me.

What was the apartment like where you stayed? How did you pay for the apartment?

I was put in a basement in a small room; I was locked in there. They tried to force me to serve the clients, but I resisted as much as I could. A week later I was sold to another Albanian, who forced me to serve the clients. I did not pay for the room, because all the money I had earned was taken away from me.

Can you tell what your responsibilities were? How did they differ from those that were promised before?

I was supposed to obediently serve the clients.

What did you do to avoid sexually transmitted diseases, including HIV?

I did not think about that then.

Did you need any help and did you have a possibility to obtain it?

I did need help, but I was all the time guarded and watched, therefore I was not able to escape. I had no possibility to obtain any help.

How did you return to your country?

Once a pimp called the police, because he said I had stolen his mobile phone. I was taken to a police department and they called a translator. It was then that I told everything and asked for help. The pimp and his helpers were arrested, but for me they bought a ticket to Lithuania.

How did others you know get out of trafficking?

None of the girls whom I met [there] managed to escape, although three of them tried to. Soon after that they were found and beaten.

What is your attitude now to the men who were your ‘clients’?

I hate them. I still see nightmares.

How would you describe the average man who was one of your ‘clients’?

Average client was 25-55 years old man of Albanian, Turkish or Arabian nationality, sometimes there were also Englishmen. All of them are wealthy. Almost all of them asked for uncommon sex. Some of them treated me rudely, even hit me, and called me names and so on.

Do you have any dreams as to what would you like to do in the future?

In the future, I dream of having work.

Do you understand yourself? Why/ why not?

It happens when I don't understand myself. Sometimes I become cruel, evil, I want to hurt myself. All of that comes from inside.

Do you wish or think you will have the same friends in 5 years time? Do you trust your friends?

I am not sure about that. I don't have permanent friends. They change very often. Now I don't trust all of them.

Do you believe in a God? Why, why not?

I am a non-believer. I was not raised in a religious spirit.

What makes you happy?

I am happy those days when I don't have to think where to get money.

What makes you feel most angry?

I can get angry at everything and everybody.

Do you ever cry? Do you do that because of the sadness? What makes you feel most sad?

Yes, sometimes I cry. I am sad very often. It is just when I am not in a mood.

Have you taken any drugs since becoming involved in trafficking? Before you were involved in trafficking?

I don't use any drugs.

Have you ever tried to hurt yourself? Why?

Yes, it has happened at sometimes.

What does love mean? Do you think true love exists?

I don't believe in love. Real love exists only in movies.

What would you like to change in the world?

I would like that there were no homeless, that all the children had parents and there was no violence.

Do you think there is a big risk of increase AIDS in your country?

I think that there is.

Would you like to have a family of your own one day?

Marriage does not make any sense.

What do you imagine your children to be like?

I would like that my children were happy.

What would you do if you found out your children were at risk from traffickers?

I would turn to the police.

Do you like your country? Why/Why not?

I like our Lithuania. I was born here. Our country is beautiful.

What are your nicest and worst qualities as a person?

I love animals. I help those who ask for help. I share with my friends everything I have. I am often lazy. I smoke a lot and I like to have a drink. I swear and when I am drunk I fight.

What colours do you prefer? Why?

I like black and white colour. I don't know why.

Interview # 14 from - Lithuania

Russian-speaking victim.

What would be the three most important pieces of advice you would give to your younger sister?

I would advise my younger sister to be in harmony with herself, to be cautious and to be careful when getting acquainted with strange men, and not to be weak and helpless.

What age did you leave school at? What would you change/have changed first in your school if you had the power?

I left school when I was 16. I would like that at school there were kind, understanding and young teachers.

Do you think anyone understands you either now or in the past?

My brother tries to understand me.

Do you have anyone who you can trust and talk about your stresses to? Do you think most people trust each other?

About my problems I tell only to my older brother. I don't trust anybody else. I think that most of the people become more and more trustless.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

Lately people talk more often about trafficking in human beings, but it is not enough with that. In my opinion there is still a lack of legal and financial help from the side of government.

Do you think it is mostly Russian-speakers who are victims of trafficking?

Why/ why not?

Most of the victims are Lithuanian women. I read about that in the newspapers.

Why did you decide to look for a job abroad?

I wanted to have my own money. My parents earned very little and we often could not buy food, clothes and so on.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

An acquaintance of my brother persuaded me to go abroad. He promised, with the help of his acquaintances to find well paid job for me, but it happened otherwise I was sold as a simple thing. This acquaintance of my brother talked to me and prepared me

for the trip very confidently, he was good in choosing words. He did not ask me any strange questions.

What did the person explain about where exactly you will work, what will you have to do, and where you will live?

We did not talk about the conditions. He assured me that he tries to help me as a friend.

He promised that I would work in a café and at first I would live at his friends.

Who was supposed to cover travelling expenses?

Airplane tickets I bought myself.

Do you know others who have been involved in trafficking?

How did it happen to them?

I got acquainted with two more girls, who also were sold. Also they had wanted to find work in a café, hotel or some enterprise.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

I did not tell about the trip to my relatives, only my brother knew about that. He did not want to let me go, but I did not listen to him.

What happened just after you arrived in the particular country?

When we arrived [there], we were met by Lithuanian people, acquaintances of my companion. Afterwards we went to their apartment. At first my passport was with me, it was taken from me later, about a week later. The man who bought me did that. He did not explain anything.

What was the apartment like where you stayed? How did you pay for the apartment?

A room where I was supposed to work and live was normal. I did not pay for it, as I did not have any money.

Can you tell what your responsibilities were? How did they differ from those that were promised before?

At the beginning, in the first week, I just helped the host of the apartment. Sometimes I prepared dinner, but most often I cleaned the apartment. However, when I was sold I had to do everything that I was told to do. I had to serve the clients 10-14 hours a day.

What did you do to avoid sexually transmitted diseases, including HIV?

I was given condoms.

Did you have a possibility to obtain help, if you needed some?

From the first day of my slavery I started to plan how to escape. I had few possibilities as I was watched all the time.

How did you return to your country?

Nevertheless one day I managed to run away and to turn to the police.

How did others you know get out of trafficking?

I don't know about the fate of other girls.

What is your attitude now to the men who were your 'clients'?

I don't even want to remember them. I hate them.

How would you describe the average man who was one of your 'clients'?

A 25-45 years old man. Their appearance I don't even remember as I tried not to look at them.

Do you have any dreams as to what would you like to do in the future?

In the future I am thinking of having my own little business. Now I work a lot, in order to earn money for my profession.

Do you understand yourself? Why/ why not?

Yes, I do understand myself. I was not broken by my experience. I learned to stand up for myself; I became stronger and smarter.

Do you wish or think you will have the same friends in 5 years time? Do you trust your friends?

I am not sure about that. I trust my new friend with caution.

Do you believe in a God? Why, why not?

I am baptised and I believe in God. I was brought up in a religious spirit.

What makes you happy?

I am happy when my parents and brothers are healthy and secured.

What makes you feel most angry?

I can become angry very fast when somebody talks badly or disrespectfully about my family.

Do you ever cry?

Yes, sometimes because of tiredness, sometimes because of bad memories.

Have you taken any drugs since becoming involved in trafficking? Before you were involved in trafficking?

No.

Have you ever tried to hurt yourself? Why?

No.

What does love mean? Do you think true love exists?

Love is the highest feeling that everybody strives to experience. True love exists, but it is a rarity.

What would you like to change in the world?

I would like that all the people would live according to the ten commandments of God.

Do you think there is a big risk of increase AIDS in your country?

I think that there is.

Would you like to have a family of your own one day?

Certainly.

What do you imagine your children to be like?

Happy and independent.

Do you like your country? Why/Why not?

Of course. Lithuania is my birthplace, my home, my family.

What are your nicest and worst qualities as a person?

I am hardworking; I know how to amuse, when it is needed, however sometimes I do unconsidered steps, I am often stubborn, and I smoke.

What colours do you prefer? Why?

I choose colours in accordance with my mood. Sometimes I dress in bright colours; sometimes I try to be invisible. Actually I like all the colours.

Interview # 15 - from Estonia

Russian speaker

If you had a younger sister, what would be the three most important pieces of advice you would give to her?

If I had, I would tell her that: 1) you always need an aim in life; 2) money is not the most important thing; 3) parents are nevertheless right, you should understand them without preconceptions.

What age did you leave school at? What would you change/have changed first in your school if you had the power?

For 15 years I studied only formally - I went to school, but I did not study.

Do you think anyone understands you either now or in the past?

Sometimes I think that yes, however more often I think, that nobody is able to understand me for real.

Do you have anyone who you can trust and talk about your stresses to?

I can talk to my (girl) friends, but not about everything, only about things that worry them.

Do you think most people trust each other?

Most people trust others only with those things that can be trusted, when the other person experiences the same thing. But most people do not trust. Nobody can understand others fully, not only parents.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

I have not heard of a system for protection of women from getting involved in trafficking. Once I saw a poster, where it was written, "*You will be sold as a puppet*". For quite a long time I could not understand what that meant. Only afterwards my friend told me that it is against prostitution.

Why did you decide to look for a job abroad?

It's impossible to survive here with this wage, to live from one wage until another, to forbid yourself everything, to count crumbs. It's impossible to study, all studies are in Estonian. Studies in Russian are for a charge, but it is impossible to earn such a money.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

I met a pleasant young man. We entered into a relationship. We began to meet. He worked abroad so he asked whether I wanted to work abroad. I wanted to very much, but I didn't have a possibility to prepare documents for going abroad. I trusted him and agreed to accept his help. My wishes however turned into tragedy.

What was talked about during the interview with a representative of the company or the individual? Did they ask any strange questions?

At that moment the questions did not seem strange, however now I can see some subtext in these questions.

Did you conclude an agreement about going for a work abroad?

Yes, I signed an agreement, but it was not in my native language. They translated it for me; however I trusted them and did not suspect a fraud.

What did the person explain about where exactly you will work, what will you have to do, and where you will live?

Everything was explained to me. It seems to me that, if I had not believed blindly, then I would have managed to see some subtext.

Who was supposed to cover travelling expenses?

A company bought the tickets.

Do you know others who have been involved in trafficking?

How did it happen to them?

Yes, I know. There are girls who got involved just like me and there are girls who had been simply kidnapped.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

They told me to be careful in the strange country, because laws are different everywhere.

What happened just after you arrived in the particular country?

A person I knew was supposed to meet me, however he supposedly couldn't come and I was met by his supposed friend. I was taken to a hotel, and this person said that he needed my documents to arrange formalities at the hotel, so I gave him my passport.

What was the apartment like where you stayed? How did you pay for the apartment?

I did not manage to live in an apartment.

Can you tell what your responsibilities were? How did they differ from those that were promised before?

I had to satisfy men. However when I did not want to and resisted, I was beaten.

What did you do to avoid sexually transmitted diseases, including HIV?

I used protection.

Did you need any help and did you have a possibility to obtain it?

Yes, I needed help. I did not want to live like that, but we were followed and there was no possibility to obtain it.

How did you return to your country?

I pretended that I have accepted the situation and stopped resisting. And in one nice moment I ran away. I knew that there was an organisation that could help me, and it did.

How did others you know get out of trafficking?

Some did it in the same way as I, others were so lucky that their pimps were arrested and they could return in that way. Then again there have been rare cases when the client falls in love and saves the woman.

What is your attitude now to the men who were your ‘clients’?

I don't have any attitude.

How would you describe the average man who was one of your ‘clients’?

Men of middle age (40-50 years old), not too tall, insignificant – “grey” and perhaps frustrated by life.

Do you have any dreams as to what would you like to do in the future?

It is hard; however I would like to obtain education and to do something that I like and which brings me satisfaction.

Do you understand yourself? Why/ why not?

No, I don't understand myself.

Do you wish or think you will have the same friends in 5 years time? Do you trust your friends?

No, I won't have the same friends. They cannot treat me in the same way as earlier.

Do you believe in a God? Why, why not?

Yes, I believe, otherwise I would not have managed to get away from that life.

What makes you happy?

Nature, natural life.

What makes you feel most angry?

If somebody gets to know, what I have done, and asks whether I want to return to that life, then this question makes me really mad.

Do you ever cry?

I don't know how to cry, but I would like to learn that again.

Have you taken any drugs since becoming involved in trafficking? Before you were involved in trafficking?

Yes.

Have you ever tried to hurt yourself? Why?

Yes.

What does love mean? Do you think true love exists?

It does exist, but only in soap operas.

What would you like to change in the world?

To change an attitude of the society towards some things.

Do you think there is a big risk of increase AIDS in your country?

Yes.

Would you like to have a family of your own one day?

Yes, I am dreaming about that.

What do you imagine your children to be like? What would you do if you found out your children were at risk from traffickers?

I want them to be educated, clever, and great. At first I would get acquainted with that young man [they have met] and I would do everything to prevent that [from happening].

38) Do you like your country? Why/Why not?

Yes, I like. I grew up here, this is my homeland, and especially I love my town.

39) What are your nicest and worst qualities as a person?

I am kind, jolly and impetuous.

40) What colours do you prefer? Why?

Red, yellow, green.

Interview # 16 - from Estonia

Russian speaker

If you had a younger sister, what would be the three most important pieces of advice you would give to her?

Trust less the dubious people, not to submit to provocations and persuasions and not to submit to such kind of activities.

What age did you leave school at? What would you change/have changed first in your school if you had the power?

I barely finished school when I was 15. If I had a possibility, I would definitely finish my studies and go to study further.

Do you think anyone understands you either now or in the past?

I can be understood only by those who are like me.

Do you have anyone who you can trust and talk about your stresses to? Do you think most people trust each other?

I don't have people to trust. When living the life I do and when living in such an environment as I do you cannot trust anybody. And most people do not trust each other.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

I am satisfied with the protection. The government does everything to protect us; however we have chosen this kind of life by ourselves.

Do you think it is mostly Russian-speakers who are victims of trafficking?

Why/ why not?

Yes; it's because it is easy to allure Russians to big money.

Why did you decide to look for a job abroad?

Here I had bad material conditions, but there the life seemed more beautiful.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

I looked for a job through the newspaper, I published an advertisement. One person called me and offered me a work abroad. He told me a group of people were gathering to work in fields. He offered good money and all guarantees. That was tempting for me. When I arrived there, my passport was taken away and I was forced to sell myself. I was deceived.

What was talked about during the interview with a representative of the company or the individual? Did they ask any strange questions?

Mostly we talked about money. I did not notice anything strange or suspicious.

Did you conclude an agreement about going for a work abroad?

Yes, I signed an agreement. It was in Russian, but I never got my version of the agreement. Back then I did not pay attention to that.

What did the person explain about where exactly you will work, what will you have to do, and where you will live?

Everything was explained everything and it sounded rather true.

Who was supposed to cover travelling expenses?

The company I turned to in order to get work.

Do you know others who have been involved in trafficking?

How did it happen to them?

I got acquainted with most people at the same company. They were as naive victims as I was.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

There were some who warned me and told that I should think this through for hundred times, there were others that wished me luck.

What happened just after you arrived in the particular country?

They took my passport away and became rather unfriendly towards me. They told that they needed my passport for arranging additional papers.

What was the apartment like where you stayed? How did you pay for the apartment?

Five people lived in one apartment. The apartments were of average quality. I paid for the apartment by working.

Can you tell me what your responsibilities were? How did they differ from those that were promised before?

I had to do everything that those people told me to.

What did you do to avoid sexually transmitted diseases, including HIV?

At that moment I did not think that I could get ill, therefore I very rarely took care about protection.

Did you need any help and did you have a possibility to obtain it?

Of course I needed help, however it was impossible to obtain it as I did not have any documents.

How did you return to your country?

I and two more girls managed to run away. One brave girl even stole back our passports. Everything happened as in a fairytale.

How did others you know get out of trafficking?

I know just about myself and two more girls who ran away with me. I haven't heard about others.

What is your attitude now to the men who were your 'clients'?

I hate them all. It is disgusting to remember them.

How would you describe the average man who was one of your 'clients'?

Usually they were men around 45 years old, rather wealthy.

Do you have any dreams as to what would you like to do in the future?

I am dreaming to find good work and to live a normal life.

Do you understand yourself? Why/ why not?

Earlier I understood myself better, now I understand, what a stupid fool I was.

Do you wish or think you will have the same friends in 5 years time? Do you trust your friends?

No, now I am not sure about anything. It seems to me that everything changes. At present I don't trust anybody in my life.

Do you believe in a God? Why, why not?

I believe. I believe that God was the one who helped me to run away from that hell.

What makes you happy?

That this nightmare has ended and I can live again.

What makes you feel most angry?

People who condemn my life. I think that nobody else should worry about that, those were my problems.

Do you ever cry?

I cry only then when I remember what I had to suffer.

Have you taken any drugs since becoming involved in trafficking? Before you were involved in trafficking?

Before going abroad I had not.

Have you ever tried to hurt yourself ? Why ?

Of course not.

What does love mean? Do you think true love exists?

I still believe in love and I believe that it will show up for me.

What would you like to change in the world?

I would like to ban trafficking in human beings.

Do you think there is a big risk of increase AIDS in your country?

I think that yes, it will probably progress.

Would you like to have a family of your own one day?

Yes, and I want it right at this moment too.

What do you imagine your children to be like? What would you do if you found out your children were at risk from traffickers?

I will protect my child from that with all possible means. I will try to create for him/her better life than it was for me.

Do you like your country? Why/Why not?

It is my home here. The people are kind here.

What are your nicest and worst qualities as a person?

Nicest: I am strong, I know what I want, I am determined.

Worst: I am gullible.

What colours do you prefer? Why?

Green and blue. Those are colours of sky and grass.

Interview # 17 - from Estonia

Russian speaker

If you had a younger sister, what would be the three most important pieces of advice you would give to her?

If you are going to work in unknown place, learn what exactly is waiting for you there: Carefully read through the employment agreement; do not give away your documents (at the airport your passport) and learn what kind of work you will have to do and preferably try to find people who have been there already.

What age did you leave school at? What would you change/have changed first in your school if you had the power?

I finished school when I was 18. I would change nothing.

Do you think anyone understands you either now or in the past?

I think that yes.

Do you have anyone who you can trust and talk about your stresses to? Do you think most people trust each other?

I have a (girl) friend, but I don't have a trust. Trust, but check it out.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

No, nobody can help you, government even less.

Do you think it is mostly Russian-speakers who are victims of trafficking?

Why/ why not?

No, any girl can get in such a situation.

Why did you decide to look for a job abroad?

I wanted to earn money and to build up my life.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

I went to one job, but ended up doing another job.

What was talked about during the interview with a representative of the company or the individual? Did they ask any strange questions?

We did not talk about anything special. They asked whether I knew the language.

Did you conclude an agreement about going for a work abroad?

Yes, I signed an agreement; however it was in English. It was translated to me by that company, that is by their translator.

What did the person explain about where exactly you will work, what will you have to do, and where you will live?

They explained everything to me, however it turned out to be completely different.

Who was supposed to cover travelling expenses?

Everything was paid by the company.

Do you know others who have been involved in trafficking?

How did it happen to them?

They got involved in that just like me. At first they allure you with a good offer – night club, dances, waitress – but afterwards it turns out that it is not yet it or it is not at all what is being expected from you.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

Most people had gone there and were satisfied, so I wanted [to go] too.

What happened just after you arrived in the particular country?

Nothing: they just took me to another place and told me that my work will be serving the clients, satisfying them etc. My passport stayed with me; however I was locked in a room without an exit.

What was the apartment like where you stayed? How did you pay for the apartment?

I felt myself as a captive. They fed me and paid me coins. The room was normal.

Can you tell what your responsibilities were? How did they differ from those that were promised before?

To serve clients (men).

What did you do to avoid sexually transmitted diseases, including HIV?

Everything, but it did not succeed. Sometimes I was not given a possibility to protect myself. Nobody was interested in that.

Did you need any help and did you have a possibility to obtain it?

I wanted to break free, but nobody could help me. I could depend just on myself.

How did you return to your country?

I managed to run away completely incidentally. I used the master himself. I put to sleep his vigilance.

How did others you know get out of trafficking?

I was not interested in that.

What is your attitude now to the men who were your ‘clients’?

I feel complete disgust towards the opposite sex.

How would you describe the average man who was one of your ‘clients’?

Usually a drunk man (if I can call him like that), who thinks just about himself and expects to get everything from me.

Do you have any dreams as to what would you like to do in the future?

To get rid of my past; however it will never happen.

Do you understand yourself? Why/ why not?

No.

Do you wish or think you will have the same friends in 5 years time? Do you trust your friends?

Right now I don't believe in myself, even less my friends.

Do you believe in a God? Why, why not?

Yes.

What makes you happy?

Right now [I feel] indifference towards life.

What makes you feel most angry?

Everybody.

Do you ever cry?

When I feel sorry for myself.

Have you taken any drugs since becoming involved in trafficking? Before you were involved in trafficking?

Yes, when I was teenager.

Have you ever tried to hurt yourself ? Why ?

No, I have not even thought of that.

What does love mean? Do you think true love exists?

Love, it is a fairytale.

What would you like to change in the world?

I have not thought of that.

Do you think there is a big risk of increase AIDS in your country?

Yes, of course.

Would you like to have a family of your own one day?

Yes, I think about that, any girl dreams about that.

What do you imagine your children to be like? What would you do if you found out your children were at risk from traffickers?

They will be happy. I will try to protect them from that.

Do you like your country? Why/Why not?

Yes, it's good at home. "It's good there where we are not".

What are your nicest and worst qualities as a person?

It is hard to say.

What colours do you prefer? Why?

Mild, light, pastel tones. They calm you down and freshen up.

Interview # 18 - from Estonia

Russian speaker

What would be the three most important pieces of advice you would give to your younger sister?

a) At first think with your head, then with your emotions; b) study; c) don't cheat yourself.

What age did you leave school at? What would you change/have changed first in your school if you had the power?

When I was 16 years old. I would change the attitude of teachers and I would replace all the old teachers.

Do you think anyone understands you either now or in the past?

My (girl) friend.

Do you have anyone who you can trust and talk about your stresses to? Do you think most people trust each other?

I can trust my (girl) friend. You cannot trust anybody, if you don't know that person well.

Are you satisfied with the situation in your country to protect women from getting involved in trafficking? Why/Why not?

No. Nobody is interested in that, politics takes care just of itself.

Do you think it is mostly Russian-speakers who are victims of trafficking?

Why/ why not?

Here at our place all are Russian-speakers, although I have seen Estonians too.

Why did you decide to look for a job abroad?

It is impossible to get a good job; abroad waitresses get three times more than teachers here.

Can you tell us the story about how you were deceived by a person/organisation into trafficking?

I went to work as a waitress. There I met a girl, who offered me to earn additional money by working at parties. This money was very big; therefore I started to do that again and again.

What was talked about during the interview with a representative of the company or the individual? Did they ask any strange questions?

There was no representative, simply that girl who told me, when the next "party" (sex party) is going to be.

Did you conclude an agreement about going for a work abroad?

I signed an agreement concerning another working place and I left it later. The agreement was in English.

What did the person explain about where exactly you will work, what will you have to do, and where you will live?

Later that girl offered me permanent "work" and also a place of living. My responsibilities were to accept "guests" in the evenings.

Who was supposed to cover travelling expenses?

I did it myself.

Do you know others who have been involved in trafficking?

How did it happen to them?

There were two girls just like me from Russia.

What advice, if any, did you get from friends or relatives about your plan to go abroad?

Nobody cares about me.

What happened just after you arrived in the particular country?

I worked as a waitress until I met that girl. Nobody took my passport away, although when I was going to leave that work they threatened me that they would take it away.

What was the apartment like where you stayed? How did you pay for the apartment?

I paid [for it] myself.

Can you tell what your responsibilities were? How did they differ from those that were promised before?

I did everything the client needed.

What did you do to avoid sexually transmitted diseases, including HIV?

I used condoms.

Did you need any help and did you have a possibility to obtain it?

Only when I was ill they demanded that I continue working.

How did you return to your country?

I went away without telling anybody anything.

How did others you know get out of trafficking?

Some had to pay to leave the working place.

What is your attitude now to the men who were your ‘clients’?

I don't have any.

How would you describe the average man who was one of your ‘clients’?

35-40 years old, well dressed, well mannered. Sometimes the clients were aggressive.

Do you have any dreams as to what would you like to do in the future?

To find a job abroad that would not be connected to “that”.

Do you understand yourself? Why/ why not?

Yes.

Do you wish or think you will have the same friends in 5 years time? Do you trust your friends?

I almost don't have any friends.

Do you believe in a God? Why, why not?

Yes.

What makes you happy?

My child.

What makes you feel most angry?

When somebody makes me do something I don't want.

Do you ever cry?

Sometimes I do, but very rarely.

Have you taken any drugs since becoming involved in trafficking? Before you were involved in trafficking?

Yes, I have tried two times.

Have you ever tried to hurt yourself? Why?

I wanted to poison myself with tablets when I understood that I have become involved in prostitution.

What does love mean? Do you think true love exists?

For somebody love does exist, but I don't believe in it.

What would you like to change in the world?

My parents, that they would treat me humanely.

Do you think there is a big risk of increase AIDS in your country?

I guess there is. There are a lot of drug addicts.

Would you like to have a family of your own one day?

Yes.

What do you imagine your children to be like? What would you do if you found out your children were at risk from traffickers?

Happy, smart. I would find those who are involving people into trafficking and kill them.

Do you like your country? Why/Why not?

No. Here nobody cares about people.

What are your nicest and worst qualities as a person?

Nicest: smart, observant, kind.

Worst: nervous, hysterical.

What colours do you prefer? Why?

Blue – the sea, sky.

Section II. Policy and Legal Issues

Legal Responses to People Trafficking: An Overview of the International and Regional Framework

Richard Caddell

Introduction

One of the most unfortunate and pressing by-products of the extreme socio-economic dislocation afflicting many of the post-independence countries of the former USSR has been a near exponential increase in the volume of people trafficking from Eastern Europe. People trafficking is not a novel or contemporary phenomenon – indeed, its roots lie in antiquity where the practice of slavery significantly pre-dates the Roman Empire – but this trade in human misery has flourished in Europe since the early 1990s. The dissolution of the Soviet Union, one of the most expansive and tightly regulated geopolitical entities of the Twentieth Century, has had significant implications for many areas of Eastern Europe. The near-instantaneous creation of a number of independent states in 1991 led in many cases to immediate difficulties in maintaining law and order, which has seen a substantial rise in organised criminal activities as a result. In addition to this, civil war and conflict in Europe – most notably in the Balkans – has permitted further lawlessness to flourish and has facilitated the development of illicit supply routes for contraband industries, especially the sale of weapons, controlled substances and, perhaps most significantly of all, illegal immigrants¹.

Trafficking and illegal immigration has posed a substantial challenge for law enforcement officials for most of the Twentieth Century. For much of the latter half of the Twentieth Century these activities were predominantly confined to economic migrants from Africa, the Indian Sub-Continent and Asia seeking new opportunities in the former colonial powers. However, the break-up of the USSR has led to a new type of trafficking phenomenon, known rather facetiously as the trade in ‘Natashas’: young women from Eastern Europe, mainly between the ages of 16 and 25,

¹ C. Corrin, “Traffic in Women in War and Peace: Mapping Experiences in Southeast Europe” (2004) 12 *Journal of Contemporary European Studies* 177, at 181.

predominantly drawn from Russia, Ukraine, Belarus, conflict-ridden areas in the Caucasus or from the poorer regions of South-East Europe, formerly part of the Warsaw Pact, such as Moldova². As the testimonies expressed elsewhere in this volume attest, significant numbers of people from the Baltic States are also known to have been trafficked in this way.

Young women are popularly considered by many elements of the Western media to be especially vulnerable to the attention of traffickers due to the diminished economic and employment opportunities presented by their native lands. In many such areas unemployment levels are high and remuneration low, with workplace equality and labour rights generally considered to be poor by Western European standards, hence the prospect of a well-paid job overseas – typically as an au pair or waitress – is often a strong attraction. In reality, many of these ‘jobs’ lead to a period of time spent in an oppressive ‘sweatshop’ or, worse, the underground sex industries of Western Europe, often exposing trafficked women to the risk of disease and grave mistreatment. Indeed, UN estimates suggest that up to one in every four victims of people trafficking is also subject to some form of sexual exploitation, with young women considered to be especially susceptible to such practices³. Notwithstanding these rather ghastly statistics, and while the sex trade has captured a substantial proportion of the current media and policy-making attention vis-à-vis trafficking offences, the majority of trafficked persons are in fact more usually young men and boys who are subsequently exploited for economic purposes⁴.

Whatever the eventual fate of trafficked persons, it is clear that a proactive and effective legal framework to address this issue has long been conspicuous by its absence, both in terms of preventing trafficking activities and in dealing with the often substantial physical and emotional needs of the victims of this crime. Many of the initiatives advanced by various law enforcement institutions have lacked cohesion and coordination and have often badly failed the victims. Indeed, trafficked persons have historically been seen as law-breakers first and victims second. Despite a growing change in emphasis on the part of the authorities, the judicial process has appeared to be rather more preoccupied with prosecuting such persons for illegal immigration and

² This would include the break-away region of Trans-Dniester, a small tranche of territory bordering Ukraine that has declared independence from Moldova. It is not currently recognised as a legitimate State by the international community.

³ D. Hughes, “The ‘Natasha’ Trade: The Transnational Shadow Market of Trafficking in Women” (2000) 53 *Journal of International Affairs* 625, at 628.

⁴ D. Feingold, “Human Trafficking” (2005) 150 *Foreign Policy* 26, at 26.

prostitution offences than with paying anything greater than the most cursory attention to their needs. Likewise, trafficking convictions have proved to be notoriously difficult to secure, partly since such crimes have often been accorded a diminished priority by law enforcement officials – with correspondingly modest resources allocated to combat trafficking – and compounded by a general failure to offer any realistic incentive for victims to cooperate with the judicial process.

This chapter seeks to offer a critical appraisal of the legal framework addressing human trafficking at the international and regional level. In recent years, the international community has demonstrated an increasing commitment towards addressing organised crime in general and people trafficking in particular and, accordingly, there will be an evaluation of the relevant international provisions designed to combat traffickers and protect their victims. These international standards have been supplemented by a series of developments within Europe through the operation of key regional integration organisations (namely the European Union and the Council of Europe) over the past ten years, which will also be examined. Finally, this chapter will discuss the difficulties inherent in the rehabilitation and potential repatriation of victims and determine whether such initiatives have proved adequate to address the needs of those subjected to the crime of people trafficking.

International Law and the Criminalisation of People Trafficking

To date, the relevant legal provisions addressing human trafficking have been largely concluded on an international or a regional basis, predominantly in the form of framework conventions that seek to foster transnational cooperation to curtail the activities of traffickers across national frontiers. In this respect, trafficking that occurs on an exclusively domestic level – for which concerns have been raised in a number of the Baltic States – is considered to be an internal matter for the state in question and thereby subject to national criminal justice processes. This apparent reliance on supranational law reflects the view that the overwhelming majority of human trafficking operations are inherently transfrontier in nature, exploiting the natural desire of people to escape the unpalatable reality of life in one country for the supposedly gold-paved streets of another. In this regard, as noted by Piotrowicz, '[c]ountries may be source, transit or destination States, sometimes fitting into two or

even all three categories simultaneously'⁵. Consequently, the international character of human trafficking operations mandates the adoption of a commensurately international set of solutions. However, notwithstanding an historical appreciation of the problems of human trafficking evidenced in a host of transnational measures pertinent to this crime, the establishment of such a system has, until relatively recently, largely eluded the international community.

Historical perspectives

The phenomenon of people trafficking first gained international attention in the late Nineteenth Century, largely as a result of concerns raised over contemporary reports about so-called 'white slavery'⁶. White slavery was a term used to describe the unfortunate position that a relatively small number of young women at the time found themselves in, whereby misplaced trust in others led to their being tricked or coerced into prostitution – a position that echoes the experiences of a number of trafficked women from eastern Europe in the present day. Although not entirely apocryphal, such incidents from this era are now objectively considered to have been sporadic and numerically small, although the somewhat over-exaggerated reports certainly commanded substantial attention at the time⁷. This led to the conclusion of two distinct international instruments on the matter, namely the International Agreement for the Suppression of White Slave Traffic 1904⁸ and the International Convention for the Suppression of White Slave Traffic 1910⁹, which were the first supranational attempts to address the problems of human trafficking. Despite these developments, however, neither agreement is considered to have offered any effective solution, since they both failed to define 'trafficking' itself and, moreover, did not enjoy a wide degree of participation on the part of the international community¹⁰.

Further attempts at addressing the traffic in human beings were subsequently undertaken by the League of Nations, with an anti-trafficking remit specifically advanced within the League's constituent document, the Covenant of the League of

⁵ R. Piotrowicz, "European Initiatives in the Protection of Victims of Trafficking Who Give Evidence against their Traffickers" (2002) 14 *International Journal of Refugee Law* 263, at 264.

⁶ On this issue generally see N. Demleitner, "Forced Prostitution: Naming an International Offence" (1994) 18 *Fordham International Law Journal* 163, at 165-7.

⁷ See E. Bruch, "Models Wanted: The Search for an Effective Response to Human Trafficking" (2004) 40 *Stanford Journal of International Law* 1, at 7-8.

⁸ 24 UKTS 1.

⁹ 20 UKTS 269.

¹⁰ *Supra* 6 at 8-9.

Nations¹¹. This led to the adoption of two distinct conventions on the issue, the Convention for the Suppression of Traffic in Women and Children 1921¹² and the International Convention for the Suppression of the Traffic in Women of Full Age 1933¹³. The focus of these instruments appears very much to have been centred on the transnational sex industry, with the 1933 Convention seeking to bring to justice those who procure, entice or lead astray any women ‘for immoral purposes to be carried out in another country’¹⁴. Again, however, these instruments enjoyed very limited support within the international community, and the gradual implosion of the League throughout the 1930s meant that the trafficking issue was not substantively revisited during the tenure of this organisation.

Following the formal dissolution of the League of Nations after the Second World War the organisation’s successor, the United Nations, took over the operation of the League’s initiatives upon its inauguration in 1945. Although the Charter of the United Nations does not contain any express provision to trafficking, this issue soon occupied the attention of the UN – again, largely from the standpoint of addressing transboundary prostitution – and in 1949 the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others¹⁵ was adopted. The 1949 Convention operated on broadly similar lines to its predecessors under the League of Nations, and sought to outlaw the enticement and procurement of another person for the purposes of prostitution¹⁶. Unlike previous initiatives, the 1949 Convention sought to develop a series of implementation mechanisms. Despite this, however, these measures were largely ineffective in practice and provided little formal opportunity to enforce the central tenets of the Convention, instead relying predominantly upon what may be termed ‘paper compliance’ whereby parties simply had to enter a series of reports to the UN Secretary-General on national measures and policies taken to implement the Convention. Such initiatives are not generally considered to represent a particularly effective means of implementing international commitments – although they are a common feature of international treaties – and

¹¹ In this respect, Article 23(1)(c) stated that the League had “general supervision over the execution of agreements with regard to the traffic in *women and children*” (emphasis added).

¹² 53 UKTS 39.

¹³ 53 UKTS 49.

¹⁴ Article 1.

¹⁵ 96 UNTS 272.

¹⁶ Article 1.

such reports are often incomplete, late or, in a number of instances, rarely submitted at all.

Since the conclusion of the 1949 Convention, people trafficking as a specific issue has received very little legislative attention on the international level until relatively recently. Indeed, until 2000, trafficking itself was largely bundled into a package of general issues in relation to the distinct human rights of women, or treated as analogous to slavery or forced labour. In the 1970s, with the development of the women's human rights movement and the corresponding establishment of a series of international conventions with a particular emphasis on issues affecting women, concerns over female vulnerability to the activities of traffickers received a degree of attention in the context of the Convention on the Elimination of All Forms of Discrimination against Women¹⁷, whereby Article 6 contains a strongly-worded provision against trafficking¹⁸. Similarly, an anti-trafficking measure has been adopted under the auspices of the UN Convention on the Rights of the Child – the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography – although this latter development does not enjoy a wide level of support at present, with a number of NGOs and governments unconvinced that the Optional Protocol offers much in the way of an effective response to the traffic and sale of children for sexual purposes.

Due to the eventual restrictions of labour rights and freedom of movement experienced by most victims, trafficking has long been closely associated with slave-trading, a practice against which a plethora of international instruments has been adopted, including distinct measures adopted by both the United Nations¹⁹ and the International Labour Organisation²⁰. In addition, strong statements against slavery and forced labour are included in all the leading international and regional human rights documents adopted over the course of the past sixty years²¹. The principle

¹⁷ (1980) A/Res/34/180.

¹⁸ "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women".

¹⁹ See, for instance, the UN Supplementary Convention on Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1957.

²⁰ The ILO has adopted two conventions against forced labour – see S. Drew, "Human Trafficking: A Modern Form of Slavery" (2002) 4 *European Human Rights Law Review* 481, at 483.

²¹ Despite this, however, few cases have been brought under these various conventions in relation to slavery. For instance, Article 4 of the European Convention on Human Rights (freedom from slavery and forced labour) has been only sporadically (and unsuccessfully) invoked, most notably in the case of *Van der Musselle v. Belgium* (1984) 6 EHRR 163, where a disgruntled lawyer sought to annul a

against slavery is also classed under general international law as a *jus cogens* obligation²². Nevertheless, there is a general feeling between many commentators that anti-slavery legislation is a crude means by which to address the distinct problem of human trafficking, and that the two crimes are in fact very different in nature²³. That said, one leading transnational criminal tribunal has expressly equated trafficking with the international crime of enslavement²⁴, and it has subsequently been strongly argued that human trafficking should be treated as a component part of one of the most repugnant crimes against humanity and thereby subject to the full purview of the International Criminal Court²⁵.

Given the historical problems in developing an effective, pragmatic and coordinated response to the crime of people trafficking, coupled with the increase in trafficking victims from many areas of the world, by the late 1990s there were a number of calls for the issue to be re-evaluated on an international level. Concerns over the perceived inability of the UN framework on children's rights to generate an effective instrument to address the problem of juvenile sexual exploitation – in which trafficking has a significant role to play – led to a growing impetus towards the development of distinct anti-trafficking legislation. In 1997 the possibility of elaborating a new convention to prevent the trafficking of minors was discussed in the UN Commission on Crime Prevention and Criminal Justice. At the same time, significant developments were ongoing in other leading fora, with the EU in the process of developing anti-trafficking policies and this issue also having received domestic attention in the US. By 1998, the UN General Assembly was actively

requirement of the Belgian bar to undertake an annual pro bono commitment, arguing somewhat churlishly that such a condition in effect constituted forced labour.

²² *Jus cogens* obligations are peremptory norms of international law – fundamental principles that all States must observe. The other main examples of *jus cogens* obligations are the principles against genocide, crimes against humanity and piracy on the high seas. On *jus cogens* obligations generally, see A. Orakhelashvili, *Peremptory Norms in International Law* (Oxford: Oxford University Press, 2006).

²³ For instance a leading NGO in the field, Anti-Slavery International, considers that trafficking might ultimately involve the victim being subjected to a form of slavery – most commonly sexual slavery of the type encountered by many trafficked women, who are expected to be the “property” or “asset” of their buyer – but that this is not always necessarily the case.

²⁴ See the decision of the International Criminal Tribunal for the Former Yugoslavia in the case of *Prosecutor v. Kunarac* (Trial Judgment) IT-96-23, of 22 February 2001. The ICTY judgment is considered especially instructive as there have been few judicial opportunities to explore the limits of the concept of grave crimes against humanity in a supranational court, given that the International Criminal Court has only recently been inaugurated. Sadly the human cost of the Yugoslav civil war has yielded a plethora of incidences in which such grotesque activities have been examined under international criminal law, which will act as an illuminative guide for the ICC in due course.

²⁵ T. Obokata, “Trafficking of Human Beings as a Crime against Humanity: Some Implications for the International Legal System” (2005) 54 *International and Comparative Law Quarterly* 455.

developing an international policy on this issue, culminating in the conclusion of a distinct convention addressing transnational organised crime, with a particular focus on the problems raised by illegal immigration.

The United Nations Convention against Transnational Organised Crime

The pre-eminent international instrument governing the contemporary response by the international community to the problems raised by people trafficking is the United Nations Convention against Transnational Organised Crime²⁶ and, more pertinently, its two optional protocols addressing both the trafficking and smuggling of persons. These initiatives seek to provide a practical framework by which the response to such crimes may be coordinated by the various authorities on an international level.

The origins of the UNCTOC lie in a Resolution of the UN General Assembly adopted in December 1998²⁷, at which point an open-ended intergovernmental *ad hoc* committee was established with the aim of producing an international convention against transnational organised crime. As part of this remit, the *ad hoc* committee was also mandated to elaborate instruments addressing the illegal trafficking of women and children, the illegal smuggling of migrants and the illicit manufacture and trafficking of firearms, as well as their component parts and ammunition. These initiatives gained a fresh impetus the following year, when the UN General Assembly adopted a further Resolution requesting the *ad hoc* committee to continue its work and to intensify its efforts so that the drafting of the Convention could be completed in 2000²⁸. This was duly achieved, and the UNCTOC was formally adopted by the UN General Assembly in November 2000, opening for signature on 12 December 2000.

The UNCTOC was advanced due to mounting concerns over ‘the negative economic and social implications related to organised criminal activities’ and the need to strengthen cooperation to address such activities with a greater degree of efficacy at the national, regional and international levels²⁹. The link between transnational organised crime and terrorist activities was also noted, as was the need to deny ‘safe

²⁶ A/Res/55/25, hereinafter the “Convention” or the “UNCTOC”.

²⁷ A/Res/53/111. Despite these initiatives, however, it is important to note that Resolutions of the UN General Assembly do not usually have legally-binding effects.

²⁸ For a full discussion of the drafting process of these instruments see A. Gallagher, “Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis” (2001) 23 *Human Rights Quarterly* 975.

²⁹ Preamble to the Convention.

havens' to those committing such offences by ensuring optimal levels of support for and involvement in the Convention from the international community³⁰. To this end, the UNCTOC is designed to facilitate the necessary legal framework required to combat a significant volume of criminal activities, ranging from money laundering to the trafficking not only of persons, but also of cultural property and endangered species of flora and fauna. In order to promote the expeditious application of these instruments, all States and regional economic organisations were urged to 'sign and ratify the United Nations Convention against Transnational Organised Crime and the protocols thereto as soon as possible, in order to ensure the speedy entry into force of the Convention and the protocols thereto'³¹.

The fundamental objective of the UNCTOC is articulated simply in a statement of purpose advanced by Article 1 of the Convention as being 'to promote cooperation to prevent and combat transnational organised crime more effectively'. In this regard, an 'organised criminal group' is defined in Article 2(a) as a

Structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit³².

A 'serious crime' is stated as being 'conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty'³³ – a definition that would extend to the offence of people trafficking as articulated in the legislation of the overwhelming majority of countries.

The main tenets of the UNCTOC are that parties to the Convention are to adopt the necessary legislative and other measures as required to criminalise participation in organised crime³⁴, as well as the laundering of proceeds of such offences³⁵ and taking concerted action against corruption³⁶. Parties also undertake to

³⁰ Ibid.

³¹ Paragraph 8 of the Preamble to the Convention.

³² A "structured group" is defined as "a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure": Article 2(c).

³³ Article 2(b).

³⁴ Article 5.

³⁵ Articles 6 and 7.

³⁶ Articles 8 and 9. Corruption is defined in Article 8(1) as being "(a) [t]he promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties" and "(b) [t]he solicitation or acceptance by a public official, directly or indirectly, of an

confiscate and seize assets and proceeds of crime derived from such offences³⁷. The Convention also contains detailed rules on jurisdiction³⁸, extradition³⁹ and mutual legal assistance⁴⁰, as well as encouraging the facilitation of joint investigations⁴¹, international law enforcement cooperation⁴², exchange of information and expertise⁴³ and the elaboration of national projects to promote best practices to prevent the commission of serious crimes⁴⁴.

The UNCTOC also calls for the transfer of technical and financial assistance to developing countries and countries with economies in transition to assist in their meeting the commitments established under the Convention⁴⁵. In this respect, a UN account has been established into which parties are to deposit regular funds, in particular a proportion of the revenue seized and confiscated from such criminals⁴⁶. Policies are to be reviewed and elaborated at a regular Conference of the Parties, with administrative support given by a designated Secretariat, provided by the UN Secretary-General⁴⁷.

Of particular importance to the victims of people trafficking are Articles 24 and 25, which establish principles regarding the protection of witnesses and victims of serious transnational crimes respectively⁴⁸. Clearly, victims of trafficking may have a significant role to play in the apprehension and prosecution of their traffickers by providing incriminating testimony of their experiences to the national authorities. Under Article 24(1), parties must take ‘appropriate measures’ to protect witnesses to trafficking offences – as well as their loved ones, if need be – from intimidation or

undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties”.

³⁷ Articles 12, 13 and 14.

³⁸ Article 15.

³⁹ Article 16.

⁴⁰ Article 18.

⁴¹ Article 19.

⁴² Articles 26 and 27.

⁴³ Article 28 and 29.

⁴⁴ Article 31.

⁴⁵ Article 30(2)(c).

⁴⁶ Ibid.

⁴⁷ In this respect, the UNCTOC reflects the current trend in multilateral treaties in establishing a decision-making organ that meets regularly (usually on a triennial basis) at which policies may be formulated or amended, usually in the form of resolutions, recommendations or other types of “soft” law (i.e. – norms that are not generally legally binding). On the proliferation of this type of governance generally within the international legal system see D. Shelton (ed.), *Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System* (Oxford: Oxford University Press, 2003).

⁴⁸ For an analysis of the protection of trafficking victims, see below.

retribution. Similar obligations are prescribed in Article 25 in respect of victims of trafficking⁴⁹.

The UNCTOC Optional Protocols

(i) 'Trafficking', 'Smuggling' and the Nomenclature of Illegal Immigration

The UNCTOC seeks to address a host of transnational criminal activities, of which the lucrative business of illegal immigration is identified as a particular cause for concern. To this end, the Convention has identified two distinct strands of this practice, in the form of 'trafficking' and 'smuggling' of persons. The distinction is significant since these activities in fact comprise two entirely different instances of criminal activity – a point that had often been somewhat obscured prior to the conclusion of the Convention. Indeed, as Obokata observes, '[t]erms such as 'alien smuggling', 'human trafficking' and 'human commodity trafficking' have been used interchangeably without a clear distinction in the past'⁵⁰. This unsatisfactory position has been largely rectified by the UNCTOC which has, for the first time, explicitly recognised the need to distinguish between 'trafficking' on the one hand, and 'smuggling' on the other, and has provided a distinct definition and a differing set of principles to address these separate crimes. 'Trafficking in persons' is defined in Article 3(a) of the Trafficking Protocol as constituting:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs⁵¹.

Under these circumstances, whether the trafficked person apparently consented to such exploitation is entirely irrelevant for the purposes of criminal liability where any of the activities detailed in Article 3(a) have been applied against that person⁵². Likewise, the recruitment, transfer, harbouring or receipt of a child is considered to be

⁴⁹ Naturally, the law enforcement officials of the country of destination will be keen to secure the cooperation of victims of trafficking in the criminal process against those charged with the initial trafficking offences. Victims of trafficking can thereby be classed as witnesses where this occurs, as stated by Article 24(4) of the UNCTOC.

⁵⁰ *Supra* 25.pp 394, 396.

⁵¹ Article 3(a)

⁵² *Ibid*

‘trafficking in persons’, even if the proscribed conduct specified in Article 3(a) has not been applied⁵³.

‘Smuggling’ on the other hand, involves no such element of duress, duplicity or undue influence, and is defined rather more prosaically in the Smuggling Protocol as:

The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident⁵⁴.

