

Trafficking in Europe: A Literature Review

The following literature review is based on publications and research reports on trafficking and counter-trafficking interventions in Europe dating from 2000 onwards.

For some European countries, research reports were scarce, and information for this review had to be obtained solely from the US Department of State Trafficking in Persons Report from 2004.¹

The literature review is divided into three main regions: South Eastern Europe, Central and Eastern Europe, and Western Europe. It describes national legislation; national plans of action; prosecution efforts; and assistance to trafficked persons for each country within a region.

Research on trafficking in persons in Europe (own observations and Kelly (2002))

Research on aspects of trafficking in Europe other than into the sex industry (e.g. domestic service, other forms of bonded labour) is less developed. Most existing reports and publications address the issue of trafficking of women, girls (and to a lesser extent boys) into the sex industry in various countries in Europe.

There is no up-to-date research database on the topic of trafficking of women and children from, into and through European countries. Most of the studies have been conducted in Central and Eastern Europe, especially in the Balkans and the Baltic States. These have become major sending and transit areas.

Research challenges:

The specific challenges and dilemmas involved in research on trafficking as defined by Kelly (2002) are as follows:

- Access to traffickers is limited. Therefore research on traffickers and a more detailed understanding of how trafficking is organized is hardly available to date;

¹ Below: US TIP Report

- Victims are vulnerable for a variety of reasons. Therefore they are often unwilling to participate in research (especially while they are in destination countries);
- Research projects have to be conducted in uncondusive contexts (e.g. interviews with detained trafficked women). This affects what and how much these persons are willing to say;
- Safety of researchers might be at risk. This acts as a deterrent to pursuing particular questions or information sources;
- No consensus on definitions and language.

Figures and numbers:

Figures for trafficking within and into Europe are scarce and seldom accompanied by detailed explanations of how they were arrived at. Frequent calculations referring to foreign women within sex industries offer little indication as to the proportions of those who have been trafficked. Despite repeated calls from international bodies most countries in Europe have still not established any systems for the monitoring of trafficking, and data on detected cases remain hidden in prostitution and immigration files. Moreover, depending on the source of data (NGO, official sources or UN agency), different trafficking patterns emerge and baseline figures vary. Therefore, there is a clear need for baseline data to be collected in the same format across Europe.

Causes of trafficking:

Regarding the causes of trafficking from, into and through Europe, most studies agree on some combination of the following factors:

- Globalization of transports, markets and labour;
- Poverty;
- Women's socio-economic inequality;
- Economic transition;
- Economic and social dislocation as a result of conflict.

Less sophisticated analyses tend to highlight the issue of poverty, which is seen to propel women into accepting dubious offers of employment. This is an oversimplification. For example, the feminization of poverty in, and migration from, South-eastern Europe is the outcome not just of poverty, but of increasing gender inequality and sex discrimination in the countries undergoing transition and/or post-conflict reconstruction.

Given broad general agreement on the causes of trafficking, more intricate questions still remain unanswered and deserving of attention such as, how and why particular countries and regions within them, become centers for trafficking.

Trafficking flows, routes and recruitment:

The increase in trafficking in Europe over the last decade includes many European countries becoming sources for trafficked persons and centers of trafficking networks. Hence, the issue of both supply and demand is now firmly located within Europe.

Trafficking flows within and to Europe show patterns of continuity and change, as sex markets expand in some areas and routes adapt to reinforced controls and law enforcement activities and political circumstances. Some flows reflect nothing more than the geographical proximity of source and destination countries. Preferred routes vary depending on visa requirements, the length and porosity of borders, the links among various trafficking networks and the effectiveness of local law enforcement efforts. In the last two years the importance of internal trafficking and its links to transnational trafficking has been identified as an area for further investigation.

There are at least six common pattern of recruitment:

- Complete coercion through abduction or kidnapping;
- Being sold either by family members or a "boyfriend";
- Deception through offers of employment with no sex industry connotations;
- Deception through offers of marriage;
- Deception through offers of employment in entertainment, dancing etc.;
- Deception regarding the conditions in which women will undertake prostitution.

The most common route seems to be deceptive job offers, ranging from domestic work and child care to work as dancers, made in person or through advertisements and employment agencies. There is widespread consensus that forced recruitment through practices such as kidnapping is rather rare.

Some publications suggest that it is particular groups of women and girls who are targeted, and that prevention efforts should focus on these "vulnerable groups" (e.g. ethnic minorities, women from urban areas, women with low levels

of education etc.). However, there are different and contradicting findings regarding the social background of women targeted for recruitment in the various reports and studies.

While these various processes have been identified, including the frequent involvement of friends and acquaintances in making initial contacts, there are surprisingly few details about the process itself, the numbers of individuals involved or the range of fees recruiters receive.

(Sexual) Exploitation and the way out:

The conditions in which trafficked women are sexually exploited differ, as does the severity of the violation of their human rights. In extreme cases women may lose their lives - at the hands of traffickers who dump those they are transporting into the sea when police are active in the area, or dispose of them in other ways when they are sick or uncooperative. The extent of the mistreatment of women often also depends on the manner of their recruitment, the itinerary followed, the indignities and abuse suffered *en route*, the kind of control exercised and the conditions to which they are subjected in the sex industry. Some women and girls report stories of unrelieved victimization, including being held in slave-like conditions, which results in extensive physical and psychological damage. Others report periods when they were well treated by their recruiters, who either seduced and/or protected them during their journey through Europe. For some others, mistreatment remained limited to a period of bonded labour in a destination country. Most accounts by trafficked women are situated somewhere between the extremes.

The two most effective methods of control used once the women have arrived in a destination country are threats, especially against family members left behind, and the recognition - reinforced by traffickers and exploiters - that their lack of legal status renders any appeals to outside intervention or assistance futile since this would result in being sent home.

Despite the extent of control they are subjected to, some women do manage to escape, and find their way to the police and /or support agencies. However, these exit strategies appear to be less frequent than are detection by law enforcement authorities, or being returned/abandoned by their exploiters.

It appears that law enforcement officers are operating with narrow definitions of trafficking (e.g. define it only as forcible recruitment) and/or using poorly

constructed and limited questionnaires during the interviews. The tendency by the police to focus on whether women are "voluntarily" involved rather than whether they are being sexually exploited has been documented in South-eastern and Western Europe.

The consequences for women of being detected, but not designated as victims of trafficking, are very serious and range from being arrested and put into custody for some weeks to several months, to immediate deportation. Equally alarming is the fact that, even when women identify themselves as having been trafficked and report this to the police, the treatment they receive is not much better.

The increase in the rate of detection of trafficked women and the fact that the majority express a desire to return to their countries of origin exposed the lack of appropriate programmes in Europe with which to facilitate their return in a safe and humane manner (as against deportation) and to provide re-integration assistance on arrival. It is quite obvious that only a small minority of women receive any assistance that might enable them to both deal with the legacies of their traumatic experience and to build some form of sustainable economic and social life for themselves in their home countries.

Traffickers:

There is little in either the research or more general literature on traffickers. It is known that certain actors may or may not be part of organized criminal networks and that the majority of traffickers and exploiters are male - although women are increasingly resorted to at the initial stage of recruitment. There are some indications that trafficking networks are taking over some areas of the sex industries in Western Europe. The Russian mafia are now thought to be in control of much of the sex industry in Israel.

A particular example of the role played by aides in the process of trafficking, is the role of the police in a number of European countries to issue work permits for foreign women as "dancers" and "waitresses".

One of the key elements in a successful counter-trafficking strategy is the capacity and the willingness to enforce the law at each and every level - transportation, false documentation, sexual exploitation and corruption, and where applicable crimes such as rape, physical assault and deprivation of freedom. The limited information available on law enforcement suggests that, to

date, efforts have not been effective. The abject failure to effectively prosecute traffickers is evident in reports of South-eastern Europe.

To date, most attention in research and policy has been paid to laws and legal procedure and the barriers they present to effective law enforcement. However, in most countries there are laws that are pertinent and could be used for the prosecution of trafficking offences. Therefore, the most significant barriers to prosecution appear to be the lack of resources and the low priority allocated to this area, the attitude of law enforcement officials, who frequently view trafficked persons as responsible for their own fate and undeserving of either protection or redress and the failure to develop and share creative strategies aimed at ensuring proper investigation, the gathering of essential evidence.

If in Europe little serious research has been conducted on traffickers demand at the client level has received even less attention.

Prevention and awareness raising:

Increasing efforts have been devoted to the raising of awareness and the prevention of trafficking, focused primarily on countries of origin, and young people. Most of the studies regarding awareness point to a high level of general awareness, and even of local cases. The primary sources of knowledge are the news media, highlighting their significance in counter trafficking efforts, and through friends and neighbors. However, much media reporting tends to be salacious, and uses language and imagery which constructs trafficked women in negative and unsympathetic ways.

Often, European projects to raise awareness rely on the mass media instead of using more locally based public education methods, which are more commonly used in other regions. Unintended consequences of awareness raising campaigns can result from careless implementation (e.g. in Albania parents in rural areas fearing abduction of their daughters, subsequently refused to send their adolescent girls to school.).

However, the most important aspect to be addressed through preventive measures remains the linkage between women's social and economic inequality and their vulnerability to trafficking. The majority of trafficked women in Europe say that the most effective preventive strategy would be the creation of employment opportunities at home.

Gaps in knowledge:

- Patterns of in-country trafficking and linkage to international movements;
- Extend of re-trafficking;
- Evaluation of shelter and advocacy projects in destination and origin countries;
- Evaluation of return and reintegration programmes;
- Evaluation of the effectiveness of prevention and awareness raising programmes;
- Evaluation of the effectiveness of legal reform and policy change.

National counter-trafficking efforts:

There is considerable agreement among a number of commentators on the barriers to effective counter-trafficking in Europe which include:

- Inadequate legal bases where loopholes are routinely exploited by traffickers;
- Ineffective law enforcement, especially regarding traffickers and exploiters;
- Lack of concern about the fates of trafficked people involved, owing to the combined effect of their being illegal migrants as well as involved in prostitution (women and children);
- Lack of specialization, both as regards law enforcement and the NGO sector;
- Lack of interest and even complicity within authorities.

Even where new laws have been passed, their implementation has not proceeded constructively. It is unclear whether this is owing to poor drafting, inadequate powers to ensure proper law enforcement or internal resistance at the level of police and prosecutors.

There is a clear need for national plans of action which address local realities, and are based on an assessment of current practice and capabilities and establish priorities for incremental change. For example, training and awareness-raising programmes are urgent, but their impact will be reduced in contexts where officials lack the basic tools to be effective, and where courts and law enforcement agencies are chronically under-funded. Anti-corruption measure also need to be put in place but their effectiveness will be minimal in contexts where police officers and border guards are not paid a living wage.

Regional policy measures:

European Union:

1996

A European Strategy: In a first Communication on trafficking in women for the purpose of sexual exploitation, the European Commission developed a European strategy to prevent and fight against this phenomenon.

Europol Involved: the mandate for Europol was extended in order to enable the organisation to combat trafficking in human beings.

STOP Programme Launched: in November 1996, the incentive and exchange programme STOP was launched to support actions by the persons responsible (public officials and NGOs) for the fight against and prevention of trafficking in human beings and the sexual exploitation of children.

1997

National Legislation Review: In February 1997, the Council adopted a "joint action" calling on member states of the European Union to review their national criminal legislation as regards trafficking in human beings and judicial co-operation as well as to encourage protection of victims in judicial proceedings.

DAPHNE Initiative Launched: the DAPHNE initiative to combat violence against children, young people and women was launched. A four-year DAPHNE programme followed the initiative in December 2000.

1998

New Target Initiatives: in a second Communication on further actions in the fight against trafficking in women in December 1998, the Commission assessed progress made and recommended a number of new target initiatives as well as the deepening of certain existing actions.

1999

Amsterdam Treaty: Since May 1999, the European Union's actions to combat trafficking in human beings are explicitly mentioned under the Title VI in the Amsterdam Treaty. The articles of Title VI cover police and judicial co-operation.

Tampere European Council: The conclusions from the European Council in Tampere, Finland, of October 1999 also give clear priority to the fight against trafficking in human beings

Accession Partnerships: The problem of trafficking in women and children has retained the attention of the EU institutions in the framework of the pre-accession strategy and in particular of the PHARE programme. Fight against

organised crime has been included among the priorities of the accession partnerships of 1999 and 2001 for several applicant countries.

2000

DAPHNE Programme Launched: Following up from the DAPHNE initiative of 1997, the DAPHNE programme, launched in December 2000, has a wider scope than the STOP programme in that it covers the general issue of violence against women and children in which trafficking is included. Although the DAPHNE programme is open for public entities, it focuses on the important role of NGOs.

United Nations: since December 2000, the UN Convention on transnational organized crime and its accompanying protocol on trafficking in persons, especially women and children have been signed by more than 100 parties. These include the European Commission and all member states of the European Union. It is expected that these instruments will be ratified and implemented shortly.

2001

Stop II Programme Launched: the adoption of the STOP II programme on 28 June 2001 allows for continued support to projects on trafficking after the first five year STOP programme that financially supported 85 projects to combat and prevent trafficking in human beings and the sexual exploitation of children, including child pornography. On 5 November 2001, the STOP II Committee agreed on a set of 18 new projects, eight of which (with a total co-funding of around EUR 750,000) will focus on the victims. Currently, the process to adopt a set of projects for 2002 is under way.

