

Migration, Prostitution and Trafficking in Women: An Overview

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A. Introduction

Migration linked to trafficking in women and prostitution is one of the darkest features of the lack of equality between women and men. This form of migration has developed into a gigantic, highly organized criminal trade linked to the exploitation of women. The main reasons for female emigration are poverty, discrimination against women, unemployment, under-education, lack of resources, and political and economic instability. Some women are also motivated to leave their country in order to have the opportunity to work abroad and see something of the world. Another reason is that the situation of prostitutes in other countries is sometimes even worse in the countries of origin than in the receiving countries due to their illegal status.¹

Migration from East to West Europe linked to traffic in women and migrant prostitution has grown since the collapse of the Berlin wall, as a result of two factors: the opening up of borders in Eastern Europe and the poverty of the former communist countries, factors which have directly affected women in those countries. Before the collapse of the Berlin wall most trafficked women came from South East Asia and Latin America.²

Another feature of post-1989 Eastern Europe is the increase in organized crime. Taking advantage of western countries' "drawing power," many criminal organizations have set up in the business of "exporting" women to put them to work in

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¹ D.M. Hughes, *The "Natasha" Trade: Transnational Sex Trafficking*, 246 NATIONAL INSTITUTE OF JUSTICE JOURNAL 9-15, (January 2001) at http://www.uri.edu/artsci/wms/hughes/natasha_nij.pdf.

² See, L. Brussa, *Survey on Prostitution, Migration and Traffic in Women: History and Current Situation*, EUR. CONSULT. ASS. (1991).

sectors where access to information and social assistance is very limited. The European Commission estimates that 120.000 women and children are trafficked into Western Europe each year.³

Young women are enticed by offers of employment abroad as dancers, bar hostesses or au pairs and end up, sold and in debt, on the pavements of some unknown country. Even those who know that they are heading into prostitution have no idea of the violence in store for them and they are misled about the conditions they will have to work in.

The phenomenon has taken on such dramatic proportions in Europe and the rest of the world that many European organizations are now considering how to counter a trade which comes third (behind only drugs and arms smuggling) in the league table of profitable crimes.

The Committee on Equal Opportunities for Women and Men organized a colloquy on the migration connected with trafficking in women and prostitution, which was held in The Hague on 14-15 November 2002. The participants of the colloquy held an exchange of views on the situation in different regions of Europe connected to various migration flows linked with women trafficking and prostitution. The representatives of the International Organization on Migration shared their experience in working out world strategies regarding migration connected to trafficking in human beings and the practical implementation of those strategies in their field offices. The participants of the hearing had a unique possibility to study in details the Dutch example of the legalizations of prostitution and its impact on the situation of legal and illegal prostitutes and the victims of trafficking. They had discussions with the members of the Foundation "de Rode Draad," –a foundation of sex workers whose main aim is to help sex workers in difficult situations, providing them with legal assistance, shelters and necessary information on working conditions. The Committee also visited the Prostitution Information Center in Amsterdam. This Center provides information to all visitors regarding the development of the prostitution business in Amsterdam. It also distributes information on the main rights, working conditions and security of girls working in this business. As a result of this hearing a list of recommendations were drawn up and added to this report.

³ At <http://europa.eu.int/comm/eurostat/Public/datashop/print-catalogue/EN?catalogue=Eurostat>. (Proposal for a Council Directive on the Short-term Residence Permit Issued to Victims of Action to Facilitate Illegal Immigration or Trafficking in Human Beings who Cooperate with the Competent Authorities, European Commission on Refugees and Exiles (2002)), at <http://europa.eu.int/scadplus/leg/en/lvb/l33187.htm>

The report seeks to draw further attention to the gravity of the problem of migration linked to trafficking women into prostitution. Even though there are no reliable statistics on the subject, it is possible to identify a migration pattern. Countries are divided into countries of origin, transit countries and destination countries. (Some countries, like Poland, are countries of origin, transit and destination at the same time.) Council of Europe member states includes all three types. Specific measures are needed in relation to each of these groups of countries.⁴

B. Definitions and Council of Europe Work in This Area

Several organizations have produced definitions of "trafficking in women," they include the International Organization for Migration (IOM), Europol and the European Commission. Following these organizations' work on the issue, the Council of Europe in turn has defined the term:

In Recommendation 1325 (1997), the Council of Europe Parliamentary Assembly defined traffic in women and forced prostitution as "any legal or illegal transporting of women and/or trade in them, with or without their initial consent, for economic gain, with the purpose of subsequent forced prostitution, forced marriage or other forms of forced sexual exploitation. The use of force may be physical, sexual and/or psychological, and includes intimidation, rape and abuse of authority or of a position of vulnerability."⁵

Committee of Ministers Recommendation (2000) defines trafficking in human beings for the purpose of sexual exploitation as "the procurement by one or more natural or legal persons and/or the organization of the exploitation and/or transport or migration - legal or illegal - of persons, even with their consent, for the purpose of their sexual exploitation, inter alia by means of coercion, in particular violence or threats, deceit or abuse of authority or of a position of vulnerability."⁶

⁴ L. Chew, *Global Trafficking in Women: Some Issues and Strategies*, 27 *WOMEN'S STUDIES QUARTERLY* 11-18, (1999) (The author provides an overview of trafficking in women and local, national and international strategies to fight against trafficking.) See also, J. Chuang, *Redirecting the Debate Over Trafficking in Women: Definitions, Paradigms, and Contexts*, 1 *HARVARD HUMAN RIGHTS JOURNAL* 65-107 (1998). (This article asserts that the narrow portrayal of trafficking denies the complexity of the problem by focusing mainly on women and children recruited for the purpose of prostitution. The article provides an overview of the experiences of women who are trafficked or forced into labour/slavery-like practices.)

⁵ *Report of the Committee on Legal Affairs and Human Rights*, Eur. Consult. Ass., 13th Sess. Doc. No. 7785 (Apr. 23, 1997). See also, *Opinion of the Committee on Migration, Refugees, and Demography*, Eur. Consult. Ass. 13th Sess. Doc. No. 7808 (Apr. 23, 1997).

⁶ EUR. CONSULT. ASS. DEB. 11th Sess. (May 19, 2000). See at, <http://assembly.coe.int/>.

An international definition of trafficking is given in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Trans-national Organized Crime (Palermo, 2000). It says that "trafficking in persons" shall mean "the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs."⁷

Speaking about the definition of trafficking in human beings, it is important to make a distinction between "illicit labor" and "forced prostitution." Only when a situation is comparable to slavery, exploitation can be regarded as trafficking in human beings.⁸

A distinction should also be made between smuggling and human trafficking. Migrant smuggling is assisting people for money or other gain to enter or stay in a country illegally; in this case the territorial integrity of a state is at stake. Sometimes, the conditions under which people are smuggled may be so bad or degrading that the smuggled persons themselves can in fact, in a practical sense, also be called victims. Trafficking in human beings is by definition a serious violation of human rights and personal integrity.

Migration linked to traffic in women and prostitution has two distinctive aspects: its illegality and the criminal organization behind it.

Powerful international criminal networks control most of this migration: this is an extremely lucrative market and creates ideal conditions for corruption, even in western European countries.

⁷ UN Convention against Trans-national Organized Crime (Palermo, 2000). *Compare with*, Musacchio V., *Schiavitù e tratta di esseri umani: analisi del fenomeno ed esigenza d'una normativa internazionale*, in *IL DIRITTO DI FAMIGLIA E DELLE PERSONE*, 2003, fasc. 1 (marzo), pt. 2, pag. 236-259.

⁸ Global Alliance Against Trafficking in Women (2002). *See also*, Human Rights Standard for the Treatment of Trafficked Persons at <http://www.inet.co.th/org/gaatw/SolidarityAction/SMR99.htm>. (These standards are drawn from international human rights instruments and formally-recognized international legal norms. The Standards protect the rights of trafficked persons by providing them with an effective legal remedy, legal protection, non-discriminatory treatment, and restitution, compensation and recovery.)

Specific migratory aspects aside, trafficking in people is primarily a human-rights issue. In recent years, numbers of people falling victim to the trafficking have risen steeply.

Overall, no one country has the resources to solve the problem on its own. The Council of Europe, which has the main countries of origin, transit and destination among its members, seems ideally placed to co-ordinate such action.