In this regard, such a definition is very different to that advanced in relation to trafficking and envisages the situation whereby an economic migrant, having failed to satisfy the relevant immigration requirements through official channels, enters into an illicit arrangement with professional smugglers to facilitate clandestine passage into another country, in a manner broadly analogous to the conclusion of a more orthodox contract for services. Given the complicity of the ‘victim’ under such circumstances, the Smuggling Protocol is rather less sympathetic to those who have been smuggled as opposed to trafficked, with a far lesser array of privileges and entitlements afforded to such persons. Nevertheless, it is clear that an arrangement that commences as a smuggling agreement may ultimately become a trafficking situation, depending upon the actual conduct of the persons facilitating this form of illegal immigration. Indeed, as Obokata observes, ‘many of those smuggled are susceptible to exploitation because they are indebted to smugglers. As a consequence, many are held in debt bondage and are forced to accept any work available with minimal remuneration to repay their debts’⁵⁵. Accordingly, the status of illegal migrants for the purposes of the UNCTOC will be amended to reflect this situation if and when it occurs.

⁵³ Article 3(c). Under Article 3(d), “any person under eighteen years of age” is classed as a child.

⁵⁴ Article 3(a). “Illegal entry” is defined under Article 3(b) as “crossing borders without complying with the necessary requirements for legal entry into the receiving State”. On the Smuggling Protocol generally, which lies largely outside the scope of this Chapter, see C. Brolan, “An Analysis of the Human Smuggling Trade and the Protocol against the Smuggling of Migrants by Land, Air and Sea (2000) from a Refugee Protection Perspective” (2002) 14 *International Journal of Refugee Law* 561.

⁵⁵ *Supra* 50 at 401. Anecdotally, this appears to be a common tactic employed by many criminal organisations engaged in this type of activity. Such an arrangement is clearly caught by the definition in Article 3(a) of the Trafficking Protocol.

(ii) The Trafficking Protocol

At the heart of the Trafficking Protocol lies the recognition that effective action to prevent or combat people trafficking requires ‘a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognised human rights’⁵⁶. The Protocol also acknowledges that prior to 2000, notwithstanding the large body of international instruments designed to address human exploitation, there was no distinct universal document addressing all aspects of people trafficking, leaving those vulnerable to such activities without sufficient legal protection⁵⁷. In this regard, the need for a coherent and comprehensive legal framework addressing all aspects of people trafficking and the rehabilitation of its victims has been pressing for some considerable time.

In terms of its application, the Trafficking Protocol is indistinguishable from the UNCTOC and is explicitly designed to supplement the Convention on this particular issue⁵⁸. In addressing the crime of people trafficking, the Protocol takes a three-pronged approach and the aims and objectives of this initiative are stated in Article 2 as being:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) To promote cooperation among States Parties in order to meet these objectives.

The Protocol applies to offences that are transnational in nature and involve an organised criminal group⁵⁹; trafficking that is purely domestic in nature falls largely outside the Protocol and is an issue for the national authorities in question – although this may be achieved in cooperation with other States, especially in relation to the sharing of intelligence.

⁵⁶ Preamble to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime.

⁵⁷ *Ibid.*

⁵⁸ Article 1(1). The Trafficking Protocol is to be interpreted together with the Convention: *op cit.*

⁵⁹ Article 4.

Preventing and combating trafficking in persons

In terms of directly addressing the crime of people trafficking, Article 5(1) formally requires States Party to ‘adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally’. States Parties are also required to criminalise activities inchoate to people trafficking, namely attempting⁶⁰, aiding and abetting⁶¹ and organising or directing⁶² such activities.

In addition to these legislative requirements, the practical measures necessary to prevent trafficking are prescribed in Article 9 of the Convention. In particular, parties are to ‘establish comprehensive policies, programmes and other measures’ to prevent and combat trafficking in persons, and to protect victims – especially women and children – from re-victimisation⁶³. To this end, parties are to ‘endeavour’ to undertake measures such as conducting research, launching information and mass media campaigns, as well as advancing social and economic initiatives to prevent and combat trafficking⁶⁴. However, while a commitment towards the dissemination of information is a logical policy, it is arguable as to whether the statement advocating the adoption of social and economic initiatives has any real practical merit in this context, in the absence of any provision for appropriate indicators and benchmarks. Indeed, this is a rather nebulous provision, offering little in terms of a distinct objective, and appears to be a recognition of the fact that a considerable volume of trafficking activities is caused or catalysed by the significant social dislocation that exists in many areas of Eastern Europe and the developing world, rather than establishing a clear obligation on parties to advance wholesale domestic reforms to overhaul the social and economic status of marginalised sections of the community. Likewise, the parties are:

To take or strengthen measures, including through bilateral or multilateral cooperation to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and a lack of equal opportunity⁶⁵.

⁶⁰ Article 5(2)(a).

⁶¹ Article 5(2)(b).

⁶² Article 5(2)(c).

⁶³ Article 9(1).

⁶⁴ Article 9(2). The role of NGOs is seen as taking particular importance in this objective and Article 9(3) states that the elaboration of such policies and programmes should “as appropriate, include cooperation with non-governmental organisations, other relevant organisations and other elements of civil society”.

⁶⁵ Article 9(4).

This commitment is probably best attained through the grant of development aid to specifically help to advance these objectives. Nevertheless, this provision may also be difficult to achieve in practice and, while advancing a laudable policy, the total elimination of poverty and underdevelopment is, at best, a long-term objective. In addition, while it is difficult to dispute that entrenched social inequality leaves sections of the community vulnerable to the attentions of traffickers, this provision nonetheless runs the gauntlet of cultural imperialism. Indeed, these very differences in equality may have distinct social, cultural or religious roots which are immensely sensitive for Western governments to broach effectively – especially where this inherent inequality stems from an adherence to a fundamentalist and misogynistic interpretation of Islam, or ingrained views of the status of particular persons advanced under tribal principles or an ethnic caste system.

Protection of victims of trafficking

Articles 6, 7 and 8 of the Trafficking Protocol prescribe a series of measures and initiatives to be adopted by the various parties in order to protect and rehabilitate victims of trafficking. In this regard, measures are advanced in relation to rendering assistance to victims and securing their immigration status in the receiving State, as well as the eventual repatriation of such persons and their treatment on arrival by the authorities of the State of origin.

Article 6 prescribes a series of measures to protect the identity of victims of trafficking with regard to future legal proceedings, as well as advancing provisions to provide support and assistance to such persons where appropriate. In relation to legal proceedings, Article 6(1) requires that ‘in appropriate cases and to the extent feasible under its domestic law’ a State party is to protect the privacy and the identity of victims of trafficking, including designating legal proceedings pertaining to the trafficking offences as confidential. In addition, ‘in appropriate cases’ victims of trafficking are to be issued with information on relevant court and administrative proceedings, as well as ‘assistance to enable their views to be presented and

considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the defence’⁶⁶.

Article 6(3) prescribes a series of provisions in relation to assistance and rehabilitation of victims of trafficking, albeit couched in highly permissive language and phrased in a manner that does not explicitly demand that parties make such provisions for victims. Indeed, Article 6(3) provides that parties shall ‘consider’ implementing measures to provide for the physical, psychological and social recovery of victims of trafficking⁶⁷, with particular emphasis on the provision of appropriate housing; counselling and information – in particular in relation to their legal rights – in a language that they can understand; medical, psychological and material assistance; and employment, educational and training opportunities⁶⁸. The drafting of this particular provision appears to be especially permissive in nature out of a reticence towards imposing sweeping obligations upon the parties to the UNCTOC and its Protocols, which many such parties would be unable to attain – and others reluctant to impose additional burdens upon social welfare organisations that are already struggling to meet the demand from existing constituents. Nevertheless, there is little attempt within the Protocol to recognise the different pressures under which the social services of different countries currently operate, with no concept of the ‘common but differentiated responsibility’ as seen in many multilateral environmental agreements applied in the Trafficking Protocol to recognise that some states are in a stronger position in terms of resources to underwrite the practical demands of compliance with their international commitments. Consequently, the failure of the Trafficking Protocol to foster meaningful cooperation to improve social care for victims of trafficking must be considered a key deficiency in respect of its application towards such persons.

Article 7 concerns the status of victims of trafficking in the receiving state and invites parties, in addition to the measures outlined in Article 6, to ‘consider’ adopting legislative or other measures that could permit victims ‘in appropriate cases’ to

⁶⁶ Article 6(2). This would extend to permitting the defendant to challenge this version of events, either by cross-examination or, at the least, giving a firm direction to the jury to consider that the defendant has not had such an opportunity to cross-examine the witness.

⁶⁷ Article 6(3) also provides that in appropriate cases this should be undertaken in cooperation with NGOs and “other relevant organisations and other elements of civil society”.

⁶⁸ Under Article 6(4), in providing such assistance parties are to take into consideration “the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children”.

remain in the territory of the receiving state temporarily or even permanently⁶⁹. In essence, this could ultimately involve the receiving state granting refugee status or a high level of immigration and residence status to victims of trafficking⁷⁰. To date, as considered below, this is a policy adopted by relatively few states in practice, which serves to explain the highly permissive tone of this particular provision.

Article 8 addresses the vexed issue of repatriation of victims of trafficking. Under Article 8(1) a victim has an inviolable right to return to their country of origin, with that country required to facilitate and accept ‘with due regard for the safety of that person’, their return without undue or unreasonable delay. Under such circumstances, return should ‘preferably be voluntary’⁷¹, with the returning state required to exercise due regard for the safety of that person, as well as the status of any legal proceedings related to their having been a victim of trafficking⁷².

In many cases, victims of trafficking are stripped of essential documentation (such as passports and identity cards) by their traffickers, in an attempt to further increase their feelings of isolation and to narrow their possibilities of carrying out a successful escape. Under such circumstances the state of origin is obliged, at the request of the returning state, to reissue any necessary documents or other similar materials to facilitate the repatriation of a victim of trafficking⁷³. This provision applies without prejudice to any rights granted to victims of trafficking by the state to which that person has been trafficked⁷⁴, as well as any bilateral or multilateral agreement governing the repatriation of such persons⁷⁵.

Promoting cooperation between the parties

As trafficking is a transnational activity, and therefore requires collaborative practices between various countries to foster effective solutions, Articles 10 to 13 lay down a series of provisions aimed at facilitating cooperation between the parties to the Trafficking Protocol. Article 10 addresses the need to ensure a full and frank exchange of information as well as the possibility of providing training to the relevant

⁶⁹ Article 7(1).

⁷⁰ Article 7(2) provides that in implementing this provision, “each State Party shall give appropriate consideration to humanitarian and compassionate factors”.

⁷¹ Article 8(2).

⁷² Ibid.

⁷³ Article 8(4).

⁷⁴ Article 8(5).

⁷⁵ Article 8(6).

authorities in other countries. Article 10(1) requires the various law enforcement, immigration and other authorities of the various parties to cooperate as appropriate to exchange information to determine whether persons caught trying to cross borders illegally are victims or perpetrators of trafficking offences; to identify the types of documentation used by traffickers; and to establish the *modus operandi* of criminal gangs engaged in such activities. Likewise, parties are to strengthen or provide training in the prevention of trafficking for relevant personnel⁷⁶, with a particular emphasis on prosecuting traffickers and protecting the rights of victims, including protecting the latter from the former. In this respect, such training ‘should also take into account the need to consider human rights and child- and gender-sensitive issues’, and facilitate cooperation with NGOs and other bodies with appropriate expertise in and knowledge of such issues⁷⁷.

A series of border measures are prescribed under Article 11, including the need to ‘strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons’⁷⁸. Parties are also required to adopt appropriate measures to prevent commercial carriers from becoming involved in illegal immigration activities⁷⁹ – either unwittingly or as accomplices of criminal gangs – and to ensure that carriers are formally required to ascertain the validity of travel documentation in respect of their passengers⁸⁰. Parties are also to ‘consider’ adopting measures to deny entry into their territory to persons implicated in the commission of trafficking offences⁸¹. Presumably, however, this provision would only apply to foreign nationals, since it is a clear breach of human rights – as well as various international norms on statelessness – for somebody to be stripped of statehood as a reprisal for criminal activity, notwithstanding the gravity and heinous nature of such offences⁸². Likewise, the use of the term ‘implicated’ – which is not defined in the Protocol – may also prove problematic in the future, since implication

⁷⁶ Article 10(2).

⁷⁷ Ibid.

⁷⁸ Article 11(1).

⁷⁹ Article 11(2). In practice, a number of contracting states have introduced sweeping fines and strict liability for haulage companies implicated in the trafficking and smuggling of migrants.

⁸⁰ Article 11(3). This includes the need to establish sanctions for non-compliance with this provision – Article 11(4).

⁸¹ Article 11(5).

⁸² Such a position could, however, raise some difficult questions in practice within the Baltic States – especially in Estonia and Latvia – where there is a sizeable minority of stateless persons of Russian origin, were a defendant drawn from this community to be convicted of a trafficking offence.

in a criminal offence may encompass mere suspicion, as opposed to a clear conviction for a distinct type of proscribed conduct.

Allied to these measures, states are required under Article 12 to ensure that the official travel and identity documentation issued to their citizens is of such quality that it cannot be easily falsified or misused⁸³, and to ensure the integrity and security of any such documentation and prevent unlawful creation, issue or use⁸⁴. Likewise, parties also undertake to verify, within a reasonable time, at the request of another party, the legitimacy and validity of any documents allegedly issued in their name and suspected of having been used for trafficking purposes⁸⁵.

Regional Responses to People Trafficking: The Council of Europe and the European Union

In addition to the developments advanced at the international level against human trafficking under the UNCTOC, significant regional responses have also been forthcoming to address this problem. In particular, two key regional integration organisations within Europe – the Council of Europe and the European Union – have also developed a series of anti-trafficking policies in recent years which may potentially play a key role in curtailing the volume of trafficking that takes place within and to the continent.

The Council of Europe

The Council of Europe (CoE), not to be confused with the various institutions of the European Union, was inaugurated shortly after the end of the Second World War with a remit to develop a strong framework to guard against state abuses of human rights. In this respect, its first – and, to this day, most notable – achievement has been the conclusion of the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950⁸⁶ and its operative enforcement body, the European Court of Human Rights, based in Strasbourg and which hears allegations of human rights abuses on the part of the authorities of states party to the Convention.

In addition to this particular development, the CoE has also developed a series of regional instruments addressing particular human rights issues and, in recent years,

⁸³ Article 12(a).

⁸⁴ Article 12(b).

⁸⁵ Article 13.

⁸⁶ 218 UNTS 221.

has taken a strong interest in the problems raised by the trafficking of human beings. In 1991, these issues were explicitly considered through a seminar on the trafficking of women, which considered such activities as constituting a grave violation of human dignity. Action in respect of trafficking was then predominantly developed under the auspices of the CoE Steering Committee on Equality between Women and Men, until in 1997 the CoE Heads of State and Government Summit expressly condemned trafficking activities and adopted a declaration on the sexual exploitation of women. These activities have been accompanied by a series of expert seminars and particular attention has been given to the issue of human trafficking within both the Committee of Ministers⁸⁷ and the Parliamentary Assembly of the CoE⁸⁸, with a particular emphasis on sexual exploitation and the trafficking in women and children.

Furthermore, in 2005 the first specific regional treaty was adopted against trafficking activities conducted in or to Europe, namely the Council of Europe Convention on Action against Trafficking in Human Beings⁸⁹. The Convention is the product of an on-going process within the CoE to address human trafficking, largely inspired by the conclusion of the UNCTOC. In 2003 the Committee of Ministers of the CoE convened an *ad hoc* Committee on Action against Trafficking in Human Beings, with a remit to produce a draft convention by December 2004 which, following discussion within the Parliamentary Assembly was formally adopted by the Committee of Ministers and opened for signature on 16 May 2005. However, notwithstanding the relatively recent conclusion of this instrument, the Convention has attracted precious little support within the corridors of power of the European nations and enjoyed little tangible in the form of ratification of the agreement, despite

⁸⁷ Recommendation No. R (97) 11 on sexual exploitation, pornography or prostitution of, and trafficking in, children and young adults; Recommendation No. R (2000) 11 of the Committee of Ministers to Member States on action against trafficking in human beings for the purposes of sexual exploitation; Recommendation No. R (2001) 16 of the Committee of Ministers to Member States on the protection of children against sexual exploitation; Recommendation No. R (2002) 5 on the protection of women against violence.

⁸⁸ Recommendation 1325 (1997) on traffic in women and forced prostitution in Council of Europe Member States; Recommendation 1450 (2000) on violence against women in Europe; Recommendation 1523 (2001) on domestic slavery; Recommendation 1526 (2001) on a campaign against trafficking in minors to put a stop to the east European route: the example of Moldova; Recommendation 1545 (2002) on a campaign against trafficking in women; Recommendation 1610 (2003) on migration connected with trafficking in women and prostitution; Recommendation 1611 (2003) on trafficking of organs in Europe; Recommendation 1663 (2004) on domestic slavery, servitude, au pairs and mail order brides.

⁸⁹ CETS 197, 16 May 2005. For a full discussion of this instrument see A. Sembacher, "The Council of Europe Convention on Action against Trafficking in Human Beings" (2005) 14 *Tulane Journal of International and Comparative Law* 435.

attracting a large number of signatories⁹⁰ as well as considerable NGO pressure within many eligible states to engage participation within this regime. The CoE Convention required a total of ten ratifications in order to enter into force; having formally received the tenth ratification on 24 October 2007, the Convention will formally enter into force on 1 March 2008⁹¹. To date, the Latvian administration is the only Baltic government to have ratified the Convention, which will formally enter into force in Latvia on 1 July 2008.

(i) Rights and Obligations under the CoE Trafficking Convention

The CoE Trafficking Convention in many respects mirrors the UNCTOC and has clearly been influenced heavily by the UN initiative, explicitly acknowledging the more holistic approach adopted by this instrument⁹² and, combined with lofty tributes to the past and present victims of trafficking, also strongly acknowledges the traditional links between trafficking and slavery while categorically denouncing trafficking activities as a violation of human rights and human dignity⁹³. As Sembacher observes, the Convention itself operates on the basis of the ‘Three Ps’: namely *prevention* of trafficking activities in the first instance, *protection* of victims where trafficking is detected and the effective *prosecution* of those responsible for such crimes⁹⁴. With this in mind, the broad purposes of the Convention are listed in Article 1, seeking to oppose trafficking as an abhorrent activity, while focussing on the assistance of victims and the effective investigation and prosecution of trafficking offences, with these objectives to be underpinned by the establishment of a distinct monitoring body designed to scrutinise compliance with the Convention on the part of the various states party.

⁹⁰ International law is a primarily consensual system, with states generally free to choose the conventions to which they opt to become parties. Becoming a party to an international convention is a two-stage process; states must first sign the agreement and then formally ratify, signalling their intention to become explicitly bound by its provisions. To date, as far as the CoE Trafficking Convention is concerned, it has attracted rather more signatories than ratifications. This is significant as unless and until a country formally ratifies the convention it is not, as a matter of international law, bound by its terms. This is tempered, however, by a vague duty under Article of the Vienna Convention on the Law of Treaties 1969, the treaty that governs the application of treaties, establishing that a signatory is not to act in a manner contrary to the object and purpose of the treaty in question.

⁹¹ The ten full parties to the Convention are Albania, Austria, Bulgaria, Croatia, Cyprus, Denmark, Georgia, Moldova, Romania and Slovakia; there are a further 27 signatories (as of 1 December 2007).

⁹² Preamble to the CoE Trafficking Convention.

⁹³ Ibid.

⁹⁴ *Supra* 87 at 436.

The scope of the CoE Trafficking Convention is slightly broader than that of the UNCTOC, with the former instrument designed with less specificity in mind than the UN initiative, which applies only to transnational activities and to those perpetrated by organised groups; the CoE measures instead ‘apply to all forms of trafficking in human beings, whether national or transnational, whether or not connected with organised crime’⁹⁵. Another clear distinction between the two instruments is that the CoE Trafficking Convention advances a clear non-discrimination principle, with the application of the Convention and the enjoyment of rights under it to be advanced without discrimination towards issues such as gender, nationality, religion or any other status. These distinctions aside, however, the CoE Trafficking Convention incorporates *verbatim* the definition of trafficking advanced under the UNCTOC, and it is clear throughout the text of the Convention itself, as well as the Explanatory Report amended to it that the UN initiatives (in addition to the various projects undertaken by the CoE to combat trafficking and sexual exploitation) have exerted significant influence of the direction of the CoE Convention.

In terms of preventing trafficking activities, Article 5 of the CoE Convention provides *inter alia* for the strengthening of national cooperation in this field, and for the establishment of effective policies and programmes. In addition, the Convention also requires that parties ‘shall promote a Human Rights-based approach and shall use gender mainstreaming and a child-sensitive approach in the development, implementation and assessment’⁹⁶, of such policies with specific measures required to reduce the vulnerability of children to trafficking, notably by creating a protective environment for them⁹⁷. The role of NGOs and other relevant bodies in this process is also explicitly noted⁹⁸. Interestingly, the CoE Convention also advances provisions to discourage the demand for trafficking in human beings by strengthening existing measures, especially by conducting appropriate research, raising awareness of the role and responsibility of the media in anti-trafficking measures, as well as advancing information campaigns and preventative policies including educational programmes

⁹⁵ Article 2. There are clear advantages to this broader approach – as Sembacher argues, “although organised crime plays a major role in both narcotics and human trafficking in Europe, the enlargement of the Convention’s scope beyond organised crime will provide a higher quality of protection for those affected”: *ibid* at 440.

⁹⁶ Article 5(3).

⁹⁷ Article 5(5).

⁹⁸ Article 5(6).

within the school environment⁹⁹, although the Convention is largely silent on the role played by socio-economic factors in the trafficking of migrants. Mirroring the UNCTOC, further policies of importance in relation to the aim of the prevention of trafficking are also prescribed in relation to border cooperation between the parties¹⁰⁰ and rules in relation to travel and identity documentation¹⁰¹.

Chapter III of the CoE Convention is perhaps the most controversial aspect of this instrument, with this section comprising a series of obligations establishing clear substantive rights for victims of trafficking. Article 10 requires parties to establish within their competent authorities a cohort of anti-trafficking specialists, with particular protection measures advanced in relation to unaccompanied children¹⁰². In this respect, parties are obliged to provide for the representation of children by a guardian, organisation or other authority, which is charged with acting in the child's best interests; also to take the necessary steps to establish the identity and nationality of the child in question and to take 'every effort' to locate the family – subject to the important qualification that such an initiative must be in the best interests of the child, which recognises that in many cases involving the trafficking of children, some elements of the child's family may have been actively or passively complicit in these activities.

A series of protection measures are also advanced in relation to the victims of trafficking. Article 11 protects their private life, in particular the identity and personal data of victims, and requires parties to take the necessary measures to ensure that such information does not enter the public domain. Article 12 relates to assistance to victims and mandates a similar series of entitlements to those advanced under the UNCTOC, including the provision of standards of care and living capable of ensuring subsistence, encompassing 'at least': appropriate accommodation as well as medical and mental health assistance, education (in the case of trafficked children), access to medical treatment, translation and interpretation services, counselling in a language that they understand, as well as assistance to protect their rights and interests during any subsequent criminal proceedings against the perpetrators of trafficking

⁹⁹ Article 6.

¹⁰⁰ Article 7.

¹⁰¹ Articles 8 and 9.

¹⁰² Article 10(4).

offences¹⁰³. As with the relevant UNCTOC provisions, however, a reluctance on the part of eligible parties to sign up to such a broad-based series of rehabilitation commitments may be explained by resource constraints and high levels of demand from existing constituents.

Article 13 prescribes a distinct regime of recovery and reflection of ‘at least 30 days’ where there are ‘reasonable grounds’ for believing that the individual in question has been a victim of trafficking. In essence, this provides a period of immunity against any expulsion order against that person, so as to enable them to recover from their experiences and to escape from the influences of their traffickers. This period is also designed as a window of reflection within which the victim may determine whether or not s/he wishes to cooperate with the authorities vis-à-vis any criminal proceedings or investigation against their traffickers. During this period, a victim of trafficking is fully entitled to the privileges listed above in Articles 12(1) and (2)¹⁰⁴, but is to be immediately stripped of any such benefits if victim status is found to have been improperly claimed. Article 14 further provides for a distinct resident permit to be issued to victims if the competent authorities consider that this step is necessary due either to their personal situation and/or their cooperation in any investigation or criminal proceedings¹⁰⁵. The grant of such a permit is subject to the domestic immigration law of the state party in question¹⁰⁶, which is therefore able to offer a more comprehensive regime in respect of residence entitlement for victims of trafficking than the minimum standards prescribed under the CoE Convention.

Where a victim of trafficking is involved in the legal process, s/he is entitled to receive information about such proceedings in a language that they understand¹⁰⁷, as well as legal aid and assistance¹⁰⁸. Victims may also pursue a civil claim for compensation from the perpetrators of trafficking offences¹⁰⁹ and parties may advance further rights for victims under their national legal systems¹¹⁰. As with the UNCTOC,

¹⁰³ Article 12(1). Under Article 12(2) the authorities of the state party are to “take due account of the victim’s safety and protection needs”.

¹⁰⁴ Article 13(2).

¹⁰⁵ Article 14(1).

¹⁰⁶ Article 14(3).

¹⁰⁷ Article 15(1).

¹⁰⁸ Article 15(2).

¹⁰⁹ Article 15(3).

¹¹⁰ Article 15(4).

victims have a right to repatriation¹¹¹, including assistance in re-obtaining essential personal documentation lost during the trafficking process¹¹².

Chapter IV addresses issues of substantive criminal law and, similarly to the UNCTOC, requires such activities to be fully criminalised by states party¹¹³, as well as offences relating to documentation¹¹⁴, with such measures to be subject to ‘effective, proportionate and dissuasive sanctions’¹¹⁵. The possibility is also raised that parties may consider criminalising those who use the services of a victim of trafficking, a provision that appears designed to target the sex industry and those who profit from trafficked labour at peppercorn rates¹¹⁶. It does however remain a controversial issue in a number of jurisdictions; in the UK, for instance, recent debates on whether to establish a distinct criminal offence of engaging in prostitution activities with a trafficked person found little favour with the legislators on account of the substantial practical difficulties likely to be experienced by the prosecuting authorities in establishing the requisite *mens rea*, or mental element, on the part of the alleged perpetrators. These prosecutorial difficulties do not apply to prostitution offences *without* a distinct trafficking element, hence it is likely that any such action would instead proceed against a defendant on this basis so as to avoid such legal complications in practice.

(ii) Enforcement and Monitoring of the CoE Trafficking Convention

A novel feature of the CoE Trafficking Convention is the inauguration of a distinct monitoring mechanism in the form of a distinct Group of Experts on Action against Trafficking in Human Beings (GRETA), established under Article 36 of the Convention. This group is to be composed of between ten and fifteen members, taking into consideration equitable geographical balance and multidisciplinary expertise, who will serve for up to two terms of four years and are chosen from among qualified nationals of parties to the Convention¹¹⁷. A further Committee of the Parties is also to be established under Article 37 of the Convention, whereby high-ranking officials

¹¹¹ Article 16. Again, in the case of children, repatriation should only be undertaken if it is in the best interests of the child in question.

¹¹² Article 16(4).

¹¹³ Article 18.

¹¹⁴ Article 20.

¹¹⁵ Article 23.

¹¹⁶ In this latter case, whereby business interests may profit financially from virtual slave labour, Article 22 also provides for parties to develop a system of corporate liability in such instances.

¹¹⁷ Article 36(2).

from the various states party will meet on an *ad hoc* basis under as yet undetermined rules of procedure.

GRETA is largely an evaluative body, charged with conducting regular appraisals of the operation of the Convention in practice. In this respect, GRETA is responsible for examining particular provisions of the Convention – to be chosen by the group itself – and to subsequently produce a draft report based on its analysis of the provisions in question, together with suggestions and proposals for improvements in individual and collective state practice¹¹⁸. The draft report is then to be sent to the relevant parties before being finalised and sent to the Committee of the Parties, which may in turn address recommendations to individual parties¹¹⁹. Since GRETA is essentially in charge of the parameters of its evaluative remit, it is likely that internal trafficking activities in addition to the cross-border elements of this practice could be addressed under the auspices of this organisation – unlike the UNCTOC, the CoE Convention simply refers to ‘Trafficking’, which does not restrict its application to transnational activities.

Given that the CoE Trafficking Convention is scheduled to enter into force on 1 February 2008, GRETA itself is currently in the process of being fully established. In November 2007 a High-Level Conference on the monitoring mechanism of the Convention was convened in Strasbourg to establish the respective membership of both GRETA and the Committee of the Parties, and it is currently envisaged that GRETA itself will become operational within one year of the entry into force of the Convention.

It is somewhat premature to seek to analyse the operation of the monitoring mechanism at this stage, but some preliminary observations may nonetheless be advanced. At this juncture, it is postulated that while the establishment of a distinct transnational body to monitor the anti-trafficking practices of key European states is undoubtedly a positive development, it must be strongly questioned as to whether GRETA will ultimately facilitate the adoption of meaningful initiatives in practice. Certainly it appears that its powers of sanction and censure are highly limited, and it seems likely that as with many such monitoring bodies, GRETA is in danger of becoming another well-meaning and well-informed talking-shop: indeed, it is rather unlikely that the threat of receiving a targeted resolution from a fairly obscure CoE

¹¹⁸ Article 38(5).

¹¹⁹ Articles 38(6) and (7).

subsidiary body will be sufficient to inspire a wholesale review of trafficking policies and a commensurately effective and appropriate response on the part of recalcitrant states party. Likewise, the investigative powers of GRETA itself are rather limited in practice and relate more towards developing effective communication with NGOs, as opposed to conducting a full and unimpeded review of the practices of key authorities, as occurs in other rather more effective monitoring bodies, such as those dealing with infractions of the relevant torture conventions.

The European Union

Notwithstanding the positive developments advanced within the CoE, the EU is likely to prove to be the key organisation engaged in combating trafficking offences within Europe, as the provisions adopted under the auspices of the EU are directly binding upon the twenty-seven Member States, whose domestic legal systems are directly subordinated to the Brussels-based institutions, avoiding the rather ambivalent stance demonstrated by many of the same countries towards the CoE initiatives. In recent years, the EU has demonstrated a keen interest in addressing trafficking activities, especially in the context of sexual exploitation and enforced prostitution¹²⁰. Much of the EU law in this area has developed since the mid-1990s, culminating in the adoption of a distinct Framework Decision on human trafficking in 2002. In more recent years, the EU has begun to address the vexed issue of the rehabilitation of victims of trafficking offences and has also developed a series of initiatives in relation to the immigration status of such persons.

(i) Early Initiatives to Combat Trafficking

The development of a distinct body of anti-trafficking policies on the part of the EU authorities can be traced back to the mid-1990s where, in 1996, the first major appraisal of human trafficking activities into the EU was formally commissioned by the European Commission¹²¹. At the same time as this development, in November 1996 the STOP programme was formally inaugurated, comprising a joint action establishing the Incentive and Exchange Programme for Persons Responsible for

¹²⁰ For a full appraisal of the policies adopted by the EU to combat trafficking offences motivated by sexual exploitation see H. Askola, *Legal Responses to Trafficking in Women for Sexual Exploitation in the European Union* (Oxford: Hart Publishing, 2007).

¹²¹ COM(96) 457 (final).

Combating Trade in Human Beings and the Sexual Exploitation of Children¹²². The Programme was designed to institute a set of co-ordinated initiatives for the key authorities charged with addressing the trade in human beings, namely the police, judiciary, border authorities and relevant branches of government. In this respect, the STOP programme established training and exchange programmes and facilitated multidisciplinary meetings, research programmes and the dissemination of relevant information to the constituencies concerned, running between 1996 and 2000.

Following the conclusion of the STOP programme, a further initiative – STOP II – was established, comprising a second phase of the Programme of Incentives Exchanges, Training and Cooperation for Persons Responsible for Combating Trade on Human Beings and the Sexual Exploitation of Children¹²³, which ran between 1 January 2001 and 31 December 2002. The primary objectives of STOP II differed slightly from that of its predecessor and aimed to develop, implement and evaluate EU policy, encourage networking activities between those charged with addressing trafficking offences, to facilitate in the (then) candidate countries and to facilitate cooperation between the EU and non-Member States and relevant International Organisations.

At the same time that the STOP programmes were in operation, the DAPHNE programme was also inaugurated which, while concerned with the wider problem of violence against women and children in general, also involved a distinct anti-trafficking remit¹²⁴. In particular, the DAPHNE scheme was designed *inter alia* to facilitate a high degree of cooperation between NGOs and other organisations active in the field of anti-trafficking campaigning¹²⁵. Accordingly, although human trafficking was not addressed *per se* under the auspices of the DAPHNE programme, it was explicitly observed within the terms of reference of the founding Decision that such practices have a role in perpetuating violence towards and exploitation of

¹²² 96/700/JHA of 29 November 1996 [1996] *Official Journal* L322/1.

¹²³ Council Decision of 28 June 2001 establishing a second phase of the programme of incentives, exchanges, training and cooperation for persons responsible for combating trade in human beings and the sexual exploitation of children [2001] *Official Journal* L186/1. Nevertheless, such programmes addressed existing Member States of the EU at the time, with limited application to potential candidate countries, as the Baltic States were at the time.

¹²⁴ Decision No. 293/2000/EC of the European Parliament and of the European Council of 24 January 2000 adopting a programme of Community Action (2000-2003) on preventative measures to fight violence against children, young persons and women [2000] *Official Journal* L34/1. Again, there was little explicit mention of potential new Member States within the text of the Decision.

¹²⁵ Article 2(2).

women, young persons and children¹²⁶, thereby ensuring that some of the 20 million Euro budget allocated to the project could be deployed in an anti-trafficking context. A further initiative – DAPHNE II – is currently on-going until the end of 2008 with a broadly similar remit, and a similar application to trafficking¹²⁷.

Of more direct importance to the issue of human trafficking was the inauguration in 1997 of a distinct Joint Action against the trafficking of human beings and sexual exploitation of children¹²⁸. This instrument required the (then fifteen) Member States to conduct a review of the relevant national laws concerning a raft of sexual offences involving vulnerable people, including the trafficking in persons for the purposes of sexual exploitation¹²⁹. In the light of this review, the Member States were then to ensure that such activities were criminalised under domestic law, including inchoate offences, with those responsible to be subject to appropriate sanctions, including the possibility of deportation, confiscation of assets and the imposition of a custodial sentence¹³⁰. Furthermore, Member States were obliged to ensure that the relevant authorities were properly coordinated at the national level, also taking into account the role of NGOs and similar bodies involved in combating trafficking¹³¹. The Joint Action also sought to improve the degree of cooperation between the various Member States in the fight against such activities¹³². The Joint Action operated between 1997 and 2002, where it was superseded by the current main initiative governing these practices, namely the EU Framework Decision on Combating Trafficking in Human Beings.

(ii) The EU Framework Decision on Combating Trafficking in Human Beings

The EU Framework Decision on Combating Trafficking in Human Beings¹³³ formally replaces the earlier Joint Action established in 1997 and builds upon a series of

¹²⁶ Preamble to Decision No. 293/2000/EC.

¹²⁷ Decision No. 803/2004/EC of the European Parliament and of the European Council of 21 April 2004 adopting a programme of Community Action (2004-2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk [2004] *Official Journal* L143/1.

¹²⁸ 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) [1997] *Official Journal* L63/2.

¹²⁹ Title I(B)(b).

¹³⁰ Title II(A).

¹³¹ Title II(H) and (I).

¹³² Title III.

¹³³ Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings [2002] *Official Journal* L203/1.

pronouncements from the various EU institutions for the need for further legislative action against trafficking, including the harmonisation of key criminal law measures across the EU, including new Member States, such as definitional aspects and sanctions. The Framework Decision notes explicitly that such abhorrent activities entail ‘serious violations of human rights and human dignity’, including ‘ruthless practices’ such as the abuse and deception of the vulnerable, as well as violence and coercion¹³⁴. Furthermore, it is also necessary for any action against such practices to be undertaken by all the Member States and for a comprehensive approach to be developed, including the elaboration of ‘effective, proportionate and dissuasive sanctions’. Accordingly, the Framework Decision is essentially a ‘minimum standards’ provision, establishing the basic structure of the national anti-trafficking regime expected by the EU to be instituted throughout the various Member States, with individual governments free to impose stricter standards if this is deemed desirable and appropriate, since the Framework Decision merely:

Confines itself to the minimum required in order to achieve those objectives at European level and does not go beyond what is necessary for that purpose¹³⁵.

Nevertheless, as noted by Obokata, the precise legal effect of this measure is somewhat uncertain, given that Article 34 of the current EU Treaty provides that Framework Decisions are binding upon Member States but do not have direct effect¹³⁶. This position raises the unfortunate prospect that the Framework Decision on Trafficking may present opportunities to develop specific policies on this issue but, conversely, may not constitute a tool by which a Member State can be held to account for failing to adhere to the commitments established pursuant to it.

The Framework Decision itself is a very concise document, comprising eleven substantive Articles laying down the fundamental anti-trafficking principles to be established throughout the EU. Article 1 lists a series of offences concerning trafficking in human beings for the purpose of labour or sexual exploitation, including recruitment, transportation, transfer and harbouring of a person involving either coercion, force or threat, deceit or fraud, an abuse of authority or a position of vulnerability, or payment or the transfer of some other benefit to a third party

¹³⁴ Preamble to the Framework Decision.

¹³⁵ Ibid.

¹³⁶ T. Obokata, “EU Council Framework Decision on Combating Trafficking in Human Beings: A Critical Appraisal” (2003) 40 *Common Market Law Review* 917, at 926-7.

exercising control over the trafficked person. Furthermore, the Framework Decision also establishes that a minimum sanction of at least eight years' imprisonment should be imposed upon conviction in one of four circumstances, namely where the trafficking offence has endangered the life of the victim either deliberately or through the gross negligence of the perpetrators; the victim is considered to have been particularly vulnerable in the sense that the trafficking was motivated for the purposes of sexual exploitation or prostitution and the victim was below the age of legal sexual majority; there has been serious violence or particularly serious harm to the victim; or the offence has been committed within the foundation of a criminal organisation¹³⁷. Furthermore, Member States are required to ensure that legal persons may also be held liable for trafficking offences¹³⁸, for which a distinct set of sanctions is to be established, including the possibility of permanent closure of an enterprise and the disqualification of directors¹³⁹.

Article 7 establishes a series of provisions in relation to the protection of and assistance to victims, noting particularly that, in keeping with the spirit of the earlier Joint Action, children are considered to be especially vulnerable and that where a child is a victim of trafficking, Member States 'shall take the measures possible to ensure appropriate assistance for his or her family'¹⁴⁰. The Framework Decision itself formally became operational on 1 August 2004, by which point the various Member States were expected to have taken all necessary measures to comply with these provisions¹⁴¹.

Despite the fact that the adoption of a distinct and specific provision of EU law to address trafficking in human beings is undoubtedly a positive development – both from the point of view of the establishment of common definitions and sanctions for the crime – the Framework Decision itself has been met with considerable criticism from commentators. In particular, concerns have been raised that the broad purpose of the Framework Decision – the harmonisation of anti-trafficking throughout the EU – has been rather undermined by the fact that the instrument itself remains a 'minimum standards' measure, leaving the various Member States free to impose differing penalties upon traffickers. While the establishment of strident sanctions is

¹³⁷ Article 3(2).

¹³⁸ Article 4.

¹³⁹ Article 5.

¹⁴⁰ Article 7(3).

¹⁴¹ Article 10(1).

undoubtedly valuable, by the same token such a provision also raises the spectre of further divergence and fragmentation of approach, between those Member States that adhere rigidly to the sanctions listed in the Framework Decision, and those that seek to impose their own, stronger, penalties, thereby promoting a lesser degree of harmonisation as opposed to the aggregation of national laws sought by the Framework Decision.

Perhaps more serious is the failure of the Framework Decision to clearly establish the standing of victims, aside from some rather prosaic statements as to the need to offer protection to such persons, with little in the way of elaboration as to how this may be attained in practice. Furthermore, there is little attempt to address other aspects of trafficking beyond the criminalisation of this practice. Indeed, as noted by Obokata, the Framework Decision is silent on aspects of official (mis)conduct that allows such activities to flourish, such as corruption within key areas of the state apparatus¹⁴². Accordingly, a further package of measures and policies has been subsequently elaborated under the auspices of the EU in order to address a number of the deficiencies and unanswered questions under the Framework Decision.

(iii) Towards a more Holistic Approach: Human Rights Concerns and the Needs of Victims

In 2005 the Council and the Commission, as required by the Hague Programme, elaborated a distinct plan of action with a view towards the development of common standards, best practices and mechanisms to prevent and combat human trafficking¹⁴³. The plan itself is designed to be a fluid instrument, subject to a regular process of review and revision and establishes the basis for a series of projects and policies to be elaborated to combat trafficking, based upon a recognition that an integrated approach is required to address the problem, which includes tackling the root causes of trafficking in countries of origin.

The plan also adopts what is known in anti-trafficking parlance as a holistic approach to this issue, in that policies should be framed in a manner as to take a human rights and victim-centred approach. Accordingly, this is deemed to involve the protection of victims at all stages of the process; the development of appropriate

¹⁴² Supra 135 at 933.

¹⁴³ EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings [2005] *Official Journal* C311/1.

national policies towards victims of trafficking; the elaboration of prevention strategies; strengthening dialogue with non-EU countries; taking special care to protect children; promoting gender-specific protection strategies, especially in the context of young women; and to speed up the transposition of relevant provisions of EU law addressing victims of trafficking¹⁴⁴.

Furthermore, the plan requires the Member States to improve operational responses to trafficking by establishing this as a distinct law enforcement priority¹⁴⁵ and to improve links with appropriate and relevant national, regional and international organisations, whether inter-governmental or non-governmental, to ‘find more and intensive ways of taking forward cooperation’¹⁴⁶. Annexed to the plan is a substantive set of actions for the various EU institutions and Member States to follow, involving a series of short, medium and long-term projects to facilitate the objectives of the plan, ranging from the production of campaign materials, to the organisation of conferences and other meetings and the general improvement of anti-trafficking intelligence-gathering under the auspices of Europol.

Much of the EU plan in its present form addresses the need to gather more information about trafficking activities and to improve consultation between the various national and regional bodies charged with combating trafficking activities, as opposed to generating distinct measures under EU law – although it is conceivable that the consultative process may, in the fullness of time yield a series of substantive legal provisions. As a result, there have been few tangible legislative developments arising from the process to date. Indeed, the trafficking issue remains somewhat sensitive for many EU Member States – notwithstanding a clear agreement on the need to combat this abhorrent trade in human life – and there remains a lack of consensus between the various governments as to how best to proceed in this area, which the EU plan may play an important role in eventually bridging. In particular, the treatment of victims of trafficking continues to be controversial within the various Member States – especially the vexed issue of residence privileges – for which the EU has, with some difficulty, begun to legislate, as detailed below.

¹⁴⁴ Paragraph 3 of the EU plan.

¹⁴⁵ Paragraph 4.

¹⁴⁶ Paragraph 5.

The International and European Frameworks: Key Problems and Prospects

As has been illustrated above, the crime of people trafficking has received considerable legislative attention in recent years at both the international and regional levels. While these developments are clearly highly positive and desirable – especially in view of the historical dearth of consideration afforded to such a grave and abhorrent course of conduct throughout the Twentieth Century – there remain, however, a number of difficulties within the present system that will need to be substantively addressed in order for the anti-trafficking regime to be considered truly effective.

In essence, two primary difficulties can be identified in relation to the current regime. Firstly, trafficking activities are perpetrated virtually exclusively by non-state actors, entities for which little attention has been granted in the various anti-trafficking provisions adopted to date. Furthermore, the various measures against trafficking, especially at the European level, can be deemed to offer insufficient protection to victims and deficient incentives to assist in criminal proceedings against their traffickers. This latter point is highly significant, as the cooperation of the victims is usually mandatory as a *quid pro quo*, without which the obligations of the receiving state to render assistance to such persons are not ordinarily triggered.

The Position of Non-State Actors

At present, the legal framework governing human trafficking is addressed at *states* and establishes a series of obligations upon the relevant national authorities to take preventative and rehabilitative action against the activities of traffickers. Notwithstanding the fact that in some instances trafficking activities may be facilitated by the complicity of corrupt public officials, such offences are perpetrated not by state agents, but by criminal gangs and other such individuals – in other words, by non-state actors.

One of the primary limitations in relation to the various instruments governing trafficking is that, as a generalisation, they are largely silent on the position of non-state actors. Notwithstanding the notoriety that some states have acquired for corruption and collusion with criminal organisations, trafficking and associated reprisals against victims are rarely performed with the open consent and appreciation of the national authorities. Accordingly, victims of trafficking and their relatives are imperilled not by the activities of the state, but by those of individual criminals, who

are not generally subject to distinct obligations under international law. Indeed, as Obokata sagely notes:

Although there is a growing trend for recognising legal obligations of non-State actors and for holding them accountable under international human rights law, the current status remains that they do not bear legal obligations, therefore cannot be held directly accountable¹⁴⁷.

Given that the legal position regarding non-state actors negates direct criminal responsibility – at least under international law – the alternative pursued has been to seek to impose particular obligations on states to take action either to curtail the activities of such elements (elaborated in unprecedented detail by the UNCTOC) or, in the case of the receiving state seeking to repatriate a victim, to impose restrictions upon deportation in instances where such persons are likely to come to harm. As discussed above, the temporary resident permit envisaged by the EU (although as detailed below, perhaps not quite in its current form) may be a potentially effective means of protecting a victim throughout any judicial processes arising from their trafficking experiences; however, in certain instances the person in question may require rather more over-arching residential protection from the receiving state. Indeed, in recent years, human rights norms, especially under the ECHR, have afforded a possible ground upon which an applicant facing deportation may seek to annul a repatriation order on the basis that they may face persecution and/or ill-treatment upon their arrival in the state of origin.

It is now a well-established principle of European human rights law that a party to the ECHR is not permitted to repatriate an individual to a country (whether within or outside the geographical scope of the Convention) in which they are likely to face ill-treatment from the national authorities. This is based upon a generous interpretation of the non-derogable obligations established under Article 3, where it is incumbent upon states not to expose persons under their regulatory control to the risk of torture or inhuman and degrading treatment or punishment.

The application of this provision to parties seeking to repatriate individuals to countries in which such mistreatment is likely to be forthcoming from state authorities was vividly established in the case of *Soering v. UK*¹⁴⁸. Here the applicant, a German

¹⁴⁷ Supra 25 at 403.

¹⁴⁸ (1989) ECHR Series A, No. 161. For a full analysis of this case and, indeed, its wider implications in the context of extradition requests in instances where the possibility of capital punishment is

national, had been a long-time resident of the US State of Virginia and had been persuaded by his partner, Elizabeth Haysom, to murder her parents over a simmering dispute. Soering duly carried out his partner's wishes, brutally stabbing her parents to death, before both accomplices fled to the UK where, six months later, they were arrested on an unrelated fraud charge. Upon hearing of the detention of Soering and Haysom, the US authorities sought the extradition of the couple in order to try them for the earlier murder. Haysom agreed to be repatriated to the State of Virginia, where she was later convicted as an accessory to murder and sentenced to ninety years' imprisonment. Soering, however, was stridently opposed to any extradition proceedings, since under State law, murder in the first degree – for which he had been charged *in absentia* – carried the death sentence. Since the UK is opposed to capital punishment, it was customary practice at the time in extraditing prisoners to the US to formally request that, in so doing, the death sentence would be neither imposed, nor indeed applied against such persons. Nevertheless, such a request remained a diplomatic nicety, as opposed to an unambiguous and legally-binding commitment, and Soering had little confidence that such an undertaking would be subsequently honoured by the Virginia authorities.