Candidate Countries Involved: EU ministers of justice and the interior together with their colleagues from the candidate countries on 28 September 2001 agreed 12 measures to combat trafficking, among them active operational co-operation, organisation of information campaigns and providing assistance to victims.

Prevention Forum: the Commission launched in May 2001 the European Forum on Prevention of Organised Crime. In this context, a specific workshop on prevention of trafficking in human beings has been set up.

Awareness Raising Campaigns: the Commission implemented anti-trafficking activities, including an awareness raising campaign, in the Ukraine in co-operation with the International Organisation for Migration. Feasibility studies on the subject were also carried out in Belarus and Moldova.

2002

Targeting The Traffickers: on 19 July, the Council of ministers adopted the European Commission's proposal for a Framework Decision to combat trafficking in human beings (common definition of trafficking for the purposes of labour and

sexual exploitation, which will be implemented in all 15 member states of the European Union as well as in the candidate countries; the penalty for trafficking in all member states must be not be less than eight years' imprisonment).

Protecting The Victims: the Commission has put forward on 11 February a legislative proposal for victims of trafficking to be allowed to stay for a limited period if they are prepared to co-operate in investigations and proceedings against their exploiters. The legislative proposal is currently under discussion in the Council.

Russian Federation: a feasibility study on dealing with trafficking in the Russian Federation is under way. This project will be a joint EU/RUS/US project within the Transatlantic Agenda under which information campaigns already have been carried out (Poland in 1998, Ukraine in 1998, Hungary and Bulgaria in 1999-2000).

Eastern European Countries: the Commission has also started to develop actions against trafficking in East European countries, including Belarus, Moldova, Russia and Ukraine.

2003

Expert Group: an expert group on Trafficking in Human Beings, composed of 20 members drawn from EU Member States and Candidate Countries, international organisations and NGOs, was set up. The groups may issue opinions and reports either following an European Commission request or on its own initiative.

Third-Country Nationals: a European Union Council Directive on the residence permit 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, was issued.

The Council of Europe:

1996

Plan of Action: Plan of action against traffic in women suggested reflection and research guidelines to the member States on legislative, judicial and police aspects, assistance and rehabilitation of victims and preventive and educational programmes.

1998

Awareness raising campaigns: seminars with non-governmental organizations (NGOs) and media, including in the origin countries (Albania, Bulgaria, BiH, Moldova, Ukraine), targeting law enforcement, embassy staff, teachers, social workers etc.

2000

Recommendation: Recommendation No R (2000) 11 of the Committee of Ministers to Member States on action against trafficking in human beings for the purpose of sexual exploitation.

Research: Group of specialists to examine the impact of the use of new technologies on trafficking of human beings for the purpose of sexual exploitation (report published 2003: <http://www.humanrights.coe.int/equality>).

2001

Recommendation: Recommendation No R (2001) 16 of the Committee of Ministers to Member States on protection of children against sexual exploitation

2002

Recommendation: Recommendation 1545 (2002) of the Parliamentary Assembly of the Council of Europe on a campaign against trafficking in women.

Legal assistance: Legal assistance and co-operation activities in this field have been undertaken in the framework of the Programme against Corruption and Organised Crime in South-eastern Europe (PACO).

Lara: Lara Project in South-eastern Europe to support regional criminal law reform on trafficking.

2004

Convention: CAHTEH (Ad Hoc Committee on Action Against Trafficking in Human Beings currently working on a Council of Europe Convention on Action Against Trafficking in Human Beings.

Organisation for Security and Co-operation in Europe (OSCE):

The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) is involved in several counter-trafficking initiatives, such as (in 2003):

- Capacity-building of NGOs to strengthen and expand awareness-raising efforts;
- Monitoring implementation of OSCE commitments and national action plans;
- Development of a handbook on National Referral Mechanisms;
- Co-ordinating efforts and mainstreaming anti-trafficking issues;
- Administering the ODIHR Anti-Trafficking Project Fund.

Many ODIHR activities contribute indirectly to the fight against trafficking, by building stronger legal institutions and raising the capacity of the non-governmental sectors to engage their governments on a wide range of concerns.

A regional initiative was the establishment a "Stability Pact Anti Trafficking Task Force" which aims to promote regional and international co-operation on the prevention and awareness raising of trafficking, including addressing the social and economic causes (<http://www.osce.org/odihr/attf/>).

South Eastern Europe

(Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Greece, Moldova, Romania, Serbia and Montenegro, including Kosovo, Turkey)

Overview:

Political upheaval in Eastern Europe since 1989 and the collapse of the Soviet Union have precipitated a widespread crisis of poverty and the disintegration of political and social structures. This in turn has created a fertile ground for organized crime and the exploitation of poverty in the region. In the Balkan countries particularly, civil and international conflicts have had an extreme destabilizing effect, and women and young people have been rendered especially vulnerable to trafficking. Limanowska (2003) suggests that 90 percent of foreign women working in the sex sector in the region are alleged of having been trafficked. 10 - 15 percent of these women are girls under the age of 18. Younger children, both boys and girls, are being trafficked for forced labour.

The presence of international peacekeepers in many Baltic countries contributes to the extreme success of the sex industry in respective countries.² Internal trafficking is common, with an exodus of rural women making their way to cities and popular coastal resorts. Violence by organized trafficking syndicates and commonplace corruption by national and international police continue to be the main factors in controlling sex-workers, trafficked and untrafficked, in the region.

Widespread (sexual) violence against women in various countries in South Eastern Europe (SEE) constitutes another factor that leads to migration, and hence to vulnerability. For example, in Romania a much higher incidence of trafficking takes place among young women from dysfunctional families than among women and girls living on their own.³ A post-communist reversion to traditional sexist restrictions on women's rights also adds to the push factors for women in the region. An escape to a life in an idealized conception of the more egalitarian West is an attractive lure that traffickers can and do exploit.

² See: Human Rights Watch (2002) for Bosnia and Herzegovina, and Amnesty International (2004) for Kosovo

³ See: Alexandru, M., Lazaroiu, S. (2003)

This is made easier for the traffickers by the fact that the majority of women that leave the Baltic region for work in the unregulated, but not necessarily sex-work areas of the economy, (e.g. cleaners, caring for old people etc.) do experience prosperity and are able to remit money home to their families. Those trafficked into sex-work or within the region, however, have much less chance of matching the success of those that served as their inspiration.

Recently, there have been quite a large number of changes, especially in the area of legislation. In terms of simple attention to the problem, vast strides have been made.

Even where new laws are in place, however, the general feeling is that these laws are not now, and without additional and more wide-ranging systemic changes will not be, successful at halting or even significantly lessening trafficking. Limanowska (2003) states that 'despite recent positive efforts and developments at national, regional and international levels, little has changed for those concerned. The attempts to come to grips with the problem of human trafficking, have so far been toothless and without much success'. This bears out the findings of multiple other studies.

A tendency to come at the problem from a perspective of national security, a lack of sympathy for trafficked people or co-operation between countries, as well as a lack of resources in the police and government to provide for either assistance to trafficked persons or the active seeking out and prosecution of traffickers are just some of the factors that hamstring South Eastern Europe's new laws as fast as they are signed into force. Too many trafficked people are still being treated as culpable illegal immigrants. Human rights abuses by traffickers, and sometimes by misguided law enforcement officials and policies, continue rampant as long as legal lacunae are in place.

There has been a great deal of information generated recently regarding trafficking in humans in South Eastern Europe. Unfortunately sorting it into a clear picture is difficult, since different agencies and different countries throughout the region have used different definitions of trafficking and different methods of research. Too often reports on "trafficked" women are taking statistics from reports on smuggled migrants, deported sex-workers or report about sex workers instead of trafficked women⁴.

⁴ See for instance: Lehti, M. (2003)

Limanowska (2003) analyses the impact of anti-trafficking interventions in SEE and comes to following conclusions:

- Trafficking in SEE has not decreased;
- The number of identified and assisted trafficked persons had decreased;
- Traffickers go unpunished;
- Trafficked persons' human rights are not protected;
- Lack of criteria for the identification of trafficked persons;
- Identification conditional on cooperation with the police;
- Trafficked persons do not trust the police;
- Change in the modus operandi of traffickers;
- Negative implications of the law enforcement approach on trafficked persons;
- Assistance to trafficked persons equates to repatriation;
- Re-victimisation in the process of assistance;
- Lack of legal assistance;
- Lack of information about legal procedure;
- Lack of witness protection;
- Lack of data protection.

Regional responses and initiatives:

All SEE countries have ratified: the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* and the *Convention on the Rights of the Child (CRC)*. All of them signed the *UN Convention against Trans-national Organised Crime* and its two additional protocols.

Stability Pact for South Eastern Europe Task Force on Trafficking in Human Beings (SPTF): was set up to encourage and strengthen co-operation among the countries of SEE in order to streamline and accelerate existing efforts to combat trafficking in the region.⁵

Regional Clearing Point: SPTF initiated Counter-Trafficking Regional Clearing Point in order to promote comprehensive, appropriate and well co-ordinated assistance to trafficked people and protection programmes throughout SEE.

South Eastern European Co-operative Initiative (SECI): SECI is the regional center for combating organized crime. The SECI Illegal Human Beings Trafficking Task Force was established in 2000.

⁵ See: <http://www.stabilitypact.org/trafficking/default.asp>

Organisation for Security and Co-operation in Europe (OSCE): OSCE field missions play a vital role in carrying out anti-trafficking work in the region.

International Organisation for Migration (IOM): IOM works in the area of prevention, and assistance and protection. Within the framework of the SPTF, IOM is the lead agency for return and reintegration assistance.

United Nations Children's Fund (UNICEF): Within the SPTF and in co-operation with Save the Children, UNICEF is the lead agency for awareness raising. UNICEF has developed *Guidelines on the Protection of the rights of Children Victims of Trafficking in South Eastern Europe*.

SEE RIGHTs Project: The main goal of the SEE RIGHTs project is to promote a change of policy in combating trafficking in human beings in SEE from a law enforcement to a human rights/child rights approach.

La Strada Foundation: La Strada is the most active NGO in the area of trafficking prevention, assistance to trafficked persons and reintegration. La Strada operates as a network of independent organizations in the countries of Central and Eastern Europe.

International Catholic Migration Committee (ICMC): ICMC provides emergency assistance and promotes durable solutions for refugees, internally displaced persons, returnees and migrants, and trafficked people in the Balkans.

Country specific:

Albania

Albania has a population of 3.3 million and is located in the western part of the Balkan peninsula. It borders Montenegro to the north, Kosovo in the north-east, the former Yugoslav Republic of Macedonia in the east and Greece to the south. It has access to the Adriatic and Ionian Seas to the west. Albania is less than 100 km from Italy across the Strait of Otranto.

The location of Albania, between the poor countries of SEE and the rich West, made it an attractive place for all kinds of illegal trans-border activities, including trafficking in humans. Having placed in Tier 3 in the US TIP Report in 2001 (as a country that was not making any effort to combat trafficking), Albania was placed in Tier 2 in 2002. This "upgrade" reflected changes in the attitude of the Albanian Government after the elections in 2001 and the remarkable progress made in combating trafficking.

From the beginning of the 1990s, there was a strong drive for Albanians to migrate abroad most often to the countries of Western Europe. According to the police, their actions in the year 2001-2002 resulted in the complete halt of illegal migration from Albania and the transit of migrants through Albania. However, according to local NGOs, trafficking and transit through Albania is still going on, although on a smaller scale. Since 2001 a number of serious initiatives were undertaken. The number of women trafficked out of Albania in the year 2002 is estimated to be very low, with the result that the number of returnees to Albania in 2002 dropped by 40 percent. Awareness raising campaigns on trafficking had a negative effect in that Albanian parents are now so alarmed by the prospect of kidnappings that they are not allowing daughters to travel to school. This is having a disastrous effect on women's literacy in the country.

Responses and initiatives:

National Plan of Action (NPA): The NPA (2001-2004) established long-term goals and priorities for different areas of concern and different institutions. Long term plans are focused on prevention and addressing the root causes of trafficking. There is a clear link made between the economic and social position of women in society and in the family, and trafficking.

The Albanian Government has multilateral agreements with Germany, Italy and Greece for the development and management of an International anti-trafficking center in Albania.

Anti-trafficking legislation: In 2002, Albania ratified the *UN Convention against Trans-national Crime* together with the Trafficking Protocol.

The Albanian legislation on trafficking in human beings was changed in 2001 with the adoption of Law No. 8733. On the basis of this law, amendments were made to several articles of the Criminal Code, so that human trafficking is punishable with 5-15 years imprisonment. The law complies with the Trafficking Protocol.

However, according to NGOs, law enforcement does not understand the new articles in the Criminal Code and does not know how to use them. The legislation does not include provision for confiscating assets derived from trafficking. There is no witness protection law and lack of legal assistance and representation for witnesses in trafficking cases.

Prosecution: In 2002, 465 cases against traffickers were opened, 700 people were arrested and 36 sentenced for trafficking related crimes. Prosecutions have been ineffective because of the very slow judicial proceedings, alleged corruption of the police and judiciary, and a lack of training and understanding of trafficking among the judiciary.

Assistance to trafficked persons: Support for trafficked persons in Albania is still delivered by international organizations and NGOs with limited support from the government. According to Limanowska (2003) there are at present two shelter in the country, one run by IOM and one managed by a local NGO, Vatra.

According to IOM, approximately 500 Albanian women and girls returned home after being trafficked in 2002. 30 percent of trafficked people who are returning to Albania are children. According to a Terre des Hommes report⁶ the Greek authorities are systematically deporting Albanian children over 12 years of age from Greece to Albania. Returned children are either placed in the above mentioned shelters for trafficked women, or in special institutions for children.

