

# TRAFFICKING IN PERSONS

Global Overview,  
Current Trends and  
Pathways Forward

The Protection  Project

JOHNS HOPKINS  
UNIVERSITY

The Paul H. Nitze School  
of Advanced International Studies



## INTRODUCTION

Every year, hundreds of thousands of persons, especially women and children, are trafficked across international borders and within their own countries. Victims of trafficking are subjected to countless human rights abuses, particularly forced labor and prostitution. After drug and arms trafficking, trafficking in persons is the largest source of income for organized criminal syndicates worldwide. The rise of globalization and the widening of the gap between developing and developed countries, poverty, unemployment, and lack of equal opportunity are factors that contribute to the trafficking infrastructure. Innocent women and children become easy targets for traffickers, who take advantage of their economic vulnerability by offering illusory opportunities. Political instability, hostile occupation, armed conflict and civil unrest create social vulnerability of an insecure population that becomes disintegrated, displaced, and easily subjected to trafficking.

This publication is intended to serve as an educational tool to aid understanding of the 'trafficking in persons' phenomena and is divided into six sections. The first section uses the UN Protocol's definition of trafficking in persons to extract the legal elements of the crime as well as outlining the various forms trafficking in persons can take. The section ends with an analysis into the causes of trafficking. Section two looks toward the scope of the problem, outlining the most prevalent forms of trafficking and the trafficking flows in the six regions: Africa; The Americas; East Asia and the Pacific; South Asia; Europe and Central Asia; and, North Africa and the Middle East. Section three focuses on how the crime of trafficking in persons is a gross violation of human rights. It also highlights the international legal framework surrounding trafficking in persons and how international instruments such as the Universal Declaration on Human Rights, the Convention on the Rights of the Child and the Convention on the Nationality of Married Women all serve to prohibit some aspect of trafficking in persons, some of which have been in force for over 60 years. The fourth section conveys the heart beat of trafficking in persons which is the individual stories of trafficking survivors. Section five addresses the appropriate responses to trafficking in persons, particularly the adequate criminalization of the crime and a victim-centered approach to legislation. The final section addresses the path forward in combating trafficking. It encourages governments to collaborate with civil society and exchange information between national governments to address the problems of corruption, the demand for trafficking and the ease with which the internet provides a rapid conduit for trafficking activities. The *ALERT* approach articulates a five-pronged pathway forward addressing: Accountability; Legislation; Education; Religion; and Technology.

*Mohamed Y. Mattar*

Executive Director  
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# DEFINITIONS, ELEMENTS, FORMS, AND CAUSES



## DEFINITIONS

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability; or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

– *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the United Nations Convention against Transnational Organized Crime, 2000, Article 3.*

## THE ELEMENTS OF THE CRIME

### AN ACT

- Recruitment
- Transportation
- Transfer
- Harboring
- Receipt of persons

### AN ILLEGAL MEANS

- Threat or use of force
- Other forms of coercion
- Abduction
- Fraud
- Deception
- Abuse of power
- Abuse of a position of vulnerability
- Giving or receiving of payments or benefits to achieve the consent of a person having control over another person

### AN ILLICIT PURPOSE

- Exploitation of the prostitution of others
- Other forms of sexual exploitation
- Forced labor or services
- Slavery
- Practices similar to slavery
- Servitude
- Removal of Organs

• Removal of organs

## FORMS OF TRAFFICKING IN PERSONS

### I. Sex Trafficking

**Exploitation of the prostitution of others:** Prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community. *Preamble of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949.*

#### OTHER FORMS OF SEXUAL EXPLOITATION:

**Child Pornography:** Child pornography shall include pornographic material that visually depicts: (a) a minor engaged in sexually explicit conduct; (b) a person appearing to be a minor engaged in sexually explicit conduct; (c) realistic images representing a minor engaged in sexually explicit conduct. *Council of Europe Convention on Cybercrime, 2001.*

**Child Sex Tourism:** Trips organized within the tourism sector, or from the outside the sector by using its structures and networks, with the primary purpose of effecting a commercial sexual relationship by the tourist with residents at the destination. *World Tourism Organization Statement on the Prevention of Organized Sex Tourism, Adopted by the General Assembly of the World Tourism Organization, 11<sup>th</sup> Session, Cairo (Egypt), Oct. 17-22, 1995.*

**Sexually Explicit Performance:** Live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons. *United States Department of Justice Model State Anti-Trafficking Criminal Statute, Sec. XXX.01. (9).*

**Forced Marriage:** Any institution or practice whereby: (i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) A woman on the death of her husband is liable to be inherited by another person; (d) Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour. *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.*

**Mail-Order Brides:** "Mail-order bride" is a term applied to a woman who lists herself in a catalog or with a marriage agency that publishes her intent to marry someone who lives far away.



## II. Other Forms of Trafficking

**Servitude:** The status or condition of dependency of a person who is unlawfully compelled or coerced by another to render any service to the same person or to others and who has no reasonable alternative but to perform the service. Servitude shall include domestic service and debt bondage. *Early draft of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000.*

**Slavery:** The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. *Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention, 1926.*

**Practices Similar to Slavery:** The act of conveying or attempting to convey slaves from one country to another by whatever means of transport, or of being accessory thereto; the act of mutilating, branding or otherwise marking a slave or a person of servile status in order to indicate his status, or as a punishment, or for any other reason, or of being accessory thereto. *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.*

**Removal of Organs:** Acquiring, receiving or transferring any human organ for profit. *World Health Organization Guidelines, 1991.*





## TRAFFICKING OF CHILDREN FOR MILITARY PURPOSES

- Children as young as age 8 are compulsorily recruited into the military and are subject to forced labor.
- Trafficking for military purposes entails the conscription, coercion, kidnapping, press-ganging and/or manipulation of persons, especially children under the age of 18, into armed forces either to become a child soldier or engage in military-related services.
- The most vulnerable victims of this form of trafficking are impoverished children with marginalized backgrounds who have become separated from their families.

## CAUSES OF TRAFFICKING IN PERSONS

### POVERTY, UNDERDEVELOPMENT AND LACK OF EQUAL OPPORTUNITY

- Traffickers intentionally seek out the weakest and most vulnerable members of a society in order to exploit them for personal gain, frequently by taking advantage of conditions of poverty, economic collapse, civil unrest, and social upheaval. Poverty and lack of economic opportunities force men, women, and children to look for better opportunities abroad, but they can be victimized at any step of the migrant worker process. Unscrupulous employment agencies deceive workers into entering abusive work situations and what first appears as a legitimate job can easily turn into forced labor or sexual exploitation.
- Women and children are increasingly at risk in environments that are traditionally considered safe havens: their communities, families, and public places of business and commerce. Promise of an immediate payment can easily lead families to sell their daughters to traffickers.
- The plight of women throughout the process of globalization has been a manifestation of the fact that society has not yet completely fulfilled its obligation to creating an equitable environment for all women. Women are often denied equal access to education and limited education means limited economic opportunities.
- The feminization of poverty and survival is intimately tied to the continued inequality of women across the globe.

### CIVIL WAR AND POLITICAL UNREST

- In recent history, ethnic conflicts have emerged as the dominant form of warfare. These conflicts, by nature, target specific groups of people; simultaneously, they incur the destruction of the means of livelihood as well as massive disruption of social mechanisms. The result is the displacement of millions of people.
- In such conditions, women and children are frequently separated from their protectors, leaving them vulnerable in the midst of unstable conditions.
- Displaced women and children in post-conflict situations, whether on the move or in refugee camps, are extremely vulnerable to continued violence and the associated psychological and physical trauma.
- Women bear the burden of family support during war and the transition to peace. The weight of this responsibility, coupled with a pervasive disrespect for women's dignity, often force young girls to enter into prostitution to provide for their families. This makes them vulnerable to trafficking within the country and outside its borders.

## THE TWO PHASES OF TRAFFICKING IN PERSONS

### PHASE ONE: RECRUITMENT

- Transportation
- Transfer
- Harboring
- Receipt of persons

#### MAJOR METHODS OF RECRUITMENT

- False advertisement
- Promise of an illusory job
- Kidnapping
- Sale by family members

#### TARGETS OF RECRUITMENT

- Vulnerable persons

### PHASE TWO: EXPLOITATION

- Prostitution
- Sexually oriented performances
- Pornography
- Sex tourism
- Early marriage
- Forced marriage
- Compensation marriage
- Arranged marriage
- Temporary marriage
- Marriage by catalog
- Marriage for child bearing
- Domestic servitude
- Construction work
- Agricultural labor
- Sweatshops
- Entertainment industry
- Armed conflicts
- Service industry
- Begging
- Adoption
- Removal of organs
- Drug distribution
- Other criminal activities

# SCOPE OF THE PROBLEM



## AFRICA

Countries in Africa serve as points of origin, transit, and destination for trafficking in persons, a problem of grave magnitude on the African continent. Half of African governments admit that trafficking in persons is a serious concern, and trafficking between countries on the continent is particularly significant, with close to 90 percent of all African countries affected by trafficking flows to and from other countries in the region. Nearly all these countries have reported internal trafficking to meet demand for cheap household and farm labor, as well as prostitution. Trafficking is also reported to flow toward Europe from close to 35 percent of African countries.

Trafficking in children is particularly prevalent. Deterioration of living conditions in rural areas, and a demand for unskilled and docile workers are blamed for child trafficking, especially in Central Africa. Poverty, coupled with large family size, is also a contributing factor. Additionally, HIV/AIDS has left millions of Sub-Saharan African children orphaned. By 2010, an estimated 20 million children under the age of 15 in Sub-Saharan Africa will have lost one or both parents from HIV/AIDS. Such children are left extremely vulnerable to trafficking for forced labor, forced prostitution, or forced combat. There are concerns that growing sex tourism—including child sex tourism—could increase the HIV threat. An increase in government legal responses to child sex tourism in Southeast Asia, in particular, has contributed to development of child sex tourism in Africa, redirecting the flow of European pedophiles from Southeast Asia to a number of countries in Africa.

Africa's 2.5 million refugees and an estimated 5.9 million internally displaced people are also among those most vulnerable to trafficking. Humanitarian aid workers,

peacekeepers, and United Nations Mission soldiers have all been reported to exploit and abuse refugee women and children, seeking sexual contact in exchange for food or money.

Some traditional practices may also contribute to human trafficking in Africa. The problem of bonded slavery, in particular, is exacerbated by cultural factors. Even though slavery is illegal in Africa, hundreds of thousands of people who are born into slave castes believe they are in bondage and thus, cannot be free. Most slaves lack basic education or resources to escape. In addition, they have strong tribal and communal bonds to their masters, due to a long tradition of slaves who may have been working for the same family across generations.

Another traditional practice common to West Africa in particular is the tradition involving the use of female slaves, known as *trokosi*, or “wives of the deity.” As part of this tradition, young virgins are brought to a shrine to compensate for a crime or transgression committed by their families, perhaps even generations earlier. The girls live as slaves to the priest. If a girl dies, the family sends a new one to replace her. The *trokosi* work in the household, clean the shrine, and are used as sex slaves.

Another trend is that parents may pay large sums of money to have their children sent to live with members of their community in more developed countries, where they are promised an education and a “better” life. Once there, however, these children may be sexually exploited, or forced into prostitution or various forms of labor. Children are threatened with voodoo curses to make them think that if they tell anyone about the traffickers, they and their families will die. They are told that the only way to remove the curse is to repay the money they owe to the traffickers.

Ongoing civil unrest in many African countries continues to cause the breakup of families and to place women and

children at an especially high risk of trafficking. Many street children are being recruited for the armed forces and militias; others are abducted from their homes. These children must carry heavy loads, gather food, and perform other domestic duties to support the armed personnel who recruited them. Some are given weapons training and forced to fight. Children are threatened with their lives if they attempt to escape and are even forced to beat or kill other abducted children. Girls are used as domestic servants for commanders, and many are forced into sexual slavery, serving as the commanders' "wives."