Soering argued that Article 3 of the ECHR would be violated on the basis not that the death penalty itself was an inherently inhumane or degrading punishment, but that the risk of so-called 'death row phenomenon', in which it has been demonstrated that a condemned prisoner will suffer severe mental stress while awaiting execution for a period of years, breached the Convention. In finding for the applicant, the European Court of Human Rights formally blocked the proposed extradition on the basis that exposure to this psychological condition would indeed cross the threshold of Article 3, establishing that in the absence of a formal declaration of the non-application of the death penalty, a party to the ECHR would be precluded from repatriating a prisoner on these terms. In this respect, the European Court of Human Rights in *Soering* expanded upon the general obligations incumbent upon a state not to repatriate a non-national to a country in which they are likely to face persecution or ill-treatment from state authorities – as established primarily in *Chahal v. UK*¹⁴⁹ – demonstrating a generous and broad-ranging interpretation of the type of harm likely

invoked, see P. Hudson, "Does the Death Row Phenomenon Violate a Prisoner's Human Rights under International Law?" (2000) 11 *European Journal of International Law* 835.

¹⁴⁹ Reports 1996-V, p. 1853.

to be faced by the applicant that would mandate a protective stance by the state purporting to repatriate.

Nevertheless, a strong stance against repatriation where the applicant is likely to face ill-treatment from state agents – although laudable – clearly offers limited protection to victims of trafficking, for the reasons outlined above, i.e., that trafficking victims are threatened by non-state actors as opposed to state representatives¹⁵⁰. In this respect it is highly significant that the European Court of Human Rights has recently established that, under certain circumstances, a party to the Convention may be subject to a duty under Article 3 not to repatriate a non-national to a country where they may face persecution by *non-state actors*. This may prove to be important in the case of victims of trafficking who are highly resistant to repatriation on the basis that there is a strong possibility of their facing reprisals in their country of origin.

In *HLR v. France*¹⁵¹, the European Court of Human Rights raised the possibility of an Article 3 defence to a deportation order where the threat of persecution emanated from criminal elements, as opposed to state agents. In this instance, the applicant was a Colombian national, who had been apprehended at Roissy Airport *en route* to Italy with a package containing a substantial quantity of cocaine. He was duly convicted of drug smuggling, receiving a five-year prison sentence and a mandatory deportation order permanently excluding him from French territory upon the completion of his term of imprisonment. Upon his arrest HLR, hoping to secure the most favourable outcome to his predicament, provided the French authorities with a considerable body of information. As a direct result of HLR's cooperation with the French authorities, Interpol was later able to apprehend a further suspect, HB, who had originally recruited the applicant as a drug mule. HB was subsequently convicted of drugs offences and sentenced to over two years' imprisonment in France before being deported to Colombia, where he and his associates in Bogotá let it be known to HLR's family that he could expect a less than cordial reception upon his eventual repatriation.

HLR sought to annul the deportation order made against him by the French courts, on the basis that there was a strong likelihood that he would face serious violence upon his return to Colombia. Furthermore, HLR contended that the

¹⁵⁰ For a discussion of the difficulties inherent in distinguishing in law between the two, see C. Yeo, "Agents of the State: When is an Official of the State an Agent of the State?" (2003) 14 *International Journal of Refugee Law* 509.

¹⁵¹ App. 24573/94 of 29 April 1997.

Colombian authorities would be poorly placed to offer him any meaningful protection on the basis that they had been heavily infiltrated by the drug cartels, and that over 90% of murders in Colombia involving disputes within the narcotics industry went unpunished. The French authorities contended that such concerns, while unfortunate for the individual in question, were nonetheless irrelevant to the ECHR, since the Convention only addressed abuses by public authorities. However, the European Court of Human Rights ruled that, in principle, positive obligations could be imposed upon a state to refuse to extradite a non-national in instances where the threat to their individual safety stemmed from non-state actors:

Owing to the absolute character of the right guaranteed, the Court does not rule out the possibility that Article 3 of the Convention may also apply where the danger emanates from persons or groups of persons who are not public officials. However, it must be shown that the risk is real and that the authorities of the receiving State are not able to obviate the risk by providing appropriate protection¹⁵².

Despite this strong statement of intent, however, the Court ruled that in the present case HLR had been unable to provide sufficient proof that the alleged risk of reprisals was real. This individual decision of fact was, however, subject to some strong dissent on the part of six of the judges in the case, two of which argued that too high a threshold of proof had been placed upon the applicant¹⁵³.

To date, there appear to have been no further decided cases by the European Court of Human Rights on the issue of contested repatriation where there is a risk of reprisals from non-state actors, which leaves a number of unanswered questions in relation to the circumstances under which the Court will consider it necessary and appropriate for a deportation order to be annulled. Consequently, the position of victims of trafficking under the *HLR* rule is rather uncertain. It certainly appears that a trafficked person seeking to avoid repatriation has an unenviable burden of proof to discharge, given that in *HLR* a series of threatening letters to the applicant's family failed to satisfy the requisite evidential threshold. In this respect, the Court appeared to consider that a lack of clear information from a reputable NGO, such as Amnesty International, on the issue was somewhat fatal to the applicant's case, which raises a number of interesting points of conjecture as to how the Court may have ruled had such evidence been available. Consequently, as far as trafficked persons fighting

¹⁵² At paragraph 40.

¹⁵³ Dissenting Opinions of Judge De Mayer and of Judge Jambrek.

deportation are concerned, there is a clear need for coordinated studies to be conducted into the likelihood and severity of reprisals against trafficking victims which, given the practical difficulties involved and the personal danger posed to researchers, is far easier said than done.

Furthermore, it is interesting to note that the two Dissenting Opinions advanced by the Court to the *HLR* judgment were made on the basis that the applicant had cooperated fully with the French authorities, which had given rise to tangible results in the form of the arrest and conviction of a key operative within the criminal organisation for which HLR himself was employed. Indeed, Judge De Mayer observed that ‘to demand concrete evidence from an applicant who has been shown to be an ‘informer’ is to impose an unrealistic burden on him’¹⁵⁴, suggesting that a softer approach would have been appropriate in dealing with an individual who had shown no small measure of courage in cooperating fully with Interpol. Judge Jambrek went further, implying a degree of churlishness and cynicism on the part of the French authorities who, having gained all available useful information from the applicant, then largely abandoned him to his fate with the administrative equivalent of a Gallic shrug:

[G]iven that the applicant cooperated with the French authorities while in detention, it would in my view be appropriate for them to give him at least minimal protection against the threat of reprisals by Colombian drug traffickers by refraining from executing the order for his deportation¹⁵⁵.

In this respect, it appears that if there is to be a softening of the approach mandated in *HLR* against the repatriation of non-nationals to the mercy of non-state actors, then the cooperation of the person in question with the investigating authorities would appear to be crucial, thereby bringing current human rights norms back full circle to the position advanced in respect of trafficking victims under EU law and the CoE Convention, namely that some semblance of assistance is required in order for the protection and indulgence of the receiving state to be forthcoming.

Victim Protection and Rights of Residence

Perhaps the most controversial issue in the contemporary legal framework against human trafficking involves the entitlements afforded to the victims of this crime. As noted above, both the UNCTOC, as well as the various European initiatives, have

¹⁵⁴ Dissenting Opinion of Judge De Mayer.

¹⁵⁵ Dissenting Opinion of Judge Jambrek.

stressed the need to afford victims substantial support in terms of medical and psychiatric treatment, as well as the unhindered opportunity to return to their country of origin. Nevertheless, one of the most divisive issues, in terms of state practice, has arisen in the context of those who do *not* wish return home. Indeed, there is a strong divergence of views as to whether residential privileges in such instances should be available *per se*, or restricted to those who cooperate fully in subsequent criminal proceedings against their traffickers.

Victims of trafficking have historically been failed by the authorities and often tarred with the same brush as their traffickers. Indeed, having arrived in the destination country via nefarious means, as well as possibly having been compelled to engage in illegal activity while *in situ*, the authorities have often treated them as law-breakers first and victims second. The recent adoption of key international and regional provisions has, to a considerable extent, fostered a sea change in attitude – for instance, the CoE Trafficking Convention contains a strident ‘non-punishment’ provision for victims forced to perform illegal activities by their traffickers¹⁵⁶ – yet substantial concerns remain over whether this development extends to providing a full and holistic approach to victims of trafficking in terms of effective provision for their distinct needs.

In particular, concerns have been raised over an apparent trend within the legislation to make the provision of assistance to victims of trafficking largely dependent upon their full cooperation with national criminal justice processes. In particular, current practices across many receiving states has been to offer a distinct reflection period, during which the victim may come to an informed decision over whether to cooperate with the investigating authorities and, once this period has run its course, any future assistance (including the possibility of remaining in that country) then becomes directly dependent upon that person’s cooperation. Although there is a school of thought that trafficking victims should be entitled to full and effective assistance irrespective of their decision to aid the authorities, most western countries have in fact opted for the alternative policy and impose a fairly brief time-frame within which the individual must decide whether or not to cooperate.

One of the most striking examples of this particular policy is that advanced by the European Union, which currently operates one of the more supportive schemes in

¹⁵⁶ Article 16.

this respect for victims of trafficking offences. This policy has not been forged without considerable controversy, however, and the current reflection period is the product of a protracted series of negotiations. In February 2002, the European Commission published a proposal for a Council Directive on the establishment of a short-term resident permit, in which it was suggested that a period of thirty days would comprise an appropriate period of reflection for a victim of trafficking¹⁵⁷. This proposal was immediately criticised by a variety of expert commentators as being manifestly inadequate for the needs of victims, who are required to undertake a life-changing decision, often under extreme stress and duress. Indeed, in 2004, the EU Expert Group on Trafficking in Human Beings stated categorically that:

A reflection period should be granted immediately to all those who there is a reason to suspect are trafficked. The purpose of the reflection period includes enabling identification of whether a person is trafficked, as well as granting the possibility for the trafficked person to begin to recover and make an informed decision about his/her options, including the decision on whether to assist in criminal proceedings and/or to pursue legal proceedings for compensation claims. The reflection period should be for *not less than three months* and should include the obligation to inform the affected person about and refer them to service agencies which can take care of him/her and provide him/her with appropriate assistance¹⁵⁸.

In April 2004 the Council adopted a distinct directive on the establishment of a short-term residence permit for non-EU nationals subject to trafficking offences¹⁵⁹. The directive is a concise document that recognises that it is necessary to introduce a measure of protection to those who choose to cooperate with the national authorities and to establish harmonised criteria for such persons throughout the Member States of the EU. In this respect, protection is deemed to apply to victims of offences relating to trafficking, even if they have entered the territory of the Member State in question illegally (which is highly likely to have been the case)¹⁶⁰. Under these circumstances, Article 6 provides that such persons are entitled to a reflection period ‘allowing them to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent

¹⁵⁷ For a full analysis of this proposal – as well as strident criticism of the majority of its terms, see Piotrowicz, *Supra* 5

¹⁵⁸ Opinion on a reflection period and residence permit for victims of trafficking in human beings. (Emphasis added)

¹⁵⁹ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities [2004] *Official Journal* L261/19.

¹⁶⁰ Article 3. In this respect the Directive applies equally to those who have been smuggled as well as trafficked into the EU.

authorities'¹⁶¹. However, the reflection period 'shall not create any entitlement to residence' in the host country¹⁶². Under Article 7 Member States are obliged to ensure, irrespective of the grant of the residence permit, that such persons are granted resources capable of ensuring their subsistence and access to medical and psychological treatment, that due account is taken of their safety and protection needs and that they are granted access to free legal aid and, where appropriate, with translation and interpreting services.

The length of the reflection period is to be determined according to national law¹⁶³ and appears to vary considerably throughout the EU Member States. Many countries, such as the UK, apply the thirty-day period; others take a more expansive line – for instance Belgium offers up to forty-five days of reflection. Once the reflection period has expired, the authorities are able to offer a temporary six-month residence permit to the individual in question, which may be renewed on the basis of the continued cooperation of that person¹⁶⁴. In this respect, in granting and renewing such a permit, the Member States should consider the opportunity presented by prolonging their stay for the purpose of investigations and judicial proceedings, whether the victim has shown a clear intention to cooperate and whether s/he has severed all relations with those involved in their trafficking or smuggling into that country¹⁶⁵. Again, as with the Framework Decision, this is largely a minimum standards directive, and states are free to adopt and maintain more favourable provisions for persons covered by the Directive¹⁶⁶.

Although the rolling six-month residence permit on offer within the EU Member States is a distinct improvement upon many national regimes to combat trafficking offences, there has been some substantial disquiet over the fact that protection for the victim is entirely dependent upon their full and continuing cooperation with the national authorities, with some commentators arguing that common humanity might dictate that such vulnerable persons should be protected as a matter of course¹⁶⁷. One possibility is for trafficking victims to be viewed as a class of persons for which asylum should be granted, whereby under the principle of non-

¹⁶¹ Article 6(1).

¹⁶² Article 6(3).

¹⁶³ Article 6(1).

¹⁶⁴ Article 8(3).

¹⁶⁵ Article 8(2).

¹⁶⁶ Article 4.

¹⁶⁷ See, for instance, Obokata, *Supra* 25 at 410.

refoulement, international law dictates that a state is precluded from repatriating such individuals,¹⁶⁸ although this approach has to date found little favour within national approaches to victims of trafficking.

Further concerns are raised about the length of time afforded to victims of trafficking as a distinct reflection period which, in many jurisdictions, errs on the side of brevity. Indeed, most experts on the psychological effects of trafficking argue strongly that a prolonged period of reflection is required and that the thirty-day limit favoured by many states is unfeasibly short¹⁶⁹. Indeed, there are substantial problems with a truncated reflection and recovery period. Firstly, there is little opportunity for the authorities and the victim to foster a sense of mutual trust that is vital to rendering such a person an effective court witness and to build a wider picture of the activities of that person's network of traffickers. Secondly, in many instances the victim may still be suffering from the psychological effects of their experiences and is required to make a life-altering decision while still experiencing Post-Traumatic Stress Disorder or other psychiatric condition. Thirdly, and perhaps more importantly, as intimated in the Directive, victims of trafficking often remain within the orbit of influence of their traffickers for some considerable period of time, either through some form of 'Stockholm Syndrome', through fear of reprisals, indoctrination, or a simple refusal to recognise that they are a victim of trafficking, given that conditions in their country of origin were actually worse than those experienced during the trafficking process. In this respect it is highly desirable that national governments explore the possibility of extending the reflection period to as long as possible, and to follow the recommendation of the EU Expert Group on Trafficking in Human Beings by instituting a reflection period of at least three months in duration.

Concluding Observations

In evaluating the current legal approaches against the crime of people trafficking, a number of questions may be posed.

Does the international and regional regime offer a meaningful system to combat trafficking? As a preliminary point, it is important to note that since the elaboration of the UNCTOC and its Protocols, trafficking has emerged as a distinct human rights issue on its own terms. Previously, trafficking was treated as a largely

¹⁶⁸ See J. Allain, "The *Jus Cogens* Nature of Non-Refoulement" (2002) 14 *International Journal of Refugee Law* 533.

¹⁶⁹ L. Waugh, "Why Trafficked Women must be 'Perfect'", *New Statesman*, 4 September 2006.

peripheral element in a whole package of generalised difficulties and problems facing women, children and other groupings, with the fairly predictable result that such issues received deficient attention. That there is now a clear acceptance that trafficking is a scourge upon society and requires effective and free-standing legislative solutions is clearly a very positive move forwards. Since the trafficking framework – especially on an international level – represents the first designated laws of their type, there is inevitably a sense of compromise and weakness of obligation, with the transnational regime somewhat hortatory and aspirational at present. That said, since the conclusion of the UNCTOC, there has been unprecedented attention afforded to trafficking issues on the regional and national levels, which does bode well for the future evolution of such provisions.

Does the framework facilitate the provision of an effective set of remedies for victims of trafficking? In this respect, it may be considered that the trafficking framework offers a rather mixed response from the point of view of the victim. On the one hand, there is a clear recognition – both at an international and a regional level – that victims of trafficking require a more holistic response to their needs from the state of destination than has been forthcoming in the past. In Europe, at least, this recognition has crystallised into a firm commitment towards a thirty-day recovery and reflection period within which victims can consider their options and come to a reasoned and rational decision as to whether to take an active role in criminal and/or civil proceedings against their traffickers. In some jurisdictions, even more far-reaching support and rights are afforded to such persons. Nevertheless, there is almost universal criticism of this position on the part of experts charged with the welfare of victims of trafficking that such a period is, at present, woefully insufficient for the needs of trafficked persons, and that provision should be made for an enhanced and extended system of reflection. Furthermore, few tangible obligations are established under the present international and regional regimes in terms of welfare provision and, in most countries, the practical resources available to meet the long- and even short-term physical and mental health needs of victims of trafficking are desperately inadequate. Can the current legal framework realistically eliminate the activities of people traffickers? In truth, it is highly unrealistic to expect the present regime to bring an end to human trafficking, notwithstanding that the emergence of such a framework is a highly positive and promising development. Ultimately, the root causes of the commoditisation of human beings in this manner are beyond the

capacity of a concise legal instrument to address, namely wholesale intra-generational inequality and grinding poverty in many areas of the world. While there are individuals placed in such desperate personal circumstances that they will gratefully accept even the most onerous, demeaning and perilous of escape routes, there will always be unscrupulous entities keen to profit from such despair. Accordingly, these individual legal measures represent not so much a direct solution to the problem, but rather the first steps in a journey that has an immense distance yet to run, in conjunction with coordinated economic and educational efforts as clear aspects of social policy.

Overview of Trafficking in Human Beings in Lithuania

Laima Trofimoviene

Introduction

After the collapse of the Soviet Union and the opening of the borders to the West, a new world opened for people who were used to living in a world of stringent rules and little possibilities. Led by an innocent desire to explore new experiences which became open to them, residents of the relatively new democracy easily fell prey to an ancient trap, namely, the slave trade.

Due to the traditional disdain felt for prostitutes in a traditionally religious Lithuanian society, victims of trafficking for the purposes of sexual exploitation are especially vulnerable to stigmatising and social exclusion. Improvement in this field requires efforts, cooperation and empathy on the part of the legislator, the police and prosecutors, the courts and non-governmental organisations (NGOs). This chapter aims to present an overview of the problem of trafficking in human beings in Lithuania. At the outset it must be noted that trafficking in human beings may take various forms. However, this text largely concentrates on transnational trafficking of women for the sex trade rather than forced labour or trade in body parts.

The text is written during a period of transition: on February 1st 2008, the new Council of Europe Convention on Action against Trafficking in Human Beings [CETS no. 197] (hereinafter – the CoE Trafficking Convention) entered into force¹ and the Lithuanian Programme for the Prevention and Control of Trafficking in Human Beings 2005-2008 (hereinafter – Programme 2005-2008) is also completed in 2008. Although the Programme is still ongoing and the Convention is not yet enforceable in Lithuania, some changes are inevitable.

¹ As of late May 2008, Lithuania is a signatory of this Convention, but has not yet ratified it.

The scope of trafficking in human beings in Lithuania

Lithuania is a source, transit and destination country of victims of trafficking in human beings². In its Resolution for the adoption of Programme 2005-2008 (following the Programme 2002-2004), the Government acknowledged in 2005 that Lithuania had the highest numbers of trafficking in women among all three Baltic States³. Illegal profits generated simply from prostitution in Lithuania are about 50 millions litas (approximately €14.5 million) and more than 200 million litas (approximately €58 million) are obtained from trafficking in humans and related activities in Lithuania⁴.

According to data obtained by Europol, each year 1,000-1,200 women from Lithuania are trafficked or leave willingly to Europe⁵. During 2002-2003, one third of victims applying to the International Organisation for Migration (IOM) for help had been sold to Germany; 12 percent of remaining victims were sent to Greece and 12 percent to France⁶. Women from Lithuania are also sold to Spain, Italy, Denmark, Norway, Netherlands, England, Switzerland, Belgium, Czech Republic, Poland and other states⁷. In 2000, Lithuanians formed 17.5% of all trafficked women in Germany, thus showing the biggest numbers in comparison with other nationalities and the biggest measure of trafficking intensity in comparison to a country's population⁸.

As regards the ethnic origin of victims within the Baltic States, it was noted that in Latvia and Estonia prostitution could be claimed to have an ethnic basis because '[...] it is much more difficult for women of Russian ethnic origin to find a job, discrimination is often the case'⁹. The same thing could be noticed in Lithuania: surveys on street prostitution made in 1998 and 2001 showed 31% of prostitutes were

² I. Bazylevas & R. Žebonis (2003). *Prekybos žmonėmis prevencija ir kontrolė Lietuvoje*. (Prevention and control of the trafficking in humans in Lithuania) Vilnius. p. 10.

³ Programme for the prevention and control of trafficking in human beings 2005-2008, adopted by Resolution No 558 of the Government of the Republic of Lithuania on April 19, 2005, point 15. *Teisesaugos instituciju veikla* (The activities of law enforcement institutions). 2005 p. 20.

⁴ Ibid. Point 22.

⁵ Ibid. Point 15.

⁶ *Prekyba moterimis: problema, prevencija, pagalba aukoms*. (Trafficking in women: problem, prevention, aid to victims) IMO. P.34.

⁷ Supra 3. Point 17.

⁸ F. Laczko, I. Stacher & A. Klekowski von Koppenfels. (2002) *New Challenges for migration policy in central and eastern Europe*. International Organisation for Migration. Asser press. The Hague. p.163.

⁹ *Prekyba moterimis ir vaikais: metodiniai patarimai pedagogams*. *Prevençines veiklos aspektai*. (Trafficking in women and children: methodical advice to educators. The aspects of preventative activities). p.11.

Polish, 27% Lithuanians and 24% Russians¹⁰. The Programme 2005-2008 indicated that migrants from Russia, Belorussia and Ukraine form more than 15% of prostitutes in Lithuania¹¹. Many of them are sold to Western Europe, or abused in Lithuania by nationals of Lithuania and foreign countries.

The young age of trafficked women from Lithuania is a matter of particular concern. In the Programme 2005-2008, the Government announced that the numbers of trafficked adolescents increased in 2002-2004. Nevertheless it was claimed that no cases of trafficking of children under 14 years of age were identified:

No cases of trafficking in children (persons under the age of 14) have been reported. In all cases, it was minor women (14-17 years of age) who were forced into or got involved in prostitution¹².

First of all, the veracity of this official data is questionable, since NGOs in this area claim they were approached by children under 14 years of age¹³. The formulation of the Programme's 2005-2008 text is awkward and this distinction between 'children' and 'minor women' should not be seen as involving any legal consequences because under international¹⁴ and national¹⁵ legal norms, any trafficked person younger than 18 years of age, is a 'child'.

According to the data collected by the Children's Rights Ombudsperson Rimante Salaseviciute, victims of forced prostitution are usually 14-18 year old girls¹⁶ while the Human Rights Monitoring Institute indicated in 2006 that the number of under age trafficked persons increased in 2005¹⁷. Research of case practice, published in 2006, indicated that over 16.6% of all analysed human trafficking cases involved

¹⁰ Prekybos žmonėmis prevencija ir kontrolė Lietuvoje. (Prevention and control of the trafficking in humans in Lithuania) Vilnius. p. 13.

¹¹ Supra 3. Point 19.

¹² Supra 3. Point 23.

¹³ A psychologist from the public institution *Vaiko Evaldas Karmaza* claimed at a conference *Analysis of social situation of women and girls in Lithuania* in 2007 that recently "the biggest increase of demand of young prostitutes, who are only 10-15 years of age, could be noticed." Moreover, unofficially some NGOs claimed to have dealt with 12-year-old girls.

¹⁴ Framework decision, Trafficking Protocol, The UN Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

¹⁵ Since 30 of June, 2005, 'trafficking in children' under Article 157 of the Criminal Code of Lithuania is applicable to a person under 18 years and not 14 years of age.

¹⁶ R. Lukaityte. 'Prostitutėmis "idarbinamos" vis jaunesnes mergaitės' (Younger girls "work" as prostitutes). 11 May, 2007. Internet news portal *Delfi*, reporting on the *Conference 'Analysis of social situation of women and girls in Lithuania'*, that took place in the Parliament.

¹⁷ Žmogaus teisių stebėjimo institutas. Žmogaus teisių įgyvendinimas Lietuvoje (Human Rights Monitoring Institute. The report on 2005). 2005 apžvalga. Redakcinė kolegija: H. Mickevičius, A. Radvilaitė, A. Kurutyte & L. Eugrimas 2006. p.40.

children¹⁸. Attention should also be drawn to some general difficulties determining the credibility of statistics on the numbers of women from Lithuania transported abroad for purposes of exploitation of prostitution. Claims have been made that reliable data on the subject is not available at all¹⁹.

The inaccuracy of the statistical data may be attributed to several factors. Firstly, trafficking in humans is a latent crime²⁰. Secondly, it is necessary to take into account the statistics of the country of destination. However, the data of the country of destination and the data obtained from the country of origin often differ. Thirdly, it is possible that some of the women identified as 'Lithuanians' abroad are foreigners from third countries with forged passports. After the accession to the EU, it has been reported that nationals of foreign countries with forged Lithuanian passports are identified relatively often²¹; Lithuanian passports, especially the older models, are often forged²². Therefore, accurate data from the countries of destination and transit is also needed in order to draw at least somewhat correct numbers.

Exposing of traffickers who exploit women within the territory of the state (internal trafficking) could be even more difficult than getting the women trafficked to another country to testify. Women taking the risk to testify in cases of internal trafficking are in more prominent danger. There are less protective mechanisms for victims of internal trafficking and the re-integration process is also more difficult²³.

According to the Ministry of the Interior, all of the reported cases of criminal prosecution for human trafficking were concerned with transnational trafficking (data of 2003)²⁴. The lack of cases of internal trafficking could be seen as a sign that the problem was underestimated and marginalised. The data on internal trafficking had

¹⁸ R. Burda, E. Gruodyte & R. Kriksciunas. 'Prekybos žmonėmis tyrimo bei teisinio nagrinėjimo problemos Lietuvoje' (Problems of human trafficking research and legal process in Lithuania.) International Organisation for Migration. 2006. Vilnius. p. 24.

¹⁹ Supra 3. Point 14.

²⁰ Ibid.

²¹ Seminar 'Fight against trafficking in people in Lithuania: cooperation of concerned institutions'. Book compiled by O. Gustiene. Presentation of E. Cerniauskas, representative of the border police "Border control department's activities against trafficking in people after joining the EU". May 28, 2004, Vilnius p.48.

²² 'Prekyba moterimis: problema, prevencija, pagalba aukoms. Praktinis vadovas socialiniams darbuotojams.' (Trafficking in humans: the problem, prevention, aid to victims. Practical guide to social workers) International Organisation for Migration. Vilniaus Universitetas. 2004. Vilnius. p. 34. It is claimed that a forged Lithuanian passport costs 200 DM – 700 US dollars.

²³ It should be noted that the Trafficking Protocol would not apply in such cases, but the CoE Trafficking Convention and Framework decision would apply to internal trafficking.

²⁴ Prekybos žmonėmis prevencija ir kontrolė. Informacinis ir konsultacinis tinklapis. The prevention and control of trafficking in humans: Informational and consultation network. Ministry of the Interior.

not been specifically collected until recently; statistics presented by IOM in 2007 indicated that 39 percent of all trafficking in humans is internal trafficking²⁵.

Definition of trafficking in human beings.

International definition of trafficking in human beings.

Trafficking in human beings is recognised as a contemporary form of slavery²⁶, which is prohibited under peremptory norms of the international law, and is argued to be a crime against humanity²⁷. Under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter - the Trafficking Protocol), supplementing the United Nations Convention against Transnational Organised Crime, trafficking in human beings is recognised as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs²⁸.

By international consensus, it is to be distinguished from ‘smuggling’²⁹, without prejudice to sometimes overlapping elements³⁰ and thus possible difficulties to distinguish them in practice. It does not apply to internal trafficking: the offences must be ‘transnational in nature and involve an organised criminal group’³¹.

Regional definitions of trafficking in human beings.

The Council of Europe Trafficking Convention, which entered into force on February 1st 2008, mirrors the definition of trafficking in human beings under the Trafficking

²⁵ International Organisation for Migration. ‘2007 data on trafficking in human beings’.

²⁶ Office of the United Nations High Commissioner for Human Rights, Fact Sheet No. 14, Contemporary forms of slavery. June 1991. Geneva.

²⁷ T. Obokata. Trafficking of human beings as a crime against humanity: some implications for the international legal system. *International and Comparative Law Quarterly*. Vol. 54. 2005. pp. 445-458

²⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime, G.A. Res. 25, annex II, U.N. GAOR, 55th Sess., Supp. No. 49, at 60, U.N. Doc. A/45/49 (Vol. I) (2001), *entered into force* Sept. 9, 2003. Article 3(a).

²⁹ Which comes under the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime.

³⁰ T. Obokata. 2005. *Supra* 27. p.447.

³¹ Trafficking Protocol, Article 4.

Protocol³². However, the definition of trafficking in human beings is wider, as the Convention is applicable to ‘all forms of trafficking in human beings, whether national or transnational, whether or not connected with organised crime³³’.

In accordance with Article 29 of the Treaty on European Union, preventing and combating trafficking in persons³⁴ constitutes one of the measures adopted with the view of achieving the objective of providing EU citizens with a high level of safety within an area of freedom, security and justice. The practical implementation is to be achieved by *inter alia* approximation of rules on criminal matters in the Member States³⁵. The Council Framework decision of 19 July 2002 on combating trafficking in human beings (hereinafter - the Framework decision) is one of the legislative measures adopted for the purposes of this approximation.

It should be noted that the Framework decision does not have a direct effect and cannot be relied upon by individuals in national courts. It simply provides that member states must take all necessary measures in order to ensure that certain enlisted activities are punishable under the national laws. In particular, the *act* of ‘recruitment, transportation, transfer, harbouring, subsequent reception of a person, including exchange or transfer of control over that person’ by the *method* of ‘coercion, force or threat’, as well as ‘deceit or fraud’ or ‘abuse of authority or of a position of vulnerability’ or ‘payments or benefits are given or received to achieve the consent of a person having control over another person’ for the *purposes* of exploitation is to be punishable³⁶.

³²Council of Europe Convention on Action against Trafficking in Human Beings [CETS no. 197]. Entered into force on 1 of January, 2008. Article 4(a).

³³ CoE Trafficking Convention, Article 2.

³⁴ The Commission of the European Communities recognised trafficking in persons as a contemporary form of slavery. Communication to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions - A Roadmap for equality between women and men 2006-2010. Point 4.2

³⁵ Treaty on European Union . Article 29.

³⁶ Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings. Official Journal L 203, 01/08/2002 P. 0001 – 0004. CELEX number 32002F0629. Article 1(1)

Definition of trafficking in human beings in Lithuania

Trafficking in human beings is recognised as a contemporary form of slavery in Lithuania³⁷. During the past couple of years, Lithuania signed major international instruments dealing with trafficking in humans and significantly amended its national rules to bring them into conformity with its international obligations.

International instruments applicable in Lithuania.

Lithuania has ratified the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (came into force in 1996), the United Nations Convention against Transnational Organised Crime (came into force in 2002 in Lithuania) and its Trafficking Protocol (came into force in 2003 in Lithuania), the latter one being the most widely used international instrument in dealing with transnational trafficking in humans committed by organised criminal groups. Lithuania has not ratified the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (this Convention has not been ratified by Estonia either; Latvia however, acceded to it in 1992)³⁸.

The Conference on Trafficking in Women at the Council of Europe in June 1998 raised an idea for a new international instrument, which was finally drafted in 2005. The CoE Convention on Action against Trafficking in Human Beings came into force between the signatory states on 1 of February 2008, with 10th ratification of the Convention. Lithuania signed the CoE Trafficking Convention on February 12th 2008 but has not yet ratified it. The Convention entered into force on July 1st 2008 in Latvia; Estonia has not signed nor ratified the Convention yet.

In general provisions of the Programme 2005-2008, it is claimed that ‘the main provisions [of the Convention] have been used as the guidelines for [the] Programme’. It is also stated that drafters used: the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the United Nations Declaration on the Elimination of Violence against Women; the Brussels Declaration on Preventing and Combating Trafficking in Human Beings; relevant

³⁷ Resolution of the Government of the Republic of Lithuania No. 62 of 17 of January 2002 on Programme 2002-2004. Point 8.

³⁸ The data on number of countries ratified, the Office of the High Commissioner for the human rights, status of ratifications, reservations and declarations of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

International Labour Organisation Conventions³⁹ and relevant EU and Council of Europe's instruments⁴⁰.

Lithuanian national legislation.

Since July 1998, trafficking in humans and related activities are punishable under the Lithuanian Criminal Code. Trafficking in humans falls under the section 'Crimes against human liberty', while exploitation of another person's prostitution and engagement in prostitution fall within the section 'Misdemeanours and crimes against morals'. The definition of trafficking in humans has been recently changed – on 23 June 2005 several articles of the Criminal Code, including Article 147 'Trafficking in humans', have been amended. Before the amendments, it had been argued that the requirement to prove the goal of the perpetrator's personal or material benefit makes it very difficult to apply Article 147 successfully⁴¹. The article is now formulated as follows:

1. Any person who sold, bought or otherwise transferred or acquired a person, or recruited, transported or held captive a person, using physical violence or threats, or otherwise depriving of ability to resist, or using the injured party's dependence or vulnerability, or by fraud, or by paying money or giving another material benefit to person, who in fact controlled the injured party, if the perpetrator knew or was seeking for the injured party to be involved into prostitution or that person's prostitution would bring benefit or that the person would be used for pornography or forced labour, will be confined from two to ten years.
2. Any person, who committed the act described in the first part of this article, towards two or more victims or while participating in organised group, or seeking to acquire victims' organs, tissues or cells, will be confined from four to twelve years.

³⁹ Convention No. 29 concerning Forced or Compulsory Labour (ratified in 1996), Convention No. 105 concerning the Abolition of Forced Labour (ratified in 1996) and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ratified in 2003).

⁴⁰ Council Framework Decision of 15 March 2001 on the Standing of Victims in Criminal Proceedings (2001/220/JHA); Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings (2002/629/JHA); Council Conclusions of 8 May 2003 urging the Member States to consider the priority policy measures in this field (2003/C 137/01); Council Framework Decision 2004/68/JHA of 22 December 2003 on Combating the Sexual Exploitation of Children and Child Pornography; Council Directive 2004/81/EC of 29 April 2004 on the Residence Permit Issued to Third-Country Nationals Who Are Victims of Trafficking in Human Beings or Who Have Been the Subject of an Action to Facilitate Illegal Immigration, Who Cooperate with the Competent Authorities.

⁴¹ Supra 3. p.45. 'Policija ir žmogaus teises.' Konferencijos pranešimai. (The police and human rights. Conference materials). Vilnius. 1999. Gintaras Sakalauskas. 'Baudziamoji atsakomybė už prekybą žmonėmis ir jos įgyvendinimo problemas.' (Criminal responsibility for trafficking in human beings and problems of implementation). p.44.

3. A Legal person bears the responsibility for the acts provided in this article.⁴²

The amendments, which exclude the requirement to prove the trafficker's goals, should be evaluated positively. Nevertheless, there is an ongoing discussion whether the new version of Article 147 actually tightens or softens the responsibility for human trafficking. The Supreme Court of Lithuania has established that

By the amendments to Criminal Code of 23 June 2005, additional objective features were introduced to the element of crime, thus the possibilities of qualifying the activities under the article 147 were reduced; in this respect, there is a basis to consider the new edition of article 147 of the Criminal Code to be a law making the responsibility milder⁴³.

The Supreme Court of Lithuania has stated its objections to the new version of Article 147 already at the stage of its proposal. The Court stated that the formulation 'knowing or seeking' is illogical and too many features will make the proving of trafficking in humans 'very hard' and that the new edition of the Article 147 'will not make the fight against trafficking in humans more effective, but, on the contrary, will impede it'⁴⁴. To reject those arguments, the Committee on Legal affairs stated that the Lithuanian definition of trafficking corresponds to international requirements, by 'including all possible variations' of trafficking in human beings⁴⁵.

However, it should be noted that all of the relevant international instruments require that the act should be committed by certain means *for the purposes* of exploitation. This means that the subsequent exploitation⁴⁶, for instance, could be enough to establish this purpose. Formulation of the Lithuanian provision includes words 'knowing or seeking', which may involve more difficulty in proving.

Furthermore, legal commentators on article 147 claimed that although sanction for the crime is stricter (the time of imprisonment raised by 2 years), the new version contains an ambiguous disposition of the legal norm⁴⁷. The subjective part is 'narrowed, because a finite list of goals is given' and 'a finite list of methods for the

⁴² The Criminal Code of the Republic of Lithuania. No. VIII-1968. The 2006 January 20 edition. Article 147 was amended by Law Nr. X-272, 2005-06-23, *Official Gazette*, 2005, Nr. 81-2945 (2005-06-30). Translated by the author.

⁴³ Criminal case 2K-332/2006, The Supreme Court of Lithuania. Ruling of 28 March, 2006.

⁴⁴ Arguments of the Supreme Court of Lithuania, as stated in Committee's on Legal affairs main Committee's Conclusion on amendments of Criminal Code provisions, No. XP-418(2) Adopted on 15 June, 2005

⁴⁵ Response of the Committee on Legal affairs of the Parliament of Lithuania. Main Committee's Conclusion on amendments of Criminal Code provisions, No. XP-418(2) Adopted on 15 June, 2005

⁴⁶ T. Obokata noted that "trafficking entails element of subsequent exploitation." *Supra* 27. p. 445

⁴⁷ *Supra* 18. pp. 43-44.

committing of the crime is added⁴⁸. Perhaps it is a matter of interpretation and the legislator did not intend to lighten the responsibility for human traffickers. However, it is clear that the Supreme Court interprets the article this way and thus it is advisable to redraw it in a less ambiguous manner.

When an action of actual selling, transportation or buying cannot be proven, the Article 308, 'Engagement of another person in prostitution', might be applicable. It provides *inter alia* that anyone who got a dependant person engaged in prostitution, or got a person engaged in prostitution while using physical or psychological violence, or fraud or in any case involved a person under age in prostitution, is punished by imprisonment from 2 to 7 years⁴⁹. Although the methods of this crime (physical violence or fraud) are the same methods that go under Article 147, there is no need under Article 308 to prove the perpetrator's knowledge that a person will be involved or intentions to involve a person in prostitution. There is also no need to prove an action of actual selling/transfer/captivity etc. Thus in cases where there is some insufficient evidence on the act of selling, the court might rule that an attempt of trafficking in human beings under article 147 was identified. Meanwhile, in cases where there is no evidence of the action of selling at all, and a perpetrator's knowledge or intentions as regards prospective prostitution is not known, Article 308 applies. In this case, only a method (threats, fraud) and subsequent prostitution can be proven, but there is no evident causal link between them.

While international law instruments provide that the consent of the victim is irrelevant if any of the enumerated methods (coercion, violence, threat, fraud, etc) were used⁵⁰, the national provision on trafficking in human beings (Article 147) is silent on the matter of irrelevance of consent. Part 2 of Article 307 'Benefiting from another person's prostitution' should be analysed in that regard. It provides that criminal liability applies (up to 6 years) to a person, who organised or supervised prostitution of another person, or transported a person for prostitution abroad with that person's consent⁵¹. This case differs from trafficking in human beings, because:

- There is no need to prove that means like coercion, violence, or fraud were used;

⁴⁸ Ibid, p. 44.

⁴⁹ The Criminal Code. Article 308 (2). Last amended on June 22, 2006.

⁵⁰ Article 1(2) of the Framework decision, Article 1 of the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, CoE Trafficking Convention,, Article 4 (b).

⁵¹ Supra 49.

- There is evidence that a person consented to transportation for prostitution.

Proving that a victim was threatened and then transported should render article 147 applicable. However, it remains unclear, whether the courts would consider cases, which otherwise would be clearly caught by Article 147 as trafficking in human beings, once an element of consent is present. In order to avoid any confusion and harmonise national legal norms with international provisions, the simplest solution would be to state in Article 147 that consent is irrelevant, where the methods enlisted were involved.

Trafficking in children.

In accordance with Article 157 of the Criminal Code, anyone who has offered to buy or otherwise procure a child or who has sold, procured or otherwise transferred to another person or procured a child or who has recruited, transported or held captive a child knowing that the child will be engaged in prostitution or that proceeds will be derived from the child's prostitution or that the child will be exploited for pornography or forced labour purposes, or having an intention to do so, shall be punished by imprisonment for a term of 3 to 12 years. Anyone who has committed such acts against two or more children or against a child under 14 years old or as a member of an organised group or with an intention to obtain a body part, tissue or cells of the victim shall be punished by imprisonment for a term of 5 to 15 years.

A significant difference from Article 147 is that there is no need to prove the method of the crime. Furthermore, with the amendments adopted on 23 June 2005 the definition of trafficking in children is changed and not only the actual act of selling but also recruitment and relevant acts are subject to criminal liability. The last amendment also finally established protection for children under 18 years of age, instead of 14⁵².

Article 308 also applies to involvement of an underage person in prostitution. It applies in cases where there is no sufficient evidence on the actions like buying, selling, transportation etc. It could be claimed that this approach corresponds to international documents, which require to admit 'trafficking in children' as such, even

⁵² The initial edition of the legal provision applied only to children under 14 years of age, which contradicted the international documents.

though the violent means were not proven. However, whether this model really works in practice could be seen only after a careful analysis of case practice. For instance, consider a case of a teenage girl's boyfriend, strongly encouraging her to work as a prostitute and 'helping' her to find clients. It would depend on interpretation (as well as the volume of evidence), whether his actions would be seen as involvement in prostitution, organisation of prostitution or 'trafficking in human beings.'

Application of criminal provisions in practice.

Between 1998, when trafficking in human beings was included in the Criminal Code, and the end of 2005, the police recorded 117 cases of trafficking in human beings. However, only 35 criminal cases reached the courts. The effectiveness of law enforcement institutions at the pre-trial stage is equal to 29.9% in cases of trafficking in human beings. In contrast, effectiveness in revealing other crimes, like stealing or robbery, reaches 45%⁵³. Trafficking in humans (Article 147 the Criminal Code) is considered to be a 'grave crime'⁵⁴. However, in several cases the courts had suspended imprisonment sentences, although such suspension is not an option in the case of grave crimes.⁵⁵ The Committee on Legal Affairs of the Parliament of Lithuania indicated that under the pre-amendment version of the Article, which provided for criminal responsibility of maximum 8 years of imprisonment, sentences of 2-3 years of imprisonment were most often applied. There were few cases of 6 years of imprisonment (maximum) and in some cases punishment by arrest or fine was applied, because only the attempts of trafficking in persons were proven⁵⁶.

Only four cases related to trafficking in humans were heard by Lithuanian courts in 2004 and 14 people were convicted for trafficking in humans. Officially, there were 23 victims of trafficking in humans, recognised as such by Lithuanian courts in 2004. Although trafficking in humans is a latent crime, the fact that so few

⁵³ Supra 18. p.9.

⁵⁴ The Criminal Code. Article 11 (5).

⁵⁵ Criminal case Nr. 2K-105 / 2005. The Supreme Court of Lithuania. Ruling of 1 March, 2005. Also the US State department, although generally evaluating Lithuania's anti trafficking efforts very well in its report, indicated in 2006 that there was a case of a former police officer who was convicted for trafficking in human beings, but a parole was applied and thus a proper punishment was avoided.

⁵⁶ Conclusions of the Committee's on Legal affairs main Committee on Amendments of Criminal Code. 15 of June, 2005.

cases get to the courts and more than a half of suspects get away without convictions is a matter of significant concern⁵⁷.

Table 1
Overview of registered trafficking cases in Lithuania 1999 - 2004

Year	Cases (total)	Cases referred to court	Cases examined in court	Cases where legal	Cases where investigation	Cases where investigation	Persons in the focus of law	Suspects	Victims known to law	Victims	Convicted persons
1999	3	1	1		2		2	2	2		2
2000	5	3	3				7	3	2		3
2001	19	6	3	2	9	2	52	18	37	9	7
2002	17	10	3	1	5		58	26	23	16	6
2003	18	5	2	1			40	33	28	7	2
2004	22	13	4	–	3	1	41	25	31	23	14
Total		38	16	4	19	2	200	107	123	55	34

The absence of court cases of trafficking in children is even more disturbing⁵⁸:

Table 2
Trafficking in children Lithuania 2004 – 2005

	Article 147 Trafficking in human beings	Article 308 Engaging another person in	Article 157 Procurement or sale of a child	Article 162 Child exploitation for	Article 307 Deriving profit from a minor's	Article 309.2 Dealing in items of
2004	1 child	2 children	0 children	2 children	4 children	4 children
2005	2 children	1 child	0 children	0 children	7 children	6 children

⁵⁷ Source – Government Resolution No 558 of 19 May 2005 on the Approval of the Programme for the prevention and control of trafficking in human beings for 2005-2008.

⁵⁸ Table prepared in accordance to the United Nations Committee on the Rights of the Child. Consideration of Report on the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. CRC/C/OPSC/LTU/1. 21 of April, 2008.

It would be good if these numbers reflected reality. However, in accordance with official data of the Ministry of the Interior, during the period 2000-2006, police officers encountered only 10 children who could have been victims of trafficking in children. Unfortunately the police were more ‘effective’ in punishing children for prostitution –during the period of 1999-2005, administrative protocols were issued to 157 children⁵⁹. A question arises whether state agents see prostitution as the main source of evil and a cause for trafficking and other forms of violence and whether victim status is thus negated by the status of being a ‘prostitute.’

Protection of victims of trafficking in human beings

The concept of ‘victim of trafficking in human beings’ within the Lithuanian legal system is defined by Article 147 of the Criminal Code. Moreover, adequate legal protection and compensation can only be provided if Article 147 of the Criminal Code is successfully invoked and the status of ‘victim’ is established by the court. Therefore, because of the difficulties in acquiring the status of a ‘victim’ pursuant to the Criminal Code, Lithuanian social workers, NGOs and the relevant governmental organisations in practice use different concepts of a ‘victim’ of trafficking in human beings⁶⁰. Notably in 2004, there were only 23 victims of trafficking in human beings in Lithuania, recognised as such by Lithuanian courts. Taking into consideration the fact that there are approximately 25 NGOs that provide aid to victims of trafficking in humans in Lithuania, the official statistics create a picture whereby there is more than one NGO per each officially recognised victim. A large number of victims never reach the Lithuanian courts.

The problem of collection of sufficient evidence impedes the pre-trial process, leading to ineffective court proceedings. It is especially difficult to collect sufficient evidence in cases where the pre-trial investigation is started by a police officer’s initiative⁶¹. Approximately 50% of cases brought to court are not based on victim’s

⁵⁹ Overview of a situation of under-age victims of trafficking in humans and prostitution of minors. Children’s rights Ombudsman institution in Lithuania. 2007.

⁶⁰ J. Ruskus, N. Mazeikienė, A. Blinstrubas & S. Balciunas. ‘Prekybos moterimis ir prostitucijos aukų rabiliacija ir reintegracija’ (Rehabilitation and reintegration of victims of trafficking in women and prostitution). Siaulių universiteto leidykla. 2005. p. 44

⁶¹ Supra 18. p. 59.

statements⁶² and often only a victim testimony might provide sufficient evidence. The pre-trial proceedings in Lithuania are initiated:

- When a criminal activity imitation model is used by police officers;
- On the basis of victims' or their relatives' claims;
- When investigation of other crimes reveals human trafficking⁶³.

It should be pointed out that according to the Framework decision, the prosecutions and investigations should not be dependent on the report or accusation made by the person subjected to the offence, particularly in the case of internal trafficking⁶⁴.

Women are generally precluded from being a witness through fear for their lives and of being subjected to responsibility for any breaches of immigration, employment, administrative laws, etc.⁶⁵. The police officers are informed that women might be afraid that they may be harassed, threatened, or even murdered by the accomplices of the persons they testify against; they fear publicity and wish to forget the past and do not want to go through the trauma of interrogations and court proceedings⁶⁶. It could be argued that victims of trafficking have a lack of trust in people in general and lack of trust in law enforcement officers in particular⁶⁷. Moreover, an expert research group indicated in 2005 that prostitutes are sometimes abused by the police officers, including instances of rape, forced sexual services in return for the promise not to be arrested, and so on⁶⁸.