⁶ See: Terre des Hommes (2003)

Bosnia and Herzegovina

Bosnia and Herzegovina (BiH) is a sovereign territory and comprises two entities, Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FbiH), and the autonomous District of Brcko. The FbiH is further divided into then districts. BiH ranked next to FYR Macedonia as the poorest republic in the Socialist Federal Republic of Yugoslavia. Today, Governance is shared by 13 political units, each possessing constitutional and legislative authority and managed by 181 Ministries - all this for approximately 3.8 million people.

After US threats to impose sanctions on BiH, several steps to improve domestic legislation regarding trafficking were undertaken. Hence, BiH was reclassified from Tier 3 to Tier 2 in 2003. The involvement of internationals (mainly SFOR soldiers) in both trafficking processes as well as clients of sex workers/trafficked women working in the sex industry emerged as a hot topic.⁷

Patterns of trafficking changed in that: There are generally fewer bars and nightclubs, which could either point to a decrease in trafficking or a more "underground" operation of brothels in private flats etc. Fewer women are being assisted. Better treatment and payment of women by traffickers, pimps and bar owners is reported. More local BiH women work in bars and in the sex industry. There is more information about internal trafficking and the growing number of young women and men (under 18) forced to work as prostitutes.

Responses and initiatives:

National Plan of Action (NPA): In 2002, BiH ratified the *UN Convention Against Transnational Organized Crime* and its two Protocols.

The NPA focuses on border control and law enforcement; support for trafficked persons; legal reform; and awareness raising and education. The NPA provides a general assessment of the situation regarding combating trafficking in human beings in BiH and directions for its improvement, rather than a comprehensive Plan of Action. Implementation is slow and concrete plans are lacking. All activities aimed at preventing trafficking, raising awareness, protecting and assisting trafficked persons were being implemented by local NGOs and mainly IOM.

⁷ See for example: Human Rights Watch (2002)

Anti-trafficking legislation: In 2003, following laws were adopted: the Criminal Code on the State level, Law on Witness Protection under threat and /or jeopardy, and the Law on Foreign Migrants.

Article 186 of the new Criminal Code, which refers to trafficking, does not comply with the Palermo Trafficking Protocol. It attempts to redefine trafficking using alternative wording but without giving a clear definition, and does not address the issue of the victim's consent to the intended exploitation as does the Trafficking Protocol. The new Criminal Code imposes a penalty of 1 to 10 years imprisonment for trafficking in human beings. For the trafficking of a minor, the penalty is at least 5 years imprisonment, although the article does not define the age range for a "minor" neither does it make the issue of consent to trafficking irrelevant.

Prosecution: The new Criminal Code has not been used for prosecution purposes yet. There continues to be information about the alleged involvement of local police and UN peacekeepers in trafficking.

Assistance to trafficked persons: According to reports, "it is an undisputed fact that the number of trafficked women and girls who were given assistance in BiH dropped drastically in 2003" (Limanowska (2002)). Explanations for this range from that more local than foreign women now work (legally) in the sex industry in BiH to that trafficked women work in more hidden place (e.g. private flats).

While the identification of trafficked women used to be carried out by a UN Special Trafficking Operation Programme, 'STOP', this has now been taken over by the EUPM (the European Union Police Mission). There has been massive criticism regarding the procedures of the STOP teams which meant raiding bars and brothels on a weekly basis and sending all the women, trafficked or not, to IOM. Most of the women refused assistance. Since EUPM took over identification processes (together with local police), the procedures seem to have improved.⁸

Assistance is provided by IOM (frequent accounts of "shelter escapes" by (trafficked?) women; apparently negative reputation as organization that

⁸ See: Limanowska (2003) for bad practices on identification and IOM assistance to (trafficked) women

specializes in returning people to their country of origin and not as an organization that assists victims of trafficking); La Strada, the International Forum of Solidarity (IFS), Lara. EUPM claims that it is no longer a problem to reach or identify trafficked persons. The problem is the lack of services that the women would accept and the organisation of the existing services.

Bulgaria

Bulgaria borders Greece, FYR Macedonia, Romania, Serbia and Montenegro and Turkey and has a population of 7,5 million.

Due to its location, Bulgaria is a country of transit, destination and origin for trafficking in persons. Women and girls from Moldova, Romania, Ukraine and other countries of the former Soviet Union are trying to reach Western Europe via Bulgaria. In the past couple years there has been an overall decrease in the number of Bulgarian women trafficked abroad. However, La Strada Bulgaria states that that Bulgaria is still predominantly a country of origin. Bulgarian women, the majority of them from the Roma and Turkish minorities and mostly from the poorer areas are also becoming victims of internal trafficking.

In 2004, Bulgaria was placed in Tier 2 in to the US TIP Report.

Responses and initiatives:

National Plan of Action (NPA): The development of the first NPA was initiated and facilitated by La Strada Bulgaria with the aim of uniting and co-ordinating the efforts of all institutions into national strategy against trafficking.

Anti-trafficking legislation:⁹ In 2002, Bulgaria ratified the Trafficking Protocol.

With view to joining the European Union, and the consequent need to synchronize legislation and practices according to European standards, the Bulgarian government passed a new legislation for combating trafficking in

⁹ The following is based on: *Country Paper: Bulgaria* by Nadia Kozhouharova, La Strada Bulgaria. Written for an ICCO consultation 'Traffic in Women: Women's Rights and Reintegration', the Netherlands, 2004

human beings in 2003. The new legislation includes changes to the Penal Code which incriminate trafficking in persons, especially women and children.

A separate Law on combating the illegal trafficking in persons was created, which deals with the prevention of trafficking and support for trafficked persons. This law is the most comprehensive legislation in the region to date. It answers all the questions and addresses the problems that agencies dealing with the issue of trafficking are facing. It makes clear the obligations that the state and assisting agencies have towards the trafficked persons in the process of assistance. It also clearly stipulated the special rights and special protection to which child victims of trafficking are entitled. However, this law makes a clear distinction between the rights of the trafficked people who are willing to cooperate with law enforcement agencies and those who do not want or are not able to do so.

Prosecution:

There are only a few cases pending against traffickers accused under the new anti-trafficking Article 159 (b) of the Criminal Code. The police in cooperation with IOM, are trying to protect witnesses by keeping them in protected, rented apartments. There has been a witness protection law in Bulgaria since 1997, but it is not really implemented. To date there have been no convictions for procuring and/or trafficking in Bulgaria.

Assistance to trafficked persons: According to the police, 117 trafficked persons were identified in Bulgaria in 2002, of which 30 percent were Bulgarian nationals. 61 percent of all trafficked persons were girls under 18. All of the 62 women and girls assisted by La Strada Bulgaria in 2003 were Bulgarians. Of the 86 women who received support from IOM in 2003, only six were non-Bulgarians.

Assistance is provided by IOM and NGOs, like the Nadia Centre, La Strada Bulgaria and the Bulgarian Red Cross.

While the Police Special Task Force is interested in combating organized crime and is willing to provide special protection to some trafficked persons acting as witnesses, many returning women are threatened by the traffickers in their communities and are left without any support.

Croatia

Croatia is located between Bosnia and Herzegovina and Slovenia, bordering the Adriatic Sea, and has a population of 4.4 million. Notwithstanding the post-conflict difficulties, Croatia is doing relatively well in comparison to other countries of SEE. Before the dissolution of the Socialist Federal Republic of Yugoslavia, Croatia was the most prosperous and industrialized republic after Slovenia.

It is reported that there has been a significant decrease in illegal migration in Croatia in the last couple of years. Croatia seems to be a country of transit and, only to a very limited extent, a destination country for foreign women and girls trafficked for sexual exploitation. With a few exceptions there is no confirmed information about Croatians trafficked abroad. Croatia has been placed in the Tier 2 - Watch List category in the US TIP Report.

Responses and initiatives:

National Plan of Action (NPA): The NPA is divided into five chapters: legislative framework; assistance and protection of victims; prevention; education; international cooperation.

The NPA provides a very good basis for the establishment of concrete structures, laws and activities to fight trafficking effectively and to ensure respect for the human rights of trafficked persons. The NPA recognizes the need to protect the rights of trafficked persons and covers a number of important issues, such as residence rights and the need to ensure that the trafficked person is informed about her/his legal rights.

Anti-trafficking legislation: Croatia ratified the Trafficking Protocol in 2002. The amendments to the Criminal Code, which criminalise trafficking, were to be adopted in 2003. Existing provisions in the Criminal Code that could be used in trafficking cases, are: Article 175 (slavery and transport of slaves); Article 177 (illegal border crossing); Article 178 (offering of sexual services for profit); Article 195 (procurement of women). The new draft article on trafficking in persons (as to 2003) complies with the Trafficking Protocol. It also proposes the penalisation not only of traffickers but also of the clients of trafficked women, if it is determined that they were aware that the person was a victim of trafficking.

Prosecution: As trafficking had not previously been recognized as a separate crime, there was no commitment on the part of the police to treat trafficking as a specific issue. In the past years, there were a few people sentenced under Article 175 and 178.

Assistance to trafficked persons: Assistance has been sporadically available for trafficked persons and on ad hoc basis (trafficking is not a wide spread phenomenon in Croatia!). IOM cooperates with NGOs (STEP, Centre for Women War Victims (ROSA), Organisation for Integrity and Prosperity (OIP), ICMC) that can offer shelter to trafficked people. There were just a few cases in Croatia for which assistance to the victims was necessary, however, provisions have been made in the NPA in case that there is need for such a system in the future.

Former Yugoslav Republic of Macedonia

The former Yugoslav Republic of Macedonia borders Albania, Bulgaria, Greece and Serbia and Montenegro. The population is two million.

Macedonia is mainly a transit and destination country for women trafficked from Eastern Europe to South-Eastern and Western Europe. Trafficked women come from Moldova, Romania, Ukraine, Bulgaria, Russia and Belarus. There is also evidence of internal trafficking in Macedonia.¹⁰

As a result of the 2001 internal ethnic conflict, anti-trafficking activities were suspended or stopped for several months. As most of the trafficking takes place in the Western part of the country, the area of most unrest and conflict, it is still difficult to obtain any information on trafficking. In the US TIP Report, Macedonia is placed in Tier 1.

Responses and initiatives:

National Plan of Action (NPA): The NPA is in place since 2002. Its main objectives are to investigate the factors that influence trafficking in human beings and illegal migration in the country and in the region, to identify the organisers of these criminal activities, their modus operandi and their

¹⁰ See: La Strada (2004) *Interim Report of La Strada Macedonia*

connections with international groups, and to propose measure to prevent trafficking, to protect trafficked persons and to prosecute the organisers.

According to Limanwoska (2003), the Macedonian NPA is very general and very detailed at the same time, describing anticipated activities en detail, but only outlining the responsibilities and areas of concern of the various Ministries. It seems that the NPA was created primarily with the idea of a law enforcement approach with little consideration for other aspects of anti-trafficking work (e.g. human rights of trafficked persons are not considered¹¹).

Anti-trafficking legislation: FYR Macedonia has signed but not yet ratified the Trafficking Protocol (it is hoped that this will happen by the end of 2004). The new article (Article 418a) of the Criminal Code entered into force in 2002.

The definition of trafficking in the new law complies with the Trafficking Protocol definition and provision is made to penalise trafficking with at least four years imprisonment. The law also defines as a crime the knowing use of or enabling others to use the sexual services of trafficked persons.

New articles are anticipated (e.g. Article 418c) which concerns the trafficking in human beings and illegal transportation of migrant; special investigation techniques; confiscation of assets from criminal activities etc.

Prosecution: After the introduction of the special anti-trafficking article, eight cases have been initiated and completed against traffickers according to the new law. They ended with the sentencing of the traffickers. The cases were very well prepared and efficiently prosecuted. Formerly trafficked women who already had returned to their home countries were present at the trials to act as witnesses.

Assistance to trafficked persons: An agreement exists between IOM and the police to inform IOM about all female illegal migrants. The main way for the police to contact potential victims of trafficking is via bar raids. Although bar raids result in the women and girls being either deported or transferred to the shelter, bar owners are usually not arrested and the bars are not closed.

¹¹ See: *ibid.*

The shelter takes only trafficked persons who are willing to return to their country of origin - trafficked women who do not want to take in the IOM programme have no choice but to be deported.

There were critics regarding the shelter in terms of women having no freedom of movement; control of appearance and the choice of clothes; confiscation of belongings etc.

Apart from IOM, La Strada is present and has been operating an information and prevention hotline on trafficking (amongst other prevention activities) since 2002. La Strada is also concerned about the cases of internal trafficking, which are not reported or followed by the police.

Greece

Greece borders Albania, Macedonia, Bulgaria, Turkey, and the Mediterranean Sea. It has a population of 11 million.

Greece is a country of transit and destination for women, men, and children trafficked for sexual exploitation and forced labour. Most trafficked persons come from Eastern Europe and the former Soviet Union countries. The trafficking of Albanian children into Greece is infamous. However, a recent decrease of Albanian children trafficked into Greece is attributed to greater vigilance by the Greek police, the regularization of the Albanian population in Greece, more awareness in Albania on the issue, and counter-trafficking initiatives in Albania.¹²

Greece is in Tier 2 - Watch List of the US TIP Report.

Responses and initiatives:

Anti-trafficking legislation: Greek Law 3064/2002 criminalizes trafficking in persons for sexual exploitation and forced labour. Greece has signed the Trafficking Protocol, but not yet ratified.