The Council of Europe Parliamentary Assembly has raised the issue several times, in particular in the recommendation mentioned above.

A good example of the value of international dialogue in migration management was the European Conference against Trafficking in Human Beings, organized in September 2002 by the International organization on Migration and the European Commission. Its "Brussels Declaration" can be considered as a compendium of good practices and lessons learned. After some years of development of a comprehensive policy, the Conference provided yet another important milestone in the fight against human trafficking which invited actors to take the next crucial steps towards reinforcing efforts to implement best practices identified in a comprehensive and coordinated European approach.⁹

This Declaration calls upon the coalition of committed governments, international bodies and NGOs to take concrete measures and to intensify co-operation in the fields of prevention, victim protection and assistance, and police and judicial co-operation, in particular with a view to achieving a swift and sustainable reduction of trafficking in human beings.

C. The Present Forms and the Causes of Migration Linked to Trafficking in Women and Prostitution

There seems to be a world-wide agreement on the fact that trafficking in human beings and migration connected to it is blossoming because of the gap between poor and rich countries, the lack of opportunities for young people to build up an existence, and the deprived position of women in many countries, which make them especially vulnerable for exploitation in this industry. Therefore, the root

⁹ At <http://www.iom.int/> see in the press briefing notes. And see, Migration Health Annual Report 2003. (The Migration Health Annual Report documents the global achievements of IOM's Migration Health Department. It provides statistics and describes the assistance delivered to mobile populations, communities and governments concerning migration health matters.)

causes of this problem should be addressed in order to reduce the economic and social inequality and disadvantages, which provoke illegal migration.¹⁰

Working in the sex industry is no mere sum total of personally preferred or privately chosen behavior patterns, but undoubtedly an organized system – which has now been globalized and industrialized – with links to the criminal world. Migrant prostitution and procuring have become more and more inseparable. Procuring is an organized activity of small, medium-sized or large networks, which interlink with criminal organizations. The traffic routes are full-fledged businesses in which maximum profit is the key objective. Even though many migrant women working as prostitutes say they are independent, they face various pressures and few do not end up without procurer control of one kind or another. In addition the procurers cover their tracks by using more and more complex transit routes to move from country to country and by constantly increasing the distance – and the number of middlemen – between themselves and the prostitutes they are exploiting.

Research in the Netherlands shows that drugs and trafficking in women rarely go together. There is a high risk involved in drug trafficking and much cash is needed. Trafficking in women asks for other investments, especially time. Drugs are very lucrative and very risky; trafficking in women is very labor intensive and only lucrative in high quantities.¹¹

Migration connected with trafficking in women and prostitution can be explained by lack of prospects in the country of origin, including women's experience of poverty and social exclusion. Unemployment and lack of education, which, in practice, affect women more than men, are further contributing factors. Women in central and eastern European countries have been particularly affected by the rise in unemployment that has followed those countries' painful transition to the market economy. The desire to migrate can seldom be met through legal channels since

¹⁰ G. Caldwell, S. Galster and N. Steinzor, *Crime and servitude: an expose of the traffic in women for prostitution from the newly independent States*, GLOBAL SURVIVAL NETWORK AND INTERNATIONAL LEAGUE FOR HUMAN RIGHTS (New York 1997). See also, Center for Reproductive Law and Policy (ed.), *Women of the World: Laws and Policies Affecting their Reproductive Lives - East Central Europe* (New York, 2000). See also, B. De Ruyver, and W. Van Eeckhoutte (eds.), *Multidisciplinary research on the phenomenon of trafficking in human beings from an international and national perspective*, EUROPEAN COMMISSION, (University of Ghent, 1998).