The Framework decision and Trafficking Protocol concentrate on prosecution of offenders rather than protection of victims. Commenting on the Framework

⁶² Interview with Stanislovas Liutkevičius, the Undersecretary of the Ministry of the Interior. "Fighting Against Trafficking in Human Beings Remains Priority in Lithuania." Conducted 10 August, 2005. Also Supra 18. p.54.

⁶³ Supra 18. pp. 54-57.

⁶⁴ Framework decision. Article 7 (1).

⁶⁵ R. Piotrowicz. European Initiatives in the Protection of victims of trafficking who give evidence against their traffickers. *International Journal of Refugee Law*. Volume 14. Number 2/3, 2002. Oxford University Press. p.264.

⁶⁶ "Teisės saugos institucijų veikla susidūrus su prekyba žmonėmis. Praktinis vadovas policijos pareigūnams." (Activities of law enforcement institutions in having faced the trafficking in humans. Practical manual to police officers) Socialinių tyrimų institutas. IMO. pp. 97-99.

⁶⁷ For instance, analysing the interviews with some victims of trafficking in women, collected at the end of 2005 by Lithuanian Caritas for the purposes of this publication, it could be seen that *all* of the victims claimed if they had to give an advice to a younger sister, they would strongly suggest not to trust in people.

⁶⁸ Rytų ir Vidurio Europos žalos tinklo mažinimo ekspertų atliktas tarptautinis tyrimas, "Prostitučių teisė į sveikatos priežiūros paslaugas nepakankamai užtikrinama, teigia ekspertai." (International research by experts of Eastern and Central European network of damage reduction. "Experts claim that prostitutes' rights to medical care are insufficient"). *Baltic News Service*. 12 December 2005

decision, Tom Obokata noted that ‘protection of victims is not sufficiently provided’ under the Framework decision, and further measures on social, medical, psychological assistance, temporary residence permits, defining the victim’s perspective should be added⁶⁹. Some protection measures, such as legal aid, witness protection and compensation are provided (to victims during the criminal proceedings) according to the Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings.

The CoE Trafficking Convention is the first significant international legal instrument, which concentrates on the protection of victims of trafficking and the safeguarding of their rights. One of the purposes of the CoE Trafficking Convention is to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution⁷⁰. In accordance with the CoE Trafficking Convention, a ‘victim’ is any natural person who is subject to trafficking in human beings, as defined by the Convention⁷¹.

Victim/Witness protection.

The fact that the NGOs use their own definition of a victim of trafficking in human beings and therefore provide aid to victims who are not recognised as such by the courts, should be evaluated very positively because the official statistics do not represent the real situation and the NGOs have a very important role in the protection of trafficked persons in Lithuania⁷². Perhaps trafficking in human beings is such a latent crime precisely for the reason of the inadequate protection of witnesses. A group of scientists from Mykolas Romeris University conducted research commissioned by the IOM in 2006, interviewing a number of Lithuanian prosecutors dealing with cases of human trafficking. The question “Do you think that the laws presently in force guarantee the protection of witnesses/victims, securing their anonymity?” was answered positively by 27% of the respondents, 9% answered the

⁶⁹ T. Obokata. EU Council Framework decision on combating trafficking in human beings: a critical appraisal. *Common Law Review*. 2003. Kluwer Law international. Printed in Netherlands. p. 930

⁷⁰ CoE Trafficking Convention. Article 1 (1) b.

⁷¹ CoE Trafficking Convention. Article 4 (e).

⁷² Furthermore, it should be borne in mind that the official statistical data on trafficking in humans is connected with the case practice under the Criminal Code prior to amendments introduced in 2005.

question negatively, 34% said they “do not know” and 30% refrained from any answers⁷³.

Statistics revealed that witnesses and victims in cases of human trafficking formed 15% of all cases when the protection was applied⁷⁴. Anonymity is applied rarely in these cases, and when it is, it applies to witnesses rather than victims. In accordance with the EU legislation, victims of trafficking should be able to receive protection under the Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, yet it is provided only for recognised victims, and any assistance can be withdrawn upon the termination of criminal proceedings⁷⁵. The CoE Trafficking Convention provides comprehensive legal provisions, establishing measures for the protection and promotion of victims’ rights. In particular, the Convention provides for rules on identification of the victims, protection of private life, assistance to victims, recovery and reflection period, residence permit, compensation and legal redress, repatriation and return of victims, and gender equality⁷⁶.

At the national level, on January 7th 1994 the Government of Lithuania adopted Resolution No. 86 on the Programme for the Protection of Witnesses and Victims from criminal effect. Although trafficking in human beings is not specifically mentioned in the Programme, it should be applicable to all criminal cases. The Anti-trafficking Programme for 2002-2004 provided that special centres for the protection of witnesses and victims should be established; however, there is no data on the establishment of these centres to date.

Sometimes it is questioned whether the police is the adequate institution in Lithuania to provide protection for the victims of trafficking in human beings. The IMO Practical manual for the police officials states that ‘the police is not an organisation seeking to help victims, it is only interested in the victim in so far as she can be useful in revealing crimes’; thus close cooperation with social NGOs is suggested⁷⁷. However, this approach needs to be criticised. The police should fulfil

⁷³ Supra 18, p. 84.

⁷⁴ *ibid.* p. 83-85.

⁷⁵ Supra 69, p. 931.

⁷⁶ CoE Trafficking Convention, Articles 10-17.

⁷⁷ Supra 66, p. 96.

the important role both in prevention of crimes and especially in protection of witnesses/victims.

NGOs cannot replace or partly substitute the work of law enforcement officers also because they do not have the necessary means or resources. At the moment there are few NGOs, out of over 20 mentioned, which deal with trafficking in human beings as their main field of activity. These NGOs are doing a significant job in protecting the witnesses: providing them with shelter, meeting and taking them home, finding a job, supporting through the legal proceedings etc. For instance, the NGOs 'Vaiko Namas' and 'Paramos Vaikams Centras' have built special rooms for the questioning of a child, which have a cosy child-friendly environment and the necessary equipment⁷⁸. Confrontations of witnesses and suspects are very usual in cases of trafficking in humans⁷⁹, but they are very stressful to victims, especially under-age ones. A case of trafficking in children had to be dismissed recently because a victim could not handle the pressure of the suspect's persistent threatening stares in a courtroom and refused to further participate in the proceedings⁸⁰.

The NGOs in the field are mainly financed by participation in competitions under the Governmental Trafficking Programme. In addition, because new competitions are announced annually in January and they do take time, NGOs receive the funding only in late spring. NGOs that work in the field of trafficking in humans often have a lawyer who helps them in those rare cases where a victim of trafficking wants to go to court. However, lawyers are not working at NGOs on a permanent basis.

Residence permits and the problem of illegal immigration.

At the outset, it must be noted that the EU Council Directive 2004/81 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, is not concerned with victim or witness

⁷⁸ B. Vaitkute. "Room for questioning of children will help children and courts." News portal Alfa.lt. 29 of April, 2008. Interview with E. Karmaza from *Vaiko Namas*.

⁷⁹ *Supra* 18. p.73.

⁸⁰ *Supra* 78

protection⁸¹. Notably the measures designed to combat trafficking in humans are sometimes criticised for emphasising either the prosecution of traffickers or protection of victims⁸². However, immigration solutions and residence permits, especially if allowing long-term stay after the termination of criminal proceedings (not provided for under the Directive), can actually serve both purposes.

Residence permits should be provided for victims trafficked to Lithuania as the country of destination or transit. These are needed for the time of the pre-trial investigation period and/or during the criminal proceedings. Even though it is a short-term solution, the Directive obliges to provide them with a period in which to reflect on their position in order to reach a well-informed decision about whether they want to testify against the traffickers⁸³.

For victims who are trafficked to Lithuania as their place of destination or transit, it is essential to have some time to think about whether they want to testify against their offenders. They also actually need to be present in Lithuania in order to participate in the proceedings. Up until recently, however, no residence permits or possibilities to testify against their offenders were provided for victims of trafficking who are nationals of third countries⁸⁴. In this regard, amendments to the Law on the legal status of aliens should be noted as a positive development. The amended law provides that an adult victim of trafficking in humans, recognised as such (and victim of any crime related with human trafficking), is allowed to stay in Lithuania if she cooperates with the law enforcement agencies⁸⁵.

Where a person is recognised as the victim of trafficking, this should cancel the application of any criminal responsibility (up to 2 years of imprisonment) for having breached the provisions on illegal crossing of the border. In such case, it is suggested to view trafficked victims as asylum seekers, illegally crossing the

⁸¹ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, *Official Journal L 261*, 06/08/2004 P. 0019 – 0023. Article 15. Explanatory memorandum presented by the Commission. *Official Journal C 126 E*, 28/05/2002 P. 0393 - 0397 Point 2.3.

⁸² Trafficking Protocol and Framework decision concentrate mainly on the prosecution rather than establishing requirements for victim protection.

⁸³ Directive 2004/81. Article 6.

⁸⁴ As it was noted before, most of women, whose state of destination or transit appears to be Lithuania, are nationals of non-member states.

⁸⁵ The Law on the legal status of aliens. No. IX-2206. Adopted on 29 April 2004. Article 26 (2), last amended on February 1, 2008.

borders⁸⁶. This view corresponds with the Framework decision, which provides protection and assistance to victims regardless of their immigration status, provided that they cooperate with the authorities. However, at the moment victims of human trafficking are not explicitly exempted from criminal liability under the Article 291 (illegal crossing of the border) of the Criminal Code of Republic of Lithuania.

Compensation.

The Trafficking Protocol provides that:

[E]ach State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered⁸⁷.

Where a victim is recognised as such by national court and a judgment of conviction is passed, the victim is entitled to request for compensation for the inflicted damage. However, certain issues arise when a trafficker does not or cannot provide compensation.

The Law on Compensation for Victims of Violent Crimes came into force in 2005⁸⁸. Should the Law be applicable, the compensation could be provided from the special fund, established in accordance with the law. ‘Violent crime’ is understood as crime provided in the Criminal Code, which:

Caused intentional deprivation of victim’s life, intentional serious or non-serious health impairment or crime against freedom of sexual self-determination or immunity.

Applications for compensation should be submitted to the Ministry of Justice. A person who committed a crime or refused to testify is not eligible for compensation⁸⁹. The Human Rights Monitoring Institute, which is an NGO monitoring human rights in Lithuania and also working in the field of strategic litigation, suggested in 2006 that victims of trafficking cannot benefit from the Law on Compensation for Victims of Violent Crimes and that at the present stage there are no adequate compensatory

⁸⁶ Explanatory Note to the proposal to amend articles 291, 300 of the Criminal Code and supplement it with article 148¹. Virgilijus Bulovas, Minister of the Interior.

⁸⁷ Trafficking Protocol, Article 6.

⁸⁸ The Law on the compensation of damage inflicted by violent crimes. No X-296. Adopted on 30 June, 2005.

⁸⁹ Ministry of Justice of the Republic of Lithuania. Compensation paid by the state to violent crime victims.

mechanisms available to them⁹⁰. However, if a ‘victim’ was admitted as such by court, testified against the offender and cannot retrieve compensation for damage inflicted on her/him, there are no obvious reasons why compensation should not be provided to her/him under this scheme.

A call for a new approach to prostitution in Lithuania.

In accordance with Lithuanian legislation, prostitution is not considered a criminal offence, but an administrative violation. Article 182-1 of the Code of Administrative Violations provides for a fine from 300 to 500 litas (€85 - €145) for the first offence and 500 - 1,000 litas (€145 - €290) or 30 days of administrative arrest, if the offence is repeated⁹¹. The violation must be systematic; separate individual cases of paid sexual services are not considered as prostitution⁹². Moreover, the article in question incorporates a clause, which stipulates that no administrative responsibility applies to victims of trafficking in humans (Article 147) or persons who got involved in prostitution (Article 308), provided that they are accorded the status of a victim by a criminal court⁹³.

Notably, since June 2005, Article 182-1 of the Code of Administrative Violations extends to administrative responsibility for the recipient of a prostitute’s services. Two months after the amendment came into force, the first ‘client’ was fined⁹⁴. Extending the responsibility so as to also include the recipient is a positive development, provided the provision is indeed implemented and enforced systematically.

As regards the application of Article 182-1 to prostitutes, it must be pointed out that prostitutes usually do not have the money to pay the fine and since they often have children under 12 years of age, a custodial sentence (administrative arrest) cannot be applied⁹⁵. The article is therefore deprived of its purpose and only facilitates vulnerability of the women involved in prostitution. Therefore, an exemption of the prostitutes from administrative responsibility should be provided. If the recipients of

⁹⁰ Supra 17. pp. 40-41.

⁹¹ The Code of Administrative Violations of Law. No. ADM. Adopted in 1985. Edition of 12 January, 2008. Article 182 (1)

⁹² Supra 3, p. 40

⁹³ *ibid*

⁹⁴ “Pirmasis baudą gavęs prostitučių klientas - Vilniuje.” (The first client of prostitutes fined in Vilnius). *Baltic News Service*. 19 October 2005.

⁹⁵ Supra 3. Article 29 (2).

prostitutes' services were to face administrative and/or criminal responsibility and the prostitutes would be exempt from responsibility, it would reflect the approach whereby the prostitution is, in fact, a *result* of violence and economic coercion.

The Declaration on the elimination of violence against women, applicable to Lithuania, includes trafficking in women and forced prostitution among forms of violence⁹⁶. In 2002 the Government of Lithuania has proclaimed in its Programme 2002-2004 that 'all forms of prostitution are to be treated as expressions of violence against women and violations of their rights'⁹⁷ and in 2005 the Government admitted that 'gender based violence (... trafficking in women and children, forced prostitution...) is inconsistent with human dignity...'⁹⁸ That being accepted, the next step should be an exemption of prostitutes from any responsibility as victims.

Moreover, criminalisation of buying a trafficked person's 'services' should be considered. It is hardly surprising for a 'client' of a victim of trafficking in human beings that he is dealing with a person subjected to violence, held captive or an under age minor. Therefore, a person who understands he is acquiring services of a victim of trafficking is aiding to traffickers of human beings and assaulting a victim. Notably, the CoE Trafficking Convention provides that the states should:

Consider adopting legal provisions establishing as criminal offences under its internal law the use of services which are the object of exploitation [...] with the knowledge that the person is a victim of trafficking in human beings⁹⁹.

Criminalisation of purchasing of a prostitute's services could be the next logical step. The experience of Sweden could be noted in this regard¹⁰⁰. In 1999, Sweden adopted a law which bans the purchase of sexual services and within a few years, the numbers of trafficking in human beings were dramatically reduced. Most importantly, the legislation serves the role of re-educating society on the issue of trafficking in human beings. Former Minister of Justice Thomas Bodström, summarised it as follows:

As long as men think they are entitled to buy and use women's and girls' bodies, human trafficking for sexual purposes will continue. Through legislation, we can

⁹⁶ Declaration on the Elimination of Violence against Women. General Assembly resolution 48/104 of 20 December 1993.

⁹⁷ Government Resolution Nr. 62 on the Programme on prevention and control of human trafficking and prostitution 2002-2004. adopted on 17 January, 2002.point 11.

⁹⁸ Government Resolution No. 1042. on the approval of the national Programme on equal opportunities for men and women 2005-2009. Adopted on 26 September, 2005. Point 35.

⁹⁹ See Article 19 of CoE Convention, suggesting to criminalise client's conduct.

¹⁰⁰ See M. de Santis. "Sweden's prostitution solution: why hasn't anyone tried it before?" Women's Justice Centre.

influence and change men's attitudes and this in turn can influence and change other types of behaviour¹⁰¹.

In order to straighten out the disparities between the views of women as victims of trafficking and/or consistent perpetrators of administrative violations and the source of immorality and disease, the suggestion to legalise prostitution is often implied or openly suggested not only by politicians or celebrities but also by experts on social security¹⁰². However, there are a number of reasons why prostitution should not be legalised.

Firstly, it should not be forgotten that in countries where prostitution is legal and viewed as a fair trade and 'profession' (e.g. the Netherlands) women are still, or actually even more, exploited¹⁰³. Should prostitution be legalised in Lithuania, trafficking, slavery, violence and exploitation would still exist, but might be much harder to prove. Secondly, legalisation of prostitution involves providing it with a status of 'profession'. That involves social guarantees, amendment of legal acts, labour regulations, pensions, trade unions, control mechanism and so on. It is considered that it is not possible to provide all of those guarantees in the near future¹⁰⁴.

Furthermore and this is most important, it can be claimed that prostitution as such is not chosen as a result of free will. It is often a result of traumas in childhood and adolescence. For many girls involved in prostitution, their first sexual experience was rape¹⁰⁵. A large proportion of women also claimed that prostitution was the only available source of income to them¹⁰⁶ while more than 80 percent of women involved in prostitution in Lithuania pointed out economic necessity as the main reason¹⁰⁷. It should also be kept in mind that many, or reportedly most women involved in prostitution are or become drug abusers. It thus can be claimed that prostitution is nothing but the result of economic coercion and psychological, physical, sexual or economic violence of men: those who force women into prostitution, those who enjoy the benefit of their earning and those who buy their services. In cases of trafficking,

¹⁰¹ K. Claude. "Sweden battles human trafficking." October 26, 2007.

¹⁰² Supra 53. p. 47.

¹⁰³ "Pirkti moterį - gėdinga. Pirminė poreikio analizė." (It is shameful to buy a woman. Analysis of first demand). Compiled by Ilvi Joe-Cannon. Moterų informacijos centras .2006. p.6-7.

¹⁰⁴ Supra 2. p.45.

¹⁰⁵ Supra 2. p.15.

¹⁰⁶ Supra 2. p.15.

¹⁰⁷ Supra 2. p 16

most of the women are tricked and deceived into prostitution; they often describe their feelings towards their clients as “hate”¹⁰⁸. Although these are cases that would clearly fall under the Criminal Code, it is difficult to prove deception or coercion, a degree of which exists each time a woman decides to sell herself as an inanimate object. Taking into account all of these factors, it could be claimed that free will is not a determining factor while choosing or being forced to choose such occupation.

At the present time in Lithuania, prostitutes are fined and in many cases the police, themselves posing as clients, catch them. There are more programmes designed to identify and fine prostitutes than clients, while identification of traffickers, due to the hidden nature of the crime, is *ad hoc*. The approach, which involves prostitutes being fined in order to coerce them to testify, does not seem to be successful. The administrative fines to prostitutes are often ineffective and unjust. The reasoning above applies even more strongly to fining of children for prostitution. Thus it is suggested to provide for an exemption from administrative responsibility. In addition, the suggestion that the criminalisation of the buyer’s conduct should be considered, as it would reflect the approach that prostitution actually constitutes violence and not a profession chosen by free will, and will help to remove the stigma experienced by prostitutes and facilitate rehabilitation and reintegration tasks.

Concerns of social exclusion.

Social exclusion is a matter of growing concern in Lithuania. Even though women from all social classes may fall victim to human trafficking, certain groups are more vulnerable than others. These would first of all include women on the edge of poverty, girls who drop out of school and children from foster houses. At the moment, with an inflation rate of almost 12 percent, and rising prices of food and shelter, women in poverty could fall into the traps of human traffickers more easily. Women from the lowest socio-economic stratum are also less likely to testify against the wrongdoers because forced prostitution is, or has been, their only source of income¹⁰⁹. According to data for 2007, 71% of victims of trafficking in human beings said their economic position before trafficking was “hard” or “very bad”. 50% of victims of trafficking have dependant children. Half of victims in 2007 acquired only basic education or

¹⁰⁸ All of the women interviewed by the Lithuanian NGO *Caritas* claimed they “hate”, “detest”, “have nightmares” about their clients.

¹⁰⁹ *Supra* 18. p.56.

incomplete basic education¹¹⁰. Urgent steps are expected on the part of the legislator to reduce social exclusion and threat of poverty.

Moreover, a concept of ‘family,’ which was conclusively approved of by the Parliament on June 3rd 2008, provides for various benefits and advantages for married spouses, thereby excluding common marriage spouses, divorcees and widowers together with their children as a non-family. Again, this will most likely hit the poorest class of women, who will fear to separate from their husbands in cases of domestic violence. Lithuanian legislators have recently rejected the concept of protection from domestic violence, convinced by its critics that it does not form a problem of particular concern. Even though it is perhaps too early to draw any conclusions, social exclusion of trafficked women should be further monitored.

Conclusion

Lithuania has a positive obligation to take actions in order to ‘secure’¹¹¹ relevant human rights for those within its territory; this also applies to victims of trafficking in human beings. First of all, adequate criminal law provisions must be adopted, and put into practice, in order to provide criminal responsibility to those involved in trafficking in human beings¹¹². As discussed above, certain amendments are needed to bring national provisions in line with international instruments. It is suggested to amend provisions of the Criminal Code, adjusting and refining the definition of trafficking in humans in a less ambiguous way. The clear irrelevance of a victim’s consent under cases caught by Article 147 should be provided.

It might be claimed that in securing the convictions of traffickers, it might be justifiable from a human rights perspective to use the strict legal concept of victim; however, in providing protection and assistance to victims, the widest approach should be adopted. This applies in particular regarding immigration laws and residence permits, as well as for purposes of social, medical, psychological and legal assistance.

It is suggested to adopt a new approach to prostitution, thus at first criminalising the conduct of a person using the services of a victim of trafficking and then to consider criminalising the use of the services of a prostitute, as a victim of violence against women. Prostitution, on the other hand, should not involve any kind

¹¹⁰ Supra 25

¹¹¹ European Convention on Human Rights and Fundamental Freedoms, Article 1.

¹¹² Article 5 of Trafficking Protocol. United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Article 1.

of responsibility, not even administrative fines. It should be provided that victims of trafficking are exempted from criminal liability for the illegal crossing of borders. Lithuania should ratify the Council of Europe Convention on Action against Trafficking in Human Beings and implement its provisions on victims' protection, prevention of human trafficking and monitoring system as soon as possible.

For the purposes of prevention of trafficking in human beings, it would be good to start with preparing reliable official data on trafficking in children and internal trafficking; the attempts to raise the awareness of society should be continued. Special attention needs to be paid to raising awareness of officers of law enforcement institutions.

Victims of trafficking need certain protections, and as both the Trafficking Protocol and the Framework decision concentrate mainly on prosecution rather than establishing requirements for victim protection, and the CoE Convention does not yet apply, it is up to competent authorities in Lithuania to establish proper witness protection and compensatory mechanisms.

Trafficking in Persons in Estonia

Liliya Ivanchenko

The problem of trafficking in human beings is *not* a new phenomenon, neither globally nor in Estonia. The magnitude and impact of this problem however is now more alarming and devastating than ever before. Trafficking in persons fuels organised crime. It is estimated that human trafficking generates \$9.5 billion annual revenue and is the second largest and fastest growing criminal industry in the world. It is closely connected with money laundering, drug trafficking, document forgery and human smuggling¹. The International Labour Organisation (ILO) – the United Nations agency charged with addressing labour standards, employment, and social protection issues – estimates there are 12.3 million people in forced labour, bonded labour, forced child labour, and sexual servitude at any given time; other estimates range from 4 million to 27 million. Approximately 80% of transnational victims are women and girls and up to 50% are minors. The majority of transnational victims are females trafficked into commercial sexual exploitation². However, under current circumstances, it is difficult to relate various estimates on the ‘true’ extent of human trafficking put forward by researchers, governments and international organisations to confirmed cases of the crime around the world³.

Trafficking in human beings violates basic human rights provided in the Constitution of the Republic of Estonia, above all human dignity, personal freedom, freedom of movement, privacy and self-determination. As it is acknowledged in the Development Plan for Combating Trafficking in Human Beings adopted by the Government on 26 January 2006 in Estonia, this phenomenon became a problem in the beginning of the 1990s as a result of political and economic changes⁴. It is very difficult to estimate the approximate number of trafficking victims from Estonia as a large amount of trafficking cases stay concealed from the awareness of the general public. Besides that, as is pointed out in the research performed by the International Organisation for Migration (IOM), currently there is no uniform understanding about trafficking in persons among the different Estonian state institutions, giving rise to

¹ *Eliminating Racism. Empowering women. Trafficking in Women Fact Sheet*. August 2006. p.2

² *Trafficking in Persons Report*. The Department of State U.S. June 2007. p.1

³ *United Nations Global Initiative to Fight Human Trafficking*. The Vienna Forum to fight Human Trafficking, 13-15 February 2008. Background paper. p. 2

⁴ *Development Plan for Combating Trafficking in Human Beings 2006-2009* p.5

serious conceptual and terminological confusion. This factor also prevents the creation of a realistic statistical picture of the cases and victims of trafficking in people. It has to be noted that while the Palermo Protocol offers a relatively broad definition of trafficking in persons, all cases involving prostitutes from Estonia cannot be considered to fall into the category of trafficking in women. However, some more or less certain figures can be drawn from the Estonian Police Board statistics of convictions for offences committed under the Penal Code. It points out that during 2007 in Estonia there were 135 registered crimes related to human trafficking which is similar to the amount of those registered during 2006⁵.

Factors facilitating trafficking in human beings

Why do people become victims of trafficking in human beings? The reasons are different and the experience of the NGO *Living for Tomorrow* shows that they are quite complex; however no matter what the reasons are it is basically founded on a wish to find a better life somewhere else, mostly in more developed countries or bigger cities, and traffickers in human beings cunningly exploit that. The results of the national survey show that young people have an increasing interest in working in foreign countries and the general understanding is that living abroad always results in a higher standard of living. Knowledge of foreign languages is not considered to be of particular importance and if a good job offer should appear, many are willing to work illegally. A widespread opinion among those questioned is that "nothing bad can happen to me over there" or "human trafficking does not concern me"⁶. There are two main reasons that make people believe in tempting advertisements of employment possibilities abroad. Those are socio-economic reasons -poverty, unemployment, economic and social inequality -and gender inequality reasons.

Socio-economic reasons:

The main socio-economic reasons that cause a potential risk of human trafficking are: unemployment, low wages, lack of possibilities for professional growth and a wish to obtain a prestigious education. According to the data of the Statistical Office of Estonia the average monthly gross wage in 2007 was around 11,000 Estonian kroons

⁵ Ministry of Justice. *Research of Criminal Police Department 8. Crimes in Estonia 2007*International p.39

⁶ Supra 4 p.17

(€690)⁷. The total unemployment rate in 2006 was 5.9% and in 2007, 4.7%⁸. In the group of people with higher education however the unemployment rate was 2.3%, in 2007, 1.4%⁹. Therefore a threat of potential trafficking risk also concerns people with higher education. The highest unemployment rate in Estonia both in 2006 and 2007 was in Jõgeva (13.1%; 6.5%) and Ida-Viru (12.1%; 9.0%) counties¹⁰. Moreover, in other counties of the northeastern part of Estonia the unemployment rate was relatively high. In this part of the country, the majority of the population (82%) is Russian-speaking. Russian-speakers, because of their lack of Estonian language skills often cannot get well-paid working places. Because of these facts there is a tendency of internal human trafficking within Estonia from the northeastern part of the country to the capital city. Also the majority of victims of international trafficking are thought to come from this part of Estonia. The high risk of Russian-speakers to become victims of human trafficking for the purpose of sexual exploitation is also seen from 2006 research conducted by the *Estonian Open Society Institute*. The research shows that Russian women have to suffer two times bigger pressure from recruiters than Estonian women. For example, in the age group from 15-29 every third questioned Russian woman has received an offer to become a prostitute, while among Estonians such an offer has received only every eleventh questioned woman¹¹. Besides that, research performed by the IOM shows that knowledge about the existence of trafficking in human beings in general and in Estonia is lower in the northeastern part of the country than in the northern region¹².

Gender aspects:

Even though trafficking in human beings concerns both women and men, most of the trafficking victims are female. Although the unemployment rate of men (5.5%) in 2007 was higher than that of women (3.9%)¹³, there exists unequal treatment of women in the labour market of Estonia. First of all, that can be seen by comparing the average hourly wage of men with that of women. According to the data of the

⁷ Statistics Estonia (2008) Tallinn

⁸ Ibid

⁹ Ibid

¹⁰ Ibid

¹¹ I. Pettai, H. Kase, I. Proos. Prostitutsiooni tähendus Eesti ühiskonnas. Sisejulgeolek või majanduslik kasu. *Sotsioloogilise uurimuse materjalid*. Tallinn, 2006 p. 9

¹² *Trafficking in Human Beings for Sexual Exploitation: An Analysis of the Situation in Estonia*. International Organisation for Migration, 2005, pp. 59-60.

¹³ Supra 7

Statistical Office of Estonia in 2005 the hourly wage of women was 74.6% of the hourly wage of men¹⁴. According to the data of the Department of Gender Equality of the Estonian Ministry of Social Affairs women are mostly employed in less prestigious working places and there are a lot less women than men in higher positions.

These facts place many women in a very vulnerable situation, which makes them look for career opportunities abroad and subjects them to a potential risk of getting involved in human trafficking. According to the report of the Nordic-Baltic Campaign against Trafficking in Women, trafficking in women for sexual purposes is a gender-specific crime and a serious barrier to gender equality in all societies. The traffickers exploit to their advantage the fact that most of the women who are victims of trafficking come from the most oppressed and vulnerable groups in society, those who are educationally, economically, ethnically or racially marginalised and often victims of prior male sexual violence. The impact on the victims is devastating. Women who have been trafficked for sexual purposes experience physical and psychological harm that has lifelong consequences. Trafficking in women for sexual purposes is also a gross violation of women's human rights, their human dignity and their right to bodily and psychological integrity. Women who escape from the traffickers, or who courageously agree to testify against them, often run a serious risk of retaliation, to themselves, to their families and to their friends. Many women who return to their home countries may find themselves unprotected, isolated and further discriminated against due to misconceptions in the society around them¹⁵.

Nevertheless the situation - although very slowly - all the time improves in Estonia. The statistics show that the difference between the hourly wage of women and men decreases with every year¹⁶. In April 2004, the Estonian Parliament *Riigikogu* finally adopted the Gender Equality Act¹⁷. Article 1 of the Act provides that:

the purpose of this Act is to ensure equal treatment arising from the Constitution of the Republic of Estonia and to promote gender equality of men and women as a fundamental human right and for the public good in all areas of social life.

Further the article states that:

¹⁴ Ibid

¹⁵ *Nordic-Baltic Campaign Against Trafficking in Women*. Final report 2002. ANP 2004. p.12.

¹⁶ *Supra* 7

¹⁷ *Gender Equality Act*, passed on 7 April 2004, in force since 1 May 2004

For the given purpose, this Act provides for: 1) the prohibition on discrimination based on sex in the private and public sectors; 2) the obligation of state and local government agencies, educational and research institutions and employers to promote gender equality of men and women; 3) the right to claim compensation for damage.

According to the Act 'gender equality' means the equal rights, obligations, opportunities and liability of men and women in professional life, upon acquisition of education and participation in other areas of social life; 'equal treatment for men and women' means that there shall be no discrimination whatsoever based on sex, either directly or indirectly. The Act also sets out a framework of institutional structures for monitoring implementation of this Act. There is a hope that this legal document will help to prevent prostitution and trafficking in women that is facilitated by discrimination of women in the labour market.

Features of the Human Trafficking Problem in Estonia

According to the report of the Nordic-Baltic Campaign against Trafficking in Women, trafficking in women is extremely profitable. Due to the increasing globalisation of the economy and the rapid expansion of the sex industry combined with lenient punishment, trafficking in women and children for sexual exploitation has become a relatively low risk, high profit activity that attracts opportunity-seeking individual traffickers and well-organised crime networks in the Baltic region and beyond. These local, regional and international trafficking networks recruit and transport women and children to markets around the world for buyers who demand unlimited access to a varied supply of women and children from different countries, cultures and backgrounds. It is estimated that these groups may earn several billion Euro every year, making trafficking in human beings the third largest source of profit after drugs and arms trafficking¹⁸.

According to the 2005 report of the IOM, local Estonian organised criminal groups are involved in the business of trafficking in women. These groups are also often connected with the local sex business, which attracts sex tourists¹⁹. According to the 2006 survey of the *Estonian Open Society Institute*, 70-80% of questioned people

¹⁸ Supra 16

¹⁹ Supra 12 pp. 21-23

are disturbed by the fact that Estonia has an image of being a sex country and consider it to be damaging to the republic's reputation²⁰.

Forced labour is a form of human trafficking that can be harder to identify and estimate than sex trafficking. It may not involve the same criminal networks profiting from transnational trafficking for sexual exploitation. More often, individuals are guilty of subjecting one domestic servant or hundreds of unpaid workers at a factory to involuntary servitude. According to the 2004-2008 statistics of the human trafficking Hotline of the NGO *Living for Tomorrow* the most popular destination countries are the UK, Finland, Norway, Italy and Sweden. Victims of forced labour are mostly men (52%) and the average age of victims of both sexes is from 22- 40 years old (66%), who are looking for any kind of job, mostly as unskilled workers. During the last few years, Estonia also became a destination country (9%) for workers from other countries (Ukraine, Russia, Georgia, Azerbaijan). Many of those workers who rang the Hotline were victims of forced labour (cheating, forcing, threatening, using debts etc). The victims are frequently physically and verbally abused, experience breach of an employment contract, and/or are held captive (or perceive themselves as held captive).

According to the report of the Nordic-Baltic Campaign against Trafficking in Women, in the past most women were trafficked for brothel prostitution. Today the forms and varieties of prostitution have expanded. Trafficked women are sexually exploited through brothel prostitution, including in nightclubs, through escort service agencies, for sex tourism and military 'rest and recreation', in pornography and in other forms of sexual 'entertainment' such as striptease and telephone sex. Many women are also sold to men around the world as 'mail order brides' through newspaper ads and over the internet, for domestic work and other forms of servitude²¹.

As an example of one of the trafficking forms, a case can be mentioned where seven women from Estonia were lured into going to Brighton to work as sex slaves in a secret massage parlour operating since 1999. The victims told the police that Roman Valdma, a citizen of the United States from Estonia, threatened to harm their families back home if they did not provide a massage with 'a special ending' to his customers.

²⁰ Supra 11 p.12

²¹ Supra 16 p.11.

Valdma faced three years in prison for the importation of aliens for immoral purposes, but he was not prosecuted as a human trafficker²².

Estonia, as also other Baltic countries, is primarily an origin and transit country of victims of human trafficking²³. According to the Report of UN Office on Drugs and Crime within the Central and South Eastern Europe, Estonia is ranked high in the citation index as an origin country of trafficking victims²⁴. The most common destination countries for trafficking victims from Estonia are surrounding Nordic and EU countries including Germany, the Netherlands, Ireland, Spain, Denmark, Belgium, Slovenia, Italy, Portugal, and Switzerland²⁵. For example, in 1999, Estonian newspapers reported that three men from Tartu had sold Estonian girls to Germany for 8,000 EEK (€511) for the purpose of prostitution²⁶. In February 2004, Estonian police in cooperation with colleagues from Finland and Latvia, arrested a Finnish citizen who during the previous year had trafficked 30 women from Estonia, Latvia and Russia to 10 brothel-apartments in Finland²⁷. The experience of the NGO *Living for Tomorrow* shows that common destination countries for Estonian victims are also Japan and the US.

Besides adult women, Estonia is also an origin country for underage trafficking victims. According to the Estonian Country Report on trafficking in children for sexual purposes those are girls from age of 14 to 17. For Estonian minor girls, most common receiving countries are Finland, Sweden, Spain and Italy. Usually these girls get involved in trafficking by following job opportunities presented in advertisements or are advised by an acquaintance²⁸. Although it is estimated that each year several hundreds of underage victims are trafficked from Estonia, just a few specific cases involving children are known. For example, there is one case known where two 17 year old Estonian girls responded to a newspaper advertisement that offered work in Stockholm as an escort service provider, striptease dancer, masseur and model. The girls were told that they would be free to choose whether to provide sex services or not. When they arrived in Stockholm they were locked in an apartment

²² *Boston Herald*. 'Bay State a slave state: Thriving human trade has feds on its toes'. 15 August 2004.

²³ *Supra* 16 p.24

²⁴ Trafficking in Persons: Global Patterns. Published by UN Office on Drug and Crime (UNODC). 24 April 2006 p.91

²⁵ *Supra* 12 pp. 38-41.

²⁶ *Eesti Ekspress*. 29 December 1999

²⁷ *Baltic NewsService*, 18 Feb 2004

²⁸ "Trafficking in Children for Sexual Purposes in Europe: the Sending Countries. Estonian Country Report." A. Trummal, Tallinn, 2003 p.14.

and had to serve three to five clients per day²⁹. In December 2002 the woman who had trafficked these two minor girls as well as around 30 women, mostly from Estonia, was arrested and sent to prison for four years³⁰.

As mentioned above, there also are indications of internal trafficking in humans within the borders of Estonia, typically but not only from the northeastern region to the capital city. This fact is mentioned as well in the national Development Plan for Combating Trafficking in Human Beings: ‘Human trafficking inside Estonia itself which, as a rule, follows the direction from Northeast Estonia to the capital of the Republic is also considered to be a problem’³¹. It is hard to estimate how vast this problem is in reality, as Estonia does not have official statistical data on internal trafficking. The existence of the problem can be seen from the few criminal cases that have come before the court. For instance in the beginning of 2006, Harju County Court prosecuted two people for prostitution. According to the charges, during the period 2002-2004, two Estonian nationals (a man and a woman) were involved in the mediation of sexual services in Saaremaa. For this purpose girls from Ida-Virumaa were used, for whom the suspects covered travelling and living expenses in Kuresaare and Nasva. After threat of a fine of 10,000 kroons (€640), two girls were trafficked to Sweden for the purpose of provision of sexual services. One of them was a minor. A price for providing sexual services was 800-1000 kroons an hour (€51-€64). From this amount of money the girls received only 200-300 kroons (€13-€9)³².

The problem of internal trafficking can be illustrated by one more recent case. In December 2005 police discovered a brothel in a three-roomed apartment in Tallinn with 14-17 year old prostitutes from Ida-Virumaa. A hostess of the brothel was an 18 year old ex-minor prostitute who had her assistants. For an hour clients paid 400-600 kroons (€26 - €40) and the girls received 150 kroons (€10). From this amount of money they had to pay 75 kroons (€5) a day for rent, even on those days when they had no clients. In addition to that, the girls had to pay fines of up to 5000 kroons (€320) for example where they refused to serve a client. To cover debts, the girls were forced to work for free. All persons involved are currently awaiting trial³³.

²⁹ “Sadu Eesti alaealisi tüdrukuid müüakse võõrsil prostituudiks” *Postimees*, 29.05.2004

³⁰ *Supra* 29

³¹ *Supra* 4 p.5

³² “Saaremaa kupeldajad teenisid neidude vahendamisega miljoneid” *Postimees*, 1st March 2006

³³ “Noor tüdruk pidas lastebordelli“ (“A Young Girl Maintained a Children’s Brothel”) *Postimees*, 29 April 2006

Victims who are transited throughout Estonia mainly arrive from neighbouring countries, such as Russia and Latvia and also from the Ukraine and Moldova. Destinations of these victims are Scandinavian and European Union countries, as well as Japan, China and the US. There are some indicators which show that Estonia is also a country of destination for victims from Latvia, Russia, Moldova and Ukraine. Despite this, Estonia cannot be yet considered a destination country to a full extent. Due to their vulnerable position, immigrants are at a bigger risk of being involved in forced labour and/or sexual services. All these can turn Estonia into a destination country for trafficking victims.

Legislation

Numerous international conventions have been adopted for the prevention of trafficking in persons; Estonia is a member of most of them:

- International Agreement for the Suppression of the ‘White Slave Traffic’
- International Convention for the Suppression of the Traffic in Women and Children
- UN Convention on the Elimination of all Forms of Discrimination against Women – RT II 1995, 5/6, 31
- UN Convention on the Rights of the Child – RT II 1996, 16, 56
- UN Convention against Transnational Organised Crime (CATOC) – RT II 2003, 1, 1.

In December 2000, Estonia signed the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children supplemented to the UNCTOC and ratified it in March 2004. By this step Estonia has accepted responsibility to take necessary measures for prevention and combating of trafficking in human beings and to provide protection to the victims of human trafficking. These international instruments are a constituent part of the Estonian legal system and have superior power over the laws of the Republic of Estonia. In contrast to Latvia, Estonia has not ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

On May 16, 2005, the Council of Europe Convention on Action against Trafficking in Human Beings was adopted and its coming into force is pending. This new Convention, which is the first European treaty in this field, is a comprehensive

treaty focusing mainly on the protection of victims of trafficking and the safeguarding of their rights. It also aims to prevent trafficking and to prosecute traffickers. In addition, the Convention provides for the setting up of an effective and independent monitoring mechanism capable of controlling the implementation of the obligations contained in the Convention. Unfortunately, Estonia has not signed the Convention yet whereas Latvia did it already on 19th May 2006. The issue has also been pointed out by Commissioner for Human Rights of the Council of Europe in the Memorandum to the Estonian Government in 2007³⁴.

Although the Estonian Penal Code does not directly name trafficking in human beings as a criminal offence, there are approximately 20 articles prohibiting activities which are linked to human trafficking (e.g. enslavement, abduction, provision of opportunity to engage in unlawful activities, pimping, illegal donation of organs, manufacturing and distributing child pornography). So currently in the fight against trafficking, law-enforcement officials can use these articles of the Estonian Penal Code in combination with the articles of other laws (Advertising Act, Transplantation of Organs and Tissues Act and Republic of Estonia Child Protection Act) that are related to the topic of trafficking in persons. Although the phenomenon of trafficking in persons may contain elements of offences mentioned in the Penal Code, these cases unfortunately are often more complex and do not entirely fit within the framework of currently available articles. As it is pointed out in the IOM analysis published in 2005 of the existing legislation in Estonia in the field of trafficking in human beings for sexual exploitation, existing legislation is inadequate to deal with the problem as, for example, it is almost impossible to call to justice representatives of agencies that mediate work abroad. Therefore in order to fight the problem of trafficking more effectively, Estonian legislation should provide a definition for the term ‘trafficking in persons’ that would be in accordance with international standards and there should be a separate *corpus delicti* prohibiting such actions³⁵. In the Development Plan for Combating Trafficking in Human Beings, it was suggested during 2006 to analyse the Estonian penal legislation in order to ensure its compliance with international standards and to see whether all acts that are banned under international documents

³⁴ Memorandum to the Estonian Government: Assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human rights of the Council of Europe, 11 July 2007

³⁵ Supra 12 pp. 26, 28

binding upon Estonia are also forbidden according to the domestic law³⁶. The analysis has been done and as a result of that, amendments have been made to an article of the Penal Code concerning enslavement (amendments came into force on 15th March 2007). The amended article now foresees criminal responsibility also for legal persons, such as a fine or forced liquidation. Although amendments of the Penal Code have broadened the circle of those who can be held responsible for actions of enslavement, they still do not introduce into Estonian legislation the term of ‘trafficking in persons’ in its entirety.

Several cases are known where Estonian citizens have been convicted by a foreign court of being involved in human trafficking. For example, in 2001 the Netherlands authorities charged a citizen of Estonia of being a leader of an international trafficking network. This criminal had sold 6 women from Estonia to the Netherlands³⁷. In 2004 in Sweden a married couple (Estonian citizens) and a citizen of the former Soviet Union were accused of trafficking in women from Estonia to Sweden. The Estonian citizens were sentenced to 10 years and the citizen of the former Soviet Union to 6 years of imprisonment³⁸.

In Estonia itself, however, before 2004 there had been no convictions relating to human trafficking. According to the data of the US Department of State in the beginning of 2005, however, nine trafficking-related convictions were recorded. While this was a significant improvement, only two of the nine convicted are currently serving time in prison. In February 2005, the Government of Estonia prosecuted its first anti-trafficking case under the enslavement article of the Penal Code, convicting four traffickers and sentencing two of those to four years’ imprisonment each and two to sentences of only two years and four months of probation. The courts convicted five remaining persons involved in the case under other articles such as forcing minors into prostitution and pimping, and sentenced them to conditional probation³⁹.

In 2006, the police conducted three trafficking investigations. Authorities prosecuted one confirmed trafficking case and convicted one trafficker for aiding in the prostitution of minors over the reporting period. The trafficker was sentenced to six months imprisonment. Nevertheless, the lack of a trafficking-specific law in

³⁶ Supra 4 p.28

³⁷ *Molodez Estonii*, 28 March 2001

³⁸ SP International, Delfi, 17 March 2004

³⁹ *Trafficking in Persons Report*. The Department of State US June 2005.

Estonia created difficulties in accurately quantifying the government's efforts to combat trafficking. For example, foreign governments identified 49 Estonians as trafficking victims in 2006. Although Estonia recognised all 49 as victims of trafficking crimes, the government reported only five of them as trafficking victims in Estonian government statistics⁴⁰.

The facts of the particular case that ended with the above mentioned convictions were as follows. A minor Latvian girl found herself in Estonia after some strange men had taken her away from a party. She had been drunk and woke up in a brothel in Tallinn. In August 2001 after changing 'owners' several times the girl stayed in one brothel in North-Tallinn where three men and a woman forced her and a year older Russian girl from Tallinn to be prostitutes. The 16-year-old Latvian was kept there for a year. In the summer of 2002, both girls were sold to a brothel situated in a village in Tartu County. The hostess of this brothel, a 43-year-old woman, had already spent a year and a half in prison for pimping. Besides her there were three more men involved with the brothel. The price of the services was 300-400 kroons (€19-26). From this amount of money girls got 50 kroons (€3). The girls managed to escape a few times, but soon after that they were found and brought back to the brothel. The girls stayed there until March 2003 when they managed to turn to the police⁴¹.

According to the 2006 report of the US Department of State, later on in 2005 the number of trafficking convictions in Estonia increased to 22. The government used the anti-enslavement article in two cases and successfully convicted seven traffickers. Five criminal cases for child prostitution were initiated, resulting in the conviction and sentencing of 15 traffickers with sentences ranging from three months to two years and three months. The report also observes that in trafficking investigations and prosecutions Estonia cooperates with neighbouring countries, the United States, Europol and Interpol. Furthermore in January 2006, the Ministry of Justice developed a registry of criminal procedures that provides an overview of all crimes related to trafficking. The report expresses the view that this register will serve to aggregate and analyse trafficking-related cases and may aid authorities in improving their fight against trafficking⁴².

⁴⁰ Supra 2

⁴¹ Supra 29 p.25.

⁴² *Trafficking in Persons Report*. The Department of State US June 2006.

Besides insufficient regulation of human trafficking in the legislation, the conviction of traffickers is largely hindered also by reluctance and fear of the victims to turn to the police or to testify in court⁴³. On 15 June 2005, the Estonian parliament finally passed the Witness Protection Act that sets out ways and conditions for witness protection in criminal cases⁴⁴. Before that the only available protection was a possibility to declare a witness anonymous in accordance with the Code of Criminal Procedure⁴⁵. In the area of witness protection on 17 March 2000 Estonia signed a cooperation agreement between Latvia and Lithuania. This agreement came into force already in 2001, Estonia is only now preparing notification of readiness to take up responsibilities set out in the agreement as before 2005 it had not adopted the necessary domestic measures⁴⁶. As the Witness Protection Act came into force rather recently it is hard to estimate its effectiveness in general and in respect of the cases of human trafficking. The Estonian National Development Plan for Combating Trafficking in Human Beings states that one of the actions to be taken in reaction to cases of trafficking in human beings is ‘where necessary, the application of measures prescribed by Witness Protection Act and ensuring the anonymity of witnesses’⁴⁷.