¹² See: Terre des Hommes (2003)

Prosecution: In 2003, the government reported arresting 284 alleged traffickers and secured 69 convictions on trafficking-related charges. Outcome of the trials was not reported yet.

Assistance to trafficked persons: A Presidential Decree (233/2003) regulates victim protection. Although the government provided the equivalent of \$1.4 million to NGOs for protection and assistance programmes, the implementation of the Presidential Decree had not progressed to the point of providing residency for trafficked persons illegally present in Greece. Apparently, one NGO shelter assisted 30 trafficked persons. There is no institutionalized, let alone implemented, referral system as yet, and police refers trafficked persons (with legal status only) on an ad hoc basis to NGOs. Trafficked children, however, with no status, are arrested and deported back to their country of origin. According to Terre des Hommes (2003), there are no institutionalized social services for those children available in Greece.

Moldova

The Republic of Moldova borders Romania and Ukraine and has a population of 4.3 million. During the transition period in the 1990s, living standards in Moldova deteriorated and unemployment rose up to 73 percent¹³. Moldova remains one of the poorest countries in Europe. Apart from poverty, another major push factor is domestic violence and sexual abuse.

Moldova has emerged as a major country of origin for trafficking in women and children because of its geographical location and current economic situation, as well as the poor social situation, weak rule of law and rampant corruption. Trafficked persons from Moldova represent the biggest part of the total number of trafficked persons identified and assisted in the Balkans during 2002 and 2002.¹⁴ The USA placed Moldova in Tier 2 in their 2004 TIP Report.

New trends are: trafficking in minors; keeping trafficked people in private flats rather than in public places (e.g. brothels) which makes it difficult both for police to rescue trafficked people and for trafficked people to escape; and new

¹³ See: *Country Paper: Moldova* by Ana Revenco, La Strada Moldova. Written for an ICCO consultation 'Traffic in Women: Women's Rights and Reintegration', the Netherlands, 2004

¹⁴ See: Regional Clearing Point (2003)

trafficking channels, especially to Russia, but also to Israel, Saudi Arabia and the United Arab Emirates.

Responses and initiatives:

National Plan of Action (NPA): An NPA was adopted in 2001 which proposes actions to be initiated by various governmental institutions in the area of: research and assessment; awareness raising; prevention; assistance to trafficked persons; law reform; return and reintegration of trafficked people; international co-operation. The NPA is very vague in its objectives and timelines, and most activities are still being conducted by NGOs and international organizations.

Anti-trafficking legislation: In 2001, the Criminal Code was supplemented with Article 113-1, "Illicit Trafficking in Persons". Shortcomings of the article are the failure to define trafficking as such, and to perceive trafficking in humans as a human rights violation. A revised anti-trafficking legislation was therefore developed and two new amendments to the Criminal Code were created, in harmony with the Trafficking Protocol: Article 165, "Trafficking in Persons", and Article 206, "Trafficking in Children". It entered into force in 2003. Three important gaps have been identified already: prosecutors can retain the option not to charge trafficked persons for the crimes they have committed, however, the law conditions this provision by direct cooperation of the trafficked person with police; the article skipped the "consent of the victim is irrelevant" phrase; there is no provision for prevention in the Code.

Moldova signed the *UN Convention Against Transnational Organized Crime* including the two Protocols on human smuggling and trafficking.

Prosecution: Prosecution of traffickers has been very difficult due to the lack of legislation, lack of judicial experience with trafficking cases and the absence of witness protection programmes. Apparently, there were 42 trafficking trials underway in Moldova as of the end of 2002. In two cases, traffickers were sentenced, one to 15 years in prison, the second to 10 years.

Assistance to trafficked persons: There are reports that fewer trafficked women are coming back to Moldova. Although the number of returnees

decreased substantially during the last two years and fewer women are taking part in the reintegration programmes, organizations state that trafficking in fact is not decreasing. The decrease in number apparently reflects the change in the modus operandi of the traffickers, which is more sophisticated than before.

Several organizations are providing assistance to trafficked women: IOM (reception and rehabilitation center); the Centre for Prevention of Trafficking in Women (CPTW) (legal assistance), Save the Children (direct assistance to returnees); La Strada (assistance, prevention and lobby).

While there seem to be no working identification procedures used by the law enforcement agencies, according to Limanowska (2003), the assistance programme developed in Moldova is in many respects the best in the region. It seems to be based on human rights principles, the protection of the rights and the best interest of the trafficked persons, programmes are well designed and implemented and staff is professional. Moldova has the most developed re/integration programmes aimed at long-term support for returnees. However, according to others¹⁵, problems still exist, mainly because of lack of support from governmental institutions, and the persisting problem of unemployment in the country.

Romania

Romania borders Moldova, Ukraine, Bulgaria, Serbia and Montenegro and Hungary and had a population of 22.3 million. Romania was placed in Tier 2 in the US TIP Report.

Trafficking decreased after changes in visa regime to the majority of EU countries were introduced in 2002. Easier access to passports and visas reduces the need for forged documents or illegal border crossing.

Information about internal trafficking seems to increase.

Responses and initiatives:

¹⁵ See: *Country Paper: Moldova* by Ana Revenco, La Strada Moldova. Written for an ICCO consultation 'Traffic in Women: Women's Rights and Reintegration', the Netherlands, 2004

National Plan of Action (NPA): The NPA focuses primarily on law enforcement and legal reform. The NPA stays on the very general level of proposing many activities to be implemented by many agencies, without assigning concrete tasks or creating time frames for them.

Anti-trafficking legislation: In 2001, a new anti-trafficking legislation, Law No. 678/2001 has been passed. This *Law on the Prevention and Combat of Trafficking in Human Beings* defines a new crime of trafficking in human beings, which complies with international legal standards, especially with the Trafficking Protocol. Although it is an example of very comprehensive regulation, the Law is still missing the regulatory procedures to operate the whole system of assistance and prevention it proposes. It provides criminal provisions for prosecuting the crime of trafficking and protecting trafficked persons from being prosecuted for prostitution, but it does not protect them from being prosecuted for illegal border crossing.

Prosecution: There have been approximately 250 cases initiated according to the new legislation, however, the outcome of the cases is unknown. While trafficked persons are obliged to talk to the police and give their testimonies, there is no witness protection system in place, no clear data protection procedures and no legal support for the trafficked person.

Assistance to trafficked persons: At the governmental system of support to trafficked persons does not yet work. Trafficked people receive assistance through IOM or through NGOs (Salvati Copii (Save the Children), Reaching Out). Limanowska (2003) states that the reintegration programme supported by IOM does not work well since women and girls are referred to NGOs for further assistance without checking if the NGOs have the capacity to deal with the referred cases. There is apparently no system of monitoring reintegration programmes and no evaluation of their effectiveness.

Serbia and Montenegro

Serbia and Montenegro comprise of the Republic of Serbia and the Republic of Montenegro and the UN Administered Province of Kosovo. It has a total population of 10.6 million people (excluding Kosovo). It borders on Albania, Bosnia

and Herzegovina, Croatia, the FYR Macedonia, Bulgaria, Romania, Hungary and the Adriatic Sea.

Serbia and Montenegro were placed in Tier 2 - Watch List in the US TIP Report.

Republic of Serbia (excluding Kosovo)

The geographical position of Serbia makes it a transit country for the trafficking of women and girls into BiH, Kosovo, FYR Macedonia and Western Europe from Moldova, Ukraine, Romania and Central Asian countries. Serbian women and girls are trafficked to Italy and Greece. There have also been an increase in cases of Serbian women working in the sex industry in BiH, Kosovo, Montenegro and FYR Macedonia and more cases of trafficking within the region.

International and internal trafficking are more closely linked than before. There is also more information about internal trafficking. However, available data on assisted foreign trafficked women to and through Serbia suggests that the number of trafficked women and girls is decreasing.

Responses and initiatives:

National Plan of Action (NPA): As to 2003, there were no clear plans for the development of a long-term comprehensive NPA. There was only the programme of work of a National Team, which was adopted by governmental organizations and supported by NGOs. It focuses on the activities of the Ministry of the Interior. Special police teams to combat trafficking were formed

Anti-trafficking legislation: In 2003, amendment to the Serbian Criminal Code, which included definitions of the crimes of trafficking in human beings, were approved. The new law (Article 111b) uses a definition of trafficking that is largely based on the Trafficking Protocol. The penalty for trafficking of human beings is 1 to 10 years imprisonment. The issue of consent is taken into consideration when a person is over 14 years of age, which is inconsistent with the definition of the Trafficking Protocol, which prescribes that consent is irrelevant for children under the age of 18.

Prosecution: the successful prosecution of trafficking cases has been the weakest point of the anti-trafficking efforts in Serbia. There are 61 cases from 2002 and 46 cases from the beginning of 2003 awaiting prosecution. 10 criminal charges were brought against 31 persons for their involvement in trafficking of human beings.

Assistance to trafficked persons: Trafficked persons come to the attention of the police mainly during police raids. Police works closely with IOM and refers trafficked women to IOM shelter. However, women do not want to be recognized as having been trafficked and accommodated and assisted in the IOM shelter. For these women, to be helped by IOM and sent back home with IOM assistance is equal to being branded as a sex worker upon return, which is a situation they want to avoid. IOM supported approximately 50 trafficked persons in 2003. ASTRA, a local NGO that operates a hotline for trafficked persons, supported 35 women in 2002.

Republic of Montenegro

Montenegro appears to be primarily a transit area for the trafficking of women and girls from Serbia into Western Europe, especially Italy. Women and girls from Romania, Albania and Kosovo are also trafficked via Montenegro to the European Union. Montenegro also became a destination point for trafficking from Moldova, Romania, Ukraine and Russia.

At the end of 2002, there was a minor governmental crisis due to the so-called "Moldovan trafficking case". Members of the ruling coalition and of the government, as well as other high ranking politicians, were accused by a trafficked woman from Moldova of being involved in trafficking or/and using the services of trafficked women. As a result, a new Anti-trafficking National Coordinator was appointed in 2003. At this point, plans were on the way to reorganize the various anti-trafficking mechanisms in the country.

Responses and initiatives:

National Plan of Action (NPA): A National Anti-Trafficking Co-ordinator was appointed in 2001 and a comprehensive Victim's Protection Project (VVP) developed. The VVP activities included: awareness raising campaigns; establishing an open, transparent and objective system for identifying and supporting

trafficked women; assistance to all trafficked persons; ensuring sustainability by having local agencies implementing the project; establishing rules of co-operation between partners. The VVP was put in place instead of an NPA. However, despite the VPP being accepted as Montenegro's NPA for trafficking, governmental agencies have not played an active role in the development and implementation of any part of the programme, except for the Ministry of the Interior. As a result, the VPP can be seen as a short-term exercise in preparation for the development of a real NPA rather than as the NPA of the Montenegrin government.

Anti-trafficking legislation: In 2002, the Parliament of Montenegro accepted the amendments to the Criminal code that penalized the crime of trafficking in human beings. As a result, two articles on sexual abuse and trafficking in persons were included (Article 93; Article 201a). In general, the new law complies with the Trafficking Protocol definition.

The new Criminal Code articles on trafficking are not accompanied by changes in the Criminal Procedures Code, which leaves the trafficked person/witness without proper protection and vulnerable to re-victimisation and abuse. Montenegro still lacks a Criminal Procedures code and a Witness Protection Law which would ensure better legal protection of the trafficked person/witness.

Prosecution: Before the amendment of the Criminal Code and the introduction of the new anti-trafficking legislation, 10 prosecutions were brought against traffickers in Montenegro. All ended with the charges being dropped and the suspects released. Since the new law has been introduced, several people have been arrested and accused of trafficking, but there have been no successful prosecutions to date. The so -called "Moldovan Case" is still pending.

Assistance to trafficked persons: The criteria that the police use to identify trafficked persons are unclear and nobody but the police has access to all interviewed women. The vast majority of women picked up during frequently happening police raids are deported to the border without being able to contact or enter shelters. Although a Memorandum of Understanding between police and NGOs governs the referral system, procedures are obviously not being followed.

Within the framework of the VPP, the Government was responsible for assisting trafficked women and girls by ensuring that those staying in the shelter had

access to medical, psychological and legal assistance. However, the government never officially endorsed the VPP and made no official commitment to fulfill those obligations. All the government actions taken were carried out on an ad hoc basis and were the result of the good will of the representatives of the governmental institutions rather than officially accepted commitments. In reality, the NGO shelter (Women's Safe House (WSH)) provided all the services. Unlike in other countries, the hotline in Montenegro is frequently used (more than 1000 calls per year).

The UN Administered Province of Kosovo

Kosovo is a province within the Republic of Serbia with a population of 2 million. Kosovo is dependent on the international community for financial and technical assistance.

Kosovo has been identified as a destination location and, to a lesser extent, a location of transit or origin for trafficking in women and girls. The main routes into Kosovo appear to be from the north, across the Serbian border and through FYR Macedonia. Some women have been trafficked from Montenegro and Albania.

Internal trafficking is reportedly growing. However, the increased numbers in IOM reports may reflect the change in IOM's policy towards internally trafficked women rather than any change in the numbers of trafficked persons in general because IOM did not previously assist internally trafficked women.

Many fear (including local NGOs) that migration/trafficking from Kosovo may escalate due to the declining economic situation and growing unemployment, especially among young women.