¹¹ J. Vocks and J. Nijboer, *The Promised Land: A Study of Trafficking in Women from Central and Eastern Europe to the Netherlands*. 8 EUROPEAN JOURNAL OF CRIMINAL POLICY AND RESEARCH 379-388, (2000). (This study on trafficking in women from Central and Eastern Europe explores the contextual factors, the characteristics, and the motivation of victims as well as the methods of traffickers. A combination of rational choice theory, strain theory and social control theory are used as the theoretical framework of the research.)

western countries have clamped down on immigration. The restrictions encourage the setting up of networks that exploit the desire to migrate. In addition, the economic situation means that, without realizing the full implications, many women deliberately resort to prostitution as a means of earning a living.¹²

Immigrant women tend to be forced to work in sectors where access to information and welfare networks is limited, which makes them even more vulnerable to exploitation and violence. Some women are forced to labor in underground workshops. They have no residence or work permits and are thus totally dependent on their employers administratively and financially. Another form of exploitation is domestic slavery. The inhuman conditions in which the female domestic slave is forced to live are maintained by nothing less than a reign of terror (Parliamentary Assembly Recommendation 1523 (2001)).

Procurers' victims are kept under close watch; sometimes the threat to inform the family is enough. Lodged in hotels, prostitutes are frequently guarded by a woman. The people really in charge may be living in a neighboring country or may remain in their country of origin.

Threats of reprisals against the family are a formidable weapon for maintaining a climate of fear. The procurers use it to keep victims under even tighter control and to deter them from talking to the police. Many trafficked women also suffer beatings, rape, psychological coercion, and serious health problems from sexually transmitted diseases. Refusal to obey traffickers and employers can lead to fines, physical violence, and even death. On top of the violence, surveillance and threats, there is the fear, which victims have of being discovered by the police without proper papers. Despite the efforts of the Council of Europe and other international organizations to combat migration linked to traffic in women and prostitution, the migration continues to flourish in Council of Europe member countries.

Countries can be divided into countries of origin, transit countries and destination countries. A full assessment of the situation is difficult as a country may be simultaneously a country of origin, a transit country and a destination country. In addition, relevant statistics are incomplete because the migration is illegal and underground, legislation to combat it is lacking, and the victims are unwilling to speak up.

¹² A.M. Bertone, *Sexual Trafficking in Women: International Political Economy and the Politics of Sex*, 18 GENDER ISSUES 4-22, (2000). (This article explores some of the basic facts about trafficking and spotlights it as a truly global phenomenon with its contemporary origins in the international capitalist market system. It views both supply and demand of the trade.)

In 2000 a new legislative Act came into force in the Netherlands, lifting the ban on brothels. At the same time, the legislation on the unacceptable forms of prostitution has become more severe. Trafficking in people with the aim of forced prostitution and forced prostitution of minors are considered as serious offences. By legalizing the employment of prostitutes the government is thought to have more control over the sex industry and more possibilities to counter abuses.¹³

The prohibited forms of prostitution tend to take place in the unregulated sector of prostitution (such as streetwalking or mobile forms of prostitution). Forced prostitution and the prostitution of minors are especially at risk in the unregulated sector.

One of the first outcomes of an evaluation of the new Act in the Netherlands shows that there is no confirmation for an often assumed large-scale escape of prostitutes into the unregulated sector.

D. Migration Connected With Traffic in Women and Prostitution

According to the IOM, in the past two years Russian border guards have intercepted five thousand Russian women trying to leave the country with non-valid papers. The majority were going to Turkey, Italy, Germany, Bulgaria or Finland. While the interceptions do not necessarily imply involvement of traffickers, Russian women are the third largest group of victims of trafficking into Germany, after Lithuanian and Ukrainian women. IOM statistics on repatriated persons likewise suggest considerable trafficking out of Lithuania.¹⁴

The Balkans are a special case when it comes to migration related to traffic in women and prostitution: the main countries of origin are there, while some Balkan countries are also transit and destination countries. The Balkans have what can

¹³ See, B. Swart and A. Klip (eds.), *International Criminal Law in the Netherlands*, Freiburg im Breisgau : Ed. Iuscrim, Max-Planck-Institut für Ausländisches und Internationales Strafrecht, 1997. See also, Licia Brusa (ed.) *Health, migration & sex work: the experience of Tampep, Transnational aids/std Prevention among Migrant Prostitutes in Europe*, Tampep: Amsterdam, (Dec. 1999). (Prostitution as such is not an offence. Under the Criminal Code the following offences are punishable by not less than six years' imprisonment and under aggravating circumstances punishment can go up to 8 or 10 years: · taking people across the border to engage in prostitution, or by recruitment or kidnapping; coercing someone to work as a prostitute).