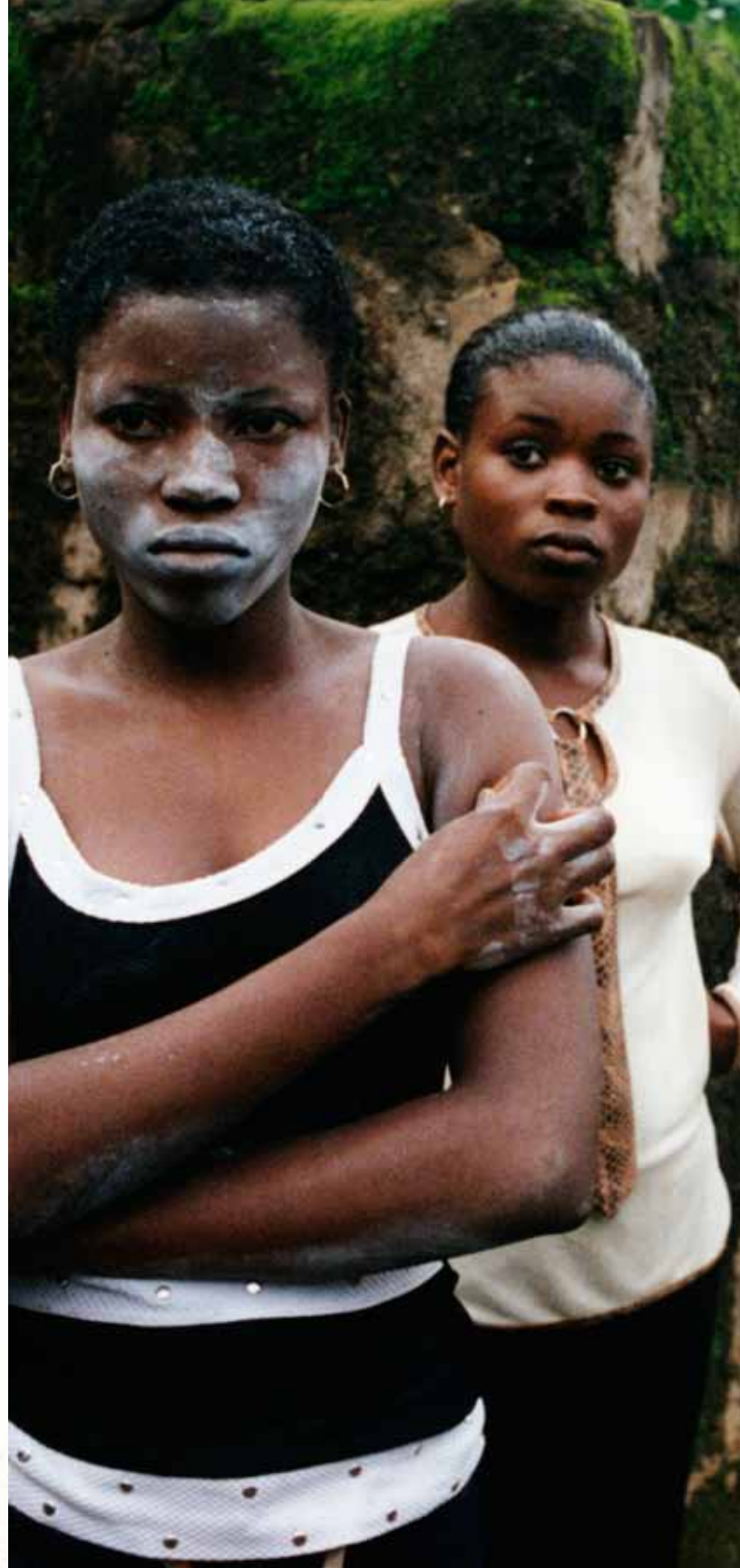
Organized crime rings that span throughout Africa and the collusion of corrupt government officials are additional factors that contribute to the growing problem of trafficking in persons in Africa.

### THE MOST COMMON FORMS OF TRAFFICKING IN AFRICA ARE FOR THE PURPOSES OF:

- Forced or bonded labor.
- Prostitution and other forms of sexual exploitation, especially child sex tourism.
- Military recruitment; child soldiers.

### TRAFFICKING FLOWS ARE:

- Internal trafficking within countries (to urban or tourist areas).
- International trafficking between countries within the region.
- International trafficking out of Africa, mainly to Europe.



## THE AMERICAS

Trafficking in the Americas occurs between states and within borders. Internal trafficking has been documented in a number of countries, especially from rural to urban areas, and to important tourism destinations, often in coastal areas, and in border towns. Some of the most significant and emerging international child sex tourism destinations in the world are found in Central and Latin America. International trafficking routes within the region generally follow a south to north route toward North America; however, trafficking between the various countries throughout South America, Central America, and the Caribbean are also highly prevalent. Additionally, trafficking to North America from numerous countries around the world for the purposes of forced labor and sexual exploitation are also significant. Trafficking from many of the Central and South American countries takes place not only to North America, but also to other destinations around the world. Most significant is the trafficking of women for sexual exploitation to Western Europe and to Asia.

The prevalent forms of trafficking in the region are trafficking for commercial sexual exploitation and forced labor (particularly mining and agricultural labor, and in sweatshops), child sex tourism; and trafficking for international adoption. Child sex tourism is especially significant in the most important tourist destinations in Central and South America, and in the Caribbean. North American men are some of the most significant consumers of child sex tourism around the world, especially in Central America and the Caribbean, and to a lesser extent, in South America. Men from Europe and Asia likewise travel to these areas to sexually abuse children.

Trafficking for international child adoption is also a problem, particularly in some countries of Central America. Child labor is extremely prominent in Central and South America, and in some Caribbean countries. Children, particularly street children, are extremely vulnerable to trafficking. Trafficking for domestic service, at times fostered by traditional practices of sending a child away to work for a wealthy family in exchange for care and education, affects children in some countries of the region, when corrupted by criminal elements seeking to capitalize on the families' and childrens' vulnerabilities. Finally, trafficking of children for the purpose of drug smuggling has been reported to take place in some countries of the region.

Women are often viewed as sexual objects, and interfamily violence, family breakdown, and poverty also push young people to leave their homes and communities to search for better lives. The so-called "pull factor" to economically prosperous North America propels many young people to migrate northward. To a lesser extent, pull factors exist toward other more prosperous neighboring countries. Trafficking activity throughout Central America is facilitated by a regional free transit agreement, accompanied by weak border monitoring. Additionally, truck drivers traveling along the Pan-American Highway may contribute to the demand for prostituted women and children.

Trafficking networks are generally involved in organized crime. Strengthening border controls and a large number of migrants seeking opportunities to travel north further foster trafficking. In other cases, porous borders contribute to the problem of trafficking, especially in South America. Corruption among officials also facilitates trafficking.





### THE MOST COMMON FORMS OF TRAFFICKING IN THE AMERICAS ARE FOR THE PURPOSES OF:

- Prostitution and other forms of sexual exploitation, especially child sex tourism.
- Forced labor, mainly for mining and agricultural labor, sweatshops, and to a lesser extent, for the purpose of domestic service.
- Drug smuggling.
- International child adoption.

### TRAFFICKING FLOWS ARE:

- Internal trafficking within countries (toward urban or tourist areas or tourist areas and border towns).
- International trafficking between countries regionally (from lesser to more affluent countries in the region), with the flows often following a south to north route, particularly from Central America; trafficking to North America is one of the most significant routes of trafficking from many countries in the region.
- International trafficking out of Central and South America and the Caribbean to Europe and, to a lesser extent, Asia.
- Arrival of tourists from North America (and to a lesser extent, from Europe and Asia to destinations in Central and South America) and the Caribbean for the purpose of child sex tourism.

## EAST ASIA AND THE PACIFIC

Trafficking in persons is widespread in the region of East Asia and the Pacific. Trafficking routes flow within borders, between countries of the region, through and to countries within the region, and from countries of the region. More developed countries tend to serve as countries of destination within the region, with the less-developed countries serving as countries of origin. Within the borders of these countries, trafficking takes place largely from rural to urban areas, and to coastal areas and tourism destinations. This is largely due to uneven economic development and a demand for sexual services brought on by tourism development.

Within the East Asia and Pacific region, trafficking flows not only from the lesser developed countries to their more developed counterparts, but likewise from these more developed countries to the region's industrial giants. Additionally, women and children are trafficked from the region to countries in Western Europe, Africa, the Middle East and North Africa, and to the Western Hemisphere, including the United States, the Caribbean, and to countries in Latin America. Men are trafficked for the purpose of forced labor within the region, as well as out of the region to the United States and to the Middle East. At the same time, countries of the East Asia and Pacific region are countries of destination for women and children trafficked from Eastern Europe, Central Asia, and some countries in Latin America. Child sex tourism is prevalent in the region, with men arriving to Southeast Asia from the more developed countries in the region, as well as from around the world (particularly from North America and Europe), to engage in sexual activities with children.

The primary forms of trafficking in persons in the East Asia and Pacific region are the trafficking of women and girls for prostitution, specifically for adult and child sex tourism, as



well as for mail order brides, and trafficking for the purpose of forced labor, especially for the purpose of domestic service. Trafficking for domestic service is an underreported crime; however, domestic servants are often forced to work in deplorable conditions. They work 12 to 16 hours a day; receive little or no pay; are given very little free time; and are often subject to physical, sexual, and mental abuse. Southeast Asian women are trafficked most frequently to the Gulf States in the Middle East for this purpose. However, trafficking for the purpose of sexual exploitation to the Gulf States from Southeast Asia also occurs. Trafficking within the region for the purpose of marriage, due to a lack of brides in some countries of the region, is also prevalent. In addition, trafficking of children for the purpose of sexual exploitation in the region is of particular concern.

It has been reported that Southeast Asia may be the largest source for trafficked persons, with more than 225,000 people trafficked every year. Most of the trafficking occurs within the region (60 percent to major regional cities of the region, 40 percent outside the region). Criminal networks throughout the entire Southeast Asian region traffic young girls and women for sexual exploitation. Nationals in destination countries work with Southeast Asian traffickers during the recruitment process. These groups appear either to be highly organized or to have extended networks. Many are tied to other powerful organized criminal groups in the region, such as the *yakuza* and *snakehead* gangs.

The young people of the Pacific Island populations are often disproportionately affected by the social problems that arise out of conditions of poverty. Nonprofit groups in the Pacific Island region have noted that the number of young women and girls turning to prostitution as a result of poverty has been rising, creating new vulnerabilities. In addition, trafficking in persons is becoming a problem for the Pacific Island countries in particular, as a result of increased investment in the garment and cannery industries. With the opening of factories, large numbers of Asian women who arrive in those countries to work have been kept in exploit-

ative conditions that restrict their freedom of movement and require them to work excessively long hours. Pacific Island children may be particularly easy targets for child sex tourists, with the South Pacific emerging as a huge tourist destination. As police crack down on sex offenders in the home countries of child sex tourists, as well as in the more popular sex tourist destinations in Southeast Asia, there is growing concern that child sex tourism and associated activities are on the increase in the South Pacific. Sex tourists have been blamed for the latest eruption of HIV infections in the region; in fact, fear of infection and stricter laws have prompted many sex tourists to skip traditional Southeast Asian destinations in favor of the South Pacific.

### THE MOST COMMON FORMS OF TRAFFICKING IN EAST ASIA AND THE PACIFIC ARE FOR THE PURPOSES OF

- Prostitution and other forms of sexual exploitation, especially child sex tourism
- Domestic service
- Forced labor

### TRAFFICKING FLOWS ARE:

- Internal trafficking within countries (for example, to urban or tourist areas).
- International trafficking between countries regionally (from lesser to more affluent countries in the region).
- International trafficking to Asia and the Pacific from Eastern Europe, and Latin America.
- International trafficking out of Asia and the Pacific, to Europe and the Middle East, and the Western Hemisphere.
- Arrival of regional perpetrators, as well as foreign tourists, from Europe and the Western Hemisphere for the purpose of child sex tourism.



## SOUTH ASIA

Trafficking in persons occurs among countries within the region of South Asia, with more developed countries serving as countries of destination and less developed countries constituting countries of origin. Trafficking also occurs from rural areas of countries in the region to urban areas of the countries, as well as toward tourism destinations. Additionally, trafficking takes place from South Asia to other regions in the world. Finally, some of the countries in South Asia are destinations for trafficking from other regions. Countries of the South Asia region are countries of origin for women and children trafficked to Southeast Asia, the Middle East (especially the Gulf States), East Asia, and to Eastern Europe. Countries within the South Asian region are countries of destination for women and children trafficked from Eastern Europe and Central Asia, as well as from Southeast Asia.

The primary forms of trafficking in persons in the South Asia region are (1) trafficking for the purpose of forced prostitution; and (2) trafficking for the purpose of forced labor, specifically in the form of domestic service. The commercial sexual exploitation of children and child sex tourism, as well as debt bondage, which enslaves entire families for generations, are also significant problems for the countries of this region. Child labor is also significant, as are large populations of street children who are extremely vulnerable to trafficking.

Many women (as well as men) from South Asia work as domestic servants in the Gulf States of the Middle East. Many have been trafficked, and many others face severe abuse. Domestic servants may be forbidden to leave the

house of their employer; have very little free time; receive little or no pay; and are subject to physical, sexual, and mental abuse.

Of the 74 million women reported missing in South Asia, it is said that 20 million of them are working in brothels. An estimated 20 to 25 percent of the women trafficked for commercial sexual exploitation within the region are under the age of 18. Tens of thousands of boys under age 18 are likewise reported to be engaged in prostitution in the region, especially in coastal areas that cater to foreign tourism. Throughout South Asia, poverty—as well as the breakdown of traditional livelihoods; lack of education and skills for women and children; natural disasters; breakdown of families as a result of war; the low social status of women; and gender-discriminating practices—all contribute to the trafficking phenomenon, especially by creating tremendous push factors for migration, often for young, single women and children. Weak legislation and poor enforcement of trafficking laws are also cited as factors contributing to trafficking in the area. Furthermore, there is a common superstition in the region that a sexual encounter with a virgin girl can rid a man of sexually transmitted disease; this belief fuels the demand for young prostitutes. In some areas, exploitative customary practices, economic instability, discriminatory laws, and a shortage of resources for antitrafficking efforts are cited as factors that have induced traffickers to get involved in the trafficking business.

## THE MOST COMMON FORMS OF TRAFFICKING IN SOUTH ASIA ARE FOR THE PURPOSES OF:

- Prostitution and other forms of sexual exploitation, especially the commercial sexual exploitation of children and child sex tourism.
- Domestic service.
- Forced labor, including the trafficking of children as camel jockeys, and debt bondage.

## TRAFFICKING FLOWS ARE:

- Internal trafficking within countries (especially to urban areas or tourist areas, and to red-light districts).
- International trafficking between countries regionally (to areas of greater demand for prostitution, especially for young children).
- International trafficking out of South Asia to the Middle East (especially the Gulf States), Southeast Asia, Europe, and the Western Hemisphere.
- Arrival of foreign tourists from Europe and the Western Hemisphere for the purpose of child sex tourism.