Responses and initiatives:

Kosovo Plan of Action (KPA): A KPA does not exist. As the result of a conflict between the UN Interim Administration Mission (UNMIK) and the Kosovo Government, there is no lead agency and no coordination of anti-trafficking work in Kosovo. The Kosovo Government is also convinced that the work done by UNMIK and the international organisations to combat trafficking is not effective: they see the failure to make an impact on trafficking as the result of

a lack of interagency and internal coordination on the part of UNMIK, a lack of any action against corruption and the lack of a KPA.

Anti-trafficking legislation: *A Regulation on the Prohibition of Trafficking in Persons in Kosovo* (UNMIK/REG/2001/4) came into force in 2001. It complies with the Trafficking Protocol. The law, or Regulation, makes human trafficking a criminal offence punishable by 2 to 20 years in prison allows an establishment to be closed if it is involved in trafficking and allows for the confiscation of a trafficker's property. The anti-trafficking law also provides for those knowingly using the sexual services of trafficked persons to be penalized.

Prosecution: In 2002, there were 92 charges of trafficking. Apparently, persons charged with trafficking are convicted in 80 percent of cases. However, they are usually convicted for other (minor) crimes than trafficking. Many cases related to trafficking do not proceed beyond the pre-investigation, investigation and pre-hearing phases due to the lack of witnesses. Apart from that, law enforcement does not seem to investigate cases properly and do not implement provisions nor do they understand the position of the trafficked person.

Assistance to trafficked persons: According to United Methodist Committee on Relief (UMCOR), they assisted 80 trafficked persons in 2002. IOM assisted 75 trafficked persons in the same year. Most trafficked persons are discovered during bar raids, arrests and detention. Only when a person is identified as having been trafficked and expresses a wish to be repatriated does s/he have a chance of being placed in a shelter. There are two other shelters for those who cannot be placed in the IOM shelter (Centre for Protection of Women and Children (CPWC) and the Interim Security Facility (ISF)).

According to some report, while the Anti-trafficking law creates a framework for support services for trafficked persons such as counseling, temporary safe accommodation, etc., the main problem remains the lack of implementation.

The number of trafficked persons accepted at the shelter in the second half of 2002 has declined very significantly in comparison with previous years. As in other cases, when the referrals are mainly the result of police raids, it is hard to say if the decline is caused by a reduction in police activity, different identification criteria used, a sudden change in the modus operandi of the traffickers or simply a decrease in the number of trafficked persons in Kosovo.

Turkey¹⁶

Turkey borders Georgia, Armenia, Iran, Iraq, Syria, Greece, Bulgaria, the Black Sea and the Mediterranean Sea. Its population is 73 million.

In the last few years, Turkey increasingly became a point of attraction for irregular migration flows, due to a liberal border policy and an official policy to attract tourism. Various sources indicate that Turkey is one of the major destination countries for trafficking in women from mainly Azerbaijan, Georgia, Moldova, Romania, Russia and the Ukraine.

Since issues like smuggling or trafficking in humans are rather new for Turkey, any data and reliable research is extremely limited. According to the data provided by the Ministry of Interior, there were almost 400 000 deportations since 1995. Normally, citizens from ex-socialist countries form a category of illegal migrants, who enter Turkey legally and are deported for other offences (e.g. prostitution, sexually transmitted diseases (STDs), expiration of visas).

Turkey was placed in Tier 2 Watch - List by the US State Department.

Responses and initiatives:

Anti-trafficking legislation: Turkey ratified the Trafficking Protocol in 2003.

In 2002, new anti-trafficking legislation came into force (Article 201b) according to the Trafficking Protocol. It punishes trafficking with up to 10 years imprisonment. This law brought some important changes: it introduced a definition of trafficking in humans and the concept of trafficked persons being victims of a crime (and not perpetrators).

Assistance to trafficked persons: Even though there are no public institutions that specifically focus on the issue, there is increasing general awareness of the importance of the problem. However, traditionally urban public welfare institutions are still very weak in Turkey, even for Turkish citizens. The family and kinship relations and communal networks have traditionally been regarded both by individuals and the State as the most important solidarity network.

¹⁶ All information is based on Erder, S., Kaska, S. (2003). According to Erder, S., Kaska, S. (2003), no previous research has been conducted regarding trafficking in Turkey.

However, there is a growing awareness of the insufficiency of this traditional institution and the need for either commercial or voluntary organisations (e.g. NGOs).

According to IOM research, there are no NGOs dealing specifically with the issue of trafficking in Turkey so far. According to the US TIP Report, the government signed a formal agreement with IOM in 2004 regarding repatriations and established a protocol with an NGO whom it agreed to notify before conducting raids.

Central and Eastern Europe

(Belarus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, the Russian Federation, Slovak Republic, Ukraine)

Overview:

The transition from communism to capitalism has taken its toll on the infrastructure and economic stability of all the newly independent states in Eastern Europe. There are fairly wide variations, however, in the severity of the economic problems and in the successes of government and social responses. Border and migration controls often fall through the gaps left as each country scrambles to improve its own situation. Organized crime is prevalent throughout the region.

Sexist official attitudes towards women have resurged after the fall of communism and violence against women is reported as being a major concern. The majority of Eastern European countries follow some form of Catholic orthodoxy, one result of which is that returned trafficked persons, especially those trafficked into prostitution, find it extremely difficult to live in their former communities.

In the last years, regional interest in the issue of trafficking has grown considerably, largely due to the work of some dedicated NGOs. New anti-trafficking laws are being implemented, but technical problems of extradition, extra-territorial jurisdiction, standards of proof, and confusion over new legal terms such as 'debt-bondage' have gotten enforcement of these laws off to a slow start. Interpol has proved slow to get involved, but effective when it does so, in smoothing difficulties between law enforcement bodies in different countries. There are now several regional cooperation initiatives being signed into place that include training for law enforcement and border officials in the complexities of trafficking.

Documentation on Central and Eastern European countries has to be defined as rather outdated. Most of the existing reports stem from 2002 (and earlier), but due to legislative changes from then on in all countries concerned, respective information is not relevant anymore and was not included in following country overviews. It appeared that major reports on trafficking in the region are in

fact dealing mostly (or even exclusively) with the issue of prostitution than anything else.¹⁷

¹⁷ See for instance IOM (2001d) and to a large degree also Kvinnoforum (2003)

Country specific:

Belarus

Belarus borders the Russian Federation, the Ukraine, Poland, Latvia and Lithuania and has a population of approximately 10 million.

The current economic, social and political situation in Belarus is difficult, which is a strong push factor for emigration and for a growing risk of people being trafficked.¹⁸ Belarus is not only a country of origin and transit for trafficked persons, but also a country of destination.

Some experts indicate that the tendency of Belarus becoming a country of destination will develop further, especially after Poland became a EU member in 2004. It will also become more difficult for people from Belarus to enter Poland after stricter border controls are expected to be implemented. Therefore it is expected that services of smugglers and traffickers will be in high demand.

A new trend developed in 2003 with increasing numbers of trafficked persons to the Russian Federation, both women, men and minors. Work offers from the Russian Federation are very popular in Belarus since people from Belarus can obtain non-licensed employment there.

Belarus was assigned Tier 2 in the US TIP Report.

Responses and initiatives:

National Plan of Action (NPA): An NPA was adopted in 2001 for 2002 - 2007, but according to reports not a single meeting has taken place between the different agencies and Ministries from 2001 until 2004. The NAP also does not provide mechanisms for the participation of NGOs regarding decision making processes, planning, monitoring and its evaluation. There is no financial support for NGO work from the State.

The NPA comprises five areas: organizational and legal measures; prevention; rehabilitation of trafficked persons; international cooperation; countering prostitution.

¹⁸ See: La Strada (2004) *Report of La Strada Belarus*

Anti-trafficking legislation: Belarus ratified the *UN Convention Against Transnational Organized Crime* and its Protocols in 2003.

Two articles (Article 181; Article 187) of the Penal Code (enacted since 2001) refer to trafficking in humans, and there are further laws regulating aspects of trafficking in persons in various legislative acts, including the criminal, administrative and migration legislation. The new Penal Code for the first time defines trafficking, however, it reflects the main regulation of the (outdated) *UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* from 1949.

Prosecution: In the first half of 2003, the special anti-trafficking police department has disclosed 14 organized crime groups involved in trafficking in women from Belarus. Of the 301 legal cases brought forward, only 1 case was on trafficking in persons while 17 cases were on the recruitment for sexual exploitation, 2 cases on abduction of persons for sexual exploitation, and 179 cases on pimping.

Although several cases of potential trafficking were identified, several obstacles to fully investigating trafficking cases remain, such as:¹⁹

- Inadequacy of the current legislation;
- Shortage of appropriate office equipment of law enforcement;
- Lack of interdepartmental database;
- Lack of expertise of law enforcement.

In general, law enforcement seem to treat trafficking as a problem of prostitution and its exploitation. The majority of investigation cases attribute trafficking in persons to crimes of immoral nature.

Assistance to trafficked persons: During the first half of 2003, 154 persons were identified as having been trafficked, but only 2 trafficked women were referred to NGOs by the police. Usually law enforcement does not encourage women to apply for assistance with NGOs or international organisations, and they also do not inform the women properly about their legal rights and the implications for them if they decide to act as witnesses against their traffickers.

¹⁹ See: IOM (2003b)

There are two crisis centres in the country (NGO and governmental organisation). Only the NGO shelter can offer overnight facilities, but only for a limited amount of time. According to reports, the cooperation between NGOs is weak, poor and underdeveloped. Competition for funds does influence the exchange of information.

The Czech Republic

The Czech Republic borders Germany, Poland, Slovakia and Austria, and has a population of 10 million.

The Czech Republic continues to be a country of origin, transit and destination for trafficked persons. According to La Strada,²⁰ new trends emerged in the overall pattern of trafficking, such as the emergence of trafficked women from "new" countries of origin (e.g. Vietnam, China) and new destination countries for Czech women (e.g. Japan, Mexico).

The US TIP Report places the Czech Republic in Tier 1.

Responses and initiatives:

National Plan of Action (NPA): The Czech NPA was adopted in 2003. The NPA consists of three parts: an action plan; a report on the state of affairs in the Czech Republic regarding trafficking in humans; a model of protection and support for trafficked persons. Furthermore, prevention, international cooperation and law enforcement are key issues in the NPA.

Anti-trafficking legislation: The Czech Republic has signed but not yet ratified the *UN Convention Against Transnational Organized Crime* and its two Protocols.

Criminal laws deal with the issue of trafficking in human beings in three areas: They provide the definition and punishment for trafficking as a criminal offence; they determine the position of the trafficker during criminal proceedings, and they define the status of the trafficked person as victim or witness (is s/he decides to testify). Punishment for trafficking in human beings is up to 5 years of imprisonment.

²⁰ See: La Strada (2004) *Interim Report of La Strada Czech Republic*

Witnesses are protected through Criminal Code procedures, which are designed to hide the identity of witnesses during the different stages of proceedings. A separate *Law on Special Protection of Witnesses and Other Persons in Connection with Criminal Proceedings* exists. So far this law has never been used to protect trafficked persons acting as witnesses.

Prosecution: Traffickers are often prosecuted for the procurement of prostitution, especially if the characteristics of trafficking are not present. The sentence is up to 3 years of imprisonment, under aggravated circumstances more.

The Czech Republic participated in seven cooperative international investigations in 2003, and the Ministry of Justice extradited some persons on trafficking charges to Austria, Germany, Bulgaria, and Serbia and Montenegro.

Assistance to trafficked persons: Trafficked persons are usually not eligible for social assistance, unless they cooperate with the police on the prosecution of their traffickers. Trafficked persons can stay in a shelter and receive health care. In 2003, 30 trafficked persons were taken care of in the shelter, while 350 received counseling.

Trafficked persons receive a reflection period of 30 days during which they have to decide if they will cooperate with law enforcement agencies on the prosecution of their traffickers. A voluntary return programme exists for trafficked persons who do not want to cooperate or for those who cooperate, after the criminal proceedings are over. Four organizations cooperate within the assistance programme (La Strada Czech Republic, IOM, the Catholic Charity, the Police Organised Crime Unit).

Estonia

Estonia borders the Russian Federation, Latvia, and the Baltic Sea and has a population of 1,2 million.

Estonia is placed in Tier 2 - Watch List by the US State Department. It is a country of origin for women and girls trafficked internally and abroad. People are usually trafficked to Finland, Sweden, Poland, Holland and other countries in Western Europe.

Responses and initiatives:

Anti-trafficking legislation: Estonia signed but not yet ratified the *UN Convention Against Transnational Organized Crime* and its two Protocols.

Trafficking in human beings is prohibited in Estonia under related criminal articles on enslavement and abduction (Articles 133, 134), with penalties of up to 5 years' imprisonment. However, the Criminal Code does not specify trafficking of human beings as a single-valued crime.²¹ In 2002, according to reports, there was no major pressure on changing the legislation by women's organizations or politicians. The interest and concern of the State regarding trafficking was rather weak - at least at that time.

Prosecution: According to the US TIP Report, prosecutors in Estonia prepared the government's very first trafficking case for trial, but as to beginning of 2004, the trial had not commenced. Four abduction and enslavement investigations were conducted, and eight organized crime figures were convicted for organized prostitution.

Assistance to trafficked persons: Apparently, the government increased its funding to crime victim programmes, but no trafficked person benefited so far from such protections.²² The three Baltic States made a joint agreement on witness protection, and the 10 Baltic Sea States agreed to a region-wide witness protection programme, which might apply to trafficked persons. Estonia has no referral system to NGOs for assistance, shelter or repatriation.