¹⁴ D.M. Hughes, *Supplying Women for the Sex Industry: Trafficking from Russian Federation. Compare with, A. Stulhofer et al, (Eds.) Sexualities in Post-communism*, (September 12, 2002). (This chapter investigates the conditions in Russia that facilitate the recruitment and trafficking of women and girls.)

only be described as "women markets." Bosnia's notorious "Arizona Market" is one example - it sells every possible commodity, including women.¹⁵

Trafficking in women for sexual exploitation has become a serious problem in Bosnia and Herzegovina. The country is primarily a destination one. According to the International Police Task Force a third of the foreign prostitutes in Bosnia and Herzegovina say they arrived there as a result of trafficking. Most of the trafficking victims are from Moldova, Romania and Ukraine. The age range is sixteen to thirty-three, with an average age of twenty-three. Five per cent are under age. Unable to subsist in their own countries, many of these women succumb to newspaper advertisements promising well-paid employment abroad. Many are sold, purchased in Belgrade and then moved to Bosnia and Herzegovina. The traffickers cow them into submission by isolating them and not allowing them to leave their lodgings without permission or unescorted. Their papers are usually confiscated as soon as they enter the country.

In Bosnia and Herzegovina prostitution and the "white slave trade" are a flourishing economic sector because of the presence of the "international community," the local term for the hodgepodge of organizations composed of the United Nations, SFOR (the multinational peacekeeping force) and the OSCE. The presence of tens of thousands of foreign military and civilian male personnel in possession of foreign currency guarantees steady demand in the brothels in which an increasing number of women are coerced into selling their bodies.

The problem has spread to Kosovo, which has recently become a "prostitution oasis." The market there, a highly complex one, is growing in response to demand, and trafficking has boomed since the end of the conflict. Since June 1999 restaurants and bars have mushroomed in Pristina, with the local clientele as big as the foreign one. According to the IOM almost half of the women brought into Kosovo illegally are from Moldova, and the others from Ukraine, Bulgaria and Romania. Some are taken from Kosovo to Albania, and then sold to organized criminal networks operating in Western Europe. The women's passports are confiscated, and their resistance is broken by rape and ill treatment. Most receive no wages and are kept in servitude on the pretext of supposed debts, which they must repay in full before they can be released. Such women have few options. If they manage to escape, they find themselves in hostile, unknown territory.¹⁶

¹⁵ STV (ed.) "Reader: Serbia, Croatia, Bosnia & Herzegovina, Montenegro and Macedonia Training Seminar on Trafficking in Women, 1-9 April, 2000", STV, Dutch Foundation Against Trafficking in Women: Driebergen, Netherlands, 2000.

¹⁶ STV (ed.) "Reader: Russia, Belarus and Moldova Training Seminar on Trafficking in Women, 1-8 March 2000" Netherlands, 2000.

Since the democratic transformation of central Europe in the early 1990s, the region's migration patterns have changed greatly. The recent liberalization of their migration policies (making it easier to cross borders), their geographical location, improved economic prospects, the resultant opportunities, and their inexperience in combating unlawful immigration all mean that the central European countries now face huge migration connected to traffic in women and prostitution. The problem is exacerbated by those countries' not having visa requirements for entry. Generally speaking, there are two categories of migration here: with the first, the intention is to remain in the central European country for some time; with the second, the aim is to continue to a western destination and the central European states are only transit countries, being adjacent to the main destination countries. They are also countries of origin for trafficking and consequently they fall into all the categories of countries connected with trafficking in women and migrant prostitution.¹⁷

In 2001 and 2002 there was a tendency for the region to become more attractive as a destination country. For example, the Polish authorities recorded a 202% increase in the number of Afghan nationals detained in that country in 2002. A large percentage of third country nationals entered the region with the assistance of traffickers. In 2001, the number of people claiming asylum in Hungary, Lithuania, Romania and Slovakia rose significantly.

Western European countries are the main destination for migration connected with traffic in women and prostitution. Interpol estimates that there are some 300,000 women from eastern European countries engaged in prostitution in Western Europe.