## EUROPE AND CENTRAL ASIA

While Eastern Europe, and to a lesser extent, Southeastern and Central Europe are regions of origin for victims of trafficking, Western Europe is one of the most significant regions of destination for victims of trafficking from around the world, especially for the purpose of commercial sexual exploitation. The Council of Europe estimates that the number of victims may range from 120,000 to 500,000. Other estimates have placed this number as high as 800,000. Overall, it is estimated that 78 percent of victims of trafficking in Western and Southeastern Europe come from Central and Eastern Europe. The number of Eastern European women and children who have become victims of trafficking is unknown, but it is estimated to be in the tens of thousands, possibly even in the hundreds of thousands. However, victims also include men, women, and children from around the world, including numerous countries in Africa, the Americas, and Asia.

Southeastern Europe is an important region of transit, as well as a destination, for trafficking from Eastern Europe toward Western Europe. Victims are also trafficked from Southeastern Europe to Western Europe. Eastern Europe and Central Europe (to a lesser extent) serve as regions of origin for trafficking to Western Europe, to the Americas, the Middle East, North Africa, and Asia. Young women have been trafficked for sexual exploitation from Eastern Europe to numerous destinations around the world and the region is known as one of the most significant routes for human trafficking. Other regional trafficking routes, between countries of the former Soviet Union, and from Eastern Europe to Central Europe, are also prevalent. Trafficking for the purpose of commercial sexual exploitation from Central Asia to the Middle East, especially to the Gulf States, is also a significant problem.

Western European men are some of the most significant consumers of child sex tourism in Asia, Africa, and in Central and South America. Numerous Western European men have been arrested in a variety of significant and emerging child sex tourism destinations. Child sex tourism is reportedly on the rise in some Eastern European countries. Trafficking of children for the purpose of begging is a problem in Southeastern Europe, as is trafficking in human organs.

The dramatic rise in trafficking to Western Europe, particularly for sexual exploitation, began following the collapse of communism throughout Central and Eastern Europe and the resulting political, social, and economic instability and upheaval. Women are often trafficked into prostitution in Europe by organized networks, which actively recruit young women through false promises of lucrative and glamorous work. These promises are rarely fulfilled, and the young women find themselves forced into providing sexual services to men in bars, restaurants, and in red-light districts. Several factors contribute to trafficking from Europe: organized crime, corruption, and poverty associated with the collapse of communism throughout Eastern, Central, and Southeastern Europe; wars in the Balkan region; gender discrimination, violence against women, idealization of life abroad, and a lack of information in isolated villages and towns. The breakup of countries and the loss of an extensive social protection system, which was at least nominally in place during communism, eliminated the structures that had provided a social safety net and a minimal standard of living for the population. Many jobs have been eliminated. Because, for the most part, education was equally available to women and to men in the majority of the countries in these regions, many Eastern European women are highly educated. However, unemployment has disproportionately affected those women. The appearance of highly educated women in sex industries abroad has been a unique phenomenon of the trafficking in women hailing from these regions.

Furthermore, these women have to struggle with discrimination and with widespread domestic violence, which regularly affects a third of them and kills thousands of women each year. In addition, domestic violence is frequently one of the reasons that children run away from home, and the victims of such abuse are especially vulnerable to recruitment for prostitution and trafficking.

### THE MOST COMMON FORMS OF TRAFFICKING IN EUROPE AND CENTRAL ASIA ARE FOR THE PURPOSES OF:

- Prostitution and other forms of sexual exploitation
- Forced labor; for example, for the purpose of construction labor
- Trafficking of children, for the purpose of begging
- Trafficking in human organs

### TRAFFICKING FLOWS ARE:

- International trafficking between countries regionally, especially from Eastern Europe (and to a lesser extent, Central and Southeastern Europe), largely to Western Europe, and also to Southeastern Europe; trafficking from Central Asia and from around other regions in the former Soviet Union to other countries within the borders of the former Soviet Union.
- International trafficking from Eastern Europe and (to a lesser extent) Central Europe, to a range of destinations around the world, including North America and Asia; countries in Central and South America, and in the Caribbean; and trafficking of women from Central Asia to the Middle East, particularly to the Persian Gulf states.
- Departure of tourists from Western Europe to significant and emerging child sex tourism destinations in Asia, Africa, Central, and South America; and in Eastern and Central Europe.



## NORTH AFRICA AND THE MIDDLE EAST

The Middle East (particularly the “Gulf States”) is a destination for men and women from South Asia, Central Asia and the Caucasus, Eastern Europe, Africa, and Southeast Asia who are trafficked for the purposes of prostitution and forced labor, especially domestic service. Trafficking of children for the purpose of labor continues to occur in some countries of the Gulf States. North Africa is a region of origin for trafficking for the purpose of sexual exploitation largely to Europe and the Gulf States. Child sex tourism is also emerging as a problem in some important tourist destinations in North Africa.

Trafficking for sexual exploitation in the Middle East occurs mostly from Eastern Europe, the Caucasus, and Central Asia, while trafficking for domestic service occurs largely from South and Southeast Asia.

Trafficking for the purpose of non-commercial sex most often manifests itself in the form of temporary or forced marriage. In some countries of the Middle East, temporary marriage has been used to disguise prostitution. There have been reports of temporary marriages between daughters of poor families from one country and wealthy men from the Gulf States. Similar reports have documented that women have been kidnapped under the guise of temporary marriages to force them into prostitution in some countries in North Africa.

Domestic service is the primary form of forced labor in the Middle East, but one which can also lead to sexual exploitation. Reports have indicated that domestic servants in the Middle East region are required to work 12 to 16 hours a day with little or no pay, are given little time off, are

malnourished, and often undergo verbal and physical abuse (including sexual exploitation). These domestic servants do not complain or report cases of this abuse to the appropriate authorities because of fear of imprisonment, deportation, or retaliation from their employers upon their return to the household. Domestic servants who do attempt to escape are often returned to their employer. Employers often hold the domestic servant’s passports and other travel documents, thus preventing them from leaving their jobs for other work, or returning home.

Internal trafficking is common in many countries of the Middle East, especially trafficking for the purpose of begging. Governments have been struggling to combat child labor. Street children are often exploited.

### THE MOST COMMON FORMS OF TRAFFICKING IN THE MIDDLE EAST AND NORTH AFRICA ARE FOR THE PURPOSES OF:

- Forced labor, especially domestic service.
- Prostitution and other forms of sexual exploitation, including forced or temporary marriages.
- Begging, forced and temporary marriage, and child labor.

### TRAFFICKING FLOWS ARE:

- International trafficking between countries regionally (from lesser to more affluent countries in the region, such as from North Africa to the Gulf States).
- International trafficking to the Middle East, especially to the Gulf States from Eastern Europe, the Caucasus, and Central Asia, as well as from South and Southeast Asia.
- International trafficking from North Africa, largely to Europe.



# A GROSS VIOLATION OF HUMAN RIGHTS



RIGHT TO LIFE

RIGHT TO SAFETY

RIGHT TO SECURITY

RIGHT TO FREEDOM  
FROM SLAVERY

RIGHT TO MOVEMENT

RIGHT TO EDUCATION

## A FORM OF MODERN-DAY SLAVERY

- The term “modern-day slavery” means the status or condition of a person over whom any power attaching to the right of ownership or control is exercised by means of exploitation through involuntary servitude, forced labor, child labor, debt bondage or bonded labor, serfdom, peonage, trafficking in persons for forced labor or for sexual exploitation (including child sex tourism and child pornography), forced marriage, or other similar means. *Congressional Commission on the Abolition of Modern-Day Slavery Act H.R. Bill, 2006.*
- While slavery in its traditional form requires buying and selling, ownership. Trafficking in persons creates a condition of control, under influence and exploitation.

## A THREAT TO HUMAN SECURITY

- Trafficking in persons is not only a crime against the State, but also a crime against the individual.
- Trafficking in persons constitutes a threat against freedom from want or poverty and freedom from fear and violence.
- Trafficking in persons humiliates human dignity and the worth of the human being.
- Trafficking in persons exploits the causes of human insecurity, including economic, social, political, and cultural insecurity.

## VIOLENCE AGAINST WOMEN

- Violence against women shall be understood to encompass [...] physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in persons and forced prostitution. *Article 2, United Nations Declaration on the Elimination of Violence against Women, 1986.*

## A DANGER TO HEALTH

- Victims of trafficking for the purpose of prostitution and other forms of sexual exploitation are sexually abused multiple times a day, leading to sexually transmitted diseases, including HIV/AIDS, gonorrhea, syphilis, hepatitis, and urinary tract infections.
- A popular misconception holds that having sex with a virgin will cure HIV/AIDS, thus increasing the demand for virginal women in prostitution. This increases the demand for minors.
- Clients ask and are willing to pay more for unprotected sex, which not only causes sexually transmitted diseases, but also unwanted pregnancies, often resulting in forced abortions and severe psychological trauma.
- Victims of sex trafficking suffer from malnutrition and sleep deprivation. They are also victims of rape, physical assaults, and beatings, which often result in broken bones, concussions, burns, and internal tearing.
- Victims of trafficking for the purpose of forced labor are also subjected to physical, sexual, and psychological abuse. Victims of labor trafficking are at an increased risk of injuries or death while on the job, due to unregulated and unsafe working conditions.

- Exposure to dust, chemicals, and other hazardous materials can cause respiratory infections, scabies, tuberculosis and other diseases associated with living in overcrowded, unsanitary conditions.
- The trauma experienced and suffered by victims of trafficking does not leave them upon their rescue from trafficking, but requires extensive rehabilitative services that include constant medical and psychological treatment.
- Victims of trafficking often suffer from depression, memory loss, dizziness, and numbness. Psychological consequences include shame, grief, fear, distrust, hatred of men, self-hatred, suicidal thoughts, and suicide. Victims of trafficking are at great risk of Post Traumatic Stress Disorder, whose symptoms include acute anxiety, depression, insomnia, physical hyper-alertness, and self-loathing.

## A CRIME AGAINST HUMANITY

The *Rome Statute of the International Criminal Court, 2003*, states that:

- “Crime against humanity” includes any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack [Art. 7(1)].
- Enslavement [Art. 7(1)(c)].
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity [Art. 7(1)(g)].

“Enslavement” means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children [Art. 7(2)].



## THE INTERNATIONAL LEGAL FRAMEWORK

### PROSTITUTION UNDER INTERNATIONAL LAW

- [States shall take] legislative and other measures to suppress all forms of traffic in women and exploitation of prostitution of women *Article 6, Convention on the Elimination of All Forms of Discrimination against Women, 1979*
- [States shall criminalize] procuring, enticing, or leading away another person for purposes of prostitution, or exploiting the prostitution of another [Art. 1] and keeping or managing a premise for purpose of prostitution [Art. 2]. [States shall abolish] laws under which persons engaging in prostitution are subject to special registra-

tion or notification. [Art. 6]. [States shall supervise] employment agencies to prevent employment seekers' exposure to the danger of prostitution [Art. 20]. [States shall take] educational, health, social, and economic measures for the prevention of prostitution and the rehabilitation and social adjustment of victims of prostitution [Art. 16]. *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949.*

- Exploitation includes exploitation of the prostitution of others and other forms of sexual exploitation. [Art. 3] *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000.*
- The term "crime against humanity" includes [...] enforced prostitution. [Art. 7]. The term "war crimes" includes [...] enforced prostitution [Art. 8]. *Rome Statute of the International Criminal Court, 2003.*

## THE PROHIBITION OF CHILD PROSTITUTION UNDER INTERNATIONAL LAW

- National, bilateral, and multilateral measures must be taken to prevent the exploitative use of children in prostitution or other unlawful sexual practices [Art. 34]. *Convention on the Rights of the Child, 1989.*
- [States shall prohibit] the sale of children, child prostitution and child pornography [Art. 1]. [States shall define] “child prostitution” as the use of a child in sexual activities for remuneration or any other form of consideration [Art. 2b]. [States shall ensure] that offering, obtaining, procuring or providing a child for child prostitution is fully covered under the criminal or penal law, whether such offences are committed domestically or transnationally [Art. 3]. [States shall strengthen] international cooperation by multilateral, regional and bilateral arrangements for prevention, detection, investigation, prosecution and punishment of those responsible for child prostitution [Art. 10]. *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, 2000.*
- The term “the worst forms of child labor” comprises: the use, procuring, or offering of a child for prostitution. *International Labour Organisation Convention 182 on the Worst Forms of Child Labour, 1999.*

## CHILD SEX TOURISM UNDER INTERNATIONAL LAW

- Deeply concerned at the widespread and continuing practice of sex tourism, to which children are especially

vulnerable, as it directly promotes the sale of children, child prostitution and child pornography. *Preamble to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.*

- States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations. *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.*
- States Parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation. *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.*
- States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children, to the sale of children, child prostitution, child pornography and child sex tourism [Art. 10]. *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.*



## ADOPTION UNDER INTERNATIONAL LAW

- Where illegal adoption amounts to a practice similar to slavery, it will fall within the scope of the Protocol. [Par. 66] *Travaux Préparatoires to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.*
- States shall ensure alternative care for children who cannot be left in the environment of their families. This care can include foster placement, kafalah of Islamic law, adoption or other suitable steps, which reflect the child's best interests regarding ethnic, religious, cultural and linguistic background. *Article 20, Convention on the Rights of the Child, 1989.*
- States must ensure that adoption is authorized only by competent authorities. States must recognize inter country adoption as an alternative if there is no suitable

method of care in the child's home country, and ensure safeguards for this adoption that match with the rules of the native country. *Article 21, Convention on the Rights of the Child, 1989.*

- All options for placement within the state must be considered before selecting the alternative of inter-country adoptions [Art. 4]. The State must select an authority to take care of the duties imposed by the Convention [Art. 6]. These authorities must act to prevent improper financial gain in connection with an adoption [Art. 8]. No one shall derive improper financial or other gain, or receive unreasonably high remuneration for an activity related to inter-country adoption. Only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid [Art. 32]. *Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, 1993.*

## MARRIAGE UNDER INTERNATIONAL LAW

- Men and women have the right to marry, to found a family and are entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with free and full consent. [Art. 16] *Universal Declaration of Human Rights, 1948*.
- State Parties agree to abolish any institution or practice whereby “A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or the husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or a woman on the death of her husband is liable to be inherited by another person.” [Art. 1] *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956*.
- State Parties must prescribe a minimum marriage age, facilitate methods in which both parties can freely express consent to marriage to appropriate authorities, and encourage the registration of marriages. [Art. 2] *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956*.
- The nationality of a wife does not automatically change by marriage or dissolution of marriage, when the two parties are of differing nationalities. [Art. 1] A wife has the right to acquire the nationality of her husband. [Art. 3] *Convention on the Nationality of Married Women, 1957*.
- Marriage is not considered legal without the free consent of both parties. [Art. 1] States are responsible for specifying a minimum age for legal marriage. [Art. 2]

All marriages must be registered in an appropriate official registry designated for this purpose. [Art. 3] *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage, 1962*.