Hungary

Hungary borders the Ukraine, Slovakia, Romania, Serbia and Montenegro, Croatia, Slovenia, and Austria and has a population of 10 million.

Hungary is placed on Tier 2 in the US TIP Report. It is primarily a transit country, and only secondary a country of origin and destination. Men, women and children from the Russian Federation, Romania, the Ukraine, the Balkans,

²¹ See: Kvinnoforum (2002)

²² See: US TIP Report

Moldova and Bulgaria are trafficked through Hungary to Western Europe and the USA. Apparently, men from Iraq, Pakistan, Bangladesh and Afghanistan are trafficked through Hungary to the EU. According to the US TIP Report, it is estimated that as many as 150 000 people transit Hungary each year.

Responses and initiatives:

Anti-trafficking legislation: Hungary has signed the *UN Convention Against Transnational Organized Crime* and its Protocols. Since 2002, Hungary adapted its trafficking definition in the Penal Code in accordance with the Trafficking Protocol (Section 175/B).

Prosecution: According to the US TIP Report, in 2003, nine suspected traffickers were arrested. 22 persons were prosecuted under the trafficking law, 18 of those were convicted. Additionally, investigations into 22 new cases were started in 2003. Trafficking related corruption seems to remain a problem.

Assistance to trafficked persons: Limited assistance is provided to trafficked persons. Trafficked persons who cooperate with police and prosecutors are entitled to assistance such as temporary residency status, short term relief from deportation, and access to shelter. Services are limited and usually not provided to trafficked persons. There is an IOM/NGO cooperation in the rehabilitation and support of repatriated trafficked persons. Trafficked persons are mostly detained, deported, or prosecuted for the violation of other laws (e.g. illegal immigration).

Latvia

Latvia borders Estonia, the Russian Federation, Belarus, Lithuania, and the Baltic Sea. Its population is 2,3 million.

Latvia is mainly a country of origin for women and girls trafficked to Western Europe, Poland, and Israel. People are apparently also trafficked internally, from rural areas to urban centers. Especially the Russian Federation minority (28 percent of the population) is discriminated against in many respects, and is therefore prone to being trafficked easily. 25 percent of the population does not have Latvian citizenship - they are equally at the risk of falling prey to

traffickers. Women suffer strong discrimination in Latvian society. There is high unemployment and out-migration is the favored option by young people.

Latvia is placed in Tier 2 in the US TIP Report.

Responses and initiatives:

National Plan of Action (NPA): An NPA was approved in the beginning of 2004. It assigns roles and provides for coordination among agencies, NGOs and international organizations.

Anti-trafficking legislation: Latvia signed but not yet ratified the *UN Convention Against Transnational Organized Crime* and its two Protocols in 2002. In 2000, Latvia adopted its first anti-trafficking law (Article 165 (1)) in the Criminal Code, criminalizing the sending of humans to foreign countries for the purpose of sexual exploitation. Internal trafficking is not yet criminalized.

Prosecution: In 2003, according to the US TIP Report, the Latvian government convicted 23 individuals of trafficking-related crimes. Most sentences ranged from two to three years' imprisonment. In 2003, the Latvian anti-trafficking unit cooperated with German, Danish, Swedish and other law enforcement agencies on five international trafficking investigations.

Assistance to trafficked persons: Trafficked persons must use a shelter shared with asylum seekers - there is no specialized accommodation anymore (two governmental shelters had to close down due to lack of funding). The State funds no rehabilitation facilities for trafficked persons, nor does it provide direct funding to NGOs for services to victims.

Lithuania

Lithuania borders Latvia, Belarus, Poland, the Russian Federation, and the Baltic Sea. Its population is 3,5 million.

Lithuania is a country of origin and transit for women and children trafficked mainly to Western Europe. Women are trafficked through Lithuania from countries such as the Ukraine, the Russian Federation, and Belarus.

Lithuania is placed in Tier 1 in the US TIP Report.

Responses and initiatives:

Anti-trafficking legislation: Lithuania ratified the Trafficking Protocol. Its new Criminal Code from 2003 includes eight articles that address trafficking.

Prosecution: 15 new criminal investigations were initiated recently and a total of 13 traffickers convicted. The highest sentence was up to 14 years' imprisonment. Lithuanian law enforcement cooperated with other governments on trafficking investigations and participated in over 25 investigations in 2003.

Assistance to trafficked persons: Several state agencies provide social, psychological, and legal assistance to trafficked persons. There are shelters run by NGOs and municipalities for trafficked persons. A formal referral mechanism does not exist, but police refers trafficked persons to relevant organizations "as appropriate", according to the US TIP Report. In 2003, over 200 trafficked persons received assistance and support at shelters. Police apparently refrained from charging trafficked persons with offences like illegal immigration or prostitution. The government established and provided funds for a pilot programme for trafficked persons regarding the process of recovery. A small number of trafficked persons received protection under a police "witness and victim protection service". The government of Lithuania seems to be very much in counter-trafficking activities.

Poland

Poland borders Belarus, Lithuania, the Ukraine, Slovakia, the Czech Republic, Germany, the Russian Federation, and the Baltic Sea. Poland has a population of 38 million.

Poland is a country of origin, transit, as well as a destination country for Bulgarians, Romanians, Belarusians, Russians, Ukrainians and people from Moldova

and the Baltic States. The current unemployment rate in Poland is high - up to 20 percent in some regions of the country.²³

Poland became a member of the European Union in 2004. It is expected that Poland will become more and more a country of destination for women from surrounding countries, while there will be increasing legal work opportunities for Polish women in the EU. This might lead to a decrease in trafficked Polish women. Because governmental institutions focus on restrictive policy regarding illegal migration and immigration policies have tightened due to EU membership, trafficking will be pushed more underground. The more important will it be that the human rights of migrants and trafficked persons in Poland are especially addressed in advocacy efforts.

Poland is in Tier 1 in the US TIP Report.

Responses and initiatives:

National Plan of Action (NPA): In 2003, an NPA was approved. La Strada Poland has the role of a "watch dog", monitoring governmental institutions on how they fulfill their tasks within the NPA implementation.

Anti-trafficking legislation: Since its ratification of the Trafficking Protocol in 2003, Poland enacted new legislation in the same year to protect trafficked persons. The Polish Criminal Code prohibits trafficking for sexual and non-sexual exploitation. The new law allows foreign trafficked persons a one-year temporary residence permit to remain in the country in order to testify against their trafficker.

Prosecution: In 2003, 134 persons were arrested on trafficking charges, 30 prosecutions were initiated. Traffickers were convicted under human slavery charges and under forced prostitution charges. According to the US TIP Report, Polish anti-trafficking law enforcement efforts were steady.

Poland cooperated informally with other countries on trafficking cases (e.g. with Germany, Italy and the Ukraine).

²³ See: La Strada (2004) *Interim Report of La Strada Poland*

Assistance to trafficked persons: NGOs received government funding for shelters and their services to trafficked persons.

Russian Federation

The Russian Federation borders China, North Korea, Kazakhstan, the Ukraine, Belarus, Estonia, Finland, Mongolia, and Georgia. Additionally, it borders the Arctic Ocean, the North Pacific Ocean, the Black and the Caspian Sea. It has a population of 146 million.

According to Hughes (2002), the Russian Federation is a country of origin, transit and destination for people trafficked (and especially trafficked into the global sex industry).

Since the collapse of the Soviet Union, the Russian Federation has experienced ten years of severe economic decline, which has provoked the demise of the social welfare and health care system. Women and children have in many ways suffered disproportionately. Criminal activities (and especially organized crime) increased substantially within the last decade. Many Russians believe that exaggerated media images of glamour and wealth in the West represent the actual average standard of living in Western Europe and the US. Poverty and unemployment, economic inequality, but also discrimination against women, including prevailing domestic and sexual violence and sexual harassment, leads many Russian women to seek ways to migrate for work or to emigrate permanently.

The Russian Federation is placed in Tier 2 - Watch List by the US TIP Report.

Responses and initiatives:

Anti-trafficking legislation: According to the US TIP Report, legislative amendments to the Criminal Code regarding a new trafficking law were put in place in 2003. There is an article against trafficking in children. Some existing articles can be applied defining types of crime relevant to trafficking (e.g. Article 120 (removal of human organs), Article 126 (abduction of persons), Article 127 (illegal deprivation of persons)).

Most offences are classified as crimes of little gravity or average gravity with light penalties accordingly. Along with these light penalties, criminal convicted

for such crimes are eligible to annual amnesties and have a fair chance to be released within one year.

The Russian Federation signed the *Un Convention Against Transnational Organized Crime* and the Trafficking Protocol.

Prosecution: As of 2003, there was no special anti-trafficking unit within the structure of the law enforcement.²⁴ So far, there have not been any convictions under the new anti-trafficking law. Several traffickers were convicted under above mentioned Articles related to the crime of trafficking.

Assistance to trafficked persons: Trafficked persons have no specially defined status under Russian law, nor are there specific mechanisms to assist or protect them. The government did not institute a screening for potential trafficked persons or referral processes.

Until 2000, the only actors in the field of anti-trafficking work were NGOs²⁵. Ties are gradually being built up between NGOs and government agencies, the mass media and international organizations.

Slovak Republic

The Slovak Republic borders Poland, the Czech Republic, Austria, Hungary, and the Ukraine. It has a population of 5,3 million.

Slovakia is a country of origin and transit of women and girls primarily trafficked to Western Europe, Greece, Slovenia, and Japan for the purpose of sexual exploitation. People from the former Soviet Republics and the Balkan region are trafficked through the Slovak Republic to the European Union.

The Slovak Republic is in Tier 2 in the US TIP Report.

Responses and initiatives:

²⁴ Ibid.

²⁵ See for an inventory report: Turukanova, Y. (2001)

Anti-Trafficking Legislation: Slovakia signed the *UN Convention Against Transnational Organized Crime* and its Protocols. Its Criminal Code addresses trafficking in persons.

A National Plan of Action does not exist.

Prosecution: According to the US TIP Report, several traffickers were arrested and six convicted in 2003. Additionally, 54 prosecutions of individual traffickers were underway during the reporting period. At the beginning of 2004, the size of the police anti-trafficking unit was increased. The government cooperated with other governments (e.g. Germany, Austria, Hungary) in the investigation and prosecution of trafficking cases.

Assistance to trafficked persons: Trafficked persons who are willing to assist police in the prosecution of traffickers receive temporary shelter and take part in a witness protection programme. According to the US TIP Report, a cooperating trafficked person can receive a new identity and give recorded testimony. The anti-trafficking police unit refers trafficking victims to NGOs on an ad hoc basis, and often detains or deports victims as illegal migrants due to a lack of screening and identification procedures. NGOs have difficulties in providing accommodation, health and legal services to trafficked persons due to a lack of funding.

Ukraine

The Ukraine borders Belarus, the Russian Federation, Romania, Hungary, Slovakia, Poland, and the Black Sea, and has a population of 49,5 million.

According to Hughes, D., Denisova, T. (2003), women are being recruited and trafficked from almost all regions of Ukraine and trafficked to different destination countries. From the Western regions of Ukraine, women are trafficked mostly to the Czech Republic, Yugoslavia, Bulgaria, and Germany. From the Northern regions, women are most often trafficked to Latvia, Lithuania, Estonia, and the Netherlands. From the Southern regions, women are taken to Turkey, Greece, Italy, Romania, Israel and other places. From the Eastern regions, women are mostly trafficked to the Russian Federation and then on to other countries.

Other reports state, that Ukraine is one of the main countries of origin in Europe for the trafficking of women and children into sexual exploitation.²⁶

However, because of its geographic and economic situation, Ukraine serves not only as a country of origin but also as a country of transit for trafficked persons. The porous border crossings between the Russian Federation, Moldova, and Belarus, as well as Ukraine's common borders with EU member states are all factors conducive to the trafficking of women through Ukrainian territory.

Ukraine is placed in Tier 2 in the US TIP Report.

Responses and initiatives:

National Plan of Action: *A Comprehensive Programme for Combating Trafficking in Persons for 2002 - 2005* was adopted in 2002. The Programme requires that the Ukrainian Government involves both international organisations and NGOs in counter-trafficking activities. Furthermore, there exists a *Programme for the Prevention of Trafficking in Women and Children* since 1999. A Inter-Ministerial Coordination Group for Combating Trafficking in Persons was created.

Anti-trafficking legislation: Ukraine ratified the *UN Convention Against Transnational Organized Crime* and the Trafficking Protocol in 2004.

Ukraine was one of the first European countries to formally criminalize trafficking in humans. The new Criminal Code contains an Article (Article 149) which makes trafficking an indictable criminal offence. The Article is in line with the Trafficking Protocol, nevertheless, some critical issues persist (e.g. the issue of consent and coercion, internal trafficking). The government has drafted and introduced amendment to the criminal code to bring Ukraine into compliance with international standards, but they have not yet been adopted.

Prosecution: Until mid-2003, approximately 342 trafficking cases had been filed and many other cases were under active investigation. However, because of the difficulty to present evidence for the crime of trafficking and lack of experience of law enforcement with the trafficking law, a number of cases are being prosecuted under related crime definitions and not under "trafficking".

²⁶ IOM (2003b)

Despite challenges, the Ukrainian law enforcement response to trafficking is viewed by many experts as an example to be followed.

Assistance to trafficked persons: The only form of victim protection currently in existence under Ukrainian law is the support and assistance directly related to criminal proceedings, such as witness protection as provided by the *Law on the Protection of Individuals Involved in Criminal Proceedings*. In reality, these proceedings are rarely utilized due to a lack of resources.