The lack of any specialist monitoring body to prevent and combat the migration facilitates this state of affairs. Migrant prostitution is on the increase everywhere, and the manner in which countries treat it varies. The individual who engages in migrant prostitution is not in fact regarded as committing a crime. In all countries except Spain and the Netherlands, procuring in any form is an offense. Sweden is the only country where the purchase of sexual services is completely outlawed.

¹⁷ D. Johnson, *Trafficking of Women into the European Union*, NEW ENGLAND JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW ANNUAL 5 (1999), at <http://www.nesl.edu/intljournal/vol5/johnson.htm>. (This article examines the trafficking of women from third party countries into the European Union for the purpose of sexual exploitation. It provides an overview of trafficking in the European Union, responses to the problem by the EU and member states.)

The lack of reliable data on migration connected with trafficking in women and prostitution in various parts of the world, including western Europe, is another problem but information does exist and, however incomplete, indicates the scale of the phenomenon and the recent developments.

According to IOM data, 10% to 20% (2,000 to 6,000) of the 20,000 to 30,000 illegal female migrants who enter the sex industry in Italy each year are trafficked. In Greece, research has shown that just over half of trafficked women are from Russia or Ukraine, while a third are from the Balkans and a small percentage from Asia and Africa. Trafficking to Belgium tends to be from Nigeria, China, Albania, Romania, Russia and Bulgaria. The majority of females trafficked to the Netherlands would appear to be from central and eastern Europe. Most victims in Germany were from the former Soviet Union and elsewhere in Eastern Europe. In France, according to the central anti-human-trafficking office, 12,000 to 15,000 people were engaged in prostitution in 2000. All the eastern European nationalities were involved. Young Russians, Ukrainians, Slovaks, Moldavians, Slovenes and Latvians had joined the Romanian, Hungarian, Bulgarian, Czech, Croatian and Serb women working as prostitutes in the early 1990s. Albanian women from Kosovo, Macedonia and Albania began appearing in 1997.¹⁸

Switzerland is a special case, not being a member of the European Union or the Schengen area. It is a destination country. The countries of origin for migration into Switzerland are Poland, Russia, the Czech Republic, Latvia and Albania. The recent increase in the numbers of sex workers in some parts of the country, especially the cantons of Ticino, Aargau and Solothurn, is troubling on account of deregulation and the increase in uncontrolled prostitution, which is less professional and often concentrated in clubs or discos in outlying parts of cities, along major roads. Competition in this market is fierce and prices have fallen, making prostitutes' working conditions increasingly difficult. Under greater pressure, they are inclined to take more risks and sometimes to offer or agree to unprotected intercourse. The women involved, the vast majority of who are immigrants, are often in Switzerland illegally or on a dancer's permit.

¹⁸ At <http://www.iom.int/> see in the press briefing notes. And see, Migration Health Annual Report 2003. Compare with, International Organization for Migration, *Trafficking in Women to Italy for Sexual Exploitation*. Geneva (2002), at http://www.iom.int/documents/publication/en/mip_Italy_traff_eng.pdf. (This exploratory study describes how women are trafficked to Italy for sexual exploitation. This is the first study to examine specific issues of trafficking Nigerian and Albanian women to Italy. The study is based on interviews with 50 women who were identified as victims of trafficking in women.)

In many Western European countries the interests of victims of trafficking still seem to be made completely subordinate to the interests of the prosecution of traffickers. In practice, it means that the victims of trafficking are first exploited by the traffickers and consequently, as "disposable" witnesses by the criminal justice system.

Trafficking in women is also identified in Western Europe with illegal migration, shifting the focus from combating violence and abuse to combating illegal entry and residence. Under the denomination of fight against trafficking repressive immigration measures, such as tightening visa policies, stricter boarder control, closer supervision of mixed marriages, the criminalization of third parties who facilitated illegal entry or stay are taken. These measures are aimed more at protecting the state against illegal migration rather than at protecting women against violence and abuse. Moreover, repressive migration policies and the resulting illegal status of women in the destination country made migrant women more dependent on and more vulnerable to various forms of exploitation and abuse.