- Marriage must be entered into with the free consent of intending spouses. [Art. 10] *International Covenant on Social, Economic and Cultural Rights, 1966*.
- Neither marriage to an alien nor change of nationality of the husband can automatically change the nationality of a wife; women and men have equal rights as to the nationality of their children. [Art. 9] Women cannot be discriminated against on ground of marriage. [Art. 11] Men and women have the same right to freely choose a spouse, enter into marriage, and make decisions about family matters, profession, and ownership of property. Child marriage shall have no legal effect. [Art. 16] *Convention on the Elimination of All Forms of Discrimination Against Women, 1979*.

## PROHIBITION OF FORCED LABOR UNDER INTERNATIONAL LAW

- Forced or compulsory labor is: “all work or services which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. *Forced Labour Convention-1930 (ILO 29, [Art. 2])*.
- Each Member State undertakes to suppress and not to make use of any form of forced or compulsory labour
  - as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;

- as a method of mobilizing and using labour for purposes of economic development;
- as a means of labour discipline;
- as a punishment for having participated in strikes;
- as a means of racial, social, national or religious discrimination.

*Abolition of Forced Labour Convention, 1957 (ILO 105, [Art. 1]).*

- The minimum age of admission to any work that is likely to jeopardize the health, safety or morals of young persons shall not be under 18 years. However, national laws or competent authority may authorize work from the age of 16 years. In a State whose economy and educational facilities are underdeveloped the minimum age should be 14 years. [Art. 2 and 3] *Minimum Age Convention (ILO 138), 1973.*
- A private employment agency is one who provides “services for matching offers and applications for employment” and “other job seeking services.” [Art. 1] Workers recruited by these agencies have the right of association and collective bargaining. [Art. 4] Workers are protected from discrimination in the recruitment process. [Art. 5] The agencies shall not charge fees directly or indirectly. [Art. 7] States shall ensure that child labour is not used or supplied by private employment agencies. [Art. 9] States shall protect workers employed by private agencies in relation to: minimum wages, working time and conditions, social security, occupational safety and health and compensations. [Art. 11] *Private Employment Agencies Convention (ILO 181), 1997.*
- The term “the worst forms of child labour” is defined as all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and

serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict. *Worst Forms of Child Labour Convention, 1999 (ILO 182, [Art. 3(a)])*

- Exploitation shall include forced labour or services. [Art. 3] *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000.*

## SLAVERY UNDER INTERNATIONAL LAW

- Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. [Art. 1] Parties shall take the necessary steps:
  - a) To prevent and suppress the slave trade;
  - b) To bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms. [Art. 2]

Parties shall take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery. [Art. 5] *Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention, 1926.*
- States shall take all practicable necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices:
  - a) Debt Bondage
  - b) Serfdom
  - c) Any institution or practice whereby: i) A woman is promised or given away in marriage on payment; ii)



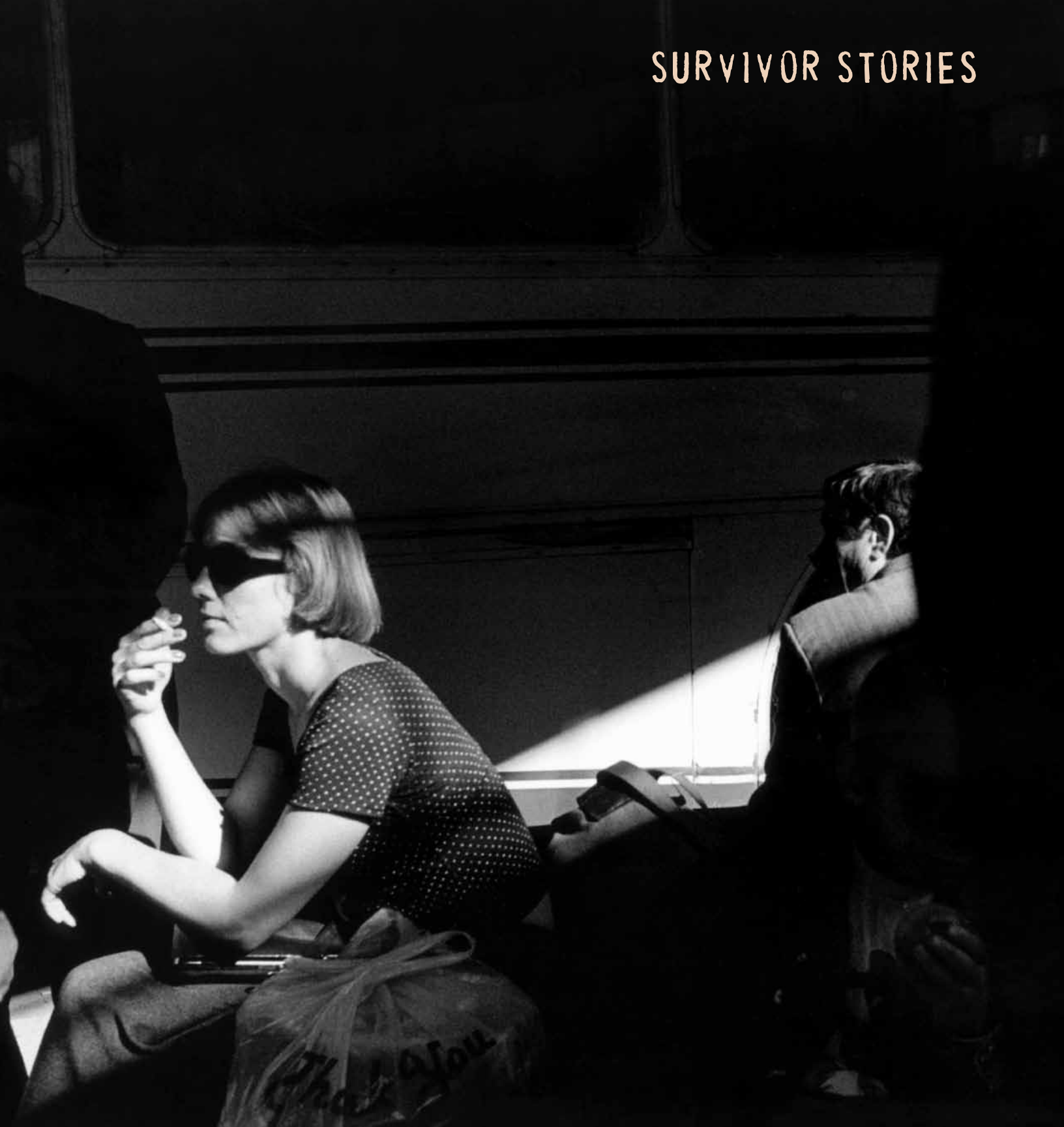
The right of a husband of a woman, his family, or his clan, to transfer her; iii) The liability of a woman to be inherited. [Art. 1]

The act of conveying or attempting to convey slaves from one country to another shall be a criminal offence. [Art. 3] The act of enslaving another person or of inducing another person to give himself or a person dependent upon him into slavery, or of attempting these acts, or being accessory thereto, or being a party to a conspiracy to accomplish any such acts, shall be a criminal offence. [Art. 6] *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.*

- No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited. [Art. 8] *International Covenant on Civil and Political Rights, 1966.*
- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. [Art. 4] *Universal Declaration of Human Rights, 1948.*
- “Trafficking in persons” shall include [...] slavery, or practices similar to slavery [...] [Art. 3] *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000.*



SURVIVOR STORIES



## MARINA'S STORY

Interview provided by La Strada, Ukraine

I was born in 1981 in Poltava region, Ukraine. I never knew who my father was. My grandmother told me that he worked at the collective farm and died there during the fire. My mother died when I was 3 years old and my grandmother brought me up. I studied at school and worked hard at the collective farm and at home.

Once in the summer, my friends and I went dancing. There were a lot of young people and some boys from Kyiv. The boy from my school came up to me and said that one of the Kyivites wanted to speak to me. His name was Rostik. He offered me a job to work in Germany as a nurse.

When my friend Nadja learned about this work she also was very interested in it. We decided to go together but Rostik didn't come to our village for a long time. My grandmother got very little pension and I worked at the collective farm.

I was waiting for Rostik. He came to the village shortly before Christmas and offered to take me to Germany at once. He persuaded my friend and me that everything would be good. But Nadja's parents didn't allow her to go. I also started to hesitate, but he persuaded me. Rostik promised that one woman who also wanted to work in Germany would go with me. I considered him to be a reliable and thoughtful person. So I agreed to go and promised to my grandmother to be back in a month.

Rostik asked me whether I had a foreign passport. But I hadn't even a Ukrainian passport. Then he said that would see to the affair by himself.

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

We continued our trip by car. Some men brought me to a house. They told me that the owner was waiting for me inside and that I had to set the affair by myself. I left all my things in the car and came in.

The owner was a middle-aged man. He told me some words in bad Russian and pushed me in a room and locked me there. I couldn't understand what had happened to me.

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

Two weeks passed. I was crying all the time. I wasn't allowed to go out and I was scared. The same woman brought me food. Once the woman asked me how old I was. She didn't believe that I was 16.

Next morning, she came to me again and said she was very sorry for me. She gave me some money and explained how to escape. She asked me not to tell anybody that she had helped me. The woman said that the owner paid big money for me.

I got to Holland. The police helped me to make contact with an NGO, which helps women who are sold. They helped me to come back to Ukraine.

Now that my grandmother has died, I can't live in my village because the pimps are looking for me. They are very angry that I escaped. They said to my neighbors that I was a prostitute in Germany.

I don't have any place to live. For 2 months, I have lived with my uncle, another 2 months with my friend. I would like to enter to a hairdresser school but it costs money. I don't have any.

## MARIA'S STORY

Testimony provided by the United States House of Representatives, Committee on International Relations.  
Hearing on the Implementation of the Trafficking Victims Protection Act, November 28, 2001

My name is "Maria." I am in disguise today because I am in fear that my captors would recognize me and place my life and that of my family in danger.

My story begins in May of 1997 in Veracruz, Mexico when I was approached by an acquaintance about some jobs in the United States. She told me that there were jobs available in restaurants and that I would earn enough money to support my daughter and my parents in Mexico. I accepted the offer and a "coyote"<sup>1</sup> brought me to Texas.

I was transported to Florida and there, one of the bosses told me I would be working in a brothel as a prostitute. I told him he was mistaken and that I was going to be working in a restaurant, not a brothel. He said I owed him a smuggling debt and the sooner I paid it off the sooner I could leave. I was eighteen years old and had never been far from home and had no money or way to return.

I was constantly guarded and abused. If any of the girls refused to be with a customer, we were beaten. If we adamantly refused, the bosses would show us a lesson by raping us brutally. We worked 6 days a week, 12 hours a day. Our bodies were sore and swollen. If anyone became pregnant we were forced to have abortions. The cost of the abortion was added to the smuggling debt.

The bosses carried weapons. They scared me. I never knew where I was. We were transported every 15 days to different cities. I knew if I tried to escape I would not get far because everything was unfamiliar. The bosses said that if we escaped, they would get their money from our families.

I was enslaved for several months; other women were enslaved for up to a year. Our enslavement finally ended

when the Immigration and Naturalization Service, Federal Bureau of Investigation, and local law enforcement raided the brothels and rescued us. From the moment I arrived to the United States I have gone through so much. After I was released from my captors, I cooperated with the government to send them to jail. Some of them are serving sentences in the United States but unfortunately, others are free in Mexico threatening our families.

Meanwhile I continue to wait for my "S" visa and for the one for my daughter. She will be 6 years old. I have not seen her since I left my country when she was only a year and half. I never thought this process would take so long. Seven of our captors were successfully prosecuted in 1999. 2001 is coming to its end and we are all waiting for a status that would allow us to remain safe in the United States and also to give us the opportunity to be reunited with our loved ones. My desire to see my daughter and the chance to give her a better life keep me going. But how long do we have to wait?

If I would have had the opportunity to apply for a "T" visa, I understand that the transition to the life I lead now in this country would have been significantly less burdensome. Once INS gave me work authorization, I went out looking for employment, without knowing the city, without speaking the language, without any guidance. My goal was to obtain honest employment immediately to send money to my parents for my daughter's upbringing. From that day, I have not stopped. I continue to work for the same company that hired me when I was most desperate. I am learning English and I hold a position that demands responsibility.

<sup>1</sup> Coyote is a term referring to an individual who takes responsibility for leading a person or group across a national border illegally in exchange for some form of payment.