Until February 2007 one more factor that made it difficult to investigate and prosecute human trafficking cases was the fact that a person, who had arrived to Estonia illegally or whose right to stay here had expired, had no legal basis for staying even though this person was an important witness in a criminal case. The problem was acknowledged also in the National Development Plan. In order to solve this matter the Plan suggested to implement EC Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been subjects of an action to facilitate illegal immigration; cooperation with the competent authorities brings a possibility to issue a residence permit on those occasions and to initiate the issue of temporary residence permits to foreign trafficking victims for the time period of the criminal proceedings⁴⁸. The suggestion was taken into consideration by the law enforcement body of Estonia who decided to implement the above mentioned directive into national law by amending the Aliens Act. As a result of amendments that came into force on the 1st February

⁴³ For example see interview number 5.

⁴⁴ *Witness Protection Act*, passed on 15 June 2005, in force since 21 July 2005.

⁴⁵ *Code of Criminal Procedure*, passed on 12 February 2003, in force since 1 July 2004, §67

⁴⁶ *Supra* 4 pp.27-28

⁴⁷ *Supra* 4 p.29

⁴⁸ *Supra* 4 pp.26-27, 29.

2007 a whole new chapter was added - Chapter IV³ Special Cases of Issuing Temporary Residence Permit, which *inter alia* foresees issuance of the residence permit on the basis of public interest to the victims or witnesses in the criminal cases of human trafficking. This is a very significant step of government towards developing protection of trafficked victims.

Actions Taken at a Governmental Level

On 26 January 2006 the Estonian Government finally adopted the Development Plan for Combating Trafficking in Human Beings 2006-2009. In the beginning of 2007 the Plan was supplemented. The Plan is available in three languages – Estonian, English and Russian.

The idea to prepare a national development plan was put into motion by the meeting of the Nordic and Baltic Ministers for Justice, Interior and Social Affairs on 9 April 2003 which also adopted recommendations for combating human trafficking. In its Cabinet Meeting of 13 January 2005, the Government of the Republic discussed issues related to human trafficking and decided that, as one of the measures of criminal policy, the Ministry of Justice will start co-ordinating the prevention of human trafficking⁴⁹.

A positive aspect in drafting the plan was the involvement of relevant NGOs, including the organisation *Living for Tomorrow*, which made suggestions for amendments to the plan. Unfortunately not all proposals were taken into consideration and added to the plan. For example, NGOs had suggested that besides a temporary residence permit being issued for the period of the criminal proceedings to the foreign trafficking victims, to also issue a working permit as litigation may take several months or even years. The NGOs pointed out that the provision of the possibility to work and obtain new skills is one of the means of rehabilitation of the victims. This proposal was not included in the plan. One of the suggestions added was the requirement to include the topic of human trafficking in the national general education curricula⁵⁰.

According to the Plan its principal aim is to increase effectiveness of the fight against human trafficking by fulfilling six objectives:

⁴⁹ Supra 4 p.6

⁵⁰ “Arvamus Vabariigi Valitsuse inimkaubanduse vastu võitlemise tegevuskava 2006-2009 eelnõu kohta”, 2 June 2005. IOM, ENUT, *Living for Tomorrow*, Tartu Laste Tugikeskus, AIDSi Tugikeskus, AIDSi Ennetuskeskus.

- Continuous mapping of the problems related to human trafficking in order to get a comprehensive and trustworthy overview of the actual extent and forms of human trafficking;
- Prevention of human trafficking by informing the public of the nature of human trafficking and related dangers both in the Estonian and Russian languages;
- Development of the skills of the specialists engaging in the problem of human trafficking, and promoting cooperation between them;
- Restriction of human trafficking by means of more effective border controls and control over employment mediation;
- Effective reaction to criminal offences related to human trafficking;
- Providing assistance and rehabilitation to victims of human trafficking.

A positive aspect is that the supplemented version of the Development Plan turns more attention to children. The plan foresees both actions for prevention of children trafficking and actions directed to child victims⁵¹.

The Governmental institution responsible for the coordination of the implementation of the Plan is the Ministry of Justice. The total estimated cost of the implementation of the plan according to initial cost estimates was 2,600,000 Estonian kroons (€167,000); after the supplementation of the Plan estimated costs have been raised up to 4,810,000 kroons (€308,000). These costs shall be prescribed and planned in the budget of the relevant Ministry responsible for particular tasks⁵². Since spring 2005 the Ministry of Justice has a crime prevention web page that provides information also on the problem of human trafficking⁵³. Therefore one of the tasks, distribution of information on human trafficking via a web page of crime prevention, provided for in the National Development Plan is already being fulfilled. Within the framework of the Development Plan for Combating Trafficking in Human Beings (2006–2009), in 2006 the ‘National Human Trafficking Network’ was organised, where all ministers and governmental institutions are represented together with NGOs. It gives all members a very good platform for cooperation and sharing information. The Network is constantly updated and coordinated by the Ministry.

⁵¹ Supplemented Development Plan for Combating Trafficking in Human Beings 2006-2009 pp. 14, 17, 25.

⁵² Supra 4 pp. 8, 9, 13

⁵³ www.kuriteoennetus.ee

It has to be mentioned that on the governmental level in the anti-trafficking field a great contribution has been made by the Gender Equality Department of the Ministry of Social Affairs. The specialists of the Department have addressed the issue of trafficking in human beings already for four years. They work in close cooperation with relevant NGOs. The main areas of activity they have been involved in are lobbying, information dissemination and education. The Ministry of Social Affairs is assigned as the responsible institution for carrying out activities like organising of lectures, training and information campaigns in the Development Plan.

In the police there is no special department to deal with trafficking in human beings. A lot of policemen however have taken special trafficking training and have participated in different international and national events (conferences, seminars, roundtables, working meetings, study visits etc.). They also have established cooperation with national NGOs which are dealing with the trafficking problem. Unfortunately, however, there is no guarantee that these policemen will work in the anti-trafficking field as frequently they are engaged in other areas of activities.

On 1 February 2004 the Victim Support Act came into force. This regulates the provision of help to victims of all crimes, including human trafficking. The Act foresees the following help: compensation and victim support services, which include counselling and assistance to victims in communicating with state and local government authorities and legal persons⁵⁴. At the beginning of 2005 the Ministry of Social Affairs recruited victim support assistants for each county of Estonia⁵⁵. According to the report of the U.S. Department of State in 2005 these assistants received training related to human trafficking⁵⁶. During 2005 help was provided to three victims of trafficking - one victim received shelter and three received counselling. It is unclear however how law enforcement officials deal with foreign trafficking victims, particularly from Russia⁵⁷.

It has to be noted that the Victim Support Act does not foresee rehabilitation for the victims. Provision of rehabilitation services which mean 'services provided to support the ability of persons to cope independently, their social integration and

⁵⁴ *Victim Support Act*, adopted on 17 December 2003, in force since 1 February 2004, §1(2), §3(2), §6(1).

⁵⁵ "Uuest aastast asub tööle 35 uut ohvriabitöötajat" ("From New Year, 35 Victim Support Assistants Will Start Their Work") 16 September 2004. News archive of the Ministry of Social Affairs.

⁵⁶ *Country Report on Human Rights Practices in 2005*. U.S. Department of State, Bureau of Democracy, Human Rights and Labour, 8 March 2006.

⁵⁷ *Supra* 40

employment or commencement of employment' is regulated by the Social Welfare Act. Among the people entitled to rehabilitation, victims of criminal offences are not mentioned⁵⁸. In their proposals for amendments of the Development Plan, NGOs suggested to add the requirement to the Act trafficking victims as people also entitled to governmental rehabilitation service⁵⁹. Unfortunately this is one of the proposals made by the NGOs that was not included. Nevertheless the supplemented version of the Plan mentions the need for the creation of system for helping and supporting the victims⁶⁰.

Help Provided at Nongovernmental Level

Living for Tomorrow is one of the few nongovernmental organisations in Estonia that deals with the prevention of human trafficking and provides help to the victims at the nongovernmental level. An important aid in performing these tasks is a free of charge anonymous hotline that is operating since October 2004 and is run by the specialists of the organisation. People calling to the hotline can receive advice on work, study and marriage opportunities abroad; they can have their employment contract reviewed and receive answers to many other related questions. The hotline is also a means of communication with trafficking victims. On several occasions with the help of the hotline service, the organisation has helped trafficked girls to return home⁶¹. Sometimes the hotline operators receive calls from victims who have been trafficked some years ago; therefore the hotline is also a good means for gathering statistical information. From October 2004 until May 2008 the NGO *Living for Tomorrow* through its hotline service provided information to 1315 callers. Starting from the beginning of 2007, *Living for Tomorrow* receives partial funding from the Estonian government (Ministry of Social Affairs) for the operation of the hotline. In accordance with the National Development Plan, the funding for the operation of the hotline is prescribed for three years.

Besides the hotline, *Living for Tomorrow* has organised seminars and training together with other governmental and nongovernmental institutions for specialists who may come into contact with trafficking victims, as well as discussion and

⁵⁸ *Social Welfare Act*, adopted on 8 February 1995, in force since 1 April 1995, art. 11¹ and 11².

⁵⁹ "Arvamus Vabariigi Valitsuse inimkaubanduse vastu võitlemise tegevuskava 2006-2009 eelnõu kohta", 2 June 2005. IOM, The Estonian Women's Studies and Resource Centre ENUT, *Living for Tomorrow*, Tartu Laste Tugikeskus, AIDSi Tugikeskus, AIDSi Ennetuskeskus.

⁶⁰ Supra 52 p. 25

⁶¹ For example see interview number one.

workshops for adolescents in secondary schools in Estonia. It has also carried out information campaigns and taken part in lobbying activities. Other international organisations and NGOs that currently operate in the anti-trafficking field in Estonia include:

- *The Nordic-Baltic Taskforce Against Trafficking* has appointed a European Women's Lobby regional coordinator for a 3-year pilot project (2006-2008), which aims to reinforce the capacity and improve the models for victim support in and between the Nordic and Baltic countries. It includes making an assessment of existing practices, identifying good models, and developing new gender sensitive ones that better respond to the needs of the victims.
- The National Institute for Health Development which coordinates the *Equal* project, 'Integration of Women Involved in Prostitution into the Labour Market' 2005-2008.
- The NGO *Life Line Atoll Centre*, which is involved in a project 'Integration of Women Involved in Prostitution into the Labour Market' and the *Vega* shelter which provides shelter for human trafficking victims.
- The NGO *Estonian Women Shelters' Union* which is carrying out the *Nordic-Baltic Taskforce Against Trafficking* project in Estonia.
- The NGO *Tartu Women Shelter* – provides also shelter for human trafficking victims.
- *Ida-Virumaa Women Support Centre and Shelter* – provides shelter also for human trafficking victims.
- NGO *Child Support Centre* (Tartu) – works with human trafficking cases concerning children.
- The NGO *AIDS Information and Support Centre* – provides women who are involved in prostitution with free counselling and medical help.

Estonian NGOs are putting effort into creating three shelters including providing social services for trafficked persons, which are actively running at the moment. They are located in Tallinn, Tartu and Ida-Virumaa. Apart from a safe place for living, they are also offering psychological, medical and legal assistances for victims. Unfortunately, its functioning depends on grants provided by different European and international funds, so it is impossible to plan any long-term programmes or

continuous actions. Other organisations like the IOM (International Organisation for Migration) and the Nordic Council of Ministers have also played a big role with several projects and campaigns in prevention of human trafficking in Estonia.

Conclusion and Recommendations

As a positive development in the field of dealing with the problem of human trafficking in Estonia, first of all, the adoption of the National Development Plan for Combating Trafficking in Human Beings 2006-2009 has to be mentioned. Although during the past few years the attitude of the Estonian government towards the problem of trafficking in human beings has become more serious, there are still a lot of issues that have to be solved in order to combat the phenomenon more efficiently. At the moment there is an opportunity to provide trafficked persons with the necessary help through the national anti-trafficking hotline service (since 2004) and there are three actively running shelters that offer different social services, including help to human trafficking victims. Moreover there are organisations which are providing help and rehabilitation for women who have been involved in prostitution. In addition, within the framework of the Development Plan, a National Human Trafficking Network was organised, which facilitates cooperation and sharing information among local governmental organisations and NGOs.

However, there are still many things that need to be done in this field. There is not adequate anti-trafficking legislation that would define and criminalise trafficking in human beings. This factor hinders prosecution of traffickers and makes it hard to obtain a realistic idea of the scale of the problem. Therefore legislation has to be supplemented with necessary legal provisions, because the current uncertainties surrounding the nature and scope of the problem render the development of targeted anti-trafficking responses a particular challenge. The following are key recommendations:

- Extend long-term national policies that would maintain the ideas of the National Development Plan for Combating Trafficking in Human Being;
- In order to fight the problem of trafficking more effectively, Estonian legislation should provide a definition for the term ‘trafficking in persons’ that would be in accordance with international standards and there should be a separate *corpus delicti* prohibiting such actions;

- Organise a special anti-trafficking police department in order to increase the efficiency of measures against trafficking;
- Run continual regular prevention actions, programmes, campaigns about human trafficking and related issues that could undermine the formation of a human trafficking chain;
- Include the topic of human trafficking and gender issues in the national curricula of general education (e.g. in social study classes and health education etc) to raise understanding of human trafficking as a significant human rights violation;
- Focus the government's attention on the demand phenomenon as one of the trigger mechanisms for moving from buying services from people towards buying human beings; this is why the NGO *Living for Tomorrow* objects to the legalisation of prostitution in Estonia;
- Continue and develop a national anti-trafficking network of governmental and nongovernmental institutions;
- Guarantee a sustainable anti-trafficking hotline service and shelters for trafficked persons and provide all necessary services for victims (psychological, medical, social, judicial etc.);
- Regularly provide financial means for national institutions working with the problem of trafficking in human beings.

Human Trafficking – The Situation in Latvia

Sandra Zalcmāne

Trafficking in human beings has become a global, organised business that provides a large income for traffickers and criminal syndicates. Trafficking in human beings is a serious violation of human rights; it destroys the physical, moral and emotional wellbeing of people. In many countries there are favourable conditions for traffickers for several reasons; this crime is not sufficiently, or even at all punishable, there is not enough cooperation among officials and most of the potential victims have little knowledge about the risk to be involved in trafficking.

On April 25, 2002 amendments were made to the Criminal Law of the Republic of Latvia. As a result, in article 154.2 there was given a *definition for the trafficking in human beings* that reads as follows:

Human trafficking is the recruitment, conveyance, transfer, concealment or reception of persons for the purpose of exploitation, committed by using violence or threats or by means of fraud, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent.

Exploitation in the meaning of this article is:

The involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform activities or to provide services, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or the compulsory transfer of a person into dependence upon another person), and the holding a person in servitude or also the unlawful removal of a person's tissues or organs¹.

Considering that the problem of trafficking in human beings was only defined in 2002, this problem in Latvia is new; nevertheless the state has recently addressed the issue rather effectively.

During the last few years, significant work in the improvement of legislation has been done. The trafficking laws of Latvia therefore are one of the more progressive ones and can serve as a good example for other countries. The legislation

¹ Document No. E0032.

defines all the most important aspects of the combating of trafficking in human beings and provides for a proportional punishment mechanism that prevents potential crime.

Trafficking legislation of Latvia is one of the most modern in Europe. Latvia has adopted most of the significant international documents that concern trafficking in human beings as well as ratified the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime (2000). In 2000, the Criminal Law of Latvia first provided criminal accountability for the transferring of a person to a foreign country for sexual exploitation. Since 2002, the law defines trafficking in human beings and the transfer of a person to a foreign country for sexual exploitation and considers these actions to be a criminal offence.

Since 2004 the Criminal Law of Latvia also prescribes a possibility to consider a crime that has been committed in the territory of Latvia to be classified as internal human trafficking (amendments to the article 154.2 of the Criminal Law). In the same way the Criminal law now provides for provisions that allow to call to justice persons that do not have a permanent residence permit in the Republic of Latvia and who, in the territory of another country have committed grave crimes against the Republic of Latvia or the interests of its people (amendments to the article 4(3) of Criminal Law). For the transfer of a person for the purpose of sexual exploitation the Criminal Law provides a punishment of imprisonment of more than five years, which makes it a grave crime. The aim of this amendment was to ensure a right to special procedural protection for the victims of trafficking in human beings, witnesses, suspects, accused ones, persons on trial and convicts (amendments to the article 165 (1) of the Criminal Law).

On June 17, 2004 amendments were made to the Law of Social Services and Social Assistance. Consequently the social rehabilitation of victims of trafficking in human beings is now incorporated among the social services that are financed by the state. In the meaning of the law, a victim of trafficking in human beings is:

A person who has been recognised as a victim in the criminal offence of trafficking of human beings or who the State Police has issued a statement that he or she is a victim of trafficking of human beings in a foreign state, as well as a person who has been recognised as conforming to victim of trafficking of human beings criteria by a social service provider².

² Law On Social Services and Social Assistance, section 1. Document No. E0667.

Since 2006, funding for the rehabilitation of victims of trafficking in human beings is allocated from the state budget. In 2007, victims of trafficking continued to receive rehabilitation services according to the section 13(1) point 7 of the Law on the Social Services and Social Assistance and social rehabilitation financed by the state was provided to total of 12 victims. In 2007 for rehabilitation of victims the state allocated 47 thousand LVL (€67,142). This sum is two times bigger than that provided in 2006, when for rehabilitation the state granted 21 thousand LVL (€29,880). Besides these sums the state in 2007 as well as in 2006 allocated 7 thousand LVL (€9,960) per year for education of the rehabilitation specialists. In 2007 governmentally financed rehabilitation services were provided by the resource centre for women *Marta* and the association *Shelter Safe Home* that was founded on August 6th 2007, both of which are nongovernmental organisations.

The problem of trafficking in human beings in Latvia has several features that differentiate it from other countries in the European Union and the world. Socio-economic conditions are the reason for the fact that Latvia has mostly been a source country of the victims of trafficking rather than transit or destination country. In 2007 however the first trafficking case from third countries to Latvia was established. 2007 is important in respect of the changes in the tendencies of trafficking and the decrease of the number of the victims of trafficking. Violent trafficking in humans, and especially in children, has been almost eradicated.

In 2007, the following criminal cases in relation to trafficking in human beings were registered: 9 cases were investigated according to the paragraph concerning trafficking in human beings; 5 cases were investigated according to the paragraph concerning pimping and 12 cases were related to sending a person for sexual exploitation. Apart from 2006 when two criminal actions concerning the attempt of trafficking of children were initiated, in 2007 thanks to the harsh sanctions for such kind of crimes there were no cases concerning the sale of children.

The national police continue to work by gathering information about the criminal groups that are connected to trafficking in persons and by preventing and investigating related criminal actions. The effectiveness of the police work is evident from the fact that during the last few years there have been no cases of public recruiting (e.g. in newspapers) of women for prostitution abroad and during the recruiting the criminals tend to avoid threats of violence.

The current tendency is that criminals make an agreement with victims according to the principle of mutual advantage, or women themselves, without the help of an intermediary, go to some foreign country where they provide sexual services. The mutual advantage principle between recruiters and victims means that both sides cooperate willingly in order to gain mutual profit. In doing so, they do not inform any third parties, including the police. This tendency makes it difficult to uncover and prevent cases of trafficking in human beings. Lately in Latvia a phenomenon has developed where young women, without the involvement of recruiters, get together in groups and arrive as tourists in Western-European countries, they then rent an apartment, advertise on the Internet and provide sexual services. In this case there is no criminal substance and therefore it is impossible to prevent this tendency with punitive methods. Therefore there is a need for serious and comprehensive preventive work.

Since January 2005, an anonymous, free of charge hotline has been operated by the specialist NGO, the Resource Centre for Women, *Marta*. With the help of this service, it is possible to check information about a particular job offer abroad, to review the terms of working agreements as well as to receive answers to many other questions. In 2007 the National Tourism Development Agency established a hotline, 22-33-000 for tourists, which provides information to assist tourists that have come across difficulties abroad.

The specialists of many different professions, for instance - policemen, social workers, social rehabilitators, psychologists, psychotherapists, medical staff, lawyers and others may be involved in helping the victims of trafficking. It has to be noted however that every professional puts forward his/her own aims in accordance with his/her competence and relevance. This diversity of aims is exactly the factor that often creates difficulties in cooperation between professionals.

It has to be mentioned that the association *Shelter Safe Home*, the resource centre for women *Marta* and other NGOs have interdisciplinary teams who provide help for victims of trafficking in human beings under the umbrella of one institution. In cases of more sophisticated incidents, other professionals are also involved.

Every year, more and more women have received help from the interdisciplinary teams. For example, the statistics of the centre *Marta* show that the number of victims of trafficking in human beings increases each year. In 2002, help was provided for one woman; in 2003 – seven victims; in 2004 – thirteen women;

during the first 10 months of 2005, help was provided for 20 victims of trafficking in human beings. In 2006, six victims from thirteen received help from the government and others were assisted in the scope of other projects. In 2007, the centre *Marta* provided assistance of a different nature to 19 women and 1 man, who were involved in trafficking. Two of these people were helped to return to their home country. For 17 of these 20 victims Latvia was a source country, for three a destination country. Three people were underage. Three were trafficked for the purpose of forced labour, one for the purpose of forced marriage, and sixteen for the purpose of sexual exploitation. Nine of these twenty victims were of Latvian nationality. Seven had unfinished elementary education, eight had an elementary education and five had a secondary or vocational education. It has to be noted that in 2007 the *Marta* centre was the first organisation in Latvia to initiate the provision of rehabilitation services for the victims of trafficking in human beings who are citizens of other countries.

The association *Shelter Safe Home* provides rehabilitation services funded by the government since November 2007. During the half year of active work the association has provided interdisciplinary and inter-institutional help to five citizens of Latvia and two citizens of other European Union countries. For five of the victims, Latvia was a source country, for two, a destination country. Four were of Latvian nationality, one was Russian, but two were citizens of Belgium. The destination countries for victims from Latvia were Great Britain, Netherlands and Italy. Two victims had elementary education, two had not finished elementary education and one was obtaining higher education. One victim was offered work as a model, a few others had received a job offer in some factory and one had received a direct offer to be involved in prostitution. Anticipations concerning the work were not fulfilled or were fulfilled only partially.

It is hard to define a narrow circle of potential victims as there are several factors that affect and encourage trafficking in human beings (for example, the social and economic situation in the country). Because of the different forms of trafficking in human beings a circle of potential victims can be very wide and it can comprise people from different social backgrounds and origins. It may also be that people from risk groups are suffering from some form of crisis (for example, social crisis, crisis of development), which makes them compliant and therefore they more easily agree with unsafe and illegal living or working conditions. Nevertheless, an experience of

Latvian nongovernmental organisations has enabled to distinguish some of the portraits of victims of trafficking in human beings:

- A minor who has to take care of younger brothers or sisters, or alcohol addicted parents;
- A teenager who has lived for a long time in the care of government (in an orphanage or boarding school) and has left the institution;
- An adult woman who raises one or more children alone;
- A woman who has suffered physical or emotional violence in her family.

Women involved in the rehabilitation programme have cited the following as the main reasons for accepting a job that led them into the nets of traffickers:

- A lack of appropriate working places or a lack of a work as such in some concrete region;
- A lack of financial means for the satisfaction of personal needs and for the upbringing and education of children;
- A wish to improve their financial status as soon as possible;
- A wish to leave their place of residence as there is no future;
- Gender discrimination in the labor market, especially in the developed regions which are economically weak;
- A wish to leave family and to gain independence, especially if there are conflicts and violence in the family;
- Different kind of addictions that require large financial investments.

Quite often also a family of a victim requires help as they may be similarly affected by the trafficking of their family member. In this case a stereotype frequently works a “with me it can never happen”. Disappointment and shock about what has happened places the whole family in the status of a victim.

The information and analytical work has been significantly improved with the help of a new computerised population register and migration account system – Consolidated Migration Information System (CMIS), which was created in September 2004. There are plans to join it with the State Border Guard's Border-crossing Electronic Information System (BEIS). In the session of Secretaries of State that took place on the 30th December 2004, a draft Programme for the Development of

Consolidated Asylum and Migration Control System for 2005-2009 was adopted. The project foresees the unification of information systems that are related to migration processes as well as the creation of the Register of Persons that would store data of people whose legal status is established, documented and personal identity is approved. It is planned to have a separate system that would contain information received from unconfirmed sources. Therefore data concerning the migration of people will be held in the joint effectively functional information system which would comply with contemporary requirements.

In order to optimise a search for missing persons in 2004, an inter-institutional working group for the elaboration of projects of regulations of Cabinet of Ministers was created which would foresee a joint procedure for the search of missing persons. In 2004 the State Police developed methodical recommendations for the workers of territorial police departments about the procedure of investigation in the case of the discovery of an unidentified body and in the case of a missing person.

In order to improve the prevention of trafficking of children, in 2004 a working group of the Ministry of Foreign Affairs and the Ministry for Children and Family Affairs was established. Its main assignment is to eliminate the illegal adoption of children to foreign countries. The Ministry for Children and Family Affairs has developed a draft law in the field of the prevention of illegal adoption.

Trafficking in human beings is a global problem in which several countries are involved. Therefore the combating of the problem has to be global and cooperation between different countries is very significant. Law enforcement institutions of Latvia involved in the combating of trafficking in human beings successfully cooperate with other Baltic countries, Nordic countries, Germany and other states. Large investigation and arrest operations have been carried out. The State Police of Latvia actively cooperates with governmental and municipal institutions and nongovernmental organisations that are competent to provide help for the victims of trafficking and violence. There is cooperation in exchange of information, in organising educational seminars and in carrying out different projects. For instance, in January and February 2004, in cooperation with Finish and Estonian law enforcement institutions, a large structure of a network of trafficking in human beings was uncovered. The members of an international organised criminal group from Finland, Estonia and Latvia were identified and arrested. They had recruited women from Latvia, Estonia, Russia and Poland and transferred them to Finland for sexual

exploitation. As the network of trafficking in human beings embraced Latvia, Estonia, Finland and probably also other countries of the Baltic Sea region, all three of these countries organised a simultaneous arrest operation of the suspects on 31 January 2004.

In order to combat trafficking in human beings more effectively a special police unit was created and during 2005 has been expanded. The special police unit for combating trafficking is located in the three biggest cities of Latvia. In two towns there are also regional working groups for the prevention of trafficking with different specialists and representatives of different institutions. The process of the search for missing persons is being optimised.

Latvia is mostly a transit country for trafficking of women and children for the purpose of sexual exploitation, transferred mainly to Germany, Spain, United Kingdom, Italy, Cyprus, Switzerland and the Nordic Countries. Latvia, because of its image as a country of sex tourism, is a destination and transit country for trafficking of victims for sexual purpose from Ukraine, Byelorussia and Russia. In Latvia most of the victims of trafficking are adults and not children.

In March 2004 a National Programme for Human Trafficking Prevention 2004-2008 was approved. This is the first document in Latvia that looks closely at this problem on a national level. The document provides suggestions for the prevention of trafficking in human beings and delegates concrete functions to particular institutions and determines the role and responsibility of these institutions. The main purpose of the National Programme is to achieve completion of legislation, to improve the work of institutions and rehabilitation of the victims and informing of the society. Similarly to previous years, in 2007 ministries that have been involved in the execution of the National Programme have also come across problems of a financial nature. To fulfil the aims of the National Programme, there was a need for finances amounting to 643,216 LVL (€915,214), however this sum was not included in the Law of National Budget for 2007. Only the Ministry of Welfare received 54,000 LVL (€76,835) for the rehabilitation of victims and education of specialists.

Because of the global character of trafficking in human beings there are several reasons why the provision of help for the victims is specific and problematic. Some of them are:

- The specialists of different professions lack experience in work with such kind of clients;

- There is a lack of educational programmes about provision of help to the particular target group;
- There is a difficulty in identifying and recognising a victim of trafficking in human beings as a specific client.

Therefore attention has lately been turned to the education of different specialists in the field of trafficking of human beings. That ensures more effective identification of the victims of trafficking in human beings as well as work of higher quality with these victims. One of the biggest problems still is a lack of quality rehabilitation programmes and qualified specialists to work with the victims. Currently, rehabilitation services are provided by several NGOs with the help of finances allocated from different kinds of local and international projects.

For the prevention of trafficking in human beings, successful cooperation has been developed between the Nordic Council of Ministers, the US Embassy in Latvia and International Organisation for Migration (IOM) whose projects provide help to victims to return to their home country. Cooperation has also been initiated with embassies of other countries – Norway, Germany and Finland. The NGOs of Latvia have vast cooperation with different foreign organisations.

Different educational and information events concerning the problem of trafficking in human beings are regularly organised in cooperation between different Latvian and foreign organisations. A great contribution was made by international governmental organisations and NGOs, including the Nordic Council of Ministers, the US Embassy in Latvia, the IOM, the Resource Centre for Women *Marta*, the State Youth Initiative Centre and the Higher School of Social Work and Social Pedagogy, *Attīstība* etc. The internet homepage of the Ministry of Foreign Affairs provides much information and recommendations for people planning to go abroad. There are two sections: ‘Information for travellers’ and ‘Changes in movement of workers after May 1st 2004’. The homepage provides information about legal ways of travelling and migration, as well as working abroad. The homepage provides links to the homepages of other relevant institutions in Latvia and other countries. Information on the homepage of the Ministry of Foreign Affairs is regularly updated.

In 2007, the Foreign Ministry of Latvia organised several press conferences and seminars for the mass media concerning the issues that have to be known when travelling abroad. Besides that, the ministry and consulates in foreign countries, with

the help of the mass media, advise people who plan to go abroad as tourists or workers to carefully research the details about the planned destination and the potential employer; they also provide other useful information.

In November 2005 under the auspices of the project 'Open labour market for women', which is financed from funds of the European Community initiative EQUAL, research was undertaken in 'Trafficking in Human Beings in Latvia: Stereotypes and Description of the Situation'. The research summarises opinions of experts and evaluates the situation and makes the conclusion that combating of trafficking in human beings would be more efficient by:

- Increase of the level of social welfare and the decrease of economic differences among different regions;
- Long-term, consistent national policies that would be based on the National Programme for Human Trafficking Prevention 2004-2008;
- Regular provision of financial means for both governmental and non-governmental institutions working with the problem of trafficking in human beings;
- The creation of a more effective cooperation model among governmental institutions and the non-governmental sector;
- The creation of one main agency for the coordination of work;
- The ensuring of regular information campaigns for Latvian society;
- Working with certain target groups in provision of information and improvement of services;
- The creation of a unified database.

When compared to 2000, with the help of active prevention work and the dissemination of educational information by applying different methods that are suitable for concrete target groups, the level of awareness of Latvian society concerning the problem of trafficking in persons has changed positively. Nevertheless, trafficking as one of the global problems can be solved only when all the countries have a unified legislative base, a unified understanding about the necessity of the punishments and about their severity and when there is a close cooperation between all the governmental and nongovernmental organisations that deal with this problem.

The Economies of Estonia and Latvia – Fast Growing Economies with Increasing Income Inequalities

Robert Mikecz

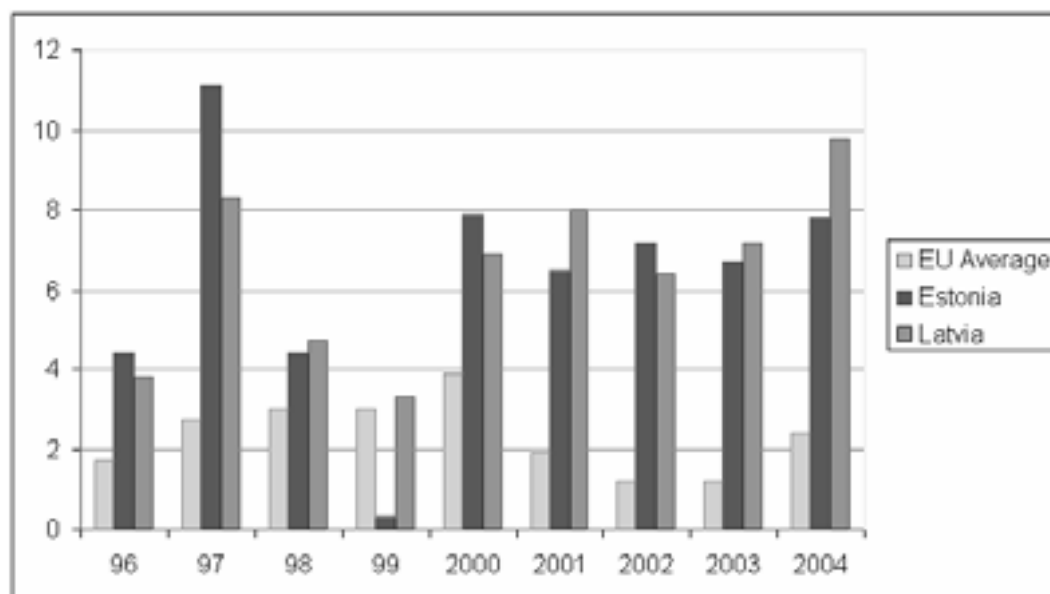
Since Estonia and Latvia regained its independence in 1991, they have undergone a significant economic, political, and social transformation. From Soviet republics they became independent nations. They have successfully established themselves as functioning democracies. Both countries have fast growing economies with efficient industries and enterprises. The vast majority of businesses are in private hands. Both economies are relatively small. Gross Domestic Product (GDP) in Estonia was 8 billion euros in 2003, which is roughly equivalent of the economies of Malta and Liechtenstein combined but only 0.4 percent of France's economy. In 2006, its GDP per capita adjusted for purchasing power parity was 65 percent of the EU average. At the same time, the average annual gross wage in industry and services in Estonia was a mere 18 percent of the European Union (EU) average (Eurostat). Estonia is a small country with very few natural resources. Its area is similar to that of Denmark with a population that is only one quarter of that Scandinavian country. It has a small population with limited purchasing power. The country relies on trade and foreign investment to a great extent. The vast majority of Estonia's trade is with EU member countries. The nation enjoys large amounts of foreign direct investment.

Latvia's territory is as large as Belgium and the Netherlands together. Its GDP in 2001 was roughly the size of Iceland's but only 0.6 percent of the economy of France. However, with a population size twice of Estonia's, Latvia had the lowest income levels among the countries that recently joined the European Union. In 2006, Latvian per capita GDP adjusted for purchasing power was only 54 percent of EU average (Eurostat). The structures of the two economies are similar. The service sector represents over two-thirds of their economic output. Due to their small sizes, both are export driven; exports play a major role in economic growth.

The successive governments of both countries have pursued very liberal economic policies since the regaining of independence in 1991. One of the main objectives – if not the most important one – has been to foster economic growth. Both countries have fast growing economies with efficient industries and enterprises. Their economic growth rates have been among the highest in the world over the past ten

years. Figure 1 compares Estonian and Latvian GDP growth rates with the EU average.

Figure 1. Comparison of GDP growth rates in Estonia, Latvia and the EU average, years 1996 – 2004.



Source: Eurostat

In 2004, Estonia ranked number 4 on the Index of Economic Freedom Ranking (The Heritage Foundation) behind Hong Kong, Singapore and Luxemburg. By 2006, Estonia ‘slipped’ to 7th place. This index measures the extent of freedom of entrepreneurs and organisations, and the restrictions placed on them. It comprises of factors, such as trade policy, government intervention in the economy, fiscal and monetary policies, capital flows and foreign investment, banking and finance, wages and prices, property rights, regulation, and informal market activities, such as corruption. In 2006, Estonia had the highest ranking – 20 – among the Central and Eastern European economies on the World Competitiveness list. The country has some of the lowest income tax rates in the world – a proportional rate of 22 percent that the government intends to decrease to 20 percent in the next few years. There is no corporate tax on reinvested profits. The effects of these measures have been ambiguous. Although they have benefited foreign investment, they have also facilitated tax avoidance. Estonia’s GDP growth rates have been among the highest in Europe.

Latvia's economy has a proportional personal incomes' tax rate of 25 percent and a proportional corporate tax rate of 15 percent (Bank of Latvia). In 2006, Latvia ranked 39 on the Index of Economic Freedom Ranking. It was not among the first 60 on the World Competitiveness list. Unfortunately, the fruits of economic development have not been shared equally by all parts of the population in either country. The exceptionally high economic growth rates have not been matched by equal improvements in quality of life. The income inequality in both countries is among the highest in Europe. There is an increasing disparity in income levels between the various regions. This gap has been growing in terms of household incomes, wealth, employment opportunities, and access to resources.

Economic growth rate should not be confused with quality of life. The growth rate of a country's economy measures the percentage change in the quantity of goods and services produced in a country in a certain period of time¹. An increase in the production of goods and services improves economic and social welfare but it is a very crude and inaccurate measure of standard of living. It does not take vital factors into account, such as income distribution, health, life expectancy, quality of the environment, political freedom, crime rate, etc.

The Human Development Index measures achievements on three areas of human development: life expectancy, standard of living, and education. In 2003, Estonia ranked 41, Latvia 50 on this list. In 1980, the Soviet Socialist Republic of Estonia occupied 26th and the Soviet Socialist Republic of Latvia 31st position on the same ranking². Both Estonian and Latvian levels of income inequality are among the highest in the European Union (World Bank). In Estonia, the at-risk-poverty-rate after social transfers is 18 – in other words, 18 percent of the population has disposable income less than 60 percent of the national median income even after receiving social benefits. Latvia's at-risk-poverty-rate after social transfers is 16. In Estonia, the income quintile share ratio (total income received by the 20 percent of the population with the highest income compared with the 20 percent of the population with the lowest income) was 5.9% in 2005. In Latvia, it was 6.7%³. Not only are they much above the EU average but these income inequality figures are the third and fourth highest in Europe. Even the recently joined countries of Romania and Bulgaria have

¹ M. Parkin (1999) *Macroeconomics*. 5th Edition, Addison-Wesley

² United Nations Development Programme (2003) *Human Development Indicators*

³ Eurostat - Statistical Office of the European Union

lower rates of income inequality. The causes of the increasing gap between rich and poor can be traced back to the distortions of the Soviet era and the subsequent liberal economic policies during the transition years.

The Years of Independence before Soviet Occupation

Before World War I, both Estonia and Latvia were important industrial centers, producing manufactures mostly from materials imported from Russia. During the interwar years, independence meant dramatic changes for both economies. The vast Russian market suddenly disappeared and Estonia began its integration into the competitive world. Both Estonia and Latvia used their geographical location as important trading centers between Russia and the West. They had a mainly agrarian economy with a fast growing industrial sector. Economic development was fast. In Estonia, industrial production increased 1.5 fold between 1926 and 1937⁴. This fast-paced development was aided by foreign capital, mainly from the country's largest trading partners, Britain and Germany. Estonian exports were mostly made up of agricultural and forestry goods, such as butter, pork meat and timber, and industrial oil shale products. Imports were mainly coal and manufactured goods⁵. Between 1930 and 1939 both economies enjoyed a booming trade. Their main trading partners were the Germany, the United Kingdom, Sweden, and the Soviet Union. By the end of the 1930s, both countries had a relatively well-developed infrastructure and a skilled industrial labour force⁶.

Agriculture was characterised by medium and large-scale peasant farms, which were flexible enough to be able to respond to changes in the marketplace. 'Cooperatives' were quite widespread. By 1930 there were 852 agricultural societies, which helped agricultural producers in production by importing and reselling machinery, and in marketing their agricultural produce⁷. Before World War II, the economies of Estonia and Latvia were mostly based on small and medium enterprises that were flexible enough to adapt to changes in the economic environment. Estonia's level of per capita income was near to that of Finland⁸. When adjusted for purchasing power, average earnings of industrial workers were similar to Western European

⁴ T. Kahk (1997) *An Economic History of The Baltic States*. Almquist & Wiksell International

⁵ K. Arkadie (1992) *Economic Survey of The Baltic States*, Pinter Publishers, London

⁶ Central Statistical Office of Latvia (2002) *The Baltic States before the Second World War*.

⁷ Supra 4

⁸ Supra 5

levels. Between 1925 and 1934, Estonia and Latvia occupied 12th and 13th places in national per capita income levels in Europe. Baltic consumption of milk and meat products was among the highest in the world⁹.

The Soviet era – State Ownership of Resources and Central Planning

The annexation of Estonia and Latvia by the Soviet Union in 1940 brought about drastic political and economic changes. They lost their political and economic independence. The formerly independent economies were integrated into the Soviet economy. Large-scale nationalisation led to complete state ownership of resources. The introduction of central planning meant near total loss of authority of the businesses. Enterprises were expropriated and nationalised. Economic policies, investment projects, allocation of resources, and supervision of businesses were largely determined by the central authorities in Moscow. Economic output was adjusted to the needs of the Soviet Union.

Soviet occupation brought along the economic and political integration of these formerly independent states into the Soviet Union. It also led to cultural and linguistic russification. In 1935, 75 percent of Latvia's population consisted of ethnic Latvians, 11 percent were Russians¹⁰. By 1989, these the proportion of Latvians decreased to 52 percent, whereas the ratio of Russians grew to 34 percent. These figures changed again over the next 15 years, due to immigration. In 2004, 59 percent of the population were ethnic Latvians and 29 percent ethnic Russians¹¹. Estonia was a fairly mono-ethnic country; over 88 percent of its population was ethnic Estonian in 1939¹². In 2004, only 68.4 percent of Estonia's population was ethnic Estonian. Its Russian-speaking minority made up 26 percent¹³. The dramatic changes in ethnic composition of these countries are a major contributor to the recent revival of nationalist consciousness. The ethnic composition of the population varies greatly across regions in both Estonia and Latvia. As Russians were mainly employed in industry, regions with large industrial centres, such as North-Eastern Estonia, and Latgales in Latvia have predominantly Russian-speaking populations.

⁹ Supra 6

¹⁰ Supra 5

¹¹ Supra 6

¹² Supra 5

¹³ Statistical Office of Estonia

During the Soviet era, industrial producers were consolidated and concentrated. Due to unreliable supplies of inputs, vertical integration was a priority of most organisations. Output was gradually concentrated in a decreasing number of firms that continuously increased in size. In the 1950s 420 enterprises were responsible for 80 percent of Estonian industrial output. By 1989, 300 organisations employed over 220 000 workers – an average of 733 employees per firm. The rest of the industrial sector employed only 65,000 workers¹⁴. Too few organisations employed too many people resulting in high levels of underemployment and low levels of productivity. As a result, regions and entire communities became dependent on a handful of employers. In Estonia the main industries were oil shale and phosphate mining, textiles, chemicals, food processing, and electricity generation. Although Latvia does not possess minerals or energy sources, a large heavy industry was developed, which led to total dependence on Russia for raw materials and energy. Food processing and light industry only represented 45 percent of industrial output¹⁵. The Estonian and Latvian industries grew to depend on the Soviet Union for both supplies of inputs and markets for outputs.

Intensive consolidation took place in the agricultural sector as well. By 1989, there were 200 collective farms and 126 state farms. In Estonia, the number of collective farms decreased from 2,989 in 1950 to 326 in 1989¹⁶. Agriculture became dependent on Soviet imports of inputs, such as fertilisers, fodder, machinery, and fuel. Although productivity increased initially, it declined by the 1980s, as a result of the extensive and forced growth. Agricultural machinery was of low quality; spare parts were in shortage. Much time and effort was wasted on repairs of equipment. 60 percent of potato producers incurred losses. Private small plots were of very small size – not higher than 0.6 hectare. A good indicator of the productivity of cooperatives is that although only 7 percent of arable land was in private hands, the private sector produced 20 percent of Estonia's marketed agricultural output¹⁷. The forced intensification and integration led to a significant decline in the area of arable land. Large areas of land in the peripheral areas became abandoned.

¹⁴ Supra 4

¹⁵ Supra 5

¹⁶ Supra 4

¹⁷ *ibid*

Foreign trade took a complete turn from western to eastern orientation. Export to the West diminished. Instead, both Estonia and Latvia were supplying other Soviet republics at fixed prices that had very little to do with production costs and demand considerations. They imported low quality raw materials from the Soviet Union and exported low quality goods in exchange. About 90 – 95 percent of all exports were sold in other Soviet republics. The rest went to socialist countries, the west, and the developing world¹⁸.

The Soviet era was characterised by a cradle-to-grave welfare system. The paternalistic state had taken over many of the responsibilities and functions of households. However paltry, citizens were provided with the basics: free healthcare, free education, a roof above their head, a job for life and food on the table. In 1980, the Soviet Republic of Estonia occupied twenty-sixth position on the Human Development Index, whereas the Soviet republic of Latvia was thirty-first¹⁹. According to International Monetary Fund (IMF) estimates, per capita income levels in Estonia and Latvia were about 20 percent above the Soviet average. Employers were much more than just providers of jobs and salaries. They provided cheap meals at the refectory, family vacations at their resorts, nurseries, kindergartens for the employees' children, etc. Consumer goods were heavily subsidised. They had to be as salaries and wages were at such low levels that very few would have been able to afford them otherwise. Almost all personal income originated from fixed wages and salaries determined by the ministries that coordinated the various sectors of the economy. The link between performance, qualification and pay was weak. The result was a fairly egalitarian state with very low income inequalities.

Near full employment was an achievement that the authorities and policy makers were proud of. In fact, this could be achieved only by employing more people than necessary, which resulted in high levels of underemployment within organisations. The pressure to achieve the targets of the plans was heavily weighing on the shoulders of managers and organisational decision-makers. It was within their interest to maximise inputs, as it made it easier for them to meet the requirements of the central planners.

¹⁸ Supra 5

¹⁹ Supra 2

The Present – Transition to a Market Economy

When Estonia and Latvia regained their independence in 1991, they inherited a seriously distorted economy. Their industries were made up of bloated and inefficient state-owned enterprises catering to the needs of the former Soviet Union. They depended entirely on the former Soviet Union for raw materials, energy, and output markets. The disappearance of the Soviet input and output markets dealt a huge blow to the Estonian and Latvian economies. Supplies were suddenly disrupted. The large guaranteed Soviet market vanished overnight. Businesses had to reorient trade back to the West. A market economy needed to be created to replace the centrally planned structure. The economy underwent major changes. The subsequent economic transformation meant macroeconomic stabilisation and the implementation of structural measures. By the late 1990s, privatisation was nearly complete. The state monopolies were restructured, sold off or closed down. Whereas the decline in agricultural employment has been gradual, industry's share of employment took a sharp downturn. Within fifteen years, the size of the service industry doubled. In both economies, the tertiary sector is the main employer, providing over two-thirds of national output. These changes have seriously affected the labour market.

The extensive economic restructuring inevitably led to a large decline in production and in the share in national output of state-owned enterprises, which in turn resulted in a decrease in their workforce. Along with the shrinking demand, labour supply decreased as well. Some laid-off workers chose early retirement. A portion of the Russian-speaking population emigrated to Russia. Despite these events, the overall outcome was still a surplus in the labour market. There was a lack of small and medium enterprises that would be flexible enough to respond to changes in the economy and be able to absorb the labour surplus generated by the closure of these large state-owned producers. Job creation was lagging behind job destruction. Both Estonia and Latvia experienced negative employment growth rates until 2000. Since then employment creation rates in both countries have been positive²⁰. The early years of transition mostly created structural unemployment. The level of long-term unemployment rose significantly. Retraining was much needed, as there was a mismatch between skills required by private enterprise and what was on offer on the labour market. Whereas in 1991 unemployment was less than one percent, by 1996 it

²⁰ Supra 3

rose to almost ten percent in Estonia. The resilience of this relatively high unemployment level can be explained by the fairly slow increase in demand for labour as businesses tended to substitute labour with capital²¹. By 2005, unemployment levels in Estonia and Latvia decreased to 7.9 and 8.9 percent respectively, which were near average EU levels.²² The economic adjustment was time consuming. However, over the years of transition, the private sector has been hiring more and more labour.