E. Combating the Varieties of Modern Slavery

The resources available to the authorities for combating these various types of slavery are grossly inadequate, given the seriousness of the situation. Introducing the collective measures that are needed if international criminal networks are to be countered more effectively has long been hampered by countries' legitimate attachment to their national legal systems.

Countries need to be cooperating at pan-European level in the management of migratory flows, and the Council of Europe is best placed to coordinate the efforts. International co-operation should be developed between special police units dealing with trafficking in human beings.¹⁹

The first thing that needs working on is information. We need to set up data bank and exchange information on the various aspects of this type of migration. Countries' experience needs pooling so that the various methods used to combat this migration can be analyzed. No less essential are collective steps to locate and close down the routes by which women are "exported."

As will be evident from this report, it is relatively clear which are the countries of origin, the transit countries and the destination countries in migration linked to traffic in women and prostitution. Council of Europe member countries must ac-

¹⁹ See, L. Chew, *supra* note 4.

cordingly step up bilateral and multilateral preventive co-operation. Developing routine police co-operation on this matter at European level can reinforce prevention. National migration policy needs harmonizing within the Council of Europe area; with regard being given to the particular features of the different groups of countries (countries of origin, transit countries and destination countries).

In the countries of origin the emphasis must be on prevention. Avoiding young women being lured abroad with false promises is undoubtedly the most effective way of combating trafficking. Good information is needed about working conditions, rights and duties of migrants.²⁰

Steps also need taking to improve women's lots in the countries of origin. It is equally important to educate the people dealing with this type of migration in the countries of origin, enable them to exchange information and provide them with special training. In some cases, border officials have been incapable of even detecting trafficking, much less stopping it, for sheer lack of training.

Another problem in some countries of origin is shortage of staff. In Moldova, for example, the police unit responsible for combating human trafficking has only nine staff members, and is thus incapable of taking effective counter-action. This type of country needs more help in staffing the units set up to combat migration of this kind.

The transit countries are strategically important in that they have a possible role to play in stopping this type of migration. Here, too, efforts must focus on special training for staff and on transit countries' exchanging information with countries of origin and destination countries.

Measures should be adopted to afford victims of trafficking the opportunity to cooperate effectively and safely with law enforcement officials. They should include stays of deportation; exempting trafficked persons from detention and prosecution for offences directly relating to their trafficking; giving them the opportunity to seek justice and compensation for abuses they have suffered; guaranteeing their personal safety and the safety of their family members; facilitating their safe and humane repatriation; and offering alternatives if such repatriation is not possible, including third country resettlement.

²⁰ T. Bennett, *Preventing Trafficking in Women and Children in Asia: Issues and Options*. 1 Impact on HIV 9-13 (1999), at <http://www.fhi.org/en/aids/impact/iohiv/ioh12/ioh122.html>. (As of 8/25/03, this page is no longer available.) (This article discusses issues and options in the prevention of trafficking of women and children in Asia. It examines global prevention strategies, market theories of trafficking and its relation to high prevalence of HIV.)

Aid to victims is one of the areas in which the law of destination countries has serious shortcomings. A migration policy towards victims would be a valuable weapon in combating the traffic. If destination countries were to start issuing them with residence permits on humanitarian grounds it might encourage victims to give evidence and help dismantle the migration routes. The problem of deportation of the victims of trafficking from the destination countries should urgently be solved. Some countries ensured an adequate return of victims informing the relevant authorities of the countries of origin, but a lot of countries use a humiliating practice of deportation. The victims of trafficking need special assistance upon their return home. Traffickers and smugglers are in fact exploiting a growing demand in destination countries. Law enforcement efforts should be supported and should address the root causes of migration. Replacing irregular with regular migration is the best way to undercut the appeal of the traffickers and smugglers. Bilateral agreements could be signed between relevant European countries on short-term labor migration contracts.²¹

The relevant governmental authorities of destination countries (Ministry of Interior or Ministry of Foreign Affairs) should consult with consular authorities of countries from which trafficked women originate in order to inform them on the situation and to coordinate safe, voluntary repatriation of victims of trafficking and assistance to trafficked women.