But my story is not the story of most of the women and girls that were enslaved by the Cadena family. Most of the women are struggling to rebuild their lives. Some are mothers that do not count on any form of assistance with day care because of their present immigration status and that of their children. They do not have any special training that would help them obtain employment, employment that would provided for day care. Our temporary status needs to be renewed yearly. Most of us have not been able to reunite with our loved ones and worry for their safety.

I did not come to the United States to be a prostitute. I came to find a better future for my family. No woman or child would want to be a sex slave and endure the evil that I have gone through. The men we helped put in jail harmed us and possibly many others before us. Please help us, and do not let this happen to anyone else. Thank you.



## VI'S STORY

Testimony provided by the United States House of Representatives, Committee on International Relations.  
Hearing on the Implementation of the Trafficking Victims. Protection Act, November 28, 2001

I arrived in American Samoa on July 22, 1999. Two other groups of Vietnamese workers had been brought to this island before us. When I signed the contract, Tour Company 12 (TC12) told me that I would go to the U.S. and its deputy director promised that I would be paid USD\$408 a month. I had to borrow \$4,000 to pay TC12 and another \$2,000 to pay the company official in charge of recruitment.

We were taken to American Samoa, not the United States. As soon as we landed, our passports were confiscated. At Daewoosa I had to work from 7 a.m., often to 2 a.m. and sometimes to 7 a.m. the following day and also on Saturdays and Sundays, without pay. We had no money to buy soap, amenities, or food.

We had to pay about \$200 per month for meals, which Daewoosa should have provided according to the contract. Meals at Daewoosa consisted of a few cabbage leaves and potatoes cooked with a lot of water. Those who were at the head of the line could get some cabbage and potato; latecomers got only water. Hungry, we planted some vegetables to supplement our meager diet, but Mr. Lee, President of Daewoosa, destroyed our garden. Undernourished, I lost 35 pounds and weighed only 78 pounds.

Working and living conditions at Daewoosa were very suffocating. There was no ventilation. Workers sat next to each other. It was very hot. We were not allowed to step out for fresh air. The supervisor even kept count of how many times we went to the toilet.

We lived 36 people per room. Another worker and I shared one tiny bed. We could only sleep on our side. If we lay on our back, we would pile up on each other. Most of us were women. At night, Mr. Lee often came to our room and lay

next to whomever he liked. Once he forced me to give him a massage right in our bedroom.

He called pretty ones into his office and forced them to have sex with him. Three women have publicly denounced him for that. Once, several of his customers arrived in American Samoa; Mr. Lee pressed several female workers to sleep with them. They resisted. At the workplace, he regularly groped and kissed female workers in front of every one.

There were three pregnant women among us. Mr. Lee demanded that they undergo abortions. He fired them when they refused. Evicted from Daewoosa, they had to seek refuge at a local church.

Movement at Daewoosa was very restricted. Everyone leaving the compound was searched by American Samoan guards. Female workers were groped all over their body. Those who protested were strip-searched. Those coming back to the compound after 9 p.m. were beaten up. Once I was slapped.

Mr. Lee used big American Samoan guards to terrorize us. Once several workers staged a strike because they were not paid. He threatened that he would send these guards to short-circuit the electric cables and cause a fire to kill all of us. Everyone was fearful because two female workers, Nga and Dung, involved in a lawsuit against Mr. Lee, had just disappeared.

On November 28 of last year, there was a dispute between the supervisor and a female worker. Mr. Lee ordered the supervisor: "If you beat her to death, I will take the blame." The supervisor dragged the female worker out. Other workers came to her rescue. The American Samoan guards, already holding sticks and scissors, jumped in and beat us. Everyone was so frightened. We ran for our lives.

The guards paid special attention to the five or six workers known to have supported the lawsuit against Mr. Lee. They beat them the hardest. Ms. Quyen, the key witness in this lawsuit, was held by her arms on two sides by two guards; a third guard thrust a pointed stick into her eye. She has now lost that eye. A guard beat a male worker with a stick, breaking his front teeth and his mouth bleed.

Another male worker was pinned to the floor and repeatedly beaten at the temple, his blood spilling all over the floor. The next day, FBI agents took picture of the bloodstains. During the assault, Daewoosa's lawyer and the police were there, but did nothing. Only when the lawyer representing the workers showed up did the guards stop the beating.

From 1999 to the above incident, TC12 and International Manpower Supply—another Vietnamese company hiring workers for Daewoosa—forced us to continue working without pay and threatened to send us back to Vietnam if we disobeyed. Everyone was deeply in debt; if sent back to Vietnam, how could we pay our debt?

Since my arrival to the United States, I have sent every dollar earned back to Vietnam to pay my debt. However this has barely made a dent because the interest rate is so high, 50% per year. My parents in Vietnam are very worried; their hair has turned all gray. They told me that it is fortunate that I have come to the United States,

otherwise we would be in a hopeless situation.

If sent back, it would be hard for me to find employment. My previous workplace will not take me back. Because of my involvement in the prosecution of Mr. Lee I am afraid of running into trouble with the government if repatriated to Vietnam.

I am getting used to life in the United States. Here, I am free to choose where to work. If dissatisfied with one workplace, I can always go to another one. I have been thoroughly helped in my first steps towards a normal life. I find everyone to be kind.

I now live with a Vietnamese family without having to pay rent. That family offers me employment. They take care of my food, transportation and other things. They also give me a phone card to call my family in Vietnam once a week.

I have received the certification letter from the Department of Health and Human Services for public benefits. I have a temporary visa, which will expire on October 30, 2002, and a work permit. I work at a nail salon in [Washington] DC to pay my debt. If allowed to remain in the U.S., I would like to go back to school because in Vietnam I had to stop schooling at seventh grade. I also wish to be reunited with my child left behind in Vietnam.

I am thankful to everyone who has helped get me out of American Samoa and everyone who has assisted me in my new life in the United States.

## IOANNA'S STORY

My name is Ioanna, and I am from Romania. In my country, I was unemployed and, while looking for work, I noticed a newspaper ad for cabaret dancers in Cyprus.

Through this ad, I met an impresario, and he made all the arrangements for me to travel to Cyprus. I arrived there with a visa allowing me to work as a dancer in a specific cabaret, owned by a man named Nikos. I came along with another Romanian girl, Ana Maria, who was supposed to work at the same cabaret. We were picked up from the airport by Georgeta, who as I found out later, was Nikos' wife. We arrived at night and they took us straight to the apartment where all the cabaret artistes were living.

During that night, Georgeta escorted us to the cabaret where we would work and showed us around. There, I met Nikos for the first time. He explained my working conditions. I was told that when a client entered, I was to sit with him, talk with him, and get him to buy me drinks, for which I would get a commission. I never did find out what the amount of the commission would be, since I was never paid. Nikos also told me that I would have to dance.

On the first day of "work," Nikos told me that I had to dress provocatively and he bought me such clothes himself. He told me that I had to caress the clients and engage them in such a way that they would order as many drinks as possible.

Three days later, Nikos came to the apartment and told me that I had to have sex with clients who would ask for it. He explained this by saying that this way he would give me more money so that I would be able to repay my debt to him. According to him, I owed him \$700, which was his commission for bringing me to Cyprus. I also had to pay CYP20 per week for rent and common expenses. In addition, Nikos also wanted CYP150 for the clothes and shoes I was to wear in the cabaret. When Nikos told me





that I had to have sex with clients, I replied that I didn't come to Cyprus for this and that I wanted to go back to Romania.

In response, he threatened me and told me that I could not leave until I had repaid my debt. I was terrified because the debt he claimed I owed was quite large and because I heard that the other girls at the cabaret all had to repay their debts in this way. I had no choice.

Soon after this conversation, Nikos introduced me to a client named Damaris and forced me to have sex with him. According to Nikos, Damaris always went with the new girls of the cabaret. He bought me six drinks that night and took me to a hotel to have sex. For this, he gave me CYP30. I learned that I had to go with a client each time that the total drink bill was larger than CYP40.

Sometimes the client did not give me any money because he paid Nikos directly. Nikos promised me the money when we got home, but often pretended to forget. The only money I got was from tips with clients after we had sex. I was going out for sex about twice or three times a week, particularly on Friday and Saturday. All the girls had to go out for sex on Saturdays. During my time at the cabaret, I only learned the first names of my clients. I didn't know anything else about them, except that most of them were friends of Nikos.

I was told that I had to satisfy all the demands of the clients, even the most aberrant ones, and if I refused, Nikos

would keep part of my salary. I only consented to normal sex and if the client's demands were abnormal, I refused.

The clients complained to Nikos and he threatened to fine me. On one occasion, a client wanted to have sex with me without any protection and because I refused, he hit me. When I told Nikos, he replied that such was the work at the cabaret. I was forced to have sex with that man without any protection. He hit me and I screamed but because he had taken me to a secluded house, no one could hear. I feared for my life. None of this had been in my work contract.

Although the immigration police explained my rights during their visits to the cabaret, I didn't tell them anything because I was afraid of the consequences, since Nikos usually knew when the immigration police would come and he told us to say that everything was normal.

During my time in the cabaret, I met Charalambos, who was a client. I liked him and I told him what was going on at the cabaret. He promised that he would help me. One night, he sat with me as a client and told me that I would go out with him to have sex, because he had already paid Nikos. He offered me four drinks in order to reach the amount of drinks that would allow me to go with him. We had prearranged that, since it was the only way for a girl to go out of the cabaret. I left with him that night. Thanks to his help, I hope to never have to return to the cabaret.

## SVETLANA'S STORY

I am 27 years old, and I am from Russia, divorced, and without children. I am nearly finished with my higher education, and my specialization is in sewing technology. I live in the Northern Caucasus region with my mother.

I received a job offer to work in Cyprus from an old childhood friend. She had moved away and married a Cypriot man. Her husband was now the manager of a bar in Limassol where she said I might find work. We discussed the details over the telephone. He was satisfied with my knowledge of English and offered me a salary of CYP300 a month with full room and board. My only expense would be the visa and the ticket, which would be subtracted from my first month's salary. Approximately 6 weeks after this conversation, I received a phone call informing me that the ticket had been issued and that I should depart as soon as possible.

In Paphos, my acquaintance's husband, accompanied by a young Ukrainian woman who had been working at the bar for 2 months, were at the airport to meet me. This young woman told me that she would get into trouble if she talked too much, so we exchanged only a few words. As I found out later, when she first arrived in Cyprus, she worked in Nicosia but was then transferred to Limassol. It was not her first work contract in Cyprus, and she spoke Greek fluently. In Nicosia, she worked in a bar for 2 months, where she was forced to entertain the male customers and entice them into buying drinks, while almost totally undressed.

Since she did not like this, she was transferred to Limassol, where she was forced to have sex with clients. I also learned that we would be living together.

We shared a small windowless room above the bar, right next to the bathroom. Our bedding consisted of one sheet per person. There was a shower stall but no running water. The toilet did not work properly either—the smell was

unbearable. We brought in water from the kitchen, and instead of toilet paper, we were given newspapers. We were constantly watched by a Cypriot man who followed us everywhere, and who slept in front of our door, under orders from the boss. Another woman who lived with us had already become an alcoholic. I saw her sober only once, when she was leaving to go home, after a Cypriot man helped her escape.

In addition to working as a barmaid, which is the position I had agreed to, I also had to clean the bar and wash the dishes. Later I was asked to “make drinks,” which meant engaging in consumatsia with clients. One day, a Cypriot client took a liking to me. He and my boss became very drunk together, forced me out of the bar and into the client's car and raced to a hotel on the outskirts of Paphos. There, the client raped me. I was sure that he would pass out quickly because he was so drunk, but instead, he became a monster, raping me repeatedly.

I was numb when I returned to Limassol 24 hours later. That evening, I became hysterical. While with clients, I drank until I felt nauseous and threw up. They left me alone and let me sleep in the bar. I started to get drunk every night, which was not a difficult task considering that I rarely ate unless a client brought me food. There was no mention of any kind of salary. We had to provide services to clients at any time of the day or night, and we had anywhere from 1 to 10 clients each. Some clients came for 20 minutes; others could buy a girl for the entire night. We had become slaves.

Up until then, I had been lucky and was able to hold on to my passport, but this meant I did not have any work papers. I finally surrendered my passport in the hopes that I would get my alien work visa. I was left with no documents, no money and, as it appeared, no future.

One evening, a Russian man came to the bar who just wanted to drink and talk. Taking a risk, I spoke with him because I was allowed to talk to clients only if they bought me a drink. They got 10 minutes of conversation for a small drink; 20 minutes of conversation for a big one. He said that he could help and that I need to call a Russian Orthodox priest named Father Savvas. That first time I didn't believe him, but he came in 3 days in a row, and left me his telephone number. I decided I had nothing to lose by trusting him. He arranged with a young man who had a car to come and pick up my suitcases, which he did. I kept only my most essential things, hoping no one would notice my suitcases were gone.

I was lucky, as 3 days later, when both bosses were drunk and our guard had been drunk as well, I was able to steal my passport and to run away from the bar. I was frightened, I couldn't believe what I had done, and I spent the night just wandering around the streets. In the morning, I called the young man with the car, who had picked up my suitcases before, and he came to get me, took me to the shelter and introduced me to Father Savvas.

So there is really a God in this world. I am giving this interview before leaving to go home to Russia. I am returning with a hope of beginning to work in my profession. It's better to be at home and poor, but free.