Structural unemployment and the big variations in regional unemployment rates are a major problem. There is a great disparity between the capital and other towns on the one hand and between urban and rural areas on the other. The restructuring of the economy and the subsequent closure of many formerly state-owned, Soviet-era enterprises left entire communities without employment. Many of them were concentrated in rural areas. Whereas large sections of the workforce cannot find work due to their unneeded and outdated skills and qualifications, many firms now complain about shortages of highly skilled workers. Further education seems to have been neglected over the past years. Whereas universities turn out lawyers and managers in great numbers, it is increasingly difficult to find skilled labour with vocational qualifications. The fact that since 1992 there has been only one apprenticeship programme in Estonia²³ underlines the problem. In addition to the low number of vocational training programmes, the existing state-funded vocational training system does not meet the needs of employers. Many vocational school graduates are unable to find employment.

During the first years of independence, the Soviet era welfare system collapsed fast. High inflation rates wiped out personal savings. The creation of a market economy came at a sacrifice. The economic policies of the past 15 years put the priority on creating a business-friendly environment, often at the expense of social welfare. The creation of a new social safety system was not the highest priority of governments. Economic stabilisation meant the drastic cut in government expenditures. Subsidies were eliminated, prices were deregulated, and trade was liberalised. Wages, salaries, and pensions did not keep pace with the sharp increase in the cost of living, which manifested themselves in the fast deterioration of living standards. By 1993, average life expectancy at birth was down to 1930s level. The life

²¹ V. Rõöm (2003) *Estonian Labour Market in The Past Decade*, Kroon & Economy No. 1

²² *Supra* 3

²³ Conducted by the Finnish company Amica

expectancy level of the 1980s was only reached again by 2003²⁴. In 2005, only Lithuanians had lower life expectancy than Estonians and Latvians in the European Union²⁵. Their life expectancy was worse than that of Romania and Bulgaria and similar to that of the Russian Federation²⁶.

Economic Disparities and Ethnic Disadvantages

The russification of the Soviet era has resulted in a backlash against the Russian minorities. Both Estonia and Latvia have very strict citizenship laws and regulations. In Estonia 165,000 Russian-speakers are stateless with the status of ‘citizenship undetermined’²⁷. Citizenship and ethnicity have a major impact over levels of satisfaction and political attitudes. According to an EMOR survey of 2003, 70 percent of citizens were satisfied overall with their life. However, only 42 percent of non-citizens expressed satisfaction. In Latvia, 20 percent of the population have no citizenship – the vast majority of them are of Russian ethnic origin. Many Russian-speakers do not feel integrated into the society of their home country.

The results of the EU referendum held in 2003 prove the general dissatisfaction of the Russian-speaking population in these countries. In general, the EU referendum results were an accurate reflection of the population’s satisfaction with their government’s policies. Many households feel that they bear the brunt of the economic transformation. The economic and social policies of the past one and a half decades have led to the economic and social stratification of society and the emergence of increasing income inequalities²⁸. The Russian ethnic minorities have been particularly unhappy about their situation. They are the most Euro-sceptic segment in both Estonia and Latvia. Table 1 compares the national results of the EU referenda with that in the predominantly Russian-speaking county of Ida-Viru in Estonia and Daugavpils city in Latvia. According to a recent Eurobarometer survey of 2004, Estonia and Latvia were the most EU-sceptic countries; only 52 percent of Estonians and 40 percent of Latvians think that ‘the European Union is a good thing’²⁹.

²⁴ Supra 6

²⁵ Supra 3

²⁶ Supra 2

²⁷ Supra 13

²⁸ P. Ehin. (2002) *Estonian Euroscepticism: A Reflection of Domestic Politics?* East European Constitutional Review, Volume 11/12 Number 4/1. New York University School of Law

²⁹ European Commission (2005) Eurobarometer - Public Opinion Analysis

Table 1. EU referendum results in Estonia and Latvia. Comparison of national results with regions with predominantly Russian populations.

Country/City	Percentage of 'yes' votes	Percentage of 'no' votes
Estonia		
Whole country	66.83	33.17
Ida-Viru county	57.00	55.91
Latvia		
Whole country	67.00	32.3
Daugavpils city	48.00	52.0

Source: Gallup Europe

The economic adjustment, the accompanying transitional recession and the decrease of the industrial sector's share in output hit the Russian-speaking minorities especially hard. Many of them live in Northeastern Estonia - Ida-Viru county. 70 percent of the region's residents are ethnic Russians. Although it is home to 13 percent of Estonia's population, it produced a mere 8.5 percent of the country's value added in 2000. By 2004, the region's contribution to national value added stood at 7.7%³⁰. Ethnic Russian-speakers had been mostly employed by large industrial enterprises, most of which have disappeared during the past fifteen years. Unemployment is higher among them also due to poor command of the state language. In 2004, the unemployment rate among Russian-speakers stood at 18 percent - twice the rate of the Estonian population. Although, by 2006 the unemployment rate in the predominantly Russian Ida-Viru county decreased to 12.1 percent, it was still far above the national average of 5.9 percent³¹. In 2004, the second largest city of Latvia, Daugavpils, where 54 percent of the population are ethnic Russian-speakers had an unemployment rate of 10.8 percent, as opposed to 4.5 percent in the capital Riga³².

Almost all welfare indicators show great disparities between Russian-speakers and ethnic Estonians. Monthly disposable income per household member, in 2002 stood at 74 percent of the national average in Northeastern Estonia³³. During the Soviet era, the major employers in this region were large industrial enterprises. The restructuring of these organisations led to the losses of many jobs. Today, still about

³⁰ Supra 13

³¹ *ibid*

³² Supra 6

³³ Supra 13

half of the region's gross domestic product is produced by the manufacturing, mining, and energy sectors. However, nation-wide, this sector accounted for less than 20 percent of the foreign investment stock by 2003. As of 1997, a mere 1.7 percent of total Foreign Direct Investment ended up in Northeastern Estonia³⁴.

The various regions benefited differently from the fast economic growth rates of the first decade of transition. Northern Estonia with the capital Tallinn and its hinterland Harju county shows a very different picture. Here standards of living, income levels, employment opportunities and wages have continuously improved. Northern Estonia is undoubtedly the powerhouse of Estonia. The capital, Tallinn, is the country's economic and political centre. Economic output, employment rates and standards of living are higher than anywhere else in the country. There is a clear trend of divergence between Northern Estonia and Northeastern Estonia. The former region is home to 38 percent of the population and 44 percent of the labour force. At the same time, its share of national value added was 60 percent in 2004, an increase of 4 percent from 1996. In 2000, Northern Estonia received over 50 percent of all investment³⁵. All economic and social indicators are high above the national average. As Table 2 shows, the contribution of Northeastern Estonia to national GDP has been continuously declining.

Table 2. Regional Gross Domestic Product at Current Prices (Contributions of regions to National GDP, percentage)

	1996	2002	2003
Northern Estonia	54.3		58.9
Northeastern Estonia	9.8		7.6
Riga City (Latvia)	47.3	57.7	
Daugavpils City (Latvia)	4.6	3.1	

Source: Central Statistical Office of Latvia, Estonian Statistical Office

³⁴ U. Varblane, (2001) *Foreign Direct Investment in the Estonian Economy*, University of Tartu, Faculty of Business Administration

³⁵ Supra 13

Over 80 percent of Northern Estonia's added value originates from the tertiary sector, such as financial intermediation, transportation, storage, communication, wholesale and retail trade, real estate, renting and other business activities, hotels and restaurants. By 2003, these fields attracted around 76 percent of the foreign investment stock in the country. Manufacturing accounted for around 20 percent of this region's economic output. Its large skilled labour force, developed infrastructure, and port facilities brought the bulk of foreign direct investment – over 88 percent by 2000 – to this region³⁶. In 2005, 1.453 million tourists visited Estonia. 71 percent of them stayed in Tallinn and did not visit any other regions. Less than 1 percent stayed overnight in Northeastern Estonia³⁷.

The share of the primary sector has significantly decreased over the past two decades. In 2004, agriculture, hunting, forestry and fishing made up less than 4 percent of Estonian GDP. The decline of this sector's contribution to national output adversely affected the Northeast where agriculture had a relatively large share in output. This sector still plays an important role in the economy of Northeastern Estonia; in 2004, it comprised 15 percent of this region's economy³⁸. Since wages and salaries are the main sources of income in both Estonia and Latvia, they have a determining influence over standards of living. Labour compensation in agriculture and industry is significantly lower than in services. The existence of a flexible labour market plays a major part in income inequalities. During the Soviet era, dispersion of wages between occupations and industries was fairly small. Employment rates were very high. Jobs were available to everyone that wanted and was able to work. There was a very weak, if any, link between productivity and wages. Physical labour earned higher rewards than higher education. Over the transition years, the returns to education have considerably risen. Many companies are paying above average efficiency wages. Differences in levels of education and the existence of efficiency wages contribute to inter-industry and inter-occupational variations. Table 3 demonstrates a comparison of gross monthly wages between agriculture, industry, and the service sectors in Estonia and Latvia (based on the author's calculations).

³⁶ Supra 33

³⁷ Supra 13

³⁸ *ibid*

Table 3. Sectoral Comparison of Gross Monthly Wages in Estonia and Latvia, 2004. (Percentages of National Average)

	Estonia	Latvia
Average	100,00	100.00
Agriculture	87.70	84.80
Industry	98.00	95.20
Services	115.10	112.40

The great disparity in foreign investments between the various industries and parts of the country is another explanation of the income inequality. Foreign investment provides numerous benefits in the form of financial resources, managerial and organisational skills, know-how, technology, and access to the global marketplace. Many countries in Central and Eastern Europe, Estonia and Latvia among them, have evolved into two-tier economies. The bulk of foreign investors are attracted to the capital and its hinterland to exploit the advantages offered by agglomeration economies, such as a developed infrastructure, availability of services, and information spill-over. They pick the most efficient and competitive organisations – mostly in the tertiary sector. Local businesses benefiting from the transfer of technology and best practices enjoy higher rates of productivity, efficiency and competitiveness enabling them to pay above average efficiency wages. Joint ventures, foreign-owned companies, organisations having these advantages can afford to offer higher wages with which they dominate the primary labour market.

The rest of their economies comprise the second tier, purely domestic enterprises with low productivity rates, dated technology, and inadequate access to resources. In 2004, labour productivity per person employed was 51.1 percent of EU average in Estonia, up from 32.9 percent in 1996. In Latvia, it was 42.8 percent in 2004, up from 32 percent in 1996³⁹. Domestic businesses employ the bulk of the labour force. The lack of capital puts domestic enterprises at a great disadvantage. As banks mostly consider fixed assets and not earning potential when providing loans, these organisations have very limited access to capital. Although they employ the bulk of the labour force, they are greatly constrained in their ability to provide competitive

³⁹ Supra 3

wages, training, and attractive career opportunities. Foreign investment mainly targets agglomeration centres. The majority of investment capital ends up in Riga and Tallinn. Workers in the countryside, therefore, earn significantly less than their urban counterparts for similar qualifications and experience⁴⁰. There are significant differences in economic activities, employment rates, and income levels between urban and rural areas in both countries. The following two tables demonstrate the stark contrasts between the capitals and their hinterlands in both countries. Table 4 clearly shows the increasing disparity between Harju county, which includes the capital Tallinn and its hinterland, and the rest of the Estonia.

Table 4. GDP per capita as a percentage of national average

	2000	2004
	Percentage	
Whole country	100	100
Harju county	150.4	156.4
Hiiu county	78.8	67.3
Ida-Viru county	65.3	59.8
Jõgeva county	50.0	43.8
Järva county	72.9	64.9
Lääne county	67.9	61.4
Lääne-Viru county	73.7	67.3
Põlva county	56.2	45.3
Pärnu county	81.9	73.1
Rapla county	65.1	55.8
Saare county	67.3	65.2
Tartu county	77.6	84.9
Valga county	55.7	49.3
Viljandi county	61.3	57.6
Võru county	59.5	52.1

Based on the author's calculations, using data from the Statistical Office of Estonia.

⁴⁰ Fofack, Monga (2004) *Dynamics of Income Inequality and Welfare in Latvia in the Late 1990s*. World Bank Policy Research Paper

The next table illustrates regional inequalities in Latvia.

Table 5. Gross Domestic Product per capita by statistical region in Latvia, as a percentage of national average 2005

Regions	Percentages
Riga	180
Pieriga	70
Vidzeme	59
Kurzeme	79
Zemgale	56
Latgale	48
Riga city under state jurisdiction	180
Daugavpils city under state jurisdiction	71

Based on the author's calculations, using data from the Central Statistical Office of Latvia

Economic development has been skewed in both countries. Northeastern Estonia, and the Latvian regions of Latgale and Vidzeme have the most vulnerable socio-economic groups whose main source of income is welfare payments⁴¹. Both in Estonia and Latvia, the proportion of people receiving welfare transfer payments is substantially higher. The promised additional emphasis on socio/economic integration in the new Estonian State Integration plan 'Integration in Estonian Society 2008/2013' is urgently required and a welcome development. Table 6 compares sources of income levels between urban and rural areas.

⁴¹ *ibid*

Table 6. Breakdown of income sources – disposable income from wage labour vs. disposable income from transfer payments

	1996	1999	2004
Estonia			
Proportion of income from wage labour in the richest county	70.50%		71.80%
Proportion of income from wage labour in the poorest county	42.10%		44.30%
Proportion of income from transfers in the richest county	19.10%		20.40%
Proportion of income from transfers in the poorest county	37.20%		45.50%
Latvia			
Disposable income from wage labour in urban areas		EUR61.79	EUR112
Disposable income from wage labour in rural areas		EUR31.6	EUR57.4
Disposable income from transfers in urban areas		n/a	EUR38.6
Disposable income from transfers in rural areas		n/a	EUR32.2

Source: Central Statistical Office of Latvia, Estonian Statistical Office

Table 7. Differences in disposable income in Estonia in 1996 and 2004

	1996	2004
Disposable income in the poorest county, as a percentage of national average	74.8	74.9
Disposable income in the poorest county, as a percentage of the richest county	63.0	64.0
Disposable income in the poorest county, as a percentage of the capital, Tallinn	61.6	63.4

Based on the author's calculations, using data from the Statistical Office of Estonia

The healthcare systems of Estonia and Latvia are in dire straits. In the case of sexually transmitted diseases, Estonia has the worst record within the EU; the estimated adult national HIV prevalence of 1.3% [0.6%–4.3%] in Estonia in 2005 was the second highest in all of Europe⁴². Unfortunately, the expenditure needs are much higher than the funds available. In 2000, Estonia spent only 14.8 percent of its GDP on social protection (the lowest in Central and Eastern Europe, excluding the Balkans) as opposed to an average of 26.3 percent in the European Union⁴³.

There is strong evidence of deteriorating living conditions in both countries with alarming consequences. Tuberculosis incidence rates – the number of new cases per 100,000 population in a year – have more than doubled within ten years between 1992 and 2001 both in Estonia and Latvia. Estonian tuberculosis incidence rates were 4.06 times the EU average. Latvian incidence rates were 6.02 times the EU average. As of 2006, the number of tuberculosis cases per 100 000 people were among the worst in the Latvia and Estonia⁴⁴ (UNDP). None of the EU member or candidate states were even near these rates, with the only exceptions of Romania and Lithuania (Eurostat). Deaths by suicide rates are also among the highest. In 2001, both Estonia and Latvia had more than two and a half times the average EU rate. Latvia occupied second, Estonia third place behind Lithuania on this grim ranking.

The *European Monitoring Centre for Drugs and Drug Addiction* wrote in its report in 2003 that in ‘Latvia and Estonia HIV infection spreads at an alarming rate’. The main cause behind the epidemic is injecting drug use. In Estonia and Latvia, an estimated one percent of the population injects drugs. Over 80 percent of HIV-positive people are under 30 years of age in these countries. Between 1999 and 2005, Latvia witnessed a five-fold increase in the number of new HIV cases. Whereas Estonia reported 12 new cases in 1999, it reported 899 in 2002⁴⁵. In Estonia, 70 percent of all HIV positive cases live in predominantly ethnic Russian-speaking Northeastern Estonia. Most of them are between the ages of 18 and 24. The most common reasons cited are lack of employment opportunities, sense of hopelessness,

⁴² UNAIDS (2006) AIDS Epidemic Update. Special Report on HIV/AIDS and United Nations (2002) *Report on the global HIV/AIDS epidemic*. Joint United Nations Programme on HIV/AIDS (UNAIDS)

⁴³ Supra 3

⁴⁴ Supra 2

⁴⁵ Aids Prevention Centre, Tallinn

lack of identity, and the lack of places to pass the time⁴⁶. Estonia's adult HIV prevalence rate of 1.3 is by far the highest in Europe. It is almost four times the Western European rates. It even surpasses the average rate for the region of Eastern Europe and Central Asia⁴⁷.

Limited Tax Revenues and their Adverse Effects

The Estonian and Latvian economies are still in the developing stage. Healthcare and education are seriously under-funded. Their physical infrastructure is underdeveloped. Although transit cargo is a major part of their economies, the road and railway networks are in a dilapidated condition. There are no motorways in either country. The underdeveloped state of the physical infrastructure also threatens their ability to continue attracting foreign investment. The development of rural areas should be a priority. The limited amount of tax revenues seriously hampers efforts to fund development projects. The available funds are insufficient to cover the expenses of much needed improvements.

The differences between the regions are striking. In Estonia, personal income taxes were a major part of local government revenue. In Northeastern Estonia, personal tax revenue per capita was 86.3 percent of the national average in 1997. In 2002 it was only 68 percent. In 2002, per capita income tax revenues in Northeastern Estonia were only half of that of Northern Estonia⁴⁸. Accession to the European Union has greatly benefited the economies of both countries, leading to high job creation rates. However, many of those new jobs are in the service industry, such as retail, hotels and restaurants, and real estate with relatively low skill requirements and low wages. Many people find themselves working below their levels of qualification and experience, which leads to another significant problem: the outflow of skilled labour. With accession of the ten new members to the EU in 2004, Ireland, Sweden, and the United Kingdom have allowed citizens of the eight Central and Eastern European member countries unrestricted access to their labour markets. In addition to many Estonians and Latvians working legally in these countries, many take on jobs in other EU states as well in the 'grey' labour market. The main reasons behind this

⁴⁶ R. Ahas, E. Koduvete & Ü, Mark (2001) *Can We Improve a Soviet City: Strategic Environmental Assessment of the Master Plan for Narva in Estonia*. University of Tartu.

⁴⁷ Supra 45

⁴⁸ Supra 13

labour outflow are higher pay, better employment opportunities, and higher standards of living.

The population of Northeastern Estonia has decreased by 21 percent since 1990, which is the most dramatic decline in Estonia. This region has become the 'oldest' region in the country; 17 percent of its population are above the age of 65. The proportion of inhabitants under the age of 25 has fallen by 30 percent since 1990. In 2005, it had the lowest share of young people today in the country. The life expectancy of Estonian men was the lowest in the European Union in 2004⁴⁹. In Northern Estonia birth rates and average life expectancy are below but death rates and infant mortality rates are above the national average⁵⁰.

Recently investment levels in Northeastern Estonia have been on the rise. However, the lack of preconditions to attract private investment and the limited national and EU public funds available not only constrain the region's chances of catching up with the rest of the country but also enhance its underdevelopment. Lack of funds makes it increasingly difficult for the disadvantaged regions to catch up. The low levels of tax revenues inhibit backwards areas to create the necessary conditions to attract private investment. Unemployment levels are still much above national average in this region. Until social welfare and a more equitable distribution of income become a higher priority on the nation's political agenda, Northeastern Estonia will remain an underdeveloped region with uncompetitive industries, high unemployment rates, social tension, and urban poverty⁵¹.

Estonia and Latvia are net benefactors of EU funds. The European Union plays an important role in building up their infrastructure. EU funds have helped financing the constructions and renovations of airports, port facilities, roads and railway networks. PHARE, SAPARD, and other programmes are aimed at stimulating job creation by helping small and medium enterprises gain access to resources and output markets. However, the EU is reluctant to channel more funds to countries with such low levels of proportional income taxes. In countries with proportional tax rates,

⁴⁹ Supra 3

⁵⁰ Supra 13

⁵¹ On the relegation of socio-economic integration to a long-term priority in the Estonian State Integration Program 2000-2007 see also P. Downes (2003). *Living with heroin: HIV, Identity and Social Exclusion among the Russian-speaking minorities in Estonia and Latvia*. English version. Legal Information Centre for Human Rights, Tallinn, Estonia and P. Downes (2007). Intravenous drug use and HIV in Estonia: Socio-economic integration and development of indicators regarding the right to health for its Russian-speaking population. *Liverpool Law Review, Special Issue on Historical and Contemporary Legal Issues on HIV/AIDS*, 28. 271-317

such as Estonia and Latvia, the average tax rate is the same at all income levels. As in progressive tax systems the average tax rate increases as income rises, the after tax distribution of income is more equal in countries with progressive taxation. The socio-economic indicators paint a grim picture. It seems that the economic successes of Estonia and Latvia have not benefited large segments of the population. Economic growth is not the end, only means to the end of improved standard of living for the entire society.

Conclusion

The economic successes of Estonia and Latvia are not reflected in the living conditions of many Estonians and Latvians. Whereas these countries' economic growth rates are among the highest in the EU, poverty levels, life expectancy and health care are among the worst. Regional disparities in Estonia and Latvia are great in terms of income levels, unemployment rates, employment opportunities, and levels of development. The gap between rich and poor has been continuously increasing. Rural areas suffer from the legacy of the Soviet era, the adverse effects of the subsequent very liberal economic policies, and constrained access to resources. The disadvantaged regions have been unable to provide their population with an environment needed for sustained economic growth and prosperity. At the same time, the ultra-liberal policies of the successive governments have created an overly business friendly environment often at the expense of social welfare policies. The consequences are dire: increasing inequalities approaching third world levels. The Russian ethnic communities have been especially hard-hit. They face worse socio-economic conditions than ethnic Estonians or Latvians. They are more vulnerable to unemployment and have lower income levels. Many of them are stateless with no citizenship.

As the gap between the richer and poorer regions is widening both in Estonia and Latvia, they have become countries with two very realities: a prosperous region in and around the capital with high standards of living, healthy economic growth rates, and plenty of well-paid jobs, and a much poorer one in rural areas with much worse living conditions and grim prospects. This forms the backdrop against which many people become at risk of human trafficking in Estonia and Latvia.

Emergent Themes from the Interviews: Gender Policy Issues

Hannah Smelt

Introduction

This chapter will integrate issues arising from the voices of the interviewed victims with policy issues across the Baltic States analysed through the lens of the US Trafficking in Persons Reports (US TIPR) ¹ to examine each country's work to eliminate trafficking in human beings. It will seek to relate these issues to the broad areas of prevention, protection and prosecution.

The US Trafficking in Persons Reports place all countries in tiers based on efforts to combat trafficking. There are four tiers; Tier 1, Tier 2, Tier 2 watch list, and Tier 3. Categorisation is based on 'concrete actions governments have taken to fight trafficking'² rather than the size of the problem.

Those in *Tier 1* fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards for the elimination of trafficking. This means that their efforts to prevent trafficking, to prosecute those involved in the trafficking of human beings and to protect victims are all of a satisfactory standard and show a clear commitment to combating trafficking. Countries in *Tier 2* are those which do not yet fully comply with the minimum standards but are making significant efforts to do so. Those on the *Tier 2 watch list* are:

- Countries listed as Tier 1 (or 2) in the current report that were listed as Tier 2 (or 3) in the previous report.
- Countries listed as Tier 2 in the current report where the number of victims is very significant or significantly increasing.
- There is a failure to provide evidence of increasing efforts to combat trafficking from the previous year.

¹ The US Trafficking in Persons Report (US TIPR) is an annual report compiled by the US Department of State. The reports analyse all governments' efforts to combat trafficking in human beings and provide updates on progress. This book uses reports from 2004, 2005, 2006, 2007 and 2008.

² US TIPR 2004 p.2

- The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

Those in *Tier 3* are countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so³.

Since 2004, Lithuania has been in Tier 1, Latvia has been in Tier 2 and Estonia has moved from the Tier 2 watch list in 2004 to Tier 2 in 2005-06. The decision to move Estonia up from the watch list to Tier 2 was taken as a result of a demonstration of clear political will during the reporting period to come into compliance with the minimum standards of the TVPA:

In January 2006, the [Estonian] government adopted a National Action Plan to fight trafficking; the plan defines each ministry's responsibilities and allocates \$13,000 to be spent on government and NGO anti-trafficking efforts in 2006. The plan also created a national database that will provide reliable statistics and assist the government to more efficiently assess the trafficking problem in Estonia. In compliance with EU legislation, the government is expected to amend its law to no longer treat trafficking victims who are in Estonia illegally as immigrant cases and will provide temporary residence permits to such victims⁴.

The US TIPR reports concentrate on concrete efforts and actions and do not take much heed of voiced commitments that are not backed up with immediate action. It is also important to stress that the report takes account only of efforts directly targeted at trafficking and does not consider programmes that have indirect importance such as social security and welfare plans to eliminate poverty. This chapter will take a broader approach, taking account of both efforts specifically designed to prevent trafficking of human beings and more general socio-economic policies which create the environment in which women make choices about work and boundaries. A poor socio-economic environment, or one that puts women or ethnic minorities at a disadvantage, reduces their agency and creates the situation where women are prepared to accept dubious work placements, often because they are desperate for money to feed their families.

Trafficking is very much a feminised issue and one that is very closely linked to the 'legitimate' sex industry. Issues of gender inequality may also prevent victims from receiving the help they need and to which they are entitled to. What is more,

³ Ibid p.27

⁴ US TIPR 2006 p.115

court systems that do not regard 'gender crimes' as being as serious as other offences are also less likely to serve justice on the criminals who profit from the buying and selling of women. This chapter therefore includes a section that analyses the links between the 'legitimate' sex trade and human trafficking and how addressing 'demand' in the former can reduce the latter. It will also look at the position of women in Estonia, Latvia and Lithuania, in particular how women are viewed by the courts.

Prevention

Education programmes to warn of the dangers of traffickers and how to minimise the risk of becoming involved are best taken as early as possible in order to prevent what is a problem in the present from becoming a problem in the future. It is therefore important for countries to have comprehensive anti-trafficking programmes in place in schools, a key consideration in the US Trafficking in Persons Reports. In all three countries there have been some efforts to raise awareness in schools of trafficking and to make young people aware of the dangers and risks. In 2003/04 the Estonian government conducted a training and awareness program for schools nationwide and launched two essay competitions in 2004 which appeared in the examples of International Best Practice in the 2005 US TIPR⁵. However, it is unclear how many schools this applied to and whether the competition was open to Russian language entries as well as entries in the Estonian language. The government continued to run prevention programmes in schools in 2007 which was noted in the 2008 US Trafficking in Persons Report.

The Latvian government still has no independent anti-trafficking campaigns although it does actively support prevention efforts, especially in high schools. Since 2003, the Swedish anti-trafficking film *'Lilya-4-Ever'* and an information booklet have been integrated into the national curriculum and the Ministry of Education has worked closely with a local NGO to produce a guide on crime prevention, including trafficking, to be distributed in secondary schools. Since 2005, teachers have also been participating in several trafficking prevention training sessions. The 2004 US TIPR recognises that there are 'resource constraints and competing priorities'⁶ that may prove an impediment to an independent trafficking campaign, but it needs to be

⁵ US TIPR 2005 p.153

⁶ Supra 2 p.154

made a priority. The government needs to introduce its own campaign that focuses on the Latvian situation; it cannot simply rely on the efforts of NGOs, however good these may be. However, it should be noted that in the interviews it was the Latvian respondents who were most encouraging about the help that they received; three out of the four interviewees were very positive about the situation in the country to protect women from trafficking and it certainly seems that in Latvia it is becoming a far more talked about issue, “*Now people talk about that. Magazines publish articles about this problem.*” (Latvian, age 20). Another respondent spoke about how “*There are places where to receive information, so that you would not get into such a situation, as well as where to receive help.*” (Latvian, age 26).

In Lithuania the government has ‘continued to make progress’⁷ on prevention measures, it has increased the number of local organisations involved in prevention that it funds and government officials have actively supported working on trafficking prevention by attending NGO training and speaking at trafficking events. With government funding, they have been able to run wide scale anti-trafficking campaigns, for example:

An NGO that received approximately half of its annual budget from government funding distributed over 82,000 anti-trafficking brochures and posters throughout Lithuania, and implemented over ten trafficking prevention programmes in 2004⁸.

Efforts are targeted at at-risk groups in schools. In 2003, trafficking prevention curricula for schools were approved which continue to be used on a voluntary basis by schools in areas where trafficking in persons is recognised by the municipality and/or the school as a problem. In 2004, the government and localities organised a series of educational events for more than 200 boarding school students who are particularly at risk for trafficking⁹. It was reported in 2006 that during the reporting period, 3,800 at-risk youths attended government and NGO-organised trafficking prevention events including lectures, school discussions and film viewings. In 2007, the government spent \$30,000 on anti-trafficking awareness campaigns for youth in 6 cities¹⁰. Nevertheless it is a concern that the trafficking curricula is voluntary; it is important that the whole of society is made aware of the risks of trafficking and not simply classic ‘at risk’ groups.

⁷ Supra 4 p.165

⁸ Supra 5 p.146

⁹ Ibid

¹⁰ US TIPR 2008 p.166

It is important for governments to focus on the ‘next generation’ in order to prevent another generation from being drawn into the trafficking web, however there is also a need for awareness campaigns at a general public level. After all, it is a problem of society as well as of individuals; to combat it all sections of society need to be involved. The average age of the interviewees included in this book is 24.7 and several of the women interviewed were over 30. At the *Narva Drugs Prevention Centre*, most of the women there who have been involved in prostitution became involved between the ages of 17-24¹¹. This is evidence that a concentration at school level is not good enough. Awareness raising efforts need to be broadened to the whole of society. Lithuania has made significant progress since 2005 in this respect; in 2005, trafficking outreach and information programmes directed toward at-risk groups, potential trafficking victims and the procurers of prostitution were carried out by the *International Organisation for Migration (IOM)* and the government and posters and billboards about the dangers of trafficking were displayed in public areas¹². In 2006 the Lithuanian government launched its first nation-wide trafficking awareness campaign called "*Don't be a commodity: separate life from illusions*," which included seminars, posters, and television and radio public service announcements¹³. This campaign continued through 2007, with posters displayed in approximately 2000 locations in 13 towns across the country¹⁴.

In 2007, the Estonian government significantly improved prevention efforts, conducting ‘a media campaign on the dangers of prostitution’¹⁵. Campaigns that focus on the dangers of prostitution help to de-glamourise the occupation and may help to prevent women from finding themselves in a situation where they are particularly vulnerable to traffickers. The Estonian government allocated \$42,000 for trafficking awareness and prevention campaigns in 2007, ‘including \$18,000 given to an NGO for the continued operation of the country’s only anti-trafficking hotline’¹⁶. This sort of campaign is still absent in Latvia and whilst the government has made efforts to increase awareness of trafficking it needs to consider a national awareness raising campaign that targets and is accessible to all sections of society, such as that run in Lithuania and Estonia. In 2008 the government took only modest steps to deter

¹¹ Personal communication to Paul Downes, Narva Drugs Prevention Centre, October 2006.

¹² IOM 2005

¹³ US TIPR 2007 p.138

¹⁴ Supra 10 p.166

¹⁵ Supra 10 p.116

¹⁶ Ibid

sex tourists from visiting Latvia, and made no effort to ‘reduce the demand for commercial sex acts’¹⁷.

A number of trends were noted in the interviews that are backed up by other studies which point to certain ‘risk groups’. One trend that was particularly noticeable in the Lithuanian study was an earlier conclusion of formal education. The age at which compulsory education finishes in the Baltic States is 15. Whilst in Estonia none of the respondents had left school younger than 18 and in the Latvian group only one completed formal education at 16 (one left school at 15 but went on to vocational college), in the Lithuanian study only one of the women interviewed stayed in education after the age of 16. There are no clear answers as to why the victims from Lithuania were so much younger. It could be that the Latvian and Estonian NGOs are missing the younger victims or that younger victims are not approaching the service. It is not the case that early school leaving is more of a problem in Lithuania overall, in fact quite the opposite. In their country reports for the EU-wide report ‘Achieving the Lisbon Goal: the contribution of VET’ (2004), Grollman and Ruth cite early school leaving figures for Lithuania at 1.3% for 1995-2001¹⁸. This is significantly lower than figures given for Estonia, 7%¹⁹, and Latvia, 19.5% in 2002²⁰. It may simply be that due to the small sample size the group selected are not representative of the population group. It is perhaps more important in this case to ask not why there seems to be more early school leavers in the Lithuanian study but why these girls are leaving school early in the first place and what can be done to keep them in school.

Often, early school leaving is connected with a lack of hope for the future²¹; those who believe that they have few prospects have little motivation to stay in school. If women believe, as one Estonian interviewee does, that “*It is impossible to get a good job; abroad waitresses get 3 times more than teachers here*” (Estonian, Russian Speaker, age not given), then the problem of early school leaving may get worse amongst the most vulnerable groups as they do not see that an education will

¹⁷ Ibid p.162

¹⁸ P. Grollman & K. Ruth (2004) ‘Achieving the Lisbon Goal: The Contribution of Vocational Education and Training Systems Country Report: Latvia’, Institute of Technology and Education, University of Bremen 2004 p.8

¹⁹ Ibid p.9

²⁰ Ibid p.5

²¹ See also P. Downes (2003) *Living with Heroin: Identity, social exclusion and HIV among Russian-speaking minorities in Estonia and Latvia*. Tallinn: Legal Information for Human Rights on this theme among Russian-speaking heroin addicts in Estonia

benefit them. Another interviewee, again Estonian, said that women are willing to take risks to work abroad as “*There are bigger chances of growth of career and wages are considerably higher*”(Estonian, Russian Speaker, age not given).

One of the things that became very apparent in the interviews and is backed up by research carried out by the IOM in 2005 is that the most ‘at risk’ group is young unemployed women and those on a low income. It is evident from the interviews that it was a lack of opportunities at home and the need to earn money that motivated these women to look for and accept jobs outside of their home countries. Some of the women interviewed said that they needed money in order to continue with their studies, whilst others needed the money to support their children. Many of the women are well educated but had few opportunities in their home countries²²:

I was working as a waitress...I had only enough money for modest food and the rent (Estonian, Russian speaker, age 25, graduated from school at 18)

I thought I would earn good money. I had a plan to earn some money and finish my studies. I live in a small town and it is hard to find normal work there. And this seemed to be a good chance... It was organised by my good acquaintance. Why not try to earn some money? Everything happens because of the money (Latvian, Russian speaker, age 20, went to vocational college after finishing school at 15)

I am an invalid therefore I cannot work in Lithuania, I wanted to earn money to buy a computer for my children (Lithuanian, age 35, went to a vocational college after finishing school at 19)

I was unemployed for a long time. I had no money for normal living... (Lithuanian, age 22, left school at 16)

This finding is supported by research carried out by the IOM (2005) which did a poll in Estonia in which it asked participants if they would consider migration: 33.9% said that they would be interested in working abroad but there was a significantly higher motivation for females with a household income of less than 1,000 EEK (US\$83) per month. In this category 43.4% said that they were interested in moving abroad for work. North Eastern respondents displayed the highest motivation for migration - 40% of female respondents from this region said that they were interested in looking for work abroad²³.

²² International Organisation for Migration *Trafficking in Persons For Sexual Exploitation An analysis of the situation in Estonia*, Tallinn 2005

²³ Ibid; On concerns regarding socio-economic integration in North Eastern Estonia. see also P. Downes (2003) *Supra* 21 and P. Downes (2007). *Intravenous drug use and HIV in Estonia: Socio-economic integration and development of indicators regarding the right to health for its Russian-*

It is clear that in all regions a lack of opportunities and joblessness leads to a situation where women are more vulnerable to the ‘opportunities’ presented by traffickers and pimps wishing to entice them into the sex trade. However, there is evidence that in Estonia this problem is more acute for Russian-speaking women of the Ida-Viruuma region who appear most at risk because of the high levels of poverty and lower levels of education. From the small sample of interviews, ethnicity seems to be more of an issue in Estonia; four (all Russian-speaking) out of the ten Estonian respondents who responded to this question believed that Russian women were more vulnerable to trafficking whilst only one out of four Latvian respondents clearly thought that this was the case, although this respondent was the only Russian speaker in the group. None of the respondents from Lithuania believed that Russian speakers were more vulnerable and the group contained both Lithuanian and Russian speakers. In Estonia, the predominantly Russian speaking north eastern region has largely missed out on the recent boom in the Estonian economy. There is less job creation and less foreign investment. This is a structural problem as much as it is a problem of attitudes²⁴. One of the Estonian women interviewed stated:

Paul Eerik Rummo, Minister of Population Affairs, officially called my region a ghetto. This is why here is supposed to be a poor, unsafe region. Most of the people have low incomes because they work in the private sector and that means that people get minimum salary officially and other part in envelopes. All factories were closed and people cannot find other ways to earn a living. People are ready to work for minimum salary (Estonian, Russian speaker, age 33)

I think that Russian speakers become victims more often, because there are more Russian women without work than Estonian ones...because they don't know the language. (Estonian, Russian speaker, age 25)

The higher vulnerability of Russian speakers to trafficking points to the need to ensure all trafficking prevention programmes are available in both Estonian and Russian and that all advertisements advertising helplines or raising of awareness are written in both Estonian and Russian. This is particularly important in Russian speaking areas where campaigns must take account of the high level of Russian speakers. In October 2006 the government was running a HIV prevention campaign but despite there being several of these posters in the predominantly Russian speaking area of Narva, none of

speaking population. *Liverpool Law Review, Special Issue on Historical and Contemporary Legal Issues on HIV/AIDS*, 28, 271-317

²⁴ Amnesty International (2006). *Estonia Linguistic minorities in Estonia: Discrimination must end* (December 7, 2006) see also P. Downes 2003 Supra 21 and P. Downes 2007 Supra 23

those were in Russian²⁵. In an interview arranged with a local woman in Narva, she was asked if she was aware of these posters and if she had seen any in Russian. She replied “*No, this is really strange because it is in our constitution that in areas 50% Russian there must be instructions in Russian*”. Any national campaigns must take account of regional differences, particularly where there are differences in language, as ultimately if campaigns are not understood, they will not work.

Even without considering the added or particular problems of ethnicity and regional disadvantage, what is clear from the IOM research and supported by the interviews is that young, unemployed women or those on a low income are vulnerable and there needs to be policies that address this group directly. For example, unemployment/job agencies in areas where there is a high level of unemployment or women on low incomes need to carry detailed information on the risks of trafficking and need to be encouraged or required to carry out checks on the legitimacy of the jobs that they offer. A report by the IOM recommends the ‘Establishment and enforcement of stricter controls over the activity of labour agencies facilitating employment abroad’²⁶. This was a recommendation made by one of our interviewees:

If I were in charge I would strictly control everybody who crosses the border. I would check every person, documents, contracts and places where they are going, and see whether or not these places exist. Sometimes it just happens that you go to some place, but it does exist, I would also check whether the person had reached the right place. (Latvian, age not given)

Poll respondents for the IOM poll also highlighted the important role played by labour agencies; Anna Markina (2005) of the IOM notes how:

The important role of labour agencies became clearer during focus group discussions. Women in discussion groups commented that one of the most effective measures to prevent human trafficking was through state regulation of these firms. In the discussion groups women stated that labour agencies should be registered, the legality of their activities should be checked, and they should be responsible for the employment opportunities facilitated²⁷.

This is a substantial task, but one which has an excellent precedent in the Philippines where the government, ‘with its strong Overseas Employment Agency, stands out as a

²⁵ See A. Charles (2005). New Drug Policy: Good on paper lacking in practice. *The Baltic Times*, March 16 2005 for an account of the Estonian State Drug Prevention Programme targeting Russian-speakers in the Russian language, a programme excellent on paper though insufficiently resourced in practice.

²⁶ Supra 22 p.124

²⁷ Ibid pp. 95-96

leader in managed labor migration by protecting its overseas workers’²⁸. In its 2004 report, the US government highlighted the Philippines in the international best practice section, describing how:

The Government of the Philippines regulates and performs surprise as well as routine inspections of the 1,317 licensed labor export agencies; it also provides training and skills tests for overseas foreign workers before they leave the country. Philippine Foreign Service officers are trained, and in some cases actively involved, in searching for housing, and repatriating Philippine trafficking victims²⁹.

The importance of a wide range of reputable foreign employment agencies and a greater number of more regulated channels through which women can find work abroad is highlighted by the experiences of the women in this book and has become more important since the expansion of the EU since 2004. Although the open borders of the EU do make it easier for people to find work abroad, it also makes it easier for traffickers. The ease with which people from different countries can now travel across borders invites the need for a state run foreign employment agency which would help to combat the problem of bogus job offers and act as a channel through which women could seek legitimate employment abroad. Most of the victims interviewed were deceived by friends or acquaintances - people that they believed they knew and could trust. For example, a 20 year old Latvian woman told how:

I simply trusted people who were good acquaintances... A woman, who persuaded me to go, works nearby my house as a pharmacist...The woman introduced me to her family, to her daughter who is three years younger than me...she persuaded me to go (Latvian, age 20)

One woman from Lithuania was deceived in a similar manner:

A good friend of mine is married to an Albanian. She got to know that my family was in need of money so she offered me a job of a cleaner abroad. I trusted her...She told me...I would live at her and her husband’s house...On the third day the Albanian told me that I have lost this job. I ordered a ticket to return to Lithuania...We did not go to the airport but to a brothel. (The) Albanian sold me to other Albanians (Lithuanian, age 35)

Deceit and betrayal were unfortunately familiar themes to all the experiences of the victims. This will inevitably be difficult to combat - many of these women had no reason not to trust the offers of employment that they were given and there were no suspicious circumstances when they left their country. Nevertheless, if a

²⁸ Supra 4 p.19

²⁹ Supra 2 p.34

comprehensive foreign job agency were available, women would have no need to rely on the offers of acquaintances and the exploitation of vulnerable people, male and female, whether for sexual or economic reasons could be markedly reduced.

The importance of raising awareness of the dangers of trafficking within society must not be allowed to overshadow the importance of training and awareness raising campaigns at an institutional level. The institutional framework of the state includes the education system, the health service, the police force, the courts system and the armed forces. Estonia's institutional approach has been particularly good and is commended in the 2006 US Trafficking in Persons Report:

The government was active in raising trafficking awareness among government officials and institutions; during the reporting period, trafficking curricula were introduced at the Police Academy, Border Guard School, and Public Service Academy. Two law enforcement training activities were conducted. The government also held some training sessions in cooperation with NGOs for teachers, social workers, school psychologists, victim support specialists, counsellors, and police. In 2005, five training sessions were held for soldiers serving in the Balkans, Afghanistan, and Iraq to enable them to better understand, recognise, and address trafficking while deployed abroad³⁰.

The national action plan to address trafficking, which was adopted in 2006, defines the responsibilities of each ministry and created a national database which 'will provide reliable statistics and assist the government to more efficiently assess the trafficking problem in Estonia'³¹.

The Latvian government has also increased efforts to increase trafficking awareness at an institutional level. In 2005, teachers began participating in trafficking prevention sessions and in 2006 police visited 94% of Latvian schools to speak to students on the dangers of trafficking³². Nevertheless, it was noted in 2006 that a 'lack of political support from several ministries has constrained Latvia's overall progress in addressing trafficking.' In all three countries, continuously low conviction rates and the low sentences handed out to traffickers³³ suggests that more training is needed within the judicial system and indeed the police to raise awareness of the seriousness of the crime of human trafficking in order for the justice system to discourage potential traffickers.

³⁰ Supra 4 p.115

³¹ Ibid p.116

³² Supra 13 p.134.

³³ See section on prosecution below

Prosecution

In all three countries, trafficking is recognised as a criminal offence and their governments are taking significant steps to combat it. Latvia and Lithuania have laws prohibiting both international and internal trafficking (although the rate of conviction for internal trafficking is much lower than for international trafficking) with penalties that are ‘sufficiently stringent and commensurate with penalties for other grave crimes, such as rape’³⁴. In the case of Latvia however, this has to be qualified as Latvia also uses non-trafficking specific laws to convict traffickers, and these do not carry adequate penalties³⁵. Estonia does not have trafficking-specific offences for either internal or international trafficking but there are clauses in Estonian law under which traffickers can be prosecuted. For example the criminal code prohibits ‘enslavement, abduction, pimping, and offering or engaging minors for prostitution and sexual acts with maximum penalties ranging from five to 12 years’ imprisonment’, and these have been used to prosecute traffickers. However whilst it is possible to convict traffickers using these laws, because they are not trafficking specific they do not recognise the uniqueness and seriousness of the crime and make it more difficult for the police to prosecute traffickers and secure a conviction. For example, it is difficult to convict on the basis of enslavement because of the difficulty in proving that the victim had no opportunity to escape from the conditions of sexual exploitation or seek assistance from law enforcement agencies³⁶. Despite the restrictions of the legal framework, the government did show significant improvement in its record on prosecution, increasing the number of convictions from none in 2003, to 9 in 2004 and 22 in 2005 but this has dropped to just one in 2006 and three in 2007. It will remain to be seen whether or not this is a permanent decline or whether these two years are simply an anomaly. Latvia and Lithuania have also significantly increased the number of prosecutions made against traffickers each year since 2003 although in 2007 the number of convicted traffickers fell in both countries and in Latvia the number serving time in prison dropped from 10 to just 5 from the same number of convictions.

Unfortunately there is evidence that despite an increase in the number of prosecutions, it is a crime that is still not taken particularly seriously by the courts. In

³⁴ Supra 13 p.134 & 137.

³⁵ Ibid p.134.

³⁶ Supra 4 p.115

all three states the courts continue to hand out inexplicably low sentences far below the maximum terms they can impose. The table below shows the number of investigations and the range of sentences handed down by the courts in each country since 2003³⁷:

Country	Cases initiated Cases often involve more than one person and may therefore result in several convictions.	Convictions	Sentences
2003			
Estonia	None	None	N/A
Latvia	12 investigations	40 convictions	Sentences ranged from a 6-month suspended sentence to 4 years in prison. Most ranged from 2-3 years.
Lithuania	15 investigations	13 convictions.	Sentences ranged from fines to 14 years imprisonment with most being sentenced to 2 to 3 years in prison.
2004			
Estonia	11 investigations	9 were convicted from one court case (nine was the total number of convictions for 2004).	Only 4 of the nine convicted received prison sentences; they were convicted under abduction and enslavement acts and 2 were sentenced to 4 years, 2 to 2 years and 4 months probation. A further 5 were convicted under other statutes such as forcing minors into prostitution and pimping. They were sentenced to conditional probation.
Latvia	30 (four initiated under the trafficking section of criminal law)	21 (a decrease from 2003 due to court delays)	Only 1 trafficker was sentenced to 2 years imprisonment, the rest received conditional sentences. In 9 of those cases, the courts confiscated traffickers' property.
Lithuania	22 investigations	14 were convicted from a total of 16 court cases.	Sentences ranged from fines to 3 years imprisonment.

³⁷ Data from US TIPR 2004, 2005, 2006, 2007, 2008.

Table 1: Prosecutions, Convictions and Sentences

Country	Cases initiated Cases often involve more than one person and may therefore result in several convictions.	Convictions	Sentences
2005			
Estonia	2 cases initiated 5 cases initiated regarding child prostitution	The anti-enslavement statute was used to convict 7 traffickers. Resulted in 15 convictions under the enslavement act TOTAL: 22	The sentences given in these cases are not known. Sentences ranged from 3 months to 2 years.
Latvia	23 investigations	1 person was convicted of trafficking and 28 people were convicted of recruiting victims of trafficking for sexual exploitation abroad. TOTAL: 29	1 person was sentenced to 8 years in prison. 5 people were sentenced to less than 5 years in prison. 14 had property confiscated.
Lithuania	32 investigations	20 convictions resulting from 18 court cases.	Sentences were low: only 9 traffickers served time in prison, 7 received suspended sentences, 2 received amnesty, and 2 received fines.
2006			
Estonia	3 investigations	1 conviction resulting from one court case; the trafficker was convicted for aiding in the prostitution of minors.	6 months imprisonment.
Latvia	22 investigations	36 convictions from 36 prosecutions.	Prison sentences were imposed on only 10. Sentences ranged from 1 to 10 years' imprisonment. The remaining 26 convicted traffickers were given fines or placed on probation
Lithuania	26 investigations	10 convictions resulting from 21 prosecutions involving 23 defendants.	8 traffickers received between 8-10 years imprisonment whilst two served no time in prison.
2007			
Estonia	2 investigations	3 convictions from 3 prosecutions.	One trafficker received 3 years imprisonment, the other two traffickers received one year imprisonment.
Latvia	26 investigations	36 traffickers were prosecuted and convicted in total.	Five convicted traffickers received time in prison. Two were sentenced to 5-10 years in prison, two to 3-5 years, and one to 1-3 years in prison.
Lithuania	9 investigations	4 convictions from 8 prosecutions.	All received prison sentences ranging from 5-8 years in prison.