Also important is training for immigration officials, particularly at consulates, who issue visas. Staff need thorough training in the problem and up-to-date information on the methods, dynamics and trends as regards migration linked to women trafficking and prostitution. Rules likewise need introducing to allow immigration officials to perform mid-visit checks even when visitors to a destination country have the required papers.

At pan-European level very careful consideration should be given to harmonizing national law, having regard both to human rights and the requirements of combating the traffic. The Assembly accordingly stresses once again the importance of

²¹ See, Carmen Galiana, *Working Paper: Trafficking in Women*, European Parliament, Directorate General for Research, (Brussels, March 2000). Compare with, Kari Hakola, (ed.) *Migration and Refugee Policy on the Eastern Border of the European Union*, University of Jyvaaskylaa, (Finland, 1998). See also, Heinrich Boll Foundation. *Conference: Sexwork, Sex Tourism and Trafficking in Woman: a new reality in Eastern Europe?* (Prague, 1996); and see, *Human Rights Standards for the Treatment of Trafficked Persons, January 1999*, proposed by GAATW, STV and International Human Rights Law Group, (Bangkok, 1999); International Organization for Migration (IOM), *Special Issue: Perspectives on Trafficking of Migrants*, INTERNATIONAL MIGRATION QUARTERLY REVIEW, v. 38 n. 3: Special Issue, (Jan. 2000).

drafting a convention on traffic in women, with the emphasis on protecting the victims.

F. Conclusion

Migration linked to trafficking in women and prostitution has developed into a gigantic, highly organized international trade in the exploitation of women. One of its distinguishing features is great mobility from city to city and country to country, notably in border regions. Despite international organizations' efforts to combat the trade, the various conventions available lack teeth and this makes it difficult to standardize a national response to the problem and to establish co-operation.

Cooperation is one form of action, which is indispensable. Countries of origin and transit countries need to be closely involved in it. One important measure in these countries is information and awareness-raising campaigns to alert the public to the seriousness of the problem.²²

Migration linked to trafficking in women and prostitution is an affront to human decency. The violence inflicted on the victims is undoubtedly what all the forms of modern slavery have in common. For that reason the Council of Europe member states have a duty to take all possible steps to counter it.

The Assembly accordingly calls on Council of Europe member states to: 1) nominate a national Reporter on Trafficking in Human beings in each member country; 2) sign and ratify the UN Convention Against Transnational Organized Crime and its additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo protocol) if it has not yet been done; 3) strongly support the idea of the Council of Europe Convention on trafficking in human beings, which will bring an added value to other international instruments with a clear human rights focus and the inclusion of a gender perspective; 4) take effective decisions in the field of migration policy aimed at developing legitimate migration opportunities (particularly for women); 5) introduce harsher penalties for this type of trafficking and forced prostitution; 6) address the reduction of the demand for the activities of persons trafficked for the purposes of sexual exploitation, forced labor or slavery; 7) adopt migration policies to assist victims of trafficking and migrant prostitution in their rehabilitation and reintegration in society; 8) ensure that victims of trafficking are not held in immigration detention or other forms of custody; 9) co-operate with non-governmental organizations which provide ex-

²² Organization for Security and Cooperation in Europe, *Trafficking in Human Beings: Implications for the OSCE*, (Bruxelles 2002). (The book is a result of cooperation between different organizations working against trafficking.)

expertise in women's human rights, labor rights and anti trafficking activities; 10) provide financial assistance for non-governmental organizations that implement anti-trafficking programs and initiatives; 11) in co-ordination with UNHCR officers, ensure that victims of trafficking will have the opportunity to seek asylum; gender based persecution should be explicitly recognized as a ground for asylum; 12) enable female immigrant victims of ill treatment to return home and to ensure their security.

The Assembly can also recommend to the Committee of Minister to ask the relevant intergovernmental Committee to organize a round table on the different views on the problem of prostitution in Council of Europe member States.

The Committee of Ministers can instruct relevant Council of Europe services to launch programs in order to assist member states with legal reform initiatives including drafting comprehensive anti-trafficking laws and amending penal codes and immigration laws in conformity with international law on trafficking in human beings.

It also can ask the European Committee for the Prevention of Torture (ECPT) to investigate the detention and deportation of the victims of trafficking in detention centers and prisons of the Council of Europe member-states.