# THE APPROPRIATE RESPONSES



## PREVENTION

- The *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, provides that “States Parties shall establish comprehensive policies, programmes and other measures . . . to prevent and combat trafficking in persons.” Such measures include, but are not limited to, “research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons,” in order “to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.”
- The *Council of Europe Convention on Action Against Trafficking in Human Beings* calls for preventive measures, “in particular for persons vulnerable to trafficking and for professionals concerned with trafficking in human beings.” Under Article 5 of the European Convention, each party shall “promote a Human Rights-based approach and shall use gender mainstreaming and a child-sensitive approach in the development, implementation and assessment of all the policies and programmes.” It also states that “[e]ach party shall take appropriate measures, as may be necessary, to enable migration to take place legally.”

Various legal systems have attempted to comply with these international standards in the prevention of trafficking in persons. For instance:

The Bulgarian Law on Combatting the Illegal Trafficking in Human Beings 2004 provides that the government will implement measures and initiatives for creating equal social and economic conditions for individual at risk of being trafficked, including creating an environment for their integration in the labor market, programs of

micro-crediting, and programs for stimulating employers hiring individuals at risk. The government of Bulgaria will also provide public information regarding risk situation for becoming a victim of trafficking, protection for the victims, and penal and administrative measures for combating the illegal trafficking in persons. Finally, the government will implement educational programs for parents and students, for unemployed and illiterate individuals, for risk groups in risk regions, and for victims of trafficking. [Art. 14]

- The *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act of Nigeria 2003* imposes an obligation upon every tour operator and travel agent to
  - (a) notify its clients of its obligation . . . not to aid, abet, facilitate, or promote in any way the traffic in any person;
  - (b) notify its clients of their obligation . . . not to aid, abet, facilitate, or promote in any way any person’s pornography and other person’s exploitation in tourism;
  - (c) insert in contracts with corresponding suppliers in destination countries, clauses requiring them to comply with the obligations stated in the preceding paragraphs of this subsection;
  - (d) refrain from utilising messages on printed material, video or the Internet that could suggest or allude to behavior incompatible with the objectives of this Act;
  - (e) inform their staff of their obligation under this Act; and
  - (f) include clauses regarding their obligations under this Act to their staff in new employment contracts.



In addition, the Nigerian Law imposes an obligation upon “every airline company [to] promote through every possible means, public awareness of the guiding principle of this Act in in-flight magazines, ticket jackets, Internet units, and video on long plane flights.”

The Singapore *Penal Code (Amendment Act) 2007* specifically states that Singapore nationals will be liable for prostitution of a minor under 18 outside Singapore. [Art. 376C] The Penal Code also extends liability to any person who organises or promotes child sex tours including:

- makes or organises the travel arrangements;
- transports a person outside Singapore to facilitate the commission of the crime; and
- prints, publishes or distributes information intending to promote the prostitution of a minor abroad. [Art. 376D]
- In the Philippines, the *Migrant Workers and Overseas Filipinos Act 1995* provides for travel advisory and

information dissemination, so that migrant workers can be aware of the dangers potentially involved in working in a foreign country, and prohibits the illegal recruitment of employees working in countries that do not fully protect the rights of migrant workers.

- In Bahrain, *Law No. ( ? ) of \_\_\_\_\_ with Respect to Trafficking in Persons*, establishes a National Committee to Fight Human Trafficking which is designated charge of encouraging and conducting research and media campaigns to prevent human trafficking. [Art. 8]
- Public awareness campaigns should warn not only about the danger of trafficking, but also about the danger of prostitution, as a preventive measure in the context of trafficking in persons. This is consistent with the *1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*. Article 16 of the 1949 Convention provides that states must take “measures for the prevention of prostitution.”

## THE ADEQUATE CRIMINALIZATION OF TRAFFICKING IN PERSONS

- Anti-trafficking legislation must recognize offenses associated with human trafficking as serious crimes. Such legislation should carry penalties similar to those of other serious crimes, such as rape and drug trafficking. Traditionally, the criminal or penal codes of many countries did not consider sex trafficking as grave a crime as other sexual offenses.
- Prison sentences, including the sentences for trafficking in persons, tend to be shorter in most European countries. The *European Council Framework Decision of July 19, 2002* mandates that European countries provide penalties of at least 8 years imprisonment for trafficking. It must be noted that European domestic laws (as well as other legal systems following the civil law model) do not recognize plea-bargaining as a device, which in criminal justice systems like that of the United States, may result in a lesser sentence. For example, the U.S. TVPA provides for up to 20 years imprisonment, but allows plea-bargaining. In fact, plea-bargaining was used by the defendants in the first case that was decided under the TVPA, *United States v. Virchenko*. In this case, a Russian national recruited six women who agreed to come to the United States and dance in his club, including two who were 16 years old—minors in that jurisdiction. However, after Virchenko took them to the United States, they all ended up in prostitution. After being caught by the authorities, Virchenko was charged with fraud, obstruction of justice, intimidation of a witness, and transportation of a minor across borders. He plea-bargained and received a lesser sentence.

In comparison, the *Council of Europe Convention on Action Against Trafficking in Human Beings* imposes upon the states an obligation to ensure that the following circumstances are regarded as aggravating circumstances in the determination of the penalty for offences established in accordance with Article 18 of this Convention:

- a) the offense deliberately or by gross negligence endangered the life of the victim;
- b) the offence was committed against a child;
- c) the offence was committed by a public official in the performance of her/his duties;
- d) the offence was committed within the framework of a criminal organization.

Therefore, rather than allow one's admission of culpability to reduce one's sentence, proof of these factors would enhance the sentence under the European Convention.

- Many states have specific provisions in their anti-trafficking legislation or criminal codes guaranteeing enhanced penalties in cases of trafficking in persons committed under aggravated circumstances, including a crime committed against a child victim; a crime committed by an organized group; a crime of trafficking committed against more than one victim; a perpetrator being a spouse, parent, boyfriend, or girlfriend; a perpetrator abusing one's role as a parent or guardian; a perpetrator abusing one's public position or a position as a clergyman; causing serious injury or death to

a victim; transmitting the HIV virus; adopting a child for the purposes of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude, or debt bondage; committing a crime of trafficking on a large scale; repeated offenses; kidnapping; causing the victim psychological damage; causing bodily injury to the victim; taking advantage of a vulnerable victim; rape; selling the victim out of the territory of a particular country; committing a crime by force, fraud, deceit, or threat of harm; committing the crime for financial gain; falsifying documents; and for the transnational nature of a crime.

- Imprisonment is not the only appropriate criminal sanction that can be imposed on a trafficker. Effective antitrafficking legislation must also provide for the forfeiture of assets. Only some anti-trafficking laws provide for such sanctions.

## RECOGNITION OF TRAFFICKING IN PERSONS AS A TRANSNATIONAL CRIME

Since trafficking is transnational in nature, combating the problem requires transnational legal responses.

## RECOGNITION OF TRAFFICKING IN PERSONS AS AN EXTRADITABLE OFFENSE

- Trafficking in persons must be recognized as an extraditable offense.
- Under Article 16(4) of the *United Nations Convention Against Transnational Organized Crime*, if a State Party that makes extradition conditional on the existence of

a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider the Convention the legal basis for extradition in respect of any offence to which this article applies.

## RECOGNITION OF TRAFFICKING IN PERSONS AS AN OFFENSE FOR THE PURPOSE OF APPLYING ANTI-MONEY LAUNDERING LEGISLATION

Countries should expand the scope of the offense of money laundering from one solely related to goods arising from illicit-drug trafficking, to one related to all proceeds derived from trafficking in persons and other serious crimes. An anti-money laundering law must authorize the seizure of proceeds from prostitution, trafficking in persons, or other illegal activities.

## COOPERATION BETWEEN COUNTRIES OF ORIGIN AND COUNTRIES OF DESTINATION

Bilateral treaties on mutual assistance in criminal matters must be a part of any transnational legal response since the apprehension of traffickers, investigation of cases of trafficking, and prosecution of the traffickers sometimes requires cooperation between countries of origin and countries of destination in matters including requests for assistance; searches, seizures, attachment and surrender of property; measures for securing assets; service of judicial decision, judgments and verdicts; appearance of witnesses and expert witnesses; and transmittal of information and records.



## EXCHANGE OF INFORMATION

### THE IMPORTANCE OF INFORMATION SHARING IN COMBATING TRAFFICKING

Trafficking is a transnational activity that crosses borders and spans continents. Cooperation is necessary from countries of origin, transit, and destination in order to combat the problem. In addition, trafficking in persons is an illegal activity, which calls for mutual assistance among countries in combating such a criminal activity. Trafficking in persons, as an organized criminal activity, occurs underground. Consequently, gathering information on such activities is required for countries to design appropriate responses to combat the problem.

### INFORMATION SHARING AS AN INTERNATIONAL MANDATE

The *United Nations Convention against Transnational Organized Crime* mandates the exchange of information, in accordance with the domestic law of States Parties, in matters pertaining to combating money laundering (Article 7), mutual legal assistance (Article 18) and law enforcement cooperation (Article 27).

Article 10(1) of the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention Against Transnational Organized Crime*

encourages information exchange and training among State Parties. The article states: “Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law.”

### WHAT TYPES OF INFORMATION SHOULD BE EXCHANGED?

**The means and methods employed by traffickers, especially:**

- Recruitment techniques, modes used to transport victims, and trafficking routes.
- Evidence regarding the operation of organized criminal groups in the area of trafficking.
- Methods of detecting trafficking schemes and individuals involved in such schemes.
- Methods of identifying victims, in order to protect them from traffickers.
- Financial intelligence regarding possible laundering of the proceeds of trafficking.
- Any evidence that could lead to a successful prosecution of traffickers.

## A VICTIM-CENTERED APPROACH TO TRAFFICKING IN PERSONS

A victim-centered approach involves upholding the best interests of the victim as the priority concern when introducing legislation

### The Principle of Non-punishment of a Victim of Trafficking.

- **The Council of Europe Convention on Action Against Trafficking in Human Beings.** The Council of Europe Convention on Action against Trafficking in Human Beings provides that penalties are not to be imposed on victims for their involvement in unlawful activities to the extent that they have been compelled to do so [Art. 26].

The first and most necessary step to assisting victims of trafficking in persons is recognizing them as such. Existing legislation often criminalizes the victim of trafficking in persons for acts such as illegal immigration, possession of false documents and illegal prostitution. Victims of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. This is the principle of non-criminalization of the acts of a victim of trafficking and it must be recognized and implemented by any anti-trafficking legislation.

- **United Nations Kosovo Regulation No. 2001 on the Prohibition of Trafficking in Persons.** The principle of non-punishment of victims of trafficking is clearly stated in section 8 of the United Nations Kosovo Regulation No. 2001 on the Prohibition of Trafficking in Persons which provides: “A person is not criminally responsible for prostitution or illegal entry, presence or work in Kosovo if that person provides evidence that supports a reasonable belief that he or she was the victim of trafficking.”
- **The United States Trafficking Victims Protection Act.** The Trafficking Victims Protection Act implements the principle of non-criminalization. The Act states that victims of trafficking “are repeatedly punished more harshly than the traffickers themselves,” and that the victims should not be “penalized solely for unlawful acts committed as a direct result of being trafficked,” such as using false documents, entering the country without documentation, or working without documentation. On this basis the Act punishes the traffickers who falsify documents with up to 5 years imprisonment, then explicitly states that this rule “does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons...if that conduct is caused by, or incident to, that trafficking.”



## THE VICTIM

A victim of a crime is defined as a person who has “suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of his/her fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.” [Art. B(18)] *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.

## THE DERIVATIVE VICTIM

“The term “victim” includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered to assist victims in distress or to prevent victimization.” [Article A(2)] *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.

## THE VULNERABLE VICTIM

A vulnerable victim is defined as a person who “is unusually vulnerable due to age, physical or mental condition, or who is otherwise particularly susceptible to the criminal conduct.” *United States Federal Sentencing Guidelines*. A vulnerable victim is susceptible to being trafficked.

## THE POTENTIAL VICTIM

A person who is part of a risk group and is vulnerable to becoming a victim of trafficking. Preventive measures must be taken so that the potential victim does not become a real victim.

## THE PRESUMED VICTIM

A person who has already been trafficked but has not been identified as a victim of trafficking. Such a person falls outside the protection of the legal system.

## THE VULNERABLE VICTIM ENHANCEMENT DOCTRINE

- Under the vulnerable victim enhancement doctrine, a trafficker receives an increased punishment for taking advantage of a vulnerable victim. The victim is deemed vulnerable based upon some form of aggravating circumstance.
- **U.S. v. Veerapool.** In *U.S. v. Veerapool*, 312 F.3d 1128, 1133 (9th Cir. 2002), the court used the vulnerable victim sentencing adjustment, stating that the victim was “vulnerable based on her immigrant status and the circumstances in which the immigrant was exploited [...] from the initial recruitment, and the treatment of the individuals while they were here [in the United States]. ... The victim was a poor uneducated woman, lacking in sophistication, in the knowledge of the United States laws, and [...] that was also exploited.” The Veerapool case involved involuntary servitude where the wife of the Thai ambassador recruited girls from Thailand to work in her home and restaurant in Los Angeles. Veerapool kept the workers in degrading circumstances and a condition of involuntary servitude.
- **U.S. v. Castaneda.** In this case, Circuit Judge Silverman in his dissent argued for the application of the vulnerable victim doctrine. He stated that: “It is difficult to understand how the majority can equate (1) a woman who is intentionally tricked into leaving her home in a

foreign country on the promise of a legitimate job, and then, in the words of the plea agreement—‘forced to line up for selection by male customers to accompany them to private ... rooms’ and there, ‘made to provide sexual services,’ with (2) a professional prostitute who willingly agrees to travel across state lines for the purpose of prostitution. Both are covered by the Mann Act, but the majority hold that the former is no more a ‘vulnerable victim’ than the latter. This is obviously wrong, and therefore, I respectfully dissent. The majority derives its conclusion from the premise that ‘economic hardship’ is typical of women victims in Mann Act cases. Even assuming that to be true, the majority completely overlooks the fact that this case involved much more than ordinary economic vulnerability.