The table clearly shows that sentences for trafficking remain low and do not reflect the gravity of the offence. Such punishments are no deterrent and as long as the situation continues will ensure that trafficking remains a low-risk activity. Not only this, but if the sentences are so short it sends the message that perhaps this is not such a terrible crime. This is all true for international trafficking, an arena where global attention is focused but for internal trafficking the situation is even worse.

It certainly seems that in the courtroom, the crime of trafficking loses its seriousness. Despite an overall increase in convictions the number of traffickers serving time in prison remains low, as does the length of the sentences. Taking 2005 as an example, in Estonia 15 people were convicted for trafficking minors under the enslavement code; prison sentences ranged from just 3 months to 2 years despite possible penalties of 5 years for such acts under the criminal code. In Latvia of the 18 people sentenced for trafficking offences in 2005, only 6 resulted in prison sentences, one of 8 years and the other 5 all for less than 5 years. 14 had property confiscated. This is however an improvement on events in 2004 when out of 21 convictions only 1 person was given a prison sentence and this was of 2 years. In the same year in Lithuania, of the 20 people convicted for trafficking, 9 traffickers served time in prison, 7 convicted traffickers received suspended sentences, 2 traffickers received amnesty, and 2 received fines³⁸. It may be that this is the result of the lack of experience many law enforcement people have in investigating trafficking cases and managing pre-trial investigations. This has been noted by officials in Lithuania and noted in the 2008 US TIPR in relation to the Lithuanian court system, but applies just as well for Latvia and Estonia. However, the low conviction rate and relatively short prison sentences may also be the result of a general attitude towards gender based crimes.

A report on violence against women by Amnesty International notes a trend in many societies of gender based crimes being treated as less serious than other non-gender crimes and a high degree of toleration for violence against women:

Judges are part of the society in which they live, reflecting its cultural values, moral norms and its prejudices...discrimination against women and a lack of understanding of violence against women as a human rights issue frequently leads to bias in the way trials are conducted and in decisions and rulings³⁹.

³⁸ Supra 4 p.165

³⁹ Amnesty International *Broken Bodies, Shattered Minds Torture and ill-treatment of women* March 2001 pp.33-34

Looking at convictions for domestic violence it is possible to see evidence of a gender-based bias in the operation of the legal system. The US Country Report on Human Rights Practices for Lithuania noted that societal and particularly domestic violence against women was a big problem. However, few cases actually reached the courts despite the high levels of violence. In 2004 the Vilnius-based Shelter for Children and Mothers provided assistance to 1,177 victims of domestic violence and maintain that the reason for the lack of court cases is that women are ‘not confident that the courts would punish their assailants’⁴⁰. In 2004 the maximum sentence the courts imposed for domestic violence was two years imprisonment.

The gender-bias of the courts and toleration of gender based crimes is likely to discourage women from testifying and giving evidence in court which makes convictions more difficult to secure. A lack of trust in the criminal justice system was evident from the fears of one Estonian interviewee who said that she would not go to the police about her case. Her words were “*perhaps the police would imprison them, but later they would get free and get revenge anyway*” (Estonian, Russian speaker, age 25), it seems that this woman has little faith in the justice system to serve justice and protect her. This lack of faith is echoed by another Estonian woman who was trafficked 10 years ago, she said that not one of her traffickers had been brought to justice “*There are the same advertisements: the phone is being answered by the same person; the same old system goes on...Nobody is punished; nobody has been called to justice*”(Estonian, Russian speaker, age 38). It is clear that in all three countries, despite trafficking specific training, the judiciary requires further education and training about the seriousness of sexual crimes, particularly those of trafficking and the pimping of minors and of the need for longer sentences.

Protection

Protection of the victim has been the most neglected of the three areas and the one that requires the most work, although it is an area that is seeing improvements. Governments all over the world, including those of the Baltic States have all seen trafficking as a law and order issue so efforts to tackle it have begun from a law and order perspective rather than from a human rights one. Trafficking is usually criminalised in terms of law and order or illegal migration than with a view to

⁴⁰ US Bureau of Democracy, Human Rights and Labor, ‘*Country Reports on Human Rights Practices - 2004*’, February 2005, March 2006

protecting victims⁴¹. Research carried out a decade ago by the Foundation for Women's Forum on trafficking of women in the Baltic States found that victims were unanimous in stating their needs for counselling, return programmes, legal assistance and field work and witness protection programmes⁴². All three countries lack trafficking-specific victim protection and in all three there is a need to widen the definition of the term 'victim' in order to ensure that everyone who has experienced trafficking is given help and protection⁴³.

The US Trafficking in Persons Reports commentary on Estonia informs that since 2004 the government has 'continued to make progress in assisting and protecting trafficking victims'.⁴⁴ There are still no trafficking-specific programmes but victims are offered medical, psychological, legal, police, and social assistance as part of wider crime victim assistance programmes. The Ministry of Social Affairs has worked closely with local authorities to provide victim assistance services. In 2005, the Ministry trained 35 victim assistance volunteers that operate in 16 towns across Estonia; they are paired with police and given workspace within police stations to facilitate victim identification and assistance. In 2006, Ms. Kristiina Luht Chief Specialist Ministry of Social Affairs, Estonia noted that:

Estonian Ministry of Social Affairs created new victim assistance system and trained 35 specialists, but let me clarify that they are not specialised on trafficking in human beings. They are supposed to coordinate all the work needed to help any kind of victim of serious crime. In Ida-Virumaa, there are 5 people + their volunteers working - in Narva, Kohtla-Järve, Kiviõli, Sillamäe and Jõhvi⁴⁵.

However, in just one year, three trafficking shelters were opened by the Nordic-Baltic Anti-Trafficking Task Force in various cities around the country. The Ministry of Finance contributed some funding for this project⁴⁶. There are also three shelters for domestic violence victims that provide assistance to both adult and child trafficking

⁴¹ Supra 39

⁴² The Foundation of Women's Forum, *Trafficking Women for the Purpose of Sexual Exploitation Mapping the Situation and Existing Organisations Working in Belarus, Russia, the Baltic and Nordic States*, Stockholm, August 1998

⁴³ For more information on this, see Trofimoviene (this volume). With particular reference to Lithuania, she highlights how difficult it is for a victim to be officially recognised as such. In 2004 there were only 23 'victims of trafficking in human beings', clearly a massive underestimate when there are 25 NGOs working with trafficking victims. However, the situation in Lithuania is improving, since 2006 a victim can be anyone who has been sold *against their will*, they no longer have to have suffered from moral, physical or material damage.

⁴⁴ Supra 4 p.115

⁴⁵ Email communication to Paul Downes, September 2006

⁴⁶ Supra 10 p.115

victims. The government continued to work closely with those that provide victim assistance and protection and provided \$4,000 in funding to the IOM for the production of a victim assistance manual distributed to social workers⁴⁷.

However, in spite of these improvements it seems that help is often not going to where it is needed, these programmes are not reaching many of the victims. In the interviews, Estonian respondents were not encouraging about the government's efforts to help trafficking victims and two specifically mentioned a lack of practical assistance: one Estonian victim said "*they (the authorities) do not act, they just inform about the problem*" (Interviewee 2, Estonian, Russian Speaker, 33), whilst another reported that "*I had one friend who was involved in trafficking. She tried to get some help but she did not succeed. She just got stupid informative help, and that's all*" (Estonian, Russian speaker, age 26). Whilst it may be argued that the situation has changed in the last two or three years, it is both noteworthy and concerning that between 2006-2007, no trafficking victims received state assistance despite the government recognising 49 Estonians as victims of trafficking⁴⁸. It is clear that more needs to be done to raise awareness of the help available to victims of trafficking and to encourage women to use the services available to them.

In Latvia the government needs to make more of a commitment to victim protection. Both the 2004 and 2005 reports were very critical of the lack of effort on behalf of the government to protect and assist trafficking victims. In 2006 some progress was reported for 2005 and in 2008, 'some efforts' were made to improve victim protection.

The process through which a person must apply for witness protection remains so complicated that victims are discouraged from applying; only 'government authorities and two NGOs may authorise victims to obtain government assistance'⁴⁹. No victims applied for protection either in 2004 or 2005 and in 2007 only '12 out of 27 victims qualified for and received government- funded assistance'⁵⁰. The majority of victim assistance is given by NGOs; these need government funding and more cooperation is needed between city authorities and NGOs. On a more positive note, training has continued for social workers, consular officers and state police on trafficking issues. The Ministry of Interior worked closely with local and

⁴⁷ Ibid p.115

⁴⁸ Supra 13 p.98

⁴⁹ Supra 10 p.162

⁵⁰ Ibid

international organisations to develop and implement the anti-trafficking project ‘Open Labor Market for Women’. The Ministry monitors all government institutions involved in victim assistance in an effort to improve the victim referral process and quality of victim care. The Ministry of Welfare has allocated funding in the 2006 budget to train more than 100 government and NGO specialists in providing victim rehabilitation services, and in 2007 this number was increased to 271. There certainly is a move to improve the situation but this needs to be monitored carefully to ensure that sustained progress is made. It is notable that in 2007 although \$98,000 was allocated for victim protection, only \$23,000 was spent, suggesting that what is being done falls far short of what resources would allow.

In Lithuania, despite the heavy criticisms from those who were interviewed, the US TIPRs state that protection and assistance for victims in Lithuania is good. There are several government agencies and organisations that provide social, psychological and legal assistance to trafficking victims and shelters and hostels are provided by municipalities. There are 20 NGO centres, eleven of which the government funds and funding has increased during the period. Between 2003-05 these shelters assisted over 800 victims: in 2003, 200 people⁵¹, in 2004, 300 people⁵² and in 2005, 300 people⁵³. Assistance includes rehabilitation, vocational training and job placement. Cooperation between the police and assistance providers is adequate and in 2007, the IOM, with funding from the government, established ‘a method for victim identification and a national victim referral mechanism; it was formally adopted by police in December 2007’⁵⁴. In 2003 the government launched a programme called ‘Psychological Rehabilitation, Professional Orientation and Employment of Victims of Trafficking and Prostitution’ to work with individual victims. In 2005 it was reported that this programme assisted 30 victims⁵⁵. The Police Department’s ‘Witness and Victims Protection Service’ provided protection to a limited number of trafficking victims. 13-14% of those protected in 2003-04 were victims of trafficking or witnesses⁵⁶. In 2004 it was noted that the programme

⁵¹ Supra 2 p.155

⁵² Supra 5 p.146

⁵³ Supra 4 p.300

⁵⁴ Supra 10 p.166

⁵⁵ Supra 5 p.146

⁵⁶ Supra 2 p.155, Supra 5 p.146

needed more funding, and in 2007 funding was increased to \$100,000. Despite this, trafficking victims are still unwilling to initiate cases⁵⁷.

Although there does seem to be more of a commitment to protecting victims in Lithuania, it must be remembered that there appear to be far more trafficking victims from Lithuania than either Estonia or Latvia⁵⁸, so resources are going to be stretched. However more must be done to make women aware of the help that is available to them. The government is clearly making significant efforts to provide victim protection services but it seems like those who need those services are not aware of them. One Lithuanian woman even went as far as to say: “*Our government does not care about protecting women from traffickers*” (Lithuanian, age 35).

It is also important that all governments ensure that their overseas embassies are given clear guidelines to deal with trafficking cases so that victims are given the help that they are entitled too. This issue was highlighted by the experience of one of the Lithuanian women interviewed who described how when she approached the Lithuanian embassy in the UK for help: “*Embassy workers did not offer me any help, only gave a possibility to phone my mother*” (Lithuanian, age 22). This stands out as an anomaly as in many of the other interviews embassies have been instrumental in returning the victims home.

Women who have been trafficked and have managed to escape are in an extremely vulnerable state, they have just experienced a major trauma, they are probably extremely frightened and in many cases will still be in danger. In this situation the victim needs to receive practical help to return home and a continued programme of support at home. The former must be provided by the national embassy of the victim if approached for help and all embassy staff need to be aware of the aid that a person in such a situation is entitled to. What was mentioned by several of the women interviewed was that they managed to return home after parents or friends had paid for their tickets. This raises the question of those women and girls who cannot rely on help from family or friends or whose family and friends may not be able to afford the travel expenses. In cases like these practical help from embassies is even more important. In the IOM study of trafficking in Estonia, poll respondents were asked which institution, in their opinion, people should seek help from if they

⁵⁷ Supra 10 p.166

⁵⁸ However, there are no clear figures available on the extent of external and internal trafficking for these countries.

faced such a problem: 37% would contact the Estonian Police first but nearly as many (34%) would contact the Estonian embassy in the destination country⁵⁹. It is probable that responses to this question would be similar if asked in Latvia and Lithuania, so as the ‘first port of call’ for most people, these institutions need to know how to respond and must have the resources to do so.

It was clear from the interviews that more needs to be done to raise awareness of the aid that is on offer to victims. However, in all three states, there is a clear and articulated need for more practical help, particularly financial and legal aid. This was expressed by one of the Lithuanian women who said: *“Lately people talk more often about trafficking in human beings, but it is not enough with that. In my opinion there is still a lack of legal and financial help from the side of the government...”* (Lithuanian, Russian speaker, age not given). In the same vein, one of the Estonian women told how: *“I had one friend who was involved in trafficking. She tried to get some help but she did not succeed. She just got stupid informative help, and that’s all”*. (Estonian, Russian speaker, age 26). Even in Latvia where the women were generally very encouraging about the help that they received and help offered by the government the need for more practical help was noted: *“Only now something has started to happen. Now people talk about that. Magazines publish articles about this problem. Apart from that it seems to me that nothing more happens”* (Latvian, age 20).

Gender Stereotypes, the Role of the Sex Industry, Prostitution and Trafficking

In May 2004, the Ministry of Social Affairs in Estonia and the Nordic Council of Ministers introduced a public awareness project called, “Drugs, Prostitution, and Trafficking from a Gender Perspective”:

In 2004 two-day and three-day training courses were held for secondary school teachers, school psychologists, youth workers, teachers of hobby groups and job counsellors. Altogether five seminars were held in Tallinn, Pärnu and Jõhvi, with a total attendance of 100 people. In addition to trafficking in women, the training programmes covered topics such as gender stereotypes, media, prostitution, drugs, AIDS etc⁶⁰.

⁵⁹ Supra 22 p.124

⁶⁰ Fourth Periodic Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women submitted by the Republic of Estonia under Article 18 of the Convention (FPR on CEDAW) p.34

The success of this programme was such that it has been continued in 2005 and 2006. The government report recognises that gender stereotyping and societal discrimination and violence against women must be addressed if prostitution and trafficking are to be effectively combated and women are to be protected. The report also noted the success of five international seminars (held in Russia, Estonia, Latvia and Lithuania) in raising the profile of the problem of trafficking in the media and changing the way it was portrayed.

The Foundation of Women's Forum, 'Trafficking in Women for the Purpose of Sexual Exploitation' recognises the relationship between conditions bringing increased risk of trafficking and the 'feminisation of poverty'⁶¹. In economically developing countries, gender inequality often means that women miss out on the improvements in society. The most recent data produced by the UN⁶² shows that in economic terms women have made gains in all three states since 2005, as the figures in Table 2 demonstrate:

Table 2: Measures of Human and Gender Development

	Estonia		Latvia		Lithuania	
	2003	2005	2003	2005	2003	2005
Human Development Index 2007 ⁶³	38	44	48	45	39	43
Human Development Value ⁶⁴	0.853	0.86	0.836	0.855	0.852	0.862
Gender Development Index ⁶⁵	35	41	43	44	36	38
Gender Development Value ⁶⁶	0.852	0.858	0.834	0.853	0.851	0.861

⁶¹ Supra 42

⁶² Comparisons are between 2003 and 2005 figures as reported in the UN Human Development Reports of 2005 and 2007 respectively.

⁶³ Position in rank of 177 countries where 1 is the highest and 177 the lowest. The Human Development Index is defined in the UN Human Development Reports as a 'composite measure of three dimensions of human development: living a long and healthy life (measured by life expectancy), being educated (measured by adult literacy and enrolment at the primary, secondary and tertiary level) and having a decent standard of living (measured by purchasing power parity, PPP, income)'. It is a broad definition, and does not take account of gender or income inequality or the quality of civil and political rights and freedoms

⁶⁴ The Human Development Value is the statistical measure that the Human Development Index is based on, and can reveal more subtle improvements or backsliding that is not revealed by the Index. The figure is a number from 0-1, and in 2005 it ranged from 0.336 for Sierra Leone to 0.968 for Iceland.

⁶⁵ The GDI, like the HDP measures achievement in life expectancy, education and income but it takes into account any inequality in achievement between men and women. The more unequal development is along gender lines, the lower a country's GDI in comparison to its HDI.

⁶⁶ Like the Human Development Value, this figure can tell us more about subtle changes. The values for Human Development and Gender Development are more comparable than the rankings

Gender Empowerment Index ⁶⁷ .	35	31	28	38	26	25
Gender Empowerment Value	0.595	0.637	0.606	0.619	0.614	0.669

Comparing the human development and gender development values in each state since 2005, we can see that women generally are sharing improvements in society. Whilst in all the three countries, their position in GDI rankings has not improved, looking at the Gender Development Value we can see that there has in fact been positive, if small improvements. Comparison between the human development and gender development values reflects this, in Lithuania for example, its human development value is 0.862 and its gender development value is 0.861, or 99.9%. Only four out of 93 countries that have both human development and gender development measures have a better ratio than Lithuania, only 9 have a better ratio than Latvia and only 10 have a better ratio than Estonia⁶⁸. There has also been progress in gender empowerment in all three states, reflecting an increase in women's participation in economic and political life. It seems however that progress is slower in Latvia, whose gender empowerment value has risen only very slightly since 2003, and whose index has fallen quite significantly by 10 places.

It seems therefore that in economic terms, the position of women in the Baltic States is improving. However, these figures do not take account of disparities between different income groups, ethnic groups or regions and may hide significant disparities. In addition, statistical measurements say little about overall attitudes in a society or the 'lived experience' individuals and these perceived improvements must be qualified by reference to the concerns that women are facing 'a worsening situation when it comes to violence against women and women's health'⁶⁹. Reports by Amnesty International, the Council of Europe's Commissioner for Human Rights and the US Human Rights reports help to illustrate what all of this means for women. In December 2004 Amnesty International condemned the lack of data available on violence against women in Latvia, which, it said, 'appeared to indicate that violence against women, particularly in the family, was considered a private matter between

⁶⁷ 'The gender empowerment measure (GEM) reveals whether women take an active part in economic and political life. It tracks the share of seats in parliament held by women; of female legislators, senior officials and managers; and of female professional and technical workers- and the gender disparity in earned income, reflecting economic independence. Differing from the GDI, the GEM exposes inequality in opportunities in selected areas'. UN Human Development Report 2007/08

⁶⁸ *United Nations Human Development Report 2007/08: Fighting climate change: Human solidarity in a divided world*, United Nations Human Development Programme, New York 2005

⁶⁹ Supra 42

the individuals involved⁷⁰. The US Bureau of Democracy, Human Rights and Labour has recently reported concerns about violence against women in all three states. In Lithuania, the law does not specifically criminalise domestic violence and of the few reported complaints that reached the criminal court the maximum penalty the courts imposed was two years imprisonment. The situation in Latvia is little better. Although domestic violence is criminalised it remains a ‘significant problem’; the government does not effectively enforce the law and human rights groups assert that the legal system does not take domestic violence cases seriously. One NGO, the *Skalbes Crisis Centre* also reported that in rape cases the police tended to blame the victim⁷¹. This is indicative of a wider problem of gender inequality and of stereotyping of gender roles that are not reflected in statistics. In Estonia it is estimated that one in five women suffered from physical, sexual or emotional domestic violence in 2005 and NGOs consider it a serious problem. In 2003 the government carried out a survey entitled ‘Prostitution: Social risks and economic pressure’. From the results of this survey, the Fourth Periodic Report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women concluded that:

Visiting of brothels is seen as a natural activity for men provided that they have enough money for it. 3/4 of the Estonian population see going to brothels as an understandable activity that has a stabilising effect on the family, and think that it is justified by the higher sexual needs of men and the cold and aversive attitude of their wives. This shows that awareness raising activities on this matter are needed among the public⁷².

This attitude leads to women being treated as sexual objects, something with which men can satiate sexual desire. This attitude is degrading and creates a ‘legitimate’ market for prostitution. Throughout this section, efforts to tackle prostitution are referred to rather than efforts to tackle trafficking. It is important to look at both. This has already been emphasised by the Foundation of Women’s Forum (1998)⁷³:

The worlds of women of trafficking and those of prostitution are in many ways intertwined. Both are symptoms of a society that systematically marginalises women and local prostitutes are in the same business as victims of trafficking and victims of trafficking often have to return to prostitution when they return home.

⁷⁰ Amnesty International ‘*Latvia*’, Report on events from January-December 2004

⁷¹ US Bureau of Democracy, Human Rights and Labor, ‘*Country Reports on Human Rights Practices - 2004*’, February 2005

⁷² *Supra* 60 p.36

⁷³ *Supra* 42

The Estonian government has taken concrete action against pimping, an activity very closely linked with trafficking:

Since 1 November 2003 there is a special working group under the division of crimes against persons of the Criminal Department the North Tallinn Police Prefecture whose aim is to fight against pimping. The working group gathers information about pimping, systematises the data, carries out surveillance proceedings and deals with pre-trial investigation of criminal cases. The group was formed in Tallinn because it is estimated that approximately 80% of all the cases of pimping take place in Tallinn and its vicinity. As a result of measures against brothel keepers, in the first eight months of 2004 illegal activities were closed down in nine brothels where clients were served on the premises and in three “firms” operating as apartment-brothels where clients were served on the basis of call-waiting⁷⁴.

In all three Baltic countries, women received lower pay for the same work despite laws forbidding this, which was noted to be particularly linked with the emerging private sector in Lithuania⁷⁵. The consequence of ‘feminisation of poverty’ and the devaluing of women by attitudes and practices in society is that it leaves women vulnerable to the offers of traffickers. In a society where there is a high level of tolerance of violence against women and where their labour is devalued by unequal wages, women will be more vulnerable to the offers of traffickers. For a woman who may experience violence at home and sexual harassment and discrimination in the workplace, an offer of well paid work overseas, even if it is sexual work may often be preferable to staying; some just ‘see no viable economic alternative’⁷⁶. One interviewee from Estonia sums up the situation as many women see it:

If a person who is trying to find a possibility to earn money for survival receives a deceptive offer to earn money for a living not for simple survival; then this person, of course, will choose the best (Estonian, age 33).

Many of the women who accept job offers abroad are aware of the dangers but have so little hope of building a better life if they remain at home that they go despite the risks. One of the key elements for maintaining the sex industry is a constant supply of ‘raw material’, that is women and girls willing to become ‘products’. This feeds into the hands of traffickers in whose interests it is ‘to be able to treat and use women and girls as commodities’⁷⁷. This has already been recognised as a problem in Estonia where the IOM has heavily criticised advertisements that portray Estonia as a ‘country of beautiful women’:

⁷⁴ Supra 60 p.36

⁷⁵ US Bureau of Democracy, Human Rights and Labor, March 2006

⁷⁶ Supra 39 p.17

⁷⁷ European Women’s Lobby ‘*Trafficking in Women for Sexual Exploitation: Who is Responsible?*’ 14 October 2005, London

Women in adverts for sex telephone lines are seen to create favourable conditions for the spread of prostitution and the sale of women and children...Politicians and campaigners lament this public attitude, despising the vision of Estonia as a country of beautiful women as 'state pimping'...⁷⁸

However, the promotion of the sex industry is not country-specific to Estonia. In all three countries the sex industry is promoted in newspapers and on the internet through advertisements for massage parlours, saunas and striptease. Details of fifty-four Estonian brothels and the women who work in them can be found on a website dedicated to describing the different brothels listed, the standard of service and the prices that a customer can expect. It also warns of bad service of brothels where women with venereal diseases work⁷⁹. Even taxi firms play a part; in Riga you can 'step into any a taxi and dashboard advertisements trumpet numerous sex clubs in the area'⁸⁰. Even the airport in Latvia facilitates the advertisement of its booming sex industry and promotes the sex tourism⁸¹ that fuels the demand for trafficking victims. All of this ensures that there is a constant supply of 'raw material' for the sex industry and feeds into the hands of traffickers by reinforcing the idea that men have the right to buy a woman's body. Despite claims by all three states that gender equality is valued, equality is impossible in a society that tolerates such explicit advertising of women as sex objects.

Since the early 1990s, the sex industry in the Baltic States has 'industrialised with women and children as its raw materials'⁸². Growing demand, few regulations and a large pool of labour have meant that pimps and traffickers have created what some opinion makers in the Baltic States fear is a 'Thailand of the Baltic Sea'⁸³. Estimates place the number of prostitutes working in Estonia at 3,000, whilst in Latvia estimates range from 10,000 to 40,000⁸⁴. In Latvian municipalities of more than 20,000 inhabitants a designated area is required by law for the sex industry to operate. Prostitutes must be over the age of 18 and should have monthly check ups from a qualified physician and a certificate of 'good health'. This kind of regulation has been called 'state sponsored prostitution' and is in violation of the 1949

⁷⁸ Supra 22 p.99

⁷⁹ Ibid

⁸⁰ Coalition Against Trafficking in Women (CATW) '*Coalition Report 2005*', p.7

⁸¹ Ibid p.7

⁸² Supra 60

⁸³ M. Pajumets, in association with the Estonian Women's Centre '*Prostitution, A Social Problem?*' Department of Estonian Ministry of Social Affairs and the Nordic Council of Ministers, Tallinn 2004

p.74

⁸⁴ Ibid p.20

Convention For the Suppression of Trafficking in Persons and the Exploitation of the Prostitution of Others. The Coalition Against Trafficking In Women highlighted this in the Coalition Report 2005. At the time of publishing the Baltic Network to Challenge the Legalisation and Decriminalisation of Prostitution Industries and Focus on the Demand was considering bringing the government to Latvia's constitutional court via the Latvian Human Rights Commission in order to get regulations requiring women to be monitored, health checked and registered. Furthermore, by legitimising and legalising it, it has been stated by Leidholt that a state 'throws out a welcome mat to international sex traffickers'⁸⁵.

The worlds of sex trafficking and prostitution, usually seen as very distinct, in fact 'overlap in fundamental ways'⁸⁶. Pimps and traffickers target the most vulnerable women in society for the same reasons: to sexually exploit them. Those who fall prey to pimps and traffickers have similar backgrounds: they are usually poor, young, face discrimination in the country of exploitation because of race or ethnicity, many come from homes where they have been abused and have little family support. Whether this is for the home sex industry or for the purpose of trafficking to supply another country's sex industry is only a small distinction. The same methods are used by pimps and traffickers to trap women into the roles they want them to play, in cases of internal trafficking:

Minors get involved in the sex business through newspaper advertisements or through acquaintances already in prostitution or new acquaintances...recruiters, mostly young men, work for brothels to lure new girls⁸⁷.

Despite this all too often in societies it is the woman who is blamed and criticised, she is regarded as immoral and her values debased but few consider the buyer of her services. After all, supply is demand led and if there were no demand for the purchase of sexual services there would be no supply. Furthermore, when the context in which these women usually 'choose' to enter the sex industry is considered, the words 'choice' and 'consent' have in fact, very little meaning. With a lack of other opportunities to follow and the need to earn a living, prostitution is seen by many as the only choice available. In marked contrast to the women they purchase, the buyers have 'money, stability, education and power'⁸⁸. It is not only women who are forced

⁸⁵ D. A. Leidholt. *Demand and Debate* The Coalition Against Trafficking Women 2004

⁸⁶ Ibid

⁸⁷ ECPAT Law Enforcement Group, 2004 p.52

⁸⁸ Swedish Ministry of Industry, Employment and Communications 'Prostitution and Trafficking in Human Beings', Stockholm, April 2005

into the sex industry by overt coercion who are victims, ‘all women who are in the sex industry are violated and exploited’⁸⁹. As Barry (1995) notes:

Oppression cannot effectively be gauged according to the degree of consent, since even in slavery there was some consent, if consent is defined as inability to see or feel entitled to any alternative⁹⁰.

The inability to see any alternative can be linked to the dire financial situation of the majority of women and girls who enter the sex industry, their lack of education and lack of opportunities for women in labour markets with high unemployment and a high level of discrimination against women. But why is it that so many women do not feel entitled to any alternative?

The answer to this question can be found in a number of different international studies that have found that the majority of girls and women in prostitution have experienced sexual abuse in their childhoods⁹¹. James and Myerling noted as early as 1977 that ‘early, traumatic sexual objectification may be one factor influencing some women toward entrance into prostitution’⁹². High levels of domestic violence in all three states and the passivity with which this is viewed by the authorities combined with the kind of advertisements mentioned above create conditions which are ripe for forming the opinion among certain sections of women in society that they are not entitled to anything else. Every woman is entitled to make a living without having to sell her body to do so, every person has the right to make a living without being exploited and violated by others.

In Estonia, despite the illegality of pimping and the sale of sexual services, the purchase of sexual services is not illegal, and according to a government survey carried out in 2004 ‘the Estonian society is not ready for such a legislative amendment’⁹³. Estonia’s Fourth Periodic Report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women discusses the results of a national survey on prostitution which shows a very unsympathetic public attitude towards prostitutes. It is not recognised as a form of

⁸⁹ M. O’Connor & G. Healy (2006) *The Links Between Prostitution and Sex Trafficking: A Briefing Handbook*, prepared for the Joint Project Coordinated by the Coalition Against Trafficking in Women and European Women’s Lobby on Preventative Measures to Combat Trafficking in Human Beings for Sexual Exploitation: A Swedish and United States Governmental and Non-Governmental Organisation Partnership. p.5

⁹⁰ Ibid p.12

⁹¹ Ibid p.7

⁹² J. James and L. Myerling (1977) Early sexual experience as a factor in prostitution. *Archives of Sexual Behaviour*, 7.

⁹³ Supra 60 p. 35

violence against women and twice as many respondents would rather punish the prostitute than the user of the service. Despite public attitudes like this, such legislation must still be considered. The government needs to prevent what it recognises itself as an exploitation of vulnerable human beings and an act of violence against women. Sweden's experience since 1999 shows that the criminalising of the buying of sexual services is far more effective than criminalising the sale.

In September 2005 it became illegal to buy sexual services in the state of Lithuania and doing so carries a fine of between 300-500 Litas. In November 2005 a campaign was launched to publicise the new law, supported by the European Women's Lobby, the Coalition Against Trafficking Women and the Ministry of Social Security and Labour of the Republic of Lithuania. The campaign called '*It is shameful to buy a woman*' consists of a poster campaign with this slogan and others such as '*She could be your daughter, sister...*'; such slogans ask people to consider prostitution in a different way, to have empathy for the women involved and look at them as people rather than sex objects.

The view of prostitution that regards the prostitute as the criminal and that which regards a prostitute as a commodity leads to grave human rights abuses and injustices for the women involved who are seen to 'have no right refuse male sexual demands or set the terms of sexual encounters'⁹⁴. Their body is owned by whoever can pay a price for them and 'Male abusers know that they can act with impunity because they know that women in prostitution will not be believed or taken seriously by the criminal justice system'⁹⁵. Those that are trafficked after involvement in the sex industry in their own country are seen as knowing exactly what they were getting into and instead of a trafficking case what is seen is a case of 'migration for sex work'. In Estonia, it has been acknowledged that the failure to distinguish between human trafficking and prostitution has had a negative impact on anti-trafficking measures and prevents some victims from receiving 'adequate assistance or legal protection, as they are seen merely as prostitutes'⁹⁶. In Latvia in 1999 a child sex scandal was exposed; a modelling agency was found guilty of using a large number of minors in the making of pornographic photos, videos and films and providing some of

⁹⁴ J. D'Cunha '*Legalising Prostitution: In search of Alternative from a Gender and Rights Perspective*' Paper presented at seminar on the effects of 'Legalisation of Prostitution Activities'; A Critical Analysis organised by the Swedish Government, Sweden, 5-6 November, 2002.

⁹⁵ Supra 89 p.10

⁹⁶ Supra 22 p.81

these minors for sexual services for paedophiles. The opinion of the then Attorney General on this is particularly unsettling. In an interview with the Latvian daily *Diena* he argued that the minors involved were not victims but seekers of personal gain who “*knew very well what sex is. They saw in the modelling agency a place where they could gain some benefit*”⁹⁷. Whilst it must be pointed out that the newspaper was not sympathetic to this point of view, and the Attorney General resigned shortly afterwards, it is extremely worrying that this attitude is prevalent amongst the very people whose role it is to carry out the state’s obligation to protect its citizens.

In Estonia the police remain the most frequently quoted source in media articles on prostitution and human trafficking, insisting that women who end up in trafficking schemes are mostly aware that they will work performing sexual services which ‘makes the work of the police more difficult in terms of gaining the trust of trafficking victims and those seeking to help them’⁹⁸. The implication is that unless a person has been ‘forced’ into sex slavery what happens to them is entirely a result of their own decisions - it shifts the blame from the exploiter to the victim. However, the media also points to weaknesses within the legal system which leave it unable to follow up ‘good police work’, and claims that in some cases corruption within the system results in cover-ups and light sentences for exploiters⁹⁹. One of the weaknesses of the legal system is the lack of any specific law to deal with human trafficking. One of the most important laws for bringing traffickers to justice is the enslavement code (#133):

Placing a person through violence or deceit in to a situation where he/she is forced to work or perform other duties against his or her will for the benefit of another person or keeping a person in such a situation is punishable by one to five years imprisonment. The same act, if committed:

- i. against two or more persons
- ii. against a person of less than 18 years of age is punishable by three to twelve years imprisonment (my emphasis)

The trouble with this law is that the term ‘against his or her will’

Presupposes absolute coercion and this is a very rare occurrence in actual trafficking cases. More prevalent is the transition from softer forms of exploitation to more

⁹⁷ Supra 84 p.32

⁹⁸ Supra 22 p.80

⁹⁹ Ibid p.82

serious ones such as from striptease to engaging in pornography and perhaps later coercion into prostitution¹⁰⁰.

There are studies and reports¹⁰¹ showing extreme levels of abuse in the sex industry which support the argument that once involved, women in the sex industry and in prostitution have little choice about the extent and nature of their involvement; they become the property of any man who can pay a price for them. There is no difference between the physical and mental injuries suffered by prostitutes and trafficking victims, namely:

Post-traumatic stress disorder, severe depression, damage to reproductive systems, damage from sexual assault and beatings and sexually transmitted diseases¹⁰²

When faced with this level of violence, individual choice is not a realistic concept and this must be recognised by law enforcement officials.

In contrast to Estonia, the penal code addressing trafficking in Latvia does not require proof that the victim did not in any way consent to the ‘labour’, which puts the victim in a much more powerful and protected position. Nevertheless, it is inevitable that the kind of attitude discussed above makes it very difficult for trafficking victims to get justice. As long as society sees it as a man’s right to have sexual access to a woman’s body, justice for victims of sexual exploitation will remain elusive. This can be seen in some of the views of ‘opinion makers’, collected by the researchers for the report *‘Prostitution, a social problem?:’*

- 1. Public Sector employee, male, Estonia:** *If a person likes to sell herself then you cannot forbid it. It would be ridiculous if someone said that prostitution in general, both selling and buying, was prohibited. It would sound something like: “I order the sun not to shine!” There have constantly been two oldest professions - one is the prostitute and the other is the builder.*
- 2. Public Sector employee, male, Latvia:** *Prostitution is not a problem – prostitution will always exist, it is not for naught that it is the oldest profession in the world.*
- 3. Media sector, male, Latvia:** *My associations with prostitution are of girls who provide sexual services for money – it is Caka Street/---/ Prostitution is acceptable. It is ‘inscribed’ in the model of how society functions...*
- 4. Public sector employee, male, Lithuania:** *The third motive (for entering prostitution) is adventure. Research on why women work as prostitutes shows that they do it because their bodies lack adrenaline, so to speak.¹⁰³*

¹⁰⁰ Ibid p.27

¹⁰¹ Supra 90 pp.20-21

¹⁰² Supra 86

¹⁰³ Supra 84 p. 41 & pp.50-54

The inevitability with which so many opinion makers viewed prostitution normalises it to the point that the exploitation and misery of the women involved is completely hidden. There is nothing ‘inevitable’ about exploitation. Opinions such as that of the Latvian public sector worker (see quote 4) need to be addressed and tackled. Women do not enter the sex industry because their bodies lack adrenalin or because they are looking for adventure and do not stay there for such reasons. The fact that this is the opinion of a significant public sector employee (only the opinions of persons thought to be significant ‘opinion makers’ were collected) is concerning. It can be argued that this point of view is manifest in the average sentences handed down in trafficking cases which point to a significant lack of empathy with the victim; the majority of sentences in trafficking cases are of four years imprisonment or less (see Table 1 earlier).

There is a suggestion that attitudes are beginning to change. For example in Estonia, the IOM has conducted two studies of the Estonian media since 2002 concerning the issues of prostitution and human trafficking and has found evidence of a ‘new discourse’ and a new understanding of the issues. The two study periods are 2000-2001 and 2002-2005¹⁰⁴. The study included an analysis of internet versions of the three main Estonian daily newspapers, and a number of weekly and monthly publications published between June 2001- November 2004. They found that:

Articles providing the points of view of traffickers, which were occasionally presented in the previous period studied have completely disappeared from the media in the last three years...In the media it is anti-prostitution campaigners and campaigners for criminalisation of the buying of sexual services, analysts and the police, and journalists whose points of view have been presented instead. It seems that the campaigners and analysts’ viewpoints have begun to dominate the scene and have contributed to a change in discourse on trafficking, leading to a new socio-analytical view of the trafficking in persons and prostitution debate¹⁰⁵.

However, it was also noted that a high proportion of these articles looked at the problem in an international context, lamenting Estonia’s image as an international sex tourism destination, and ignoring the societal problem of sex trafficking. Links are being made between prostitution, sex trafficking and sociological factors such as

¹⁰⁴ Supra 22

¹⁰⁵ Ibid p.78

poverty and gender inequality, but there is still a failure to present the stories of victims¹⁰⁶.

The unacceptable working conditions that women have been tricked into are starting to be discussed, pimps are presented as being very violent and playing a central role in the lives of prostitutes. The newspaper *Eesti Päevaleht* wrote that ‘it is cynical to consider selling your body ‘work’ when half of the ‘workers’ are victims of abuse from their employers’¹⁰⁷. Gender inequality is presented as ‘the second most important factor in creating conditions for prostitution and trafficking’¹⁰⁸. In 2002 one journalist wrote that ‘prostitution does not represent freedom but backwardly patriarchal gender roles where the woman is the property of a man’¹⁰⁹. Prostitutes are now starting to be recognised as victims rather than criminals and ‘the derogatory expressions that tended to characterise portrayals in the media three years ago have now mostly disappeared’¹¹⁰. These claims are supported by a media survey carried out for the report *Prostitution, A Social Problem?* released in 2004. This report notes that in comparison to Latvia and Lithuania, demands for addressing the problem of prostitution appear ‘quite frequently’. It also notes how in Estonia ‘the sex industry was strongly tied to the country’s regional policies (16% of references) and to traditional gender roles (11% of references)’¹¹¹. However, it is important to point out that these studies covered only the Estonian language newspapers and did not mention any of the Russian language papers in Estonia.

It is very clear from various international studies and reports that the worlds of prostitution and trafficking are closely linked and intertwined and that one cannot be addressed without addressing the other. Law enforcement officials, juries and judges are all products of the society in which they live and if society believes prostitution to be both a function of society and human nature, legislation will not ensure justice or a reduction in demand. There needs to be a holistic approach with the state sending out a clear message that the purchase of sexual services is never acceptable. This is important not only from a human rights perspective but because wherever ‘prostitution is legalised or tolerated, there is greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked

¹⁰⁶ Ibid pp. 78-80

¹⁰⁷ *Eesti Päevaleht* 2002 cf. Supra 22 p.78

¹⁰⁸ Supra 22 p.103

¹⁰⁹ *Postimees* 2002, cf. Supra 22 p.79

¹¹⁰ Supra 22 p.79

¹¹¹ Supra 84 p.27

into commercial sex slavery'¹¹². The criminalisation of the purchase of sexual services in Sweden has seen a dramatic fall in demand in the local sex industry and as this continues more and more 'sex tourists' will come to the Baltic States, increasing the demand for prostitutes; the greater demand for sexual services the greater the profit to be made from trafficking. If demand is not tackled in the Baltic States then trafficking will rise.

There needs to be long term programmes such as female empowerment programmes and poverty reduction schemes to help women find work that pays them a wage that allows them to make a living rather than survive. But '...if men did not regard it as their self-evident right to buy and sexually exploit women and children, prostitution and trafficking in human beings for sexual purposes would not exist'¹¹³; demand must be tackled. This can be done through both awareness raising campaigns and through legislation. The experience of Sweden has shown that the most immediate and effective way to combat demand is through criminalising the purchase of sexual services. Swedish police have reported 'a dramatic drop in the number of women in street prostitution...the number of men who buy sexual services has decreased, as has the number of women in prostitution'¹¹⁴. There is also evidence that the act has reduced trafficking in human beings to Sweden. The 5th NCID Situation Report of the Swedish National Rapporteur on Trafficking, 2003 states that 'Several women have, in interrogations, told that pimps and traffickers in human beings that they have been in contact with, do not consider Sweden a good market for these activities'¹¹⁵.

A major factor to consider is how the issue is portrayed and addressed in the media. Advertising the sex industry is not acceptable anywhere, especially in countries which are signatories of the 1979 UN Convention on the Elimination of All Forms of Discrimination Against Women which all three of the Baltic States are and in states that claim to value gender equality. The Convention commits States to eliminating discrimination in 'the political, economic, social, cultural, civil or any other field' (Article 1) and 'To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise' (Article 1(e),

¹¹² Supra 90 p.29

¹¹³ Swedish Ministry of Industry, Employment and Communications 'Prostitution and Trafficking in Human Beings', Stockholm, April 2005

¹¹⁴ Supra 90 p.28

¹¹⁵ Supra 90 p.28

my emphasis). In other words, discrimination against women is prohibited by international law under this Convention, not only in the sphere of State activity but also in the private sphere, such as taxi driving. Advertising standards need to be introduced to regulate how and where the sex industry is advertised. Such regulations would be in line with Article 5 (a) of the Convention in which States agree to take ‘all appropriate measures’ to ‘modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women’. Guidelines would include the issues of taxis and taxi firms carrying advertisements for sex clubs in their taxis and taxi drivers, airport advertising and advertisements in newspapers and magazines¹¹⁶.

Education and awareness raising campaigns are needed in schools and amongst the general public aimed at young men to prevent them from seeing sex and women as ‘for sale’ and make them ‘aware of the implications of buying sexual services’¹¹⁷; it is essential to ‘challenge men’s sexually exploitative behaviours and to help make males part of the solution rather than part of the problem’¹¹⁸. It is very significant that in the study of opinion makers, which can be found in the report ‘*Prostitution, A Social Problem?*’¹¹⁹, of all respondents, it was almost exclusively female respondents who sympathised with the women and recognised that desperation pushed women into the industry. Men saw it as a woman’s choice to sell and a man’s right to buy. The following quotes are all from female respondents; there are no comparable responses from men:

RFE (F) LV *It is selling part of your personality - part of your identity...If I sell my house, then I don’t have any rights to it any more. If I sell my body then I don’t have the right to decide over it.*

RPS (F) EE *Prostitutes are victims - victims of violence against women...basically there are two causes...one is economic and the other is gender inequality...It can never be a free choice...I think it is a choice of last resort.*

¹¹⁶ The Baltic Network to Challenge the Legalisation and Decriminalisation of Prostitution Industries and Focus on the Demand’ in Latvia is already campaigning to enlist the support of Riga City Council to discourage taxi companies from carrying these adverts in their cars and is also in the process of preparing posters to put up in Riga airport warning tourists not to buy sex. Coalition Against Trafficking in Women (CATW) ‘*Coalition Report 2005*’ p.7

¹¹⁷ Supra 22 p.83

¹¹⁸ European Women’s Lobby, October 2005.

¹¹⁹ Supra 83

RPS (F) LT *about 90 percent of girls go there because they are desperate*¹²⁰.

However, one of the things noted by the report about the survey was that:

Difficulties occurred with gender and age. Most of the leading Estonian opinion-makers were men between the ages of 35 and 45. Therefore, their views are those mostly heard and they have the greatest influence over attitudes formed by members of society¹²¹.

This reinforces the point made earlier that there needs to be a campaign to educate men from all walks of life, all classes and all professions on the reality of the sex industry for the women and girls who work in it and the physical and psychological effects of sexual exploitation and trafficking. In Lithuania in particular it needs to be recognised that economic hardship is what drives women to prostitution, not bad morals, young people's 'unethical attitudes' or bad education. In a comparison between Estonia and Lithuania there was found to be a sharp contrast between the general views of opinion makers: 'Estonians emphasised the needs to improve opportunities for women rather than correct young people's attitudes'¹²², in Lithuania it was young people's attitudes that were seen as in need of improvement. Nevertheless, the issue is at least being discussed in Lithuania and Estonia; it is perhaps no coincidence that Latvia has the most tolerant attitude towards prostitution and by far the highest number of prostitutes. In comparison to Estonia, which has 3,000 prostitutes, Latvia has between 10,000-40,000 so even at the lowest end of estimates it still has three times the number of prostitutes as Estonia¹²³. Latvia has a long way to go before it begins to fulfil its obligations under the 1949 convention and if it is serious about tackling trafficking there must be greater recognition and promotion of the fact that the sex industry exploits women and children and causes them great psychological and physical harm and the reasons that women and girls 'choose' to enter the industry need to be understood and disseminated amongst and by the government and the media alike.

Conclusion

¹²⁰ Ibid p. 47

¹²¹ Ibid pp.39-40

¹²² Ibid p.6

¹²³ Ibid p.19

It is clear from the responses of the women interviewed and other international research that there are a number of areas in which the campaign against trafficking can be improved. It is also clear that the trafficking of women for sexual exploitation is part of a much wider set of issues surrounding gender exploitation and discrimination. Therefore any trafficking campaign must consider a much broader range of issues which take into account the need to combat demand in the home sex industry.

Prevention

The Governments of Estonia, Latvia and Lithuania have focused heavily on trafficking prevention campaigns in schools. This is important but trafficking is a problem of the whole of society and unfortunately in Estonia and Latvia in particular, a campaign to target the whole of society has been neglected. It is not just young women who are vulnerable to traffickers; the average age of the women interviewed for this book was 24.7 and several were over 30. The main risk group for trafficking is not simply young women but unemployed women and those on a low income. It is therefore this group that needs to be specifically targeted in awareness raising campaigns. The desire to find work abroad to escape unemployment or low wages at home was declared as the reason for looking for a job abroad by most of the women interviewed. This desire is unlikely to change, and women will continue looking for jobs abroad, even if they know of the potential dangers of trafficking; most will take the attitude that *“this problem is somewhere far away, that it does not concern them”* (Estonian, 22, Russian speaker) and therefore it is important to consider how job-hunting abroad could be made safer. One of the ways in which this could be done is through tighter regulation of overseas employment agencies and a close monitoring of their activities. There is a clear need for:

- *Long-term, consistent national and local policies*

There must be localised programmes to complement any national strategy that take into account regional characteristics. For example, in areas where there is a high Russian-speaking population, information must be in Russian as well as the State language and this must be enforced.