According to an IOM report,²⁷ Ukraine has been slow to develop mechanisms for assisting trafficked persons. As to 2003, the only agreement facilitating the return of trafficked persons was in an IOM framework. However, Ukraine established guidelines regarding the regulation of so called "rehabilitation centres".

²⁷ *ibid.*

Western Europe

(Austria, Belgium, Denmark, Finland, Germany, Italy, the Netherlands, Portugal, Spain, Sweden, Switzerland, United Kingdom)

Overview:

All of the above listed Western European countries are primarily countries of destination, but also transit countries. Counter-trafficking interventions are developed out of a strong sense to ensure national security and to keep numbers of irregular immigrants low.

Seldom does national legislation and plans of action reflect the need to primarily protect trafficked persons' human rights. In most Western countries, assistance to trafficked persons, including a temporary permit of stay, is bound to the trafficked person's cooperation with law enforcement in the prosecution of her/his traffickers.

A so called reflection period (timeframe during which trafficked persons can decide if they will cooperate with law enforcement to prosecute her/his traffickers) is granted to trafficked persons in most countries. However, duration of said reflection period is usually not long enough - in most cases only one month, instead of the three months suggested by professionals working on the issue of trafficking.

Identification of trafficked persons is difficult, as everywhere else in Europe.

Many Western European countries have signed, but not yet ratified the *UN Convention Against Transnational Organized Crime* and/or the *Trafficking Protocol*. Despite meager protection and assistance mechanisms to trafficked persons, and in some cases even incomplete trafficking laws, most Western European countries are classified as Tier 1 countries by the US State Department.

As for 2004, a Council of Europe Convention on action against trafficking in human beings is in the drafting stage.

Austria

Austria borders Germany, the Czech Republic, Hungary, Slovenia, Italy, Switzerland, Liechtenstein, and the Slovak Republic. Its population is 8 million.

Austria is a country of both destination and transit. Trafficked people come from Central and Eastern Europe, mainly women destined for domestic work or prostitution. Most trafficked persons are concentrated in the Vienna area (the capital), since it is a haven for sex tourists. The number of registered sex workers has declined - at the same time sex work by irregular migrants and/or trafficked women has been on the rise.

Austria is in Tier 1 in the US TIP Report.

Responses and initiatives:

Anti-trafficking legislation: Trafficking in human beings is defined in Article 217 of the Penal Code. The definition emphasized prostitution and cross-border movements, but was expanded in 2004 to include trafficking for labour exploitation and the removal of organs. Prison terms for the crime of trafficking in humans are between 6 months and 5 years, but is extendable if the trafficker committed the crime for reasons of profit.

Other laws regarding crimes related to trafficking are e.g. Article 105 (exploitation of aliens).

Austria signed, but not yet ratified the Trafficking Protocol.

Prosecution: Several traffickers in Austria have been prosecuted and convicted - most of them were Austrians. In 2002, a high profile figure (ex Austrian Olympic figure-skater) was sentenced to 18 months imprisonment on human trafficking charges. He was part of a gang involved in trafficking women from Belarus, the Russian Federation, Ukraine, Lithuania and other countries to Austria.

Under Article 217, the Austrian government prosecuted 223 cases. However, prosecutors often rely on other provisions that criminalize alien smuggling, due to the difficulty of proving unlawful coercion or deception.

The Interior Ministry has a division dedicated solely to combating human trafficking. Four Austrian judges, according to the US TIP Report, specialize in trafficking cases.

Assistance to trafficked persons: Trafficked persons who decide to testify against their traffickers receive residence permits. A witness protection programme exists for witnesses in high profile cases where evidence provided by the witness is essential. Short term permits of stay may be granted under Article 8 of the Aliens Law. However, in practice, this happens not often and only then, when there is evidence that the trafficked person is in a high risk situation. Only trafficked persons who decide to testify and/or take part in the prosecution of their traffickers receive accommodation, health care, legal support and counseling. The government funds NGOs to provide services to trafficked persons and established an intervention center for trafficked women.

Belgium

Belgium borders the Netherlands, Germany, Luxembourg, France, and the North Sea. It has a population of 10,3 million.

Belgium is a country of both destination and transit for trafficked persons, primarily from Sub-Saharan Africa (e.g. Nigeria, Rwanda, Gabon, Ghana), Central and Eastern Europe, and Asia (China). Women and girls from Africa and Central and Eastern Europe are mainly trafficked into the sex industry. Men from Asia and Eastern Europe are trafficked into sweatshop and restaurant work.

Belgium is placed in Tier 1 by the US State Department.

Responses and initiatives:

National Plan of Action (NPA): A national task force on human trafficking has been actively working on the issue since 2000. A "four-pillar approach" to combat trafficking was implemented by the Belgium government. The approach comprises of measures in the field of administrative law, labor law, the criminal code, and support for trafficked persons.

Anti-trafficking legislation: In 1995, a new anti-trafficking law was passed (*Suppression of Trafficking in human Beings and Child Pornography*). A new

Article (77bis) was added to the Immigration Law in which trafficking in foreign nationals became a specific offence. This Article was amended in 2001, extending its penalties to those who abuse the particular vulnerability of a foreigner and those who sell, rent or enable premises to be used with the aim of making profit.

Regarding trafficking for sexual exploitation, the existing *Law of 13 April 1995* punishes any act of enticement into prostitution. The understanding of trafficking in the Belgium law is rather wide: it involves either commercial sexual exploitation, economic exploitation or smuggling with the use of threats, violence or abuse of the foreigner.

Belgium has signed the *UN Convention on Transnational Organized Crime* and the *Trafficking Protocol*.

Prosecution: According to the US TIP Report, "Belgian police continued to take a sophisticated approach to trafficking investigations". 126 new trafficking investigations were started in 2003 (out of which 29 dealt with economic exploitation and 97 with sexual exploitation). In 2002, 130 individuals were convicted on trafficking related charges - sentences ranged from three months to eight years.

Assistance to trafficked persons: Trafficked persons who agree to cooperate with the judicial authorities and agree to be assisted by a specialized shelter may be granted a specific residence status.

A circular from 1994 deals with the "delivery of residence and work permits to foreigners, victims of trafficking in human beings". Trafficked persons who seek a specialized service will receive delayed expulsion order and can stay in the country for 45 days. Depending on if a prosecution against the traffickers will take place, the trafficked persons deportation can be delayed for another three, and after that, six months. Another six months extension can be obtained - however, the trafficked person has to receive the assistance of a specialized service. This includes access to employment, education, compensation, legal aid, financial support, health care etc. At the end of proceedings, trafficked persons can request permanent residency.

A second directive identifies the above mentioned specialized services (which are NGOs: Pag-Asa, Surya, Payoke). Another directive defines the cooperation and referral mechanism between these NGOs and law enforcement.

IOM provides a voluntary return programme to the trafficked persons' country of origin.

Denmark

Denmark borders Germany, the Baltic Sea and the North Sea. Its population is 5,3 million.

According to the US TIP Report, Denmark is primarily a destination country for people trafficked from Eastern Europe, the Baltic States, the former Soviet Union, and African countries.

According to a Save the Children Denmark report (2003), two areas in which trafficking with children to Denmark is taking place were discovered: trafficking for sexual exploitation and for criminal exploitation (e.g. shoplifting, pick-pocketing). However, the numbers of children trafficked to Denmark and researched by Save the Children was limited (20 children trafficked into criminal exploitation, 4 cases of children trafficked into sexual exploitation). Most of them came from Eastern Europe and the Baltic States.

Denmark is placed in Tier 1 in the US TIP Report.

Responses and initiatives:

National Plan of Action (NPA): An NPA was developed in 2002, embarking on a two-pronged strategy: prevention of trafficking and support for trafficked persons. The NPA focuses exclusively on trafficked women for sexual exploitation.

Anti-trafficking legislation: Denmark ratified the *UN Convention Against Transnational Organized Crime* and the Trafficking Protocol.

In 2002, a new section (Section 262(a)) to the Penal Code regarding trafficking in human beings was added. The new provisions are in line with the Trafficking

Protocol. The section increased the length of sentencing (from 4 years to 8 years). They provide for sentences for both sexual and labour exploitation.

Prosecution: According to Save the Children Denmark (2003), there have not been any convictions so far involving the anti-trafficking section. According to the US TIP Report, 5 men have been arrested on trafficking and pimping charges.

Assistance to trafficked persons: After discovery, trafficked people are usually allowed to stay in Denmark for 15 days until their deportation to their countries of origin. According to the NPA, the departure deadline can be extended in "exceptional circumstances".

Partial funding was provided to an NGO offering shelter to trafficked persons by the government.

Finland

Finland borders Norway, Sweden, the Russian Federation, and the Baltic Sea. Its population is 5,2 million.

Women are trafficked into Finland from Estonia and the Russian Federation, some women are from Latvia and Lithuania. Some women are trafficked through Finland into Western Europe - hence, Finland serves as a country of transit and destination.

Finland is placed in Tier 2 in the US TIP Report.

Responses and initiatives:

Anti-trafficking legislation: Finland signed the *UN Convention Against Transnational Organized Crime* and the Trafficking Protocol.

Currently, the law provides penalties for "organized prostitution", and under these provisions the authorities can prosecute traffickers. However, no criminal definition of trafficking exists as yet. A specialized working group drafted a

new anti-trafficking law to bring Finland in line with international standards. This will mean an updating of the criminal, civil and public order provisions.

Prosecution: There are a few accounts of individuals and organized prostitution rings having been arrested and sentenced to up to one year of imprisonment.

Assistance to trafficked persons: According to reports, there are no safe shelters in Finland to assist trafficked persons. The US TIP Report mentioned that adequate victim assistance mechanisms were lacking. There is no referral system and most trafficked persons were either deported or released without assistance.

A Women's Association (MONIKA) did outreach work and research on trafficking in women in 2000. However, the project seemed to have been a rather broad approach encompassing work with / for sex workers and illegal female immigrants. One of the outcomes of the research project was the creation of a National Focal Point on trafficking in women.

The Finish government funded the Nordic/Baltic Task Force on Trafficking in Persons to develop a specific regional protection and prevention initiative in Russia.

Germany

Germany borders Denmark, Poland, the Czech Republic, Austria, Switzerland, France, Belgium, the Netherlands, Luxembourg, the North Sea, and the Baltic Sea. Its population is 86 million.

Germany is primarily a country of destination but also a transit country for women and minors trafficked into the sex industry. Most victims come from the former Soviet Union countries and Eastern Europe (especially from Lithuania, Russia, Ukraine, Poland, and Latvia). Some trafficked people come from Asia and Africa.

It is classified as a Tier 1 country in the US TIP Report.

Responses and initiatives:

National Plan of Action (NPA): A national working group on trafficking was established in 1997 which includes all federal and state ministries involved in the issue, and representatives of three NGOs (Agisra, KOK, SOLWODI).

Anti-trafficking legislation: Under existing German law, only trafficking for sexual exploitation is deemed as "trafficking" (Articles 180b, 181) in the Penal Code. Other forms of exploitation linked to trafficking are not considered in these articles and are penalized under other regulations. Article 236 deals with trafficking in children.

Since Germany is a federal republic, laws and especially law enforcement and the discretionary practice of the authorities - especially regarding assistance practices - differ considerably between the different States. At the federal State level, it is up to the respective ministry to enact decrees for the regulation of prosecution of trafficking and for the protection of trafficked persons.

Germany ratified the Trafficking Protocol.

Prosecution: According to IOM,²⁸ in 2001, 273 investigated cases led to the registration of almost 1000 trafficked persons. The US TIP Report states that 159 convictions took place in 2002.

Assistance to trafficked persons: Identified trafficked persons are usually referred to a specialized centre providing assistance and counseling. Trafficked persons are granted temporary residence for a period of four weeks to decide whether to testify against their traffickers or not (and then leave). Those who will testify can receive temporary work permits, police protection, health care, and assistance. According to KOK, cooperation agreements between counseling centres and police have been signed in the majority of the States. However, regional differences remain and there are still difficulties with identification and referral processes.

²⁸ IOM (2003a)

Trafficked persons who act as witnesses have the right to a lawyer, in-court evidentiary protection, legal redress and compensation.

IOM facilitates a voluntary return programme, funded by the German government and the different States.

Italy

Italy borders France, Switzerland, Austria, Slovenia, Vatican City, the Adriatic Sea, and the Mediterranean Sea. It has a population of 57 million.

Italy is a significant country of transit and destination for trafficked persons from the Balkans, Eastern Europe, China, and some African countries (e.g. Nigeria). People are trafficked into sexual and labour exploitation. Apparently, trafficking in children for sweatshop labour happens in Italy's Chinese immigrant community.

Italy is placed in Tier 1 in the US TIP Report.

Responses and initiatives:

Anti-trafficking legislation: The Italian Criminal Code sanctions violations committed as part of the trafficking activity (Articles 600 and 601 addressing slavery; the Merlin Law, addressing exploitation of prostitution), but there is no special legislation dealing only with trafficking in human beings.

Non-national trafficked persons have a right to temporary residency under Article 18 of the Immigration Law, Law 286 of 1998. Article 18 provides a renewable six-month permit to stay for those who suffered extreme exploitation and seem to be in danger as a result of escaping their exploitative conditions. People who receive the Article 18 temporary stay permit have to take part in a social assistance and reintegration programme offered by NGOs and community projects in Italy. They have the right to educational and vocational training, social services and work. Receiving the Article 18 permit is not tied to the person's willingness to take part in any legal proceedings against their traffickers. The Article 18 permit is renewable, and the person must not return home after the initial stay. If the formerly trafficked person has found employment and if integration into Italian society has happened, s/he might apply for permanent residency.