The victim in this case was tricked into leaving a foreign country on the promise of a legitimate job. As a direct result of this deception, she was stranded in a foreign country and, as found by the district judge, ‘couldn’t just pack up and go home.’ In this case, the appellant, a co-owner of the Mood and Music Night Club in Saipan, Northern Mariana Islands, recruited three young women from the Philippines for waiting tables and singing. They were told at the time of their hiring, that their job included “greeting customers at the door of the club with a kiss, sitting with customers and perhaps holding their hands.” They signed a booklet entitled “Personnel Rules and Policies” which prohibited employees from engaging in prostitution. However, once hired, they were forced to provide male customers with sexual services in private rooms after being selected by them. Then a prostitute filed a complaint with the FBI, an arrest was made and the defendant was found guilty. The defendant was convicted and sentenced to 12 months imprisonment.

## THE RIGHTS OF A VICTIM OF TRAFFICKING

**Victims of trafficking in persons are entitled to be treated with dignity, fairness, compassion, and respect. They are entitled to basic rights:**

### RIGHT TO INFORMATION

- Victims of trafficking shall have access to information about their rights and services available to them.
- Relevant information on court and administrative proceedings must be made available to victims of trafficking.
- Such information should be available in the victim's own language.

### RIGHT TO SOCIAL ASSISTANCE AND ECONOMIC SELF-SUFFICIENCY

Victims of trafficking in persons have the right to employment, training and educational opportunities, and appropriate housing.

### RIGHT TO MEDICAL ASSISTANCE

- Victims of trafficking have the right to receive medical assistance, since trafficking in persons often threatens their physical, and psychological well-being.
- Unfortunately, accessing health services is more difficult for trafficked victims because the decision to seek medical assistance is not within their control. In many countries of origin, there is also a severe lack of medical sophistication, which hinders women from obtaining adequate treatment.

- The illegal status of trafficked persons, as well as participation in illegal activities, also hinders trafficked persons from seeking medical care. Moreover, it is sometimes difficult for victims of trafficking to trust a medical service provider who faces the challenge of developing a close relationship with the victim of trafficking.

### RIGHT TO BE HEARD IN COURT

Victims of trafficking have the right to legal assistance and free legal aid. Legal assistance should enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the right of the defense.

### RIGHT TO PRIVACY

States should ensure that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

### THE RIGHT TO SAFETY

- Victims of trafficking should be entitled to the right to safety and be included in any state-sponsored witness protection program. If the state does require the victim of trafficking to testify against one's traffickers, then the victim should be provided with witness protection as a



prerequisite to coming forward and testifying. The safety of the person needs to be protected while one is testifying for the state.

- Protection of witnesses is an internationally recognized principle provided for in the *United Nations Convention against Transnational Organized Crime*. Article 24 provides that witnesses shall be protected from potential retaliation or intimidation. Protective measures include: physical protection, relocation of witnesses and non-disclosure of information concerning identity and measures to ensure the safety of the witness, including the possibility of providing testimony through communication technology.

## THE RIGHT TO DAMAGES

- A victim of trafficking should be entitled to the right to damages.
- The *U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* provides in Article 6(6): “Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.”
- Article 15(3) and (4) of the *Council of Europe Convention on Action Against Trafficking in Human Beings* provides:

- (3) Each Party shall provide, in its internal law, for the right of victims to compensation from the perpetrators.
- (4) Each Party shall adopt such legislative or other measures as may be necessary to guarantee compensation for victims in accordance with the conditions under its internal law, for instance through the establishment of a fund for victim compensation or measures or programmes aimed at social assistance and social integration of victims, which could be funded by the assets resulting from the application of measures provided in Article 23 [confiscation of the proceeds of crimes].
- *The United States Trafficking Victims Protection Act (TVPA) of 2000* provides for mandatory restitution to be ordered by the criminal court for any trafficking offense. Restitution under this section is a criminal sanction. The TVPA was amended in 2003 to provide that a victim of a severe form of trafficking may “bring a civil action against the perpetrator in an appropriate district court of the United States and may recover damages and reasonable attorneys fees. . . . Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.”
  - Other legal systems also recognize the right of a victim of trafficking to seek damages, including punitive damages in a civil court. According to Article 8(1) of Cyprus’s *Combating of Trafficking in Persons and Sexual Exploitation of Children Law of 2000*, “the victims [of trafficking] have an additional right for damages against any person who is responsible for their exploitation, and is liable for damages, special and general.”
  - Many states have introduced confiscation provisions requiring a less challenging evidentiary basis for certain crimes. This is the case of Article 12 of n.356/1992. This article establishes, in the case of conviction for certain criminal offenses—including trafficking in persons (after the *Italian Measures against Trafficking in Persons Law (228/2003)*), participation in an organized criminal group, and kidnapping—mandatory confiscation of all monies, property, and other pecuniary resources, which are under direct or indirect control of the offender, when their value appears to be out of all proportions to one’s income and that person is unwilling or unable to provide a satisfactory explanation. In the case of trafficking in persons, the sums resulting from the confiscation will finance the Fund for Anti-Trafficking Measures, which is designed to finance programs of assistance and social integration in favor of the victims.
  - Assets confiscated by the state should be utilized to compensate the victim. This concept is expressed in the 2001 *European Council Framework Decision on Money Laundering, the Identification, Tracing, Freezing, Seizing and Confiscation of Instrumentalities and the Proceeds of Crime*. This follows the March 2001 *Council Framework Decision on the Standing of Victims in Criminal Proceedings*. This decision, based on Title VI of the *Treaty on the European Union*, allows crime victims to claim compensation from the offender in the course of criminal proceedings. Similarly, the April 29, 2004 *Council Directive Relating to Compensation to Crime Victims* provides that “crime victims in the European Union should be entitled to fair and appropriate compensation for the injuries they have suffered, regardless of where in the European Community the crime was committed.”

- There is widespread recognition of the fact that crime victims, in many cases, cannot obtain compensation from the offender. This may be the case when the offender remains unknown or cannot be successfully prosecuted, or where the offender lacks the means to compensate the victim. Other sources, such as compulsory or private insurance, may not provide an adequate cover for the losses sustained by the victim. Consequently, victims can be considered as being in a worse situation than other groups who suffer injury or losses of various kinds, for example, due to illness, accidents, or unemployment.
- The obstacles for victims to get compensation from the offender are hard to overcome through measures in the area of civil law, civil proceedings, or the enforcement of judgments. For example, some states have introduced state-funded compensation schemes with a general scope of application that allow for compensating victims of crime for the injuries suffered.

## THE RIGHT TO RESIDENCY

- A victim of trafficking must be entitled to the right to seek residency in the country of destination. The immediate return of the victims to their home countries is unsatisfactory for both the victims and for the law enforcement authorities endeavoring to combat trafficking. For the victims, this means having to start again from scratch, something most victims will tolerate with the result that no steps are taken to prevent future victims from falling into the same trap. A further factor is fear of reprisals by the traffickers, either against the victims themselves or against family or friends in their country of origin. For law enforcement, if the victims continue to live clandestinely in the country or are removed immediately, they cannot give information for effectively combating such traffic. The more confidence victims have that their rights and interests will be protected, the better. Thus, availability of residence permits is a measure calculated to encourage them to cooperate.
- The *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* calls upon countries to “give appropriate consideration to humanitarian and compassionate factors” in considering granting victims of trafficking a resident permit. [Art.7] Unfortunately, the U.N. Protocol does not mandate a state obligation to grant a victim of trafficking residency status. According to the *Legislative Guide for the Implementation of the U.N. Protocol*:
 

There is no obligation to legislate measures relating to the status of victims. However, in several countries where measures have been adopted for the temporary or permanent residence for victims of trafficking, such as Belgium, Italy, The Netherlands, and the United States of America, such measures have had a positive effect on victims coming forward to testify against traffickers and on non-governmental organizations encouraging victims to whom they provide services to report incidents to the government.
- The *European Council Directive* of April 29, 2004, on the *Residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities*, provides for a so-called “reflection period” for the victims to allow them to recover and to decide whether to cooperate with law enforcement authorities.





Similarly, the Council of Europe provides for a reflection period as an initial phase in providing a residency status for victims of trafficking. The Council of Europe also mandates that states parties grant victims of trafficking a residency status not only in cases of “their co-operation with the competent authorities in investigations or criminal proceedings,” but also when “the competent authority considers that their stay is necessary owing to their personal situation.”

- The real question is whether trafficking in persons is to be considered a crime against the state or a crime against the individual. A humanitarian basis should constitute the ground for granting victims of trafficking an immigration status. Deportation is still the norm in most parts of the world, including the countries of the

Middle East, Latin America, Africa, and Asia. This reflects a traditional immigration law approach that henceforth should be abolished.

- Under the U.S. model, a victim of trafficking is granted immigration status if such person “is or has been a victim of a severe form of trafficking in persons,” “is physically present in the United States,” “has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking or has not attained 18 years of age,” and “would suffer extreme hardship involving unusual and severe harm upon removal” from the United States. The United States, therefore, does not require the victim of trafficking to testify to be eligible for a residency status. U.S. law also

interprets “extreme hardship” very broadly to include cases where the victim fears reprisal in her country of origin, which includes being penalized by the authorities therein, losing legal access to U.S. courts or medical care provided by U.S. medical facilities, failing to integrate into the society, or fearing the possibility of revictimization.

- Legal systems differ as to the basis of granting victims of trafficking a residency status. In Belgium, a residency status is dependent upon the “legal proceedings.” First, a 45-day period is granted to allow the victim to decide whether to make statements (a complaint against the trafficker) or to prepare for a return to his or her country of origin. Second, a victim who has made a statement or filed a complaint during the 45-day period receives a temporary permit valid for 3 months and a temporary work permit for the same period. Third, if the prosecuting authorities decide to proceed with the case, the residency permit becomes valid for a longer period, usually 6 months, which may be renewed until legal proceedings are concluded. Then, the victim returns to his/her country of origin.
- In Hungary, the *Alien Act* provides for the possibility of suspending an expulsion order against victims of trafficking if they intend to testify against their traffickers.
- In Italy, the *Immigration Law of 1998* provides victims of trafficking who are aliens a special residency permit for a 6-month period, regardless of whether they testify.
- In Spain, a victim of trafficking, under a 2000 act, is not to be deported if such a victim reports the perpetrators of trafficking to the proper authorities; they are granted temporary work permits, and once the legal proceedings are completed, the government facilitates the return of the trafficking victim to their country of origin.
- In the Netherlands, expulsion of an illegal alien who is a victim of trafficking may be suspended for 3 months, during which time the victim decides to report the trafficking offense. If the victim decides to report, a residency permit is issued for the complete duration of the investigation, prosecution, and trial. However, a residency permit may also be issued to a victim of trafficking upon the conclusion of the criminal proceedings. Such permit is granted on humanitarian grounds, which include the risk of reprisals against the victim or one’s family, the risk of persecution in the victim’s country of origin for committing an offense related to prostitution, and the difficulty of social reintegration in the country of origin.

## THE RIGHT TO ASSISTANCE

- As previously mentioned, victims of trafficking should be entitled to the right to assistance, in the form of medical, psychological, legal, and social aid. In this context, however, it is important to address the “Three R’s”: rehabilitation, reintegration, and repatriation.
- Victims of trafficking must be rehabilitated and reintegrated into society after the abuses they have suffered. Article 16 of the *1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* mandated that “through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution” should be taken by states parties.
- Under Article 6 of the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, “[e]ach State Party

shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons.” The United Nations Protocol further explains that victims have the right to be granted: “(a) Appropriate housing; (b) Counseling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand; (c) Medical, psychological, and material assistance; and (d) Employment, educational, and training opportunities.”

- Rights to assistance must also encompass reintegration, since in many cases the community rejects victims of trafficking. These victims can face both threats of reprisals by the trafficker and the societal shame for having worked in prostitution. The latter problem is particularly acute throughout the conservative societies of Central Asia, which often simply refuse to accept a woman with a history of prostitution.
- Any assistance to victims of trafficking should not be limited to protection within the country of destination, but should also include repatriation, with dignity and respect, to their country of origin. This is what the *United Nations Protocol* calls for under Article 8, which provides that the country of origin “shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.” A country of origin “shall agree to issue . . . such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.” Consequently, a state has the responsibility to ensure the safe return of trafficked victims. Most notably, this process includes the issuance of travel documents, because in most cases of trafficking, the trafficker confiscates the travel document of the victim.



# OVERCOMING OBSTACLES AND FACING CHALLENGES



## GOVERNMENTS WORKING WITH NGOS TO COMBAT TRAFFICKING

- Organizations within civil society have the main role of counterbalancing the state and representing the interests of other elements of the society. By mediating between the state and the individual, civil society institutions fill the gaps in existing State government policies and programs and may play a pivotal role in assisting anti-trafficking task forces in preventing trafficking, protecting victims and prosecuting traffickers.
- The *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* advocates an approach to combat trafficking that includes cooperation among “non-governmental organizations, other relevant organizations, and other elements of civil society,” specifically for the purpose of developing prevention methods, assistance to and protection of victims of trafficking, information exchange and training. Thus arguably, the United Nations Protocol establishes an international obligation of cooperation.
- The *Council of Europe Convention on Action against Trafficking in Human Beings* addresses the role of civil society more explicitly: “[E]ach Party shall encourage state authorities and public officials, to co-operate with nongovernmental organisations, other relevant organisations and members of civil society, in establishing strategic partnerships with the aim of achieving the purpose of this Convention.” The European Convention, in two very significant articles, calls upon states to make contact information of NGOs, available to victims of trafficking and to protect NGOs offering assistance to victims of trafficking from retaliation or intimidation.
- NGOs working at the local or regional level must promote coordination to establish a regional network seeking to implement government programs and projects, to adopt a comprehensive referral system and to work together to repatriate victims of trafficking.
- Public participation, however, is not limited to NGOs. For participation to be most efficacious, the ordinary citizen must be involved, especially in reporting any suspicious trafficking activities.