- *Campaigns designed for and targeted specifically at young, unemployed women.*

This has been identified as a group particularly vulnerable to the designs of traffickers. One way of targeting this group would be through unemployment agencies and through advertisements in the jobs sections of newspapers, which is where many of the women found the jobs they took abroad.

- *Involve employment agencies in awareness raising campaigns.*

The governments must work closely with employment agencies to raise awareness of the risks of trafficking among some of those who are most vulnerable. Agencies must carry information that warns of the risks of trafficking and include information of how and where to get help if you do find yourself in a situation where you have been trafficked, and of the services available to victims. This is particularly important in areas of high female unemployment.

- *Establishment and enforcement of stricter controls over the activity of labour agencies facilitating employment abroad¹²⁴.*

Labour agencies must be registered and the legality of their activities must be checked. They must also be held responsible and accountable for the jobs they offer. Women need to be encouraged to use these agencies rather than go through other channels such as newspaper advertisements or acquaintances. This is of particular importance for Estonia, where most of the women were deceived by organisations or men advertising work placements abroad rather than by friends or acquaintances, which seems to be the case in Latvia and Lithuania.

- *Establishment of clear guidelines and procedures for embassies who are approached by victims.*

Embassies are often the first point of contact for victims of trafficking and national governments have a duty to ensure that their embassies offer victims the help and protection that they are entitled to which includes assistance to and the means, if necessary, to return home.

Prosecution

The key issue regarding prosecution is that convicted traffickers are not being given sufficiently lengthy sentences. As a result, the conviction does not act as a deterrent and sends out the message that trafficking is not a serious crime. Despite increased

¹²⁴ Supra 22 p.124

success on the part of the police in breaking trafficking rings and bringing cases to court, the courts are still not taking trafficking seriously enough. This weakens faith of victims in the criminal justice system and will deter many from testifying. In Estonia, one of the key problems is that there is no trafficking specific law.

It is evident that:

- *Estonia must introduce a trafficking specific law with sufficiently severe penalties.*

Judges, lawyers and barristers should be trained in the practice and application of this law to ensure that it is applied in a manner that ensures appropriate punishments are made.

- *The three Baltic States must continue to develop awareness raising campaigns and training for politicians, journalists, the police, and the judiciary. These would focus on:*
 - The seriousness of the crime of trafficking
 - The uniqueness of the crime
 - The effect on the victim - this is particularly important for the police who are often the first people trafficking victims contact after they have escaped.
 - The need to hand down appropriate sentences.

Protection

In addressing trafficking, many governments approach it primarily as a law and order issue. Amnesty International has criticised this and highlights the need for more of a focus on the well-being of victims, highlighting how:

governments are only now beginning to take note of the issue, more often than not from a law and order rather than from a human rights perspective...Trafficked women are subjected to a wide range of human rights abuses, many of which constitute torture or ill-treatment¹²⁵.

Often the needs of the victims are overlooked in the desire to prosecute. Whilst it is important not to detract from the importance of prosecution, it is also important to consider both the immediate and long-term needs of the trafficking victim. There is often the expertise to provide victims with help and support but a lack of funding they need to carry out their work. Most victims will require a great deal of help to come to

¹²⁵ Supra 39 pp.16-17

terms with the effects of being trafficked on their psychological and economic well-being, many will find it difficult to find work after being trafficked, and some may be shunned by their communities. It is important that the state provides victims with the help and protection that they need. One of the things mentioned several times in the interviews was the need for more practical assistance; information is not enough.

There is a clear need:

- *To develop a victim centred approach.* The needs of the victim should be placed foremost, short-term protection schemes must be supplemented with long-term rehabilitation schemes that include psychological and economic assistance.
- *For regular provision of financial means for both governmental and nongovernmental institutions working with the problem of trafficking in human beings.* Staff at centres that support trafficking victims must be trained in the specific nature of this crime and the effect it may have on the victim. It must also be made clear and known who offers assistance to trafficking victims and where these centres may be found.
- *To raise the profiles of victim support agencies.* Many victims simply do not know where to go for help and are not aware of the agencies that exist that can help them. A shared database of support services and contacts should be established, written in Estonian, Latvian, Lithuanian and Russian with contact details and this should be available to the general public. Striptease bars, massage parlours and other ‘risk’ workplaces need to be encouraged to display information of support services for example in the bathrooms or lobbies. Places close by also need to be encouraged to display the information and in known red-light districts high visibility advertising campaigns would target information where it is likely to be most useful.

Gender Stereotypes, the Role of the Sex Industry, Prostitution and Trafficking

The worlds of prostitution and trafficking are very closely linked. Women who may begin working in the ‘soft’ end of the sex industry or in prostitution in their own countries are extremely vulnerable to traffickers. Once involved in the sex industry, it

is very difficult for women to control what happens to them. Open and explicit advertising in all three countries increases both supply and demand in the sex industry and as a result, supply and demand in the trafficking industry. Demand in particular must be targeted, and it must be made far more difficult to advertise sexual services. Sexual tourism must also be addressed in order to prevent the Baltic States from becoming a ‘Thailand of the Baltic sea’. In order to ensure that victims of all forms of sexual exploitation are treated fairly it is important to educate society, but men in particular, of the realities of the sex industry for women.

It is important that:

- *Awareness raising campaigns include warnings and examples or how involvement at the ‘softer’ end of the sex industry can increase vulnerability.* The sex industry must be de-glamourised and de-romanticised.
- *Introduce strict guidelines for advertisements relating to the sex industry.* There needs to be advertising standards introduced to regulate how and where the sex industry is advertised. Guidelines would include taxis and taxi firms (which often carry advertisements for sex clubs), airport advertising and advertisements in newspapers and magazines.
- *Campaigns to discourage men from buying sexual services such as the campaign recently run in Lithuania to promote the 2005 law criminalising the purchasing of sexual services.* It is essential to ‘challenge men’s sexually exploitative behaviours and that help make males part of the solution rather than part of the problem’¹²⁶.
- *Cooperation between the government and the tourist industry to reverse the international image of the Baltic States as ‘sex tourism’ destinations.* In 2003 the Government of Panama enacted a new law, cited by the US in its 2004 Trafficking in Persons Report. The law ‘seeks to address trafficking in the context of child pornography, sex tourism, and the use of the Internet. Among other features, the law obligates airlines, tour agencies, and hotels to inform customers in writing about the prohibitions of the new law.’¹²⁷ A similar approach could be used in the Baltics where

¹²⁶ Supra 78

¹²⁷ Supra 2 p.34

is has been recognised by opinion makers that sex tourism is growing. This is particularly important for Estonia and Latvia in the wake of Lithuania criminalising the purchase of sexual services.

Appendix 1

Summary of key features of interviewees trafficked for sexual purposes.

Age, ethnicity, and job	Education	Reasons for leaving	How they heard of the job	Method of escape and organisational assistance	Consider Russian Speakers more vulnerable?
22, Estonian born Russian speaker, dancer	Graduated at 18 from an Estonian speaking school.	Wanted to earn money to go to university.	Newspaper advertisement; initially rejected the job was harassed by firm to accept.	Emailed her mother. Her mother contacted... and sent money.	Yes.
33, Estonian Russian speaker (holds a grey passport) web designer	Graduated from university at 21. Finished 'a lot more educational institutions'	Lack of opportunities in Estonia.	Interviewed by a firm. Told that the manager and director liked her work on the internet. Given an official invitation to work by the company.	Emailed her parents. Her captor called the police himself when she informed him she had done this.	No.
26, Russian Speaker, Estonian born, babysitter	Finished school at 18.	To earn money	Her 'friends' recommended the firm to her.	No opportunity to seek help. Money and tickets returned before end of contract	No.
38 Estonian (trafficked 10 yrs ago), Russian speaker, maidservant	Two university degrees including a masters	There were few jobs in Estonia and this seemed like a wonderful opportunity.	Newspaper advertisement.	Spoke to hotel receptionist who called the police. Police protected them.	Yes.
25, Estonian born Russian speaker and grey passport holder. Waitress	Graduated from school at 18.	She was not earning enough money in Estonia.	Offered job by a friend - a man she had recently met.	Sought help from a prostitute who worked voluntarily on the same street, her friend at home and a man who bought her for long enough to allow her to escape.	Yes.

Age, ethnicity, place trafficked and job	Education	Reasons for leaving	How they heard of the job	Method of escape and organisational assistance	Consider Russian Speakers more vulnerable?
Estonian, Russian speaker, age not given.	15	Found wages in Estonia impossible to survive on and could not afford to pay the fees necessary to study in Russian.	Became friends with a man who offered her work abroad.	Had an opportunity to run away. She knew of an organisation that could and did help her but does not specify the organisation.	Did not answer this question.
Estonian, Russian speaker, age not given.	15	Had 'bad material conditions' in Estonia and believed that she would be able to have a better life abroad.	Placed an advertisement in a newspaper and was contacted with the offer of agricultural work abroad.	Ran away with two other girls, one of whom stole their passports back.	Yes
Estonian, Russian speaker, age not given.	18	To earn money and 'build up' her life.	Signed an agreement with a company.	Ran away.	No
Estonian, Russian speaker, age not given.	16	Found it was impossible to get a good job in Estonia, could earn more working as a waitress abroad than as a teacher in Estonia.	Worked as a waitress initially, began working at sex parties for additional income.	Not held captive, left 'without telling anybody anything'.	Unclear: said at 'our place all are Russian-speakers, although I have seen Estonians too'.
Latvian, call girl.	Graduated at 18.	To earn money to support her children.	Heard of job through a friend. Harassed by firm until she accepted job.	Sought help from first client and NGO's who approached women and helped them leave prostitution.	No.
26, Latvian, Internally trafficked	Went to a special boarding school and then to a medical school. Left at 20.	Needed a job in medical school. Had no family or relatives to help her.	Heard of the job through friends.	Rescued by police.	No.

Age, ethnicity, place trafficked and job	Education	Reasons for leaving	How they heard of the job	Method of escape and organisational assistance	Consider Russian Speakers more vulnerable?
20, Latvian, waitress.	Left school at 16.	To earn money.	Offered the job by a trusted acquaintance.	Was helped by the police, the Latvian embassy and the IOM.	No
20, Latvian, Russian speaker, trafficked to harvest fruit	Left school at 15 to get a vocational education	Wanted to earn money to finish her studies.	Offered the job by a trusted acquaintance	Sought shelter in someone's house. He contacted the necessary organisations to help her return home. Latvian embassy paid for tickets.	Yes.
35, Lithuanian national, trafficked to work as a cleaner.	Left school at 19 after which she went to a vocational school.	To earn money to pay for a computer for her children. Could not find work in Lithuania.	Offered the job by a trusted friend.	Jumped from a window. Police and ambulance were called. Helped by unnamed organisation to return to Lithuania	No.
22, Lithuanian national, trafficked to work as a waitress.	Left school at 16.	Unemployed for a long time (N.B. she worked as a prostitute in Lithuania)	Offered the job by two Lithuanian men.	Asked members of the public. Was helped by a man who went with her to Lithuanian embassy. Embassy staff unhelpful. Contacted mother who gave money for flights home.	No.
Lithuanian national Russian speaker, trafficked to work in a café.	Left school at 15.	Needed to earn money - had debts for a flat and was unemployed .	Offered the job by an acquaintance. Friends talked her into accepting it.	Pimp called police accusing her of stealing his phone. Whilst interviewed she told police everything and they helped her to return home.	No.

Age, ethnicity, place trafficked and job	Education	Reasons for leaving	How they heard of the job	Method of escape and organisational assistance	Consider Russian Speakers more vulnerable?
Lithuanian national, Russian speaking. Trafficked to work in a café.	Left school at 16.	Wanted to earn her own money as her parents did not earn enough to buy clothes and food.	Persuaded to go abroad by an acquaintance of her brother.	Ran away and sought help from police.	No.

The International Right to the Highest Attainable Standard of Physical and Mental Health: A Key Legal Framework for Human Trafficking?

Paul Downes

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health is given legal foundation by a range of international legal instruments, including article 25 (1) of the Universal Declaration of Human Rights (UDHR), article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), article 24 of the Convention on the Rights of the Child (CRC) and article 12 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as the right to non-discrimination as reflected in article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). These foundational international instruments have been ratified by all three of the Baltic States and arguably provide a window of opportunity for a more precise calibration of the duties of the States under international law with regard to human trafficking. Human trafficking is incontrovertibly a violation of the right to the highest attainable standard of both physical and mental health.

The UN Special Rapporteur of the Commission on Human Rights (2006) on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, notes that the right to health is subject to progressive realisation and this requires the development of indicators and benchmarks:

22. According to international human rights law, economic, social and cultural rights are subject to progressive realisation¹. Those in the human rights community focusing on economic, social and cultural rights have given particular attention to indicators because they provide a way of monitoring progressive realisation. Indeed, it is in this context that the Vienna Declaration and Programme of Action (1993) emphasises the importance of indicators: To strengthen the enjoyment of economic, social and cultural rights, additional approaches should be examined, such as a system of indicators to measure progress in the realisation of the rights set forth in the International Covenant on Economic, Social and Cultural Rights² [paragraph 98].

¹ ICESCR, article 2, para 1 (United Nations, Treaty Series, vol. 993, p. 3)

² UNITED NATIONS Economic and Social Council 3 March 2006 COMMISSION ON HUMAN RIGHTS ECONOMIC, SOCIAL AND CULTURAL RIGHTS. Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt

This amounts to a reiteration of the position of the Special Rapporteur in his 2005 report³:

33. The international right to physical and mental health is subject to progressive realisation and resource constraints. This has a number of important implications. Put simply, all States are expected to be doing better in five years time than what they are doing today (progressive realisation). And what is legally required of a developed State is of a higher standard than what is legally required of a least-developed country (resource constraints).

37. A State is obliged to use the maximum of its available resources towards the realisation of the right to health. And progressive realisation demands *indicators and benchmarks* to monitor progress in relation to mental disabilities and the right to health.

In the 2006 report the Special Rapporteur goes on to state:

29. The Special Rapporteur wishes to emphasise that there is no alternative but to use indicators to measure and monitor the progressive realisation of the right to the highest attainable standard of health⁴.

He observes that indicators of the right to health help the State assess progress over time in relation to their right to health obligations as indicators and benchmarks:

35. Can help the State to monitor its progress over time, enabling the authorities to recognise when policy adjustments are required. *Second*, they can help to hold the State to account in relation to the discharge of its responsibilities arising from the right to health, although deteriorating indicators do not necessarily mean that the State is in breach of its international right to health obligations⁵.

It is this feature of progressive realisation - involving indicators and benchmarks - which offers an important potential step forward in relation to developing States' commitments under international law in relation to human trafficking. It is predominantly the spheres of prevention of trafficking activities in the first instance and protection of victims where trafficking is detected which need further specification beyond nebulous provisions, if international standards are to become legally binding in this area. The indicators and benchmarks from the international right of everyone to the enjoyment of the highest attainable standard of physical and mental health may provide a key dimension of this specification process.

³ UNITED NATIONS Economic and Social Council 11 February 2005 COMMISSION ON HUMAN RIGHTS ECONOMIC, SOCIAL AND CULTURAL RIGHTS Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt

⁴ *Supra* 2

⁵ *Ibid*

Implementation of the right to health requires development of an ongoing monitoring process for all ethnic groups such as that described by the UN Special Rapporteur (2006) generally:

43. Annual progress towards the benchmark or target should be monitored, in light of which annual policy adjustments might be required. At the end of the five-year period, a monitoring and accountability mechanism will ascertain whether or not the 70 per cent benchmark has been reached in urban and rural areas and for all ethnic groups⁶.

The issue is one of transparency of reviews of service provision in light of indicators and benchmarks rather than a right of an individual to be healthy as such. He notes that:

32. The right to health is not a right to be healthy. It is a right to facilities, goods, services and conditions that are conducive to the realisation of the highest attainable standard of physical and mental health⁷.

In the words of the Special Rapporteur (2005):

67. Human rights empower individuals and communities by granting them entitlements and placing legal obligations on others. Crucially, rights and obligations demand accountability: unless supported by a system of accountability, they can become no more than window dressing⁸.

The specification of indicators and benchmarks, as part of a State commitment to the progressive realisation of these targets, provides the merit of a heightened level of State accountability in the areas of prevention and protection in particular.

Further advantages of the right to health framework in the context of human trafficking

It is arguable that the UN Convention against Transnational Organised Crime (UNTOC) and its Protocols need to be read in light of States' international commitments regarding the right to health. Approaches to prevention of trafficking, prescribed in Article 9 of the UN Convention against Transnational Organised Crime (UNTOC), refer to establishing 'comprehensive policies, programmes and other measures' to prevent and combat trafficking in persons, and to protect victims – especially women and children – from re-victimisation⁹. To fulfil these goals, parties

⁶ Ibid

⁷ Ibid

⁸ Supra 3

⁹ Article 9(1).

are to ‘endeavour’ to undertake measures such as conducting research, launching information and mass media campaigns, as well as advancing social and economic initiatives to prevent and combat trafficking¹⁰. Yet as Caddell, in this volume, observes:

While a commitment towards the dissemination of information is a logical policy, it is arguable as to whether the statement advocating the adoption of social and economic initiatives has any real practical merit in this context, in the absence of any provision for appropriate indicators and benchmarks. Indeed, this is a rather nebulous provision, offering little in terms of a distinct objective, and appears to be a recognition of the fact that a considerable volume of trafficking activities is caused or catalysed by the significant social dislocation that exists in many areas of Eastern Europe and the developing world, rather than establishing a clear obligation on parties to advance wholesale domestic reforms to overhaul the social and economic status of marginalised sections of the community.

Caddell, in this volume, similarly notes the permissive nature of provisions in relation to protection within the UNCTOC and its Protocols, which without the kind of specification and accountability sought by the UN Special Rapporteur, is in danger of being what the latter terms ‘window dressing’:

Article 6(3) prescribes a series of provisions in relation to assistance and rehabilitation of victims of trafficking, albeit couched in highly permissive language and phrased in a manner that does not explicitly demand that parties make such provisions for victims. Indeed, Article 6(3) provides that parties shall ‘consider’ implementing measures to provide for the physical, psychological and social recovery of victims of trafficking, with particular emphasis on the provision of appropriate housing; counselling and information – in particular in relation to their legal rights – in a language that they can understand; medical, psychological and material assistance; and employment, educational and training opportunities.

Caddell continues with his critique:

There is little attempt within the Protocol to recognise the different pressures under which the social services of different countries currently operate, with no concept of the ‘common but differentiated responsibility’ as seen in many multilateral environmental agreements applied in the Trafficking Protocol to recognise that some states are in a stronger position in terms of resources to underwrite the practical demands of compliance with their international commitments. Consequently, the failure of the Trafficking Protocol to foster meaningful cooperation to improve social care for victims of trafficking must be considered a key deficiency in respect of its application towards such persons.

¹⁰ Article 9(2).

It is against this backdrop of Caddell's criticisms of the Trafficking Protocol¹¹ that a key virtue of the international right to health legal framework emerges – the virtue of common and also differentiated responsibility as calibrated through various indicators and benchmarks of progress which are to be regularly monitored and interpreted through the lens of the principle of progressive realisation, namely, that the provisions are an improvement on five years previously. In other words, the international right to health framework addresses Caddell's criticism of the lack of a principle of common but differentiated responsibility depending on resources; it does so through adopting a framework of both comparative assessment across States of success and failure in meeting indicators and benchmarks – and also ipsative assessment of States, namely, assessment of a State's progress with regard to its provision in this area, compared with its own previous level of performance in relation to provision regarding human trafficking¹².

The right to health and 'disadvantaged' communities particularly at risk of human trafficking

The Special Rapporteur (2006) emphasises the importance of focus on 'disadvantaged' individuals and communities in relation to the right to health:

25. In general terms a human rights-based approach requires that special attention be given to disadvantaged individuals and communities; it requires the active and informed participation of individuals and communities in policy decisions that affect them; and it requires effective, transparent and accessible monitoring and accountability mechanisms. The combined effect of these - and other features of a human rights-based approach - is to empower disadvantaged individuals and communities¹³.

This perspective invites focus on taking steps to remedy background structural socio-economic factors which make particular groups 'disadvantaged' and especially vulnerable to becoming victims of human trafficking. An example of such a group in

¹¹ See also Caddell, in this volume, for a similar critique of assistance to victims offered under the Council of Europe Trafficking Convention and the EU Framework Decision on Combating Trafficking in Human Beings

¹² This is not to deny the potential of other emerging international legal frameworks to give protection to trafficking victims, for example, the perspective of 'protect, respect and remedy' may offer an interesting basis towards development of civil actions to provide remedies for victims against non-state actors such as trafficking networks. Cf. This framework in: Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development - *Protect, Respect and Remedy: A Framework for Business and Human Rights*, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, UN Human Rights Council, 7 April 2008

¹³ *Supra* 2

the context of the Baltic States would include a proportion of Russian-speakers from North-Eastern Estonia. Commissioner Gil Robles' (2004)¹⁴ report highlights the high levels of internal trafficking in the overwhelmingly Russian-speaking areas of North-Eastern Estonia:

45. Internal trafficking continues to be an issue of considerable concern. Especially women from north-eastern part of the country are trafficked to work in brothels in Tallinn and in other cities.

Moreover, Estonia's Second Report on the Implementation of the Council of Europe Framework Convention for the Protection of National Minorities (June 2004)¹⁵ gave central recognition to the problem of unemployment – in effect the problem of socio-economic integration and regional disadvantage - in North-Eastern Estonia:

Unemployment is characterised by considerable regional differences. In different counties, the rate of unemployment differs threefold, ranging from 5% in Rapla county to 18.2% in Ida-Viru county. In addition to north-eastern Estonia, throughout the transition period unemployment has also been above the Estonian average in the counties in south-eastern Estonia.

A key theme highlighted by the UN Special Rapporteur, for example in his report on Romania (2005)¹⁶, is the importance of community participation in health policy making:

19. Participation of the population in health-related decision-making at the community, national and international levels, is vital to the fulfillment of the right to health. It is also linked closely with the human right to take part in the conduct of public affairs, and other human rights. A human rights approach to health requires active and informed community participation, including in the formulation, implementation and monitoring of health strategies, policies and programmes. Participatory policy-making better reflects the needs of local communities and vulnerable groups, including...minorities, and helps create conditions conducive for good health.

In the context of North-Eastern Estonia, for example, this would mean both targeted prevention campaigns in the Russian-language to Russian speakers as well as direct involvement of local people in the area in the design of prevention campaigns – whether for human trafficking prevention, and/or drug or HIV prevention.

¹⁴ A. Gil Robles, *Report by the Commissioner for Human Rights, On his Visit to Estonia, 27th-30th October 2003*, Council of Europe, Strasbourg, 12 February 2004

¹⁵ Estonia's Second Report on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities (2004): ACFC/SR/II (2004)009

¹⁶ 21 February 2005 UNITED NATIONS Economic and Social Council, COMMISSION ON HUMAN RIGHTS, ECONOMIC, SOCIAL AND CULTURAL RIGHTS. Report submitted by the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health, Paul Hunt, MISSION TO ROMANIA

The Special Rapporteur is explicit on this point of access and participation of ethnic minority, disadvantaged and local groups as key issues regarding fulfillment of indicators of the right to health under the ICESCR¹⁷:

6. It must be accessible to all, not just the wealthy, but also those living in poverty; not just majority ethnic groups, but minorities and indigenous peoples, too; not just those living in urban areas, but also remote villagers; not just men, but also women. The health system has to be accessible to all disadvantaged individuals and communities.

7. Further, it must be responsive to both national *and* local priorities'. 'Properly trained community health workers...know their communities' health priorities...Inclusive, informed and active community participation is a vital element of the right to health'.

Structural, Process and Outcome Indicators of the International Right to Health in the Context of Human Trafficking in the Baltic States

The argument has been made elsewhere that rates of early school leaving are one relevant outcome indicator for the international right to health, including mental health¹⁸. Similarly, it has been argued that analysis of issues of HIV and drug use prevention, (particularly as issues of socio-economic marginalisation of Russian-speakers in Estonia¹⁹), is an analysis amenable to development of indicators and benchmarks as part of the implementation of the international right to health, including mental health²⁰.

A range of indicators and benchmarks need to be clarified regarding the progressive implementation of the right to health in the context of human trafficking in the Baltic States. According to the criteria of the Special Rapporteur (2006)²¹:

49. Health indicators may be used to monitor aspects of the progressive realisation of the right to health provided:

(a) *They correspond, with some precision, to a right to health norm.* There has to be a reasonably exact correspondence - or link - between the indicator and a right to health norm or standard...

(b) *They are disaggregated by at least sex, race, ethnicity, rural/urban and*

¹⁷ Ibid

¹⁸ P. Downes (2007). Intravenous drug use and HIV in Estonia: Socio-economic integration and development of indicators regarding the right to health for its Russian-speaking population. *Liverpool Law Review, Special Issue on Historical and Contemporary Legal Issues on HIV/AIDS*, 28, 271 – 317; P. Downes, & A-L Gilligan, *Beyond Disadvantage: Some conclusions*, In *Beyond Educational Disadvantage* (2007), (P. Downes & A-L Gilligan, Eds.), Dublin: Institute of Public Administration.

¹⁹ Cf. P. Downes, *Living with heroin: Identity, social exclusion and HIV among the Russian speaking minorities in Estonia and Latvia*. Legal Information Centre for Human Rights, Tallinn, Estonia (June 2003)

²⁰ Supra 18

²¹ Supra 2

socio-economic status. Human rights have a particular preoccupation with disadvantaged individuals and groups. This preoccupation is reflected in numerous provisions of international human rights law, not least those enshrining the principles of non-discrimination and equality.

Rather than one - all or nothing - indicator, a range of indicators are required, as the Special Rapporteur (2006) clarifies:

50. Rather than searching for individual right to health indicators, it is more helpful to think in terms of a human rights-based approach to health indicators. In other words, while it is impossible for one indicator to possess all the features signaled in the preceding paragraph, it is possible to identify *a range* of indicators that *together* have these features. In combination, various indicators can help a State monitor the progressive realisation of the right to health. In short, a combination of appropriate indicators may together constitute a human rights-based approach to health indicators²².

An interplay of indicators needs to distinguish different levels of analysis, namely, structural, process and outcome²³ indicators respectively. In the words of the Special Rapporteur (2006):

54. *Structural indicators* address whether or not key structures and mechanisms that are necessary for, or conducive to, the realisation of the right to health, are in place. They are often (but not always) framed as a question generating a yes/no answer. For example, they may address: the ratification of international treaties that include the right to health; the adoption of national laws and policies that expressly promote and protect the right to health; or the existence of basic institutional mechanisms that facilitate the realisation of the right to health...²⁴

Some relevant *structural* indicators of the right to health in relation to human trafficking would include a) State legislation for specific trafficking crimes; b) legal prohibition of the advertising of the sex industry in both the public and private sphere, including taxis and airports²⁵; c) witness protection schemes, including particular protections for victims of internal trafficking where threats may be even more imminent; d) legal provision in domestic law to recognise that the issue of consent of

²² Ibid

²³ For a critique of an overly narrow focus on merely outcome indicators, see P.Downes (2007) *Why SMART outcomes ain't always so smart...*, In *Beyond Educational Disadvantage* (2007), (P.Downes & A-L Gilligan, Eds.), Dublin: Institute of Public Administration.

²⁴ Supra 2

²⁵ See Article 5 of the UN Convention on the Elimination of All Forms of Discrimination against Women. For an argument reliant on Art 5 and Art 10 that both State and Private University promotion of university and school beauty contests are a promotion of gender stereotypes in education which are a violation of the UN Convention, in the contexts of Estonia and Poland see P. Downes (2004) School promoted beauty contests in Poland and Estonia: A risk factor for anorexia and bulimia nervosa, and contrary to the UN Convention on the Elimination of all forms of discrimination against Women ? (2004) *Kwartalnik Pedagogiczny* (Journal of Education, Poland), no. 3, Vol.193, 125-143

the trafficking victim is irrelevant if coercion, violence, threat, fraud etc were used²⁶, and e) legal provision to prosecute users of sexual services, as in Sweden. The presence of a National Anti-Trafficking Plan is another example of a key structural indicator in this area, although as the Special Rapporteur emphasises, a structural indicator also requires further investigation beyond simply the initial *prima facie* yes/no response; inquiry is required into more detailed, qualitative dimensions to structural indicators such as a National Plan. The issue of finance²⁷ in giving effect to the structural indicator of a National Plan is encompassed through the Special Rapporteur's (2006) concern with developing a 'narrative' regarding practical implementation of policy:

60. A structural indicator is: does the State constitutionalise the right to health? If the answer is "yes", this is a useful piece of information. But if a constitutionalised right to health neither generates any successful litigation nor is taken into account in national policy-making, this particular constitutional provision is of very restricted value. With this in mind, the Special Rapporteur suggests that the answer to any indicator may be supplemented by a brief note or remark (a "narrative"). For example, in the above example the answer might be: "Yes - but the right has yet to be integrated into health policy-making"²⁸.

Complementary with structural indicators are process indicators of the international right to health:

55. '*Process indicators* measure programmes, activities and interventions. They measure, as it were, State effort'²⁹;

The Special Rapporteur notes that:

46. One right-to-health framework that is especially useful in the context of policy-making is that health services, goods and facilities, including the underlying determinants of health, shall be available, accessible, acceptable and of good quality³⁰.

The report submitted by the Special Rapporteur on Romania (2005) stated:

65. The Special Rapporteur emphasises that the right to health gives rise

²⁶ See also L. Trofimoviene, this volume.

²⁷ On concerns that the theoretically impressive National Drug Prevention Policy in Estonia is given insufficient funding in practice by government, see for example, A.Charles, The traumas of transition. In A. Charles (Ed.), *EU Enlargement – One year on*. Proceedings of an international conference, Audentes University, Tallinn, 22 April 2005, and also A.Charles, New approach to drug prevention good on paper, lacking in practice, *The Baltic Times*, May 16 2005.

²⁸ *Supra* 2

²⁹ *Ibid*

³⁰ *Supra* 3

to an entitlement to health care, including mental health care, which is geographically accessible, designed to improve the health status of patients, and scientifically and medically appropriate³¹.

Access to counselling services for trafficking victims is an ‘attainable standard’ for Estonia, Latvia and Lithuania and needs to be implemented consistently as an ‘acceptable’, ‘good quality’ facility throughout the three Baltic States. Other process indicators include: a) programmes working with the police and judiciary to develop greater awareness of and sensitivity to issues relating to human trafficking; b) State funded prevention programmes which focus on particularly vulnerable groups, including ethnic minorities in socio-economically marginalised regions, orphans³² and ‘marginally employed women from economically underdeveloped areas’³³; c) available State funded shelters specifically for trafficking victims, with suitable counselling services and d) State strategies and programmes to facilitate the socio-economic integration of ethnic minorities including regional development strategies to minimise problems of unemployment.

The third kind of indicator outlined by the Special Rapporteur is in relation to outcomes:

57. outcome indicators will often be used in conjunction with benchmarks or targets to measure change over time³⁴.

As noted, it is arguable that national rates of early school leaving are a relevant benchmark and outcome indicator with regard to the progressive realisation of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Rosenberg³⁵ describes self-esteem as feeling that you are ‘good enough’. Self-esteem is positively associated with school achievement³⁶. Morgan cites

³¹ Supra 16

³² See the US Department of State Country Report on Human Rights Practices (2007) for Lithuania which refers to orphanages being targeted by traffickers. Bureau of Democracy, Human Rights and Labor, March 11, 2008

³³ Ibid

³⁴ Supra 2

³⁵ M. Rosenberg (1965). *Society and the adolescent self-image*. Princeton: Princeton University Press

³⁶ W. Brookover, S. Thomas & A. Paterson (1964). Self-concept of ability and school achievement. *Sociology of Education*, 37, 271-278; I. Hay, A. Ashman & C. van Kraayenoord (1997). Investigating the influence of achievement on self-concept using an intra-class design and a comparison of PASS and the SDQ-1 self-concept tests. *British Journal of Educational Psychology*, 67, 311-321; W. Purkey (1970). Self-perceptions of pupils in an experimental elementary school. *Elementary School Journal*, 71, 166-171

Kaplan et al's³⁷ North American study of 4,141 young people tested in 7th grade and once again as young adults which found a significant damaging effect of dropping out of high school on mental health functioning as measured by a 10-item self-derogation scale, a 9-item anxiety scale, a 6-item depression scale and a 6-item scale designed to measure coping. This effect was also evident when controls were applied for psychological mental health as measured at 7th grade. Moreover, the significant damaging effect of dropping out of school was also evident even when controls were applied for gender, father's occupational status, and significantly for comparability with the Baltic States, ethnic background. It is evident that early school leaving is a mental health issue, while on the basis of our interviews with trafficking victims across the three Baltic States, Smelt, in this volume, points out that trafficking victims and early school leavers appear particularly correlated in the context of Lithuania.

Other relevant outcome indicators in relation to human trafficking include:

a) numbers of arrests of traffickers per annum; b) average length of sentences of traffickers per annum and c) numbers of arrests of users of sex services per annum. It is debatable whether estimates of rates of trafficking victims per annum could serve as a useful transparent outcome indicator. Given that human trafficking is frequently a hidden problem, a decline in estimated rates of trafficking may be more an artefact and indication of less success within a State in locating traffickers and trafficked victims, than a finding that the reality of trafficking has in fact decreased.

One caveat in relation to the tests outlined by the UN Special Rapporteur for structural, process and outcome indicators is with regard to the criterion of correspondence, with some precision, to a right to health norm. There has to be a reasonably exact correspondence - or link - between the indicator and a right to health norm or standard. The precision of such correspondences and links are arguably a matter of degree. It may be argued, for example, that the arrest of a trafficker is not sufficiently correlated with the health of the victim. The issue of sufficient precision between the indicator and the health norm or standard is however, arguably more of an issue with regard to consequences of prosecution than of prevention and protection, as the focus of both prevention and protection is on the well-being of the victim,

³⁷ D. D.Kaplan, J. R. Damphousse. & H. B. Kaplan (1994). Mental health implications of not graduating from high school. *Journal of Experimental Education*, 62, 105-123; M. Morgan (1998). Early school leaving interventions: International comparisons. In *Educational disadvantage and early school leaving*. Dublin: Combat Poverty Agency

whereas the focus of prosecution tends traditionally to be more on the accused than the victim. Yet prosecution in this area arguably also has significant impact on the trafficking victim's safety and mental health. Despite this caveat, nevertheless, this framework of structural, process and outcome indicators of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health offers enormous promise in developing a transparent and sufficiently detailed system of international legal obligations in relation to human trafficking – obligations subject to the principle of progressive realisation and with particular force in calibrating the extent of a State's duties with regard to the sphere of prevention and protection.

Section III. Conclusion

Key Indicators regarding Prevention, Protection and Prosecution in Relation to Human Trafficking in the Baltic States

Paul Downes, Liliya Ivanchenko, Sandra Zalcmanc, Hannah Smelt & Sirle Blumberg

The framework of structural, process and outcome indicators of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health offers enormous promise in developing a transparent and sufficiently detailed system of international legal obligations in relation to human trafficking; these obligations are subject to the principle of progressive realisation¹ and with particular force in calibrating the extent of a State's duties with regard to the sphere of prevention and protection. Key recommendations which emerge in this book regarding relevant structural², process³ and outcome indicators in relation to prevention, protection and prosecution are as follows:

Prevention – Structural Indicator

Strict State Monitoring of Standards for Labour Agencies Facilitating Employment Abroad.

If a comprehensive regulation of foreign job agencies were available, women would have no need to rely on the offers of acquaintances. Thus, the exploitation of vulnerable people, male and female, whether for sexual or economic reasons could be markedly reduced. Labour agencies must be registered and the legality of their activities must be checked. They must also be held responsible and accountable for

¹ Basically that all States are expected to be doing better in five years time than what they are doing today. Cf. UNITED NATIONS Economic and Social Council 11 February 2005 COMMISSION ON HUMAN RIGHTS ECONOMIC, SOCIAL AND CULTURAL RIGHTS Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, para 33

² *Structural indicators* address whether or not key structures and mechanisms that are necessary for, or conducive to, the realisation of the right to health, are in place. They are often (but not always) framed as a question generating a yes/no answer. UNITED NATIONS Economic and Social Council 3 March 2006 COMMISSION ON HUMAN RIGHTS ECONOMIC, SOCIAL AND CULTURAL RIGHTS. Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, para 54

³ Process indicators measure programmes, activities and interventions. They measure, as it were, State effort, Ibid, para 55

the jobs they offer. People need to be encouraged to use these agencies rather than go through other channels such as newspaper advertisements or acquaintances.

Prevention – Structural Indicator

Restriction of Advertising of the Sex Industry in Both the State and Private Sphere, including Taxis, Airports, Newspapers – Advertising Arguably Contrary to the UN Convention on the Elimination of All Forms of Discrimination Against Women.

The Convention commits states to eliminating discrimination in ‘the political, economic, social, cultural, civil or any other field’ (Article 1) and ‘To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise’ (Article 1(e)). In other words, discrimination against women is prohibited by international law under this Convention, not only in the sphere of State activity but also in the private sphere, such as taxi driving. Advertising standards need to be introduced to regulate how and where the sex industry is advertised. Such regulations would be in line with Article 5 (a) of the Convention in which states agree to take ‘all appropriate measures’ to ‘modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women’. Regulations would prohibit taxis and taxi firms carrying advertisements for sex clubs, airport advertising and advertisements in newspapers and magazines

Prevention – Process Indicator

The Governments of Estonia, Latvia and Lithuania have focused heavily on trafficking prevention campaigns in schools. This is important but trafficking is a problem of the whole of society and unfortunately in Estonia and Latvia in particular, a campaign to target the whole of society has often been neglected.

It is not just young women who are vulnerable to traffickers; the average age of the women interviewed for this book was 24.7 and several were over 30. The main risk group for trafficking is not simply young women but unemployed women and those

on a low income. It is therefore this group that needs to be specifically targeted in awareness raising campaigns⁴.

Prevention – Process Indicator

Links are now made between poverty, education, prostitution and trafficking. Gender inequality is presented as ‘the second most important factor in creating conditions for prostitution and trafficking’⁵.

There needs to be long term programmes such as female empowerment programmes and poverty reduction schemes to help women find work that pays them a wage that allows them to make a living rather than survive.

Prevention – Process Indicator

Specific Supports for the Vulnerable Group of Children in Orphanages and Strategies to Support Orphans after they leave the Orphanage.

Prevention – Process Indicator

State strategies and programmes to facilitate the socio-economic integration of ethnic minorities, including regional development strategies to minimise problems of unemployment.

Such strategies and programmes would be particularly relevant for example, for the area of Ida-Virumaa in North-Eastern Estonia. There is an urgent need to decrease the economic differences between different regions in each country in the Baltic States.

Prevention – Process Indicator

Involve unemployment agencies in awareness raising campaigns.

The governments must work closely with unemployment agencies to raise awareness of the risks of trafficking among some of those who are most vulnerable. Agencies must carry information that warns of the risks of trafficking and include information on how and where to get help if you do find yourself in a situation where you have been trafficked, and of the services available to victims. This is particularly important in areas of high female unemployment.

⁴ See also the Council of Europe Trafficking Convention (Art. 6) on the need for information campaigns and preventative policies, including educational programmes within the school environment.

⁵ International Organisation for Migration ‘*Trafficking in Persons For Sexual Exploitation An analysis of the situation in Estonia*’, Tallinn 2005, p.103.

Prevention – Process Indicator

State funded prevention programmes which focus on particularly vulnerable groups, including ethnic minorities in socio-economically marginalised regions, orphans and marginally employed women from economically underdeveloped areas

Prosecution – Structural Indicators

Legal Provision for Trafficking-Specific Offences, including Internal Trafficking

Estonia, for example, does not have trafficking-specific offences for either internal or international trafficking though there are clauses in Estonian law under which traffickers can be prosecuted.

Prosecution – Structural Indicator

Legal provision in domestic law to recognise that the issue of consent of the trafficking victim is irrelevant if coercion, violence, threat, fraud etc were used.

While international law instruments provide that the consent of the victim is irrelevant if any of the methods of coercion, violence, threat, and fraud were used,⁶ the Lithuanian national provision on trafficking in human beings (Article 147 of the Lithuanian Criminal Code), for example, is silent on the matter of irrelevance of consent. In order to avoid any confusion and harmonise national legal norms with international provisions, the simplest solution would be to state in Article 147 that the consent is irrelevant, where the methods enumerated above were involved.

Prosecution – Structural Indicator

A Dedicated Section of the Police to Trafficking Related Offences.

There is an evident need to organise a special anti-trafficking police department in order to increase efficiency of trafficking combating and to ensure that police who receive training on working in the area of trafficking related issues remain in that area of work.

⁶ Article 1(2) of the Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings. Official Journal L 203, 01/08/2002 P. 0001 – 0004. CELEX number 32002F0629, Article 1 of the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Council of Europe Trafficking Convention, Article 4 (b).

Prosecution – Structural Indicator

Longer Sentences in Prison for Convicted Traffickers.

A key issue regarding prosecution is that convicted traffickers are not being given sufficiently lengthy sentences. As a result, the conviction does not act as a deterrent and sends out the message that trafficking is not a serious crime. Despite increased success on the part of the police in breaking trafficking rings and bringing cases to court, the courts are still not taking trafficking seriously enough. This weakens the faith of victims in the criminal justice system and will deter many from testifying.

Prosecution – Structural Indicator

Legal provision to criminalise users of sexual services, as in Sweden.

Criminalisation of the purchasing of a prostitute's services could be the next logical step in relation to prosecution. The experience of Sweden could be noted in this regard. In 1999, Sweden adopted a law which bans purchase of sexual services and within a few years, the numbers of trafficking in human beings dramatically reduced. Most importantly, the legislation serves the role of re-educating society on the issue of trafficking in human beings. Key benefits of a focus on criminalising users of sexual services include that it will serve as a deterrent to younger users in particular and will make a societal statement that exploitation of the services of prostitutes is an unacceptable behaviour. It will amount to a State recognition that prostitution is a crime of violence against women. One concern with a criminalisation of users is that police resources may be diverted from the arguably more complex and certainly more important task of targeting traffickers for prosecution. Through an analogy with the area of drug dealers and drug users, it is essential that the main focus of police resources is on targeting the dealers rather than largely focusing on the usually more visible users.

Prosecution – Process Indicator

Training of Key State Agents such as Police and Judges in Trafficking-Related Issues.

The three Baltic States must continue to develop awareness raising campaigns and training for politicians, the police and the judiciary. This would focus on:

- the seriousness of the crime of trafficking
- the uniqueness of the crime

- the effect on the victim - this is particularly important for the police who are often the first people trafficking victims contact after they have escaped.
- the need to hand down appropriate sentences.

Prosecution - Outcome indicator

Numbers of arrests of traffickers per annum.

Prosecution - Outcome indicator

Average length of sentences of traffickers per annum.

Prosecution - Outcome indicator

Numbers of arrests of users of sex services per annum.

Protection- Process Indicator

Provision of an adequate number of State funded shelters specifically for trafficking victims, with suitable counselling services.

Research carried out by the Foundation for Women’s Forum on trafficking of women in the Baltic States⁷, going back as far as 1998, found that victims are unanimous in stating their needs for counselling, return programmes, legal assistance and field-work and witness protection programmes. It is important that the state provides victims with the help and protection that they need. One of the things mentioned several times in our interviews with victims was the need for more practical assistance; information is not enough.

Protection – Process Indicator

In known red-light districts high visibility advertising campaigns would target information where it is likely to be most useful, places close by also need to be encouraged to display the information, for example, hotline contact details.

⁷ The Foundation of Women’s Forum, ‘*Trafficking Women for the Purpose of Sexual Exploitation Mapping the Situation and Existing Organisations Working in Belarus, Russia, the Baltic and Nordic States*’, Stockholm, August 1998

Protection - Structural Indicator

Establishment of Clear Guidelines and Supports for Embassies as Key Points of Contact for Trafficking Victims.

The key role of foreign embassies in helping victims escape was a frequent theme in the interviews with the trafficking victims. National governments have a duty to ensure that their embassies offer victims the help and protection that they are entitled to which includes assistance to and the means, if necessary, to return home.

Protection – Structural Indicator

Witness protection schemes, including particular protections for victims of internal trafficking where threats may be even more imminent from non-State actors.

Protection – Structural Indicator

A reflection period of at least three months⁸ to be granted immediately to all those where there is a reason to suspect they are trafficked.

Protection –Structural Indicator

Clear exemption from criminal liability for victims of human trafficking for ‘illegal’ crossing of the border.

Currently in Lithuania, for example, victims of human trafficking are not explicitly exempted from criminal liability under the Article 291 (illegal crossing of the border) of the Criminal Code of Republic of Lithuania.

Protection – Outcome Indicator

A key outcome indicator is the number and percentage of trafficking victims receiving State assistance.

Whilst it may be argued that the situation has changed in the last two or three years, it is both noteworthy and concerning that between 2006-2007, no trafficking victims in Estonia received state assistance despite the government recognising 49 Estonians as victims of trafficking.

⁸ A period of time recommended by the EU Expert Group on Trafficking in Human Beings (2004)

Protection – Outcome Indicator

A key outcome indicator is the number of shelters provided by government specifically for trafficking victims.

Other general indicators and benchmarks

Structural Indicator – *Ratification of the Council of Europe Convention on Action against Trafficking in Human Beings.*

To date, only Latvia of the Baltic States has ratified this Convention. Lithuania signed the CoE Trafficking Convention on 12 of February 2008 but has not ratified it yet. The Convention enters into force on 1 of July 2008 in Latvia; Estonia has not yet signed nor ratified the Convention.

Structural Indicator – *The creation of one main State agency for the coordination of work.*

Structural Indicator – *The presence of an adequately funded National Anti-Trafficking Plan is another example of a key structural indicator in this area.*

Structural Indicator – *The creation of a unified database on Traffickers.*

Process Indicator – *The creation of more effective models of cooperation among government institutions and the non-governmental sectors.*

Trafficking is a problem which does not simply cross disciplines and borders but also crosses government departments

Process Indicator – *Expansion of the investigative powers of the Group of Experts on Action against Trafficking in Human Beings (GRETA), established under Article 36 of the Council of Europe Trafficking Convention.*

A novel feature of the Council of Europe Trafficking Convention is the establishment of a distinct monitoring mechanism in the form of a distinct Group of Experts on Action against Trafficking in Human Beings (GRETA). GRETA is responsible for examining particular provisions of the Convention and to subsequently produce a

draft report with suggestions and proposals for improvements in individual and state practice. The investigative powers of GRETA are rather limited in practice and relate more towards developing effective communication with NGOs, as opposed to conducting a full and unimpeded review of the practices of key authorities, as occurs in other particularly effective monitoring bodies, such as those dealing with violations of the relevant torture conventions.

With resources for the implementation of these key structural, process and outcome indicators in relation to prevention, protection and prosecution, significant progress could be made towards a situation where there is not one victim more of human trafficking in the Baltic States.



Human trafficking is a modern form of slavery and a severe violation of basic human rights. *Not One Victim More* contains interviews with trafficking victims from across the three Baltic States, in cooperation with non-governmental organisations in Estonia, Latvia and Lithuania. It provides arguments for national and international policy and legal reform in this area based on insights from contributors across a number of disciplines including law, economics, psychology, social policy and education. While the themes and issues highlighted are explored in the context of the Baltic States, it is hoped that many of the conclusions and recommendations with regard to prevention, protection and prosecution, have an application to wider European Union and international contexts.

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