The Article 18 scheme is seen as the up to date best protection measure for trafficked persons in Europe, particularly, because in theory, the granting of an Article 18 permit is not dependent on a trafficked person's contributions to legal processes against his/her trafficker. However, according to research reports, there is no legal obligation for the police to provide information to irregular migrants (potentially trafficked) regarding either the existence of Article 18 or about possible helpful NGOs. The process of granting Article 18 status to trafficked women has often been delayed or prevented altogether on the grounds that the women had previously been served a deportation order. If an irregular migrant is not identified as trafficked, s/he will be deported within 15 days.

Between 1999 and 2000, more than 1000 Article 18 permits were issued. In 2001, approximately 750 Article 18 permits were valid, of which 651 had been issued to females.

Italy signed the *UN Convention Against Transnational Organized Crime* and the two Protocols.

Prosecution: According to the US TIP Report, 128 people were arrested on charges of enslavement, and smuggling and trafficking in minors for prostitution in 2003. In 2002, 21 conviction for trafficking related offences occurred.

Assistance to trafficked persons: See above for temporary permit of stay. Trafficked persons under the Article 18 permit receive accommodation by NGOs, counseling, medical and legal assistance, right to compensation, language and integration courses, facilitated access to employment and the right to participate in educational and training programmes.

The Italian government finances respective NGOs (apparently 57 in all of Italy) to carry out the assistance programmes to trafficked persons.

IOM assists with the voluntary return of trafficked persons to their countries of origin.

Netherlands

The Netherlands borders Germany, Belgium, and the North Sea, and has a population of 16,2 million.

The Netherlands is primarily a destination and transit country. Persons trafficked into sexual exploitation come from Central and Eastern Europe, South America, Africa, Thailand, the Philippines, and China. According to reports, many of those engaged in the sex industry have been trafficked.

The Netherlands is classified as a Tier 1 country in the US TIP Report.

Responses and initiatives:

National Plan of Action (NPA): A Dutch National Rapporteur on Trafficking in Human Beings serves as an independent advisor to the government since 2000.

Anti-trafficking legislation: The anti-trafficking law of the Penal Code (Article 250a) makes trafficking in human beings for sexual exploitation a criminal offence. A draft bill exists which aims at replacing Article 250a with 273a. The latter defines trafficking in human beings in a broader sense which comprises all other forms of exploitation and hence goes in line with the Trafficking Protocol. As of 2004, the government had not yet enacted the pending new Article.

The B9 Regulation (2000) serves primarily the purpose to facilitate the investigation and prosecution in trafficking cases and to provide protection to trafficked persons. It allows trafficked persons a period of rest or so called reflection period of three months in order for them to make up their mind whether they wish to collaborate with the police or not. Upon identification, trafficked persons should be informed of their right so such a period of recovery. Will the trafficked person decide to collaborate and act as witness, s/he will be granted a temporary permit to stay for the time of the criminal investigations and the trial. Generally, the trafficked persons temporary residence permit will not be renewed after the conclusion of the case.

If the trafficked persons decides not to collaborate, they will have to leave the Netherlands or apply for permanent residency on humanitarian grounds.

The Netherlands signed the *UN Convention Against Transnational Organized Crime* and the two Protocols.

Prosecution: In 2003, according to the US TIP Report, 106 trafficking convictions took place, with the average sentence being 26 months' imprisonment. Also in 2003, an additional 100 law enforcement personnel were added to a specialized police unit working on trafficking. Combating trafficking is one of the main focuses of the serious crime division of the Dutch police.

Assistance to trafficked persons: See above regarding the B9 Regulation. Trafficked persons have the right to a lawyer in criminal proceedings, police protection, court evidentiary protection, legal redress and compensation, and the right to information on court proceedings.

Trafficked persons live in shelters and housing provided by STV, as well as a number of other NGOs. They receive health care and financial assistance. Work permits are not granted, nor can the trafficked persons take part in education or vocational opportunities. However, according to the US TIP Report, in 2004, the government allowed B9 Regulation permit holders to work. STV deals on average with 300 cases of trafficked women per year.

According to reports, only 5 percent of the number of applications by trafficked persons receive permanent residency.

IOM offers trafficked persons a voluntary return programme.

Portugal

Portugal borders Spain and the North Atlantic Ocean, and has a population of 10,5 million.

In the last two decades, Portugal has become an attractive country of destination for immigrants, especially from the former Portuguese colonies in Africa and Brazil, and from Eastern Europe. According to reports, most of those who enter the country illegally end up working on construction sites, in the agricultural sector, and in other generally underpaid jobs. There is no data concerning trafficking for sexual exploitation in Portugal, and not a lot of data on trafficking in general.

Portugal is placed in Tier 1 in the US TIP Report.

Responses and initiatives:

Anti-trafficking legislation: Portugal signed the *UN Convention Against Transnational Organized Crime* and the Trafficking Protocol. It implemented "strong anti-trafficking legislation" (US TIP Report) in 2003.

Prosecution: Apparently, there have been 21 criminal proceedings against traffickers in 2000.²⁹ The full effect of the new anti-trafficking law could not yet be measured. Portugal reported the arrest of 54 individuals in connection with trafficking in persons in 2003, and 40 convictions for related crimes, such as kidnapping, recruiting illegal workers, extortion etc. Sentences ranged from 18 months to 15 years' imprisonment, according to the US TIP Report.

Assistance to trafficked persons: The Portuguese government assists immigrants, including trafficked persons. Trafficked persons are referred to local and international NGOs for short and long-term assistance and may provide short or long-term residency for victims willing to cooperate with law enforcement. Many of the NGOs which provide support are actually organizations working for sex workers' issues (e.g. "O Ninho", the Portuguese League for Social Prevention, "Espaco Pessoa").

Spain

Spain borders Portugal, France, Andorra, the North Atlantic Ocean, and the Mediterranean Sea. It has a population of 41,5 million.

According to Apap (2003), Spain is primarily a country of destination for trafficked people. Trafficked people are primarily women between the ages of 18 to 30, trafficked to work in the sex industry. Countries of origin are Latin America (Brazil, Colombia, Ecuador), Africa (Nigeria, Guinea, Sierra Leone) and Eastern Europe. The US TIP Report states that people are also trafficked into agriculture, sweatshops, or work in restaurants.

Spain was assigned Tier 1 in the US TIP Report.

²⁹ OSCE (2002b)

Responses and initiatives:

Anti-trafficking legislation: Spain ratified the *UN Convention Against Transnational Organized Crime* and the Trafficking Protocol.

There is specific anti-trafficking legislation (Articles 311, 312, 313, 318 and 515 of the Penal Code). The government passed the new anti-trafficking laws in 2003 - both trafficking for sexual and labour exploitation are included in the laws' trafficking definition. Penalties range from 5 to 12 years' imprisonment.

Prosecution: Apparently, there were more than 2000 arrests for involvement in trafficking networks, and more than 1000 arrests for trafficking related to sexual and labour exploitation. No conviction statistics were yet available, but there were 105 prosecutions.

Spanish police cooperation with source countries led to more than 300 trafficking-related arrests in source countries.

Assistance to trafficked persons: Trafficked persons receive resident rights if they testify against traffickers. According to the dangerous situation they are in, they either receive temporary residence or permanent residence. Trafficked persons have a right to a lawyer in criminal proceedings, and to police protection. Furthermore, they can ask for compensation, they have the right to be informed on all court proceedings and can demand in-court evidentiary protection.

Trafficked persons who are allowed to stay in Spain are also authorized to work. According to reports, at the end of the trial the trafficked person/witness has the option between returning to her/his country of origin or staying in Spain.

Medical assistance is available from governmental institutions and NGOs. Proyecto Esperanza seems to be the only one NGO dealing solely and specifically with trafficked persons. It provides medical and legal services, accommodation, and acts as a liaison with law enforcement agencies for trafficked persons who are willing to testify. Police refers trafficked persons directly to the NGO.

The US TIP Report notes, that police identified more than 1500 persons trafficked into prostitution, and almost 1000 trafficked into labour exploitation.

Sweden

Sweden borders Norway, Finland, and the Baltic Sea, and has a population of 9 million.

A majority of women trafficked into Sweden originate from the surrounding geographical area, especially the Baltic States, but also Poland, Bulgaria, the Czech Republic and Romania. Sweden is both country of destination and transit, apart from above mentioned also for people from Eastern Europe, the Russian Federation and the Balkan States.

Sweden is placed in Tier 1 in the US TIP Report.

Responses and initiatives:

Anti-trafficking legislation: Sweden signed, but not yet ratified the Trafficking Protocol. Its Penal Code includes specific legislation on trafficking in human beings for sexual purposes. However, the anti-trafficking law does not cover other forms of trafficking, e.g. for forced labour.

Prosecution: 10 traffickers were sentenced for trafficking in human beings. Their sentences ranged from 1 to 12 years.

Assistance to trafficked persons: Sweden is in the process of institutionalizing temporary residence status for trafficked persons and improving its assistance to them. The draft legislation suggests assistance (social welfare and health care) and residence permits for those who are willing to take part in prosecutions against traffickers.

Currently, assistance to trafficked persons is provided on an ad hoc basis, according to the US TIP Report. Police usually arranged shelter and assistance for trafficked persons involved in legal investigations. Apparently, most of the women trafficked to Sweden wanted to return home as soon as possible and did not want to take part in legal investigations.

Switzerland

Switzerland borders France, Germany, Austria, and Italy. It has a population of 7,3 million.

Trafficked persons are mainly women from countries like Slovak Republic, Ukraine, Romania, the former Soviet Union countries, and the Baltic States. Women are also trafficked from Thailand, Africa, and South America.

Switzerland is in Tier 2 in the US TIP Report.

Responses and initiatives:

National Plan of Action (NPA): Since 2003, a cooperation unit against trafficking and smuggling in humans (KSMM) was set up within the Ministry of Justice. Main objective is the prosecution of traffickers and the protection of trafficked persons. Members of KSMM comprise of governmental institutions and NGOs.

Anti-trafficking legislation: As of 2003, the Alien Law criminalized trafficked persons on grounds of illegal immigration. A new Alien Law is being discussed with possible amendments regarding trafficked persons and their residency status in Switzerland.

A new anti-trafficking law (Article 182) has been submitted to parliament to replace the old article. The new law defines trafficking in human beings not only for sexual exploitation, but also for labour exploitation and the removal of organs.

Switzerland signed the *UN Convention Against Transnational Organized Crime* and the Trafficking Protocol.

Prosecution: According to reports,³⁰ there are at the most 30 charges, and on average 1,4 sentences per year.

³⁰ FIZ (2003) *FIZ News / March 2003*

Assistance to trafficked persons: According to Swiss Victim Law, trafficked persons have the right to victim assistance. This includes health care and counseling, social and legal assistance, and the right to claim compensation from the State. If trafficked persons decide to act as witnesses, they are eligible to witness protection rights.

Due to above mentioned provisions in the Alien Law, trafficked persons are frequently deported back immediately after identification and do not receive assistance.

According to the US TIP Report, federal and cantonal governments provide funding for NGOs and women's shelters. According to Swiss statistics, 45 trafficked persons were assisted in 2001, and 68 in 2002.

United Kingdom

The United Kingdom (UK) is surrounded by the North Sea and the Atlantic Ocean. Its population is 60 million.

The UK is mainly a country of destination for trafficked persons. They come from Eastern Europe, Asia, and West Africa. Women and girls are trafficked into the sex industry, while trafficked men and boys were found working in sweatshops and agriculture.

The UK was placed in Tier 1 in the US TIP Report.

Responses and initiatives:

Anti-trafficking legislation: The latest developments regarding anti-trafficking legislation in the UK is *The Asylum and Immigration (Treatment of Claimants) Act* which became law in 2004. Section 4 of the Act contains the new trafficking for exploitation offence which covers those brought into, or taken out of, the UK for forced labour or slavery. It also covers those subjected to force, threats or deception in order to make them provide services or benefits of any kind to another person. The offence has a maximum penalty of 14 years' imprisonment.

The new Act supplements the already existing *Sexual Offences Act 2003* which sets out offences of trafficking in human beings for sexual exploitation (Section 57 - 60).

None of the current provisions mention protecting or assisting trafficked persons and safeguarding their human rights.

The UK signed, but not yet ratified the *UN Convention Against Transnational Organized Crime* and the Trafficking Protocol.

Prosecution: According to reports, to date neither of above mentioned acts have been used to prosecute traffickers. Traffickers have generally been prosecuted for immigration offences, or for offences relating to prostitution (the US TIP Report mentions approximately 200 arrests for organized prostitution and immigration-related crimes, and 28 convictions). Traffickers were usually prosecuted under the *Sexual Offences Act 1956* (Sections 30, 31 - living off immoral earnings of prostitution).

Assistance to trafficked persons: There is one specialized NGO in the UK which provides assistance to trafficked women and receives funding from the government. The "Poppy Project" assisted 46 women within one year until the beginning of 2004, and received more than 100 referrals. Other NGOs or institutions, not specialized on helping trafficked persons, might provide assistance as well. Referral protocols between the police and NGOs exist.

A shelter for trafficked children was closed, due to lack of referrals. Meanwhile, a child protection police officer has been based at Heathrow Airport to identify trafficked children.

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