## CORRUPTION

- Corruption and Human Rights.** Corruption circumvents the implementation of human rights as developed by the *Universal Declaration of Human Rights*, *The International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social, and Cultural Rights*. The three legal instruments embody the fundamental rights and freedoms granted to individuals. They call upon state parties to take the necessary steps to recognize and protect these rights. Should a state not take such steps, its failure to comply with an obligation is a violation of its international obligations. Corruption prevents the fulfillment of these obligations. A corrupt state will not carry out these obligations. Corruption runs counter to the state's obligation to respect, protect, and implement human rights. The right to life, the right to an adequate standard of living, or the right to health are violated if the public official misuses government expenditures, or reduces or eliminates government spending on programs designed to further these rights.
- Corruption in Relation to Trafficking in Persons.** Corruption, a challenge especially in the context of trafficking in persons, undermines the effectiveness of government, leads to the misallocation of resources, harms development and consequently, has detrimental effects on the needy. Corruption hinders the government from using the countries' resources to implement programs to prevent trafficking. Misallocation of resources is not the only form of corruption. The participation of public officials (such as law enforcement officers, members of local government and border

control, or immigration officials) in the act of trafficking, whether through active or passive participation, is also a form of corruption that assists in the proliferation of trafficking in persons.

- International Responses to Corruption.** *The United Nations Convention on Corruption* addresses measures to combat corruption, some of which include: criminalization of corruption involving a public official, misappropriation of property by a public official, abuse of functions, unlawful enrichment, criminalization of money laundering of the proceeds of corruption, measures against corruption, criminalization of obstruction of justice, progressive development and harmonization of national legislation, confiscation and seizure, protection of "whistle-blowers," witnesses and victims, compensation for damages, measures to enhance cooperation with law enforcement authorities, and cooperation with and between national authorities.

Article 8 of the *United Nations Convention against Transnational Organized Crime* addresses the issue of corruption of public officials. Article 8 states that "Each state party shall adopt such legislative and other measures as may be necessary to establish as criminal offenses, when committed intentionally: (a) the promise, offering, or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties; (b) the solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another



person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties." Article 9 further requires that State Parties shall "adopt legislative, administrative or other effective measures to promote integrity and to prevent, detect and punish the corruption of public officials." Since the *United Nations Protocol to Prevent, Suppress and Punish Trafficking*

*in Persons, Especially Women and Children* states that all provisions of the Convention Against Transnational Organized Crime apply to it, unless stated otherwise, countries who have ratified the Protocol must also take steps to implement measures to combat the corruption of public officials.

## COMBATING CORRUPTION TO COMBAT TRAFFICKING: WHAT MEASURES SHOULD BE TAKEN?

- Building political will at the grassroots level to combat corruption.
- Establishing a free and independent media to disseminate information to the public on public corruption.
- Reformation of the civil service, which includes ending policies that favor selection based on connections and replacing them with policies emphasizing qualifications.
- Creation of an independent anti-corruption task force.
- Training of law enforcement officials on the dangers of corruption.
- Assessment of current compensation policies for civil servants.

## USING PRIVATE SECTOR MEASURES TO COMBAT PUBLIC CORRUPTION

Countries can borrow recommendations made by and steps taken in the private sector to combat corruption and apply them to the public sector. Some of these recommendations and practices include:

- Third-party monitoring of large funds or grants made by development banks or other foreign assistance organizations, ensuring that the funds are going toward prevention and prosecution measures in the fight against trafficking in persons.
- Reforming the legal system to ensure that those officials found to be corrupt are prosecuted and their funds are frozen and assets are seized.
- Training journalists to report on instances of corruption in relation to human rights, and in particular trafficking in persons.
- Creating networks of think tanks and governmental and non-governmental organizations to create public awareness about the role of corruption in human rights violations and trafficking in persons.
- Setting up international standards for good governance.



## DISCOURAGING DEMAND

- Any successful response to combating trafficking in persons must target all the actors in the trafficking enterprise, including the users of the services provided by victims of trafficking.
- The *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* calls upon countries to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, by adopting or strengthening legislative, administrative, educational, social, and cultural (or other) measures.
- The *Council of Europe Convention on Action Against Trafficking in Human Beings* calls on member states to raise awareness of the responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking in human beings
- The *Council of Europe Convention on Action Against Trafficking in Human Beings* also calls upon member states to consider establishing as a crime the use of services provided by a victim of trafficking with the knowledge that the person is a victim of trafficking.
- Unfortunately, prosecuting demand is not always easy and government usually focuses on prosecuting the traffickers instead.



## THE INTERNET AND MODERN TECHNOLOGY

- **How Technology Contributes to the Trafficking Infrastructure.** Rapid communication through the Internet and through international telephone networks facilitates trafficking in persons by increasing the ability to meet the demand for sexual services. The Internet is used to promote sex tourism, view and purchase child pornography, and assist in promoting the mail order bride industry. The Internet also assists in meeting the demand for labor by advertising opportunities abroad. The Internet assists organized criminal groups involved in trafficking by the illegal laundering of money through electronic commerce and the ability to move large sums of money quickly around the world. The Internet has also removed the purchaser from the process, lessening the buyer's chances of being caught and removing the stigmatization that could come from knowingly purchasing sex.
- **How Information Technology can be used to Combat Trafficking in Persons.** Although the Internet contributes to the trafficking infrastructure, its effective use, along with other forms of Information Technology, can also assist in combating trafficking in persons.

A key element for effectively combating trafficking is successful sharing of information. Utilizing Information Technology related initiatives, including the Internet, websites, and computer databases, will enhance coordination and information sharing among NGOs, civil society organizations, and government and law enforcement officials across regions.

The Internet can be used as a means of disseminating information about anti-trafficking initiatives and to educate the public about the dangers and issues surrounding trafficking in persons, as well as promoting bilateral and multilateral networking to increase pressure and address the problem of trafficking in persons.

Comprehensive anti-trafficking databases could connect isolated anti-trafficking groups across regions, provide information to law enforcement and border control officials on missing persons suspected to be trafficked and assist victims and provide accurate trafficking statistics.

Internet laws must be adapted to establish liability of the Internet service providers for exploitation.

## LACK OF STATISTICS AND DIFFICULTIES WITH DATA COLLECTION

Information on trafficking in persons is not always easy to obtain. Since the problem is global in nature and is manifested through illicit international markets. Consequently, further research is needed specifically regarding the economic causes and consequences of

trafficking, the volume of the trade in people and the numbers of victims. A role for academic institutions must be emphasized, individually conducting research and incorporating trafficking in persons into the curricula.

## THE ALERT APPROACH

There exists an international consensus that trafficking in persons is a common problem which must be defined and confronted. Having reached that consensus, the path forward raises new obstacles. These obstacles can be summarized into five main areas. This is known as the *ALERT* approach.

### A STANDS FOR "ACCOUNTABILITY"

At the close of 2008, 124 countries had ratified the UN Protocol. It is important that countries be held accountable for the implementation of their obligations under the Protocol. One way of ensuring accountability is developing a monitoring and reporting mechanism such as a national annual report and/or a national special rapporteur.

### L STANDS FOR "LEGISLATION"

Most national laws follow the UN Protocol. The problem is that the UN Protocol provides for minimum standards for the elimination of trafficking only. The UN Protocol omits many key provisions, such as the principle of non-punishment and the granting of benefits to victims irrespective of testimony. By contrast, the Council of Europe Convention possesses enhanced standards and is therefore a viable alternative to the UN Protocol for national legislatures looking to pass anti-trafficking legislation.

### E STANDS FOR "EDUCATION"

The incorporation of trafficking in persons into the human rights curricula of universities and the dissemination and sharing of resources with regard to trafficking such as would occur with international associations.

### R STANDS FOR "RELIGION"

Religion can be a powerful influence in preventing trafficking in persons. Many international organizations already work with religious groups to engage them in such efforts. It is also true that prostitution is prohibited by all religions and prevention of prostitution should be a part of any anti-trafficking effort.

### T STANDS FOR "TECHNOLOGY"

The Internet is used to promote illicit activities, including sex trafficking, sex tourism, mail order brides, and pornography. The only international convention on internet crimes is the Council of Europe Convention on Cybercrime 2000. The drafters of the Council of Europe Convention did not find it necessary to include technology in the definition of trafficking since recruitment is a term that is wide enough to include recruitment through the Internet or other technologies.

## ABOUT THE PROTECTION PROJECT

The Protection Project is a human rights research institute based at the Foreign Policy Institute of The Johns Hopkins University Paul H. Nitze School of Advanced International Studies (SAIS). Focusing on the promotion of human rights values throughout the world, of particular importance to The Protection Project is the protection of human security, especially women's and children's rights; fostering civil society and NGO development through capacity building and coalition building; enhancement of the rule of law by encouraging citizen participation in the political process; advancement of human rights education; and elimination

of trafficking in persons. The Protection Project's activities include raising public awareness; monitoring and reporting on violations of internationally recognized human rights; developing curricula in a number of disciplines, including human rights and international trafficking in persons; establishing partnerships with universities and NGOs; and organizing seminar series, workshops and conferences. In addition, The Protection Project staff has given congressional testimony on trafficking in persons before the United States Congress and advised foreign countries on drafting anti-trafficking legislation.

**Yes, I/We want to support The Protection Project.**

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**What is the Protection Project?**

The Protection Project is a human rights research and training institute based at The Johns Hopkins University School of Advanced International Studies (SAIS) in Washington, DC.

**Our Mission**

The Protection Project focuses on promoting human rights values throughout the world by engaging in academic research and conducting training, exchange, and fellowship programs focusing on issues of trafficking in persons, human rights, women's empowerment, state compliance with internationally recognized human rights and capacity building for civil society.

**Sponsorship Level of our Projects:****Report on the Status of Human Trafficking (\$30,000)**

The Protection Project's "Human Rights Report on Trafficking in Persons, Especially Women and Children" publication divides the countries of the world into five regions and contains specific information on trafficking routes to, from, or within each country; factors particular to that country which contribute to the problem of trafficking; forms of trafficking, governmental responses, including enacting anti-trafficking legislation and prevention and protection initiatives, and efforts of nongovernmental organizations, other members of civil society, and international organizations to prevent trafficking and protect victims of trafficking.

**Fellowship (\$20,000)**

The Protection Project International Human Rights Fellowship is designed to provide a rigorous academic and professional experience in the field of human rights for the purpose of fostering both grassroots and government level leadership and support for the promotion of human rights values in targeted countries throughout the world. The fellowship is awarded to outstanding non-U.S. citizens currently working either for a non-governmental organization or a government agency outside the United States and who exhibit a concerned interest in and commitment to furthering a respect for human rights values in their home countries.

**Human Rights Prize (\$5,000)**

The prize is awarded each Semester to a student to attend a human rights conference around the world.

**Applied Research (\$5,000)**

The purpose of the project is to encourage professional, academic, and cultural exchange and to promote the study and research of human rights. The fellow will be required to conduct research on an approved topic of his/her choice relating to human rights and reform in the Middle East and submit a report of his/her findings.

**Journal of Human Rights & Civil Society (\$20,000)**

The journal aims to provide a forum for scholarly analysis of critical contemporary human rights issues within the prism and from the perspective of civil society and practitioners in the non-governmental sector. The first issue of this journal was issued in the Spring of 2007.

**Doctorate (\$5,000)**

The Protection Project awards a one month Trafficking in Persons Dissertation Program to a PhD student from any country in the world who is writing his/her PhD dissertation on trafficking in persons.

**The Protection Project's Picture Prize (\$1,000)**

**This year the Protection Project launched a Picture Prize competition among both professionals and amateur photographers of subjects related to the work of the organization. Each year the winning picture will become the front page picture of The Protection Project Annual Report.**

**Annual Symposium \_\_\_\_\_ (Contribution of your choice.)**

Each year The Protection Project holds an Annual Symposium focusing on a subject matter within the scope of human trafficking bringing together scholars, professionals, and members of civil society to discuss current developments.

**Meeting with The Association of Scholars of Trafficking in Persons \_\_\_\_\_ (Contribution of your choice.)**

The purpose of the Association is to create a network of scholars in the field of trafficking in persons. It is the belief of The Protection Project that including the topic of trafficking in persons in human rights curricula and other fields of learning is a necessary step in the prevention human trafficking. Thus, The Protection Project envisions that this Association will foster open communication and connections between scholars in colleges and universities around the world. The network will facilitate the exchange of course materials, syllabi and information about education on trafficking in persons. The association will provide educational tools, conferences, training programs, and workshops on education on trafficking in persons, and will keep members advised of advances made in human rights and human trafficking education around the world.

**No, I/ We are unable to sponsor the above programs, but enclosed is my contribution to The Protection Project of: \$ \_\_\_\_\_**

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The Protection Project  
1717 Massachusetts Ave., NW, Suite 502  
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The Protection Project  
The Johns Hopkins University  
Paul H. Nitze School of Advanced International Studies (SAIS)  
1717 Massachusetts Ave., N.W., Suite 501  
Washington, D.C., 20036  
(202) 663-5896 / (202) 663-5899 fax  
protection\_project@jhu.edu  
<http://www.protectionproject.org>