

Trafficking in Women, Manual for
Journalist, Beograd, Astra, 2004

Have you ever watched waves at sea? Violence is like a sea wave. You see it coming, but you cannot evade it. You have no choice - when it finally reaches you, it gets hold of you. Everything is out of your control, you are in the wave, desperately trying to free yourself, but the wave has its course, a life of its own. And then it breaks - and you never know where it broke, where you are now... That was my life

everything I wished was at least some possibility of choice - a chance to evade that wave. To live my own life. Then I got the feeling that this chance appeared and - I left... ("Priča žene žrtve trgovine"/ The Story of a Woman Victim of Trafficking), radio - drama, IOM/Siobhan Cleary)

What Trafficking in Women is?

According to United Nations Convention against Transnational Organized Crime, Article 3 of the Protocol on Prevention, Suppression and Punishment of Trafficking in Persons, especially Women and Children, trafficking in persons is - "the recruitment, transportation, moving, transfer, harboring or receipt of persons by threat or use of violence or other form of coercion, abduction, fraud, deception, abuse of authority or difficult status, giving or receiving money or other benefit in order to acquire the approval of a person who controls another person for the purpose of exploitation. Exploitation includes, as a minimum, the exploitation of prostitution of other persons or other forms of sexual exploitation, forced labour or service, slavery or slavery-like relationship, or removal of organs".

According to Article 3b of this document, the consent of the victim to intended exploitation has no significance.¹

Trafficking in women was mentioned for the first time in the 19th century during a public debate conducted in the countries of Western Europe in view of the abduction of women from these countries into respective colonies for the purpose of forced prostitution. An international campaign was launched against what was then named "white slave trade", which resulted in the first international agreement signed in Paris in 1904. The first United Nations Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others was adopted in 1949. The problem caught the attention of the world public again at the end of the 20th century, with the spreading of AIDS, the appearance of sex tourism and prostitution of children, and new migration trends.² Greater perceptibility of the problem led to the development of different approaches and strategies in the struggle against trafficking in women, primarily among non-governmental organizations and government institutions.

In general, we can speak about the so-called "repressive strategies" of government institutions focused on the prevention of illegal migration and suppression of organized crime, and "women reinforcement strategies" applied by women's non-governmental organizations which are aimed at offering support and increasing women's human rights.³ Different strategies, in fact, reflect different interests and approaches of governmental and non-governmental

¹ Službeni list SRJ, Međunarodni ugovori (Official Gazette of FRY, International Agreements), 27.6.2001. Beograd, p. 31.

² "A Resource Book for Working Against Trafficking in Women and Girls, Baltic Sea Region", Kvinnoforum, Stockholm, February 2002, 3rd Edition, "Defining Trafficking", Carolina J Wennerholm, p. 11.

³ Marjan Wijers, Foundation Against Trafficking in Women in Netherlands, Ibid, p. 11.

organizations - while trafficking in women is mostly treated by the state as a problem of organized crime, women's non-governmental organizations define it primarily as violence against women and violation of women's human rights.

Trafficking in Women, Illegal Migration and Prostitution

Illegal migration and prostitution are phenomena closely related to trafficking in women. According to international definitions and standards, trafficking in women is the violation of fundamental women's human rights in the process of migration, and the largest number of victims (primarily women and children) ends up in forced prostitution. However, despite their mutual entwining, these three phenomena do not coincide and should not be treated as such, and it is necessary to precisely determine their boundaries.

Trafficking in Women in the Process of Migration

With the fall of communism and the entrance of majority of former communist countries into the process of transition, as well as the new relations of power brought about by globalization, the feminization of migration movements has become increasingly visible. Induced by poverty and discrimination they suffer in their environment, and the imposed responsibility for the survival of their families, a large number of women decide to migrate "somewhere" they believe they would live better. Restrictive immigration policies of highly developed countries lead many of them to illegal migration. Unfortunately, they have little or no information on the possible consequences, one of them being trafficking in women.

"At the core of any definition of trafficking must be the recognition that trafficking is never consensual. (...) all illegal migration is not

*trafficking. It is important to refrain from telescoping together the concepts of trafficking and illegal migration. At the heart of this distinction is the issue of consent*⁴

Therefore, illegal migration implies an illegal entrance of a person into a foreign country based on the voluntary decision. This is a violation of the law of the state concerned, but not of the fundamental human rights of the person concerned, because illegal migration in itself does not imply violence, exploitation and coercion, which are the general elements of trafficking in women. Trafficking in women is one of the forms of exploitation of women in the process of migration.

Illegal migrant women are a high-risk group because they are in a foreign country with no legal identity papers and work permits, with no information on their status, their rights and obligations. They have a limited possibility of choice and they can easily become the victims of exploitation and coercion. However, many organizations that deal with the problem of trafficking in women believe that telescoping together these two phenomena primarily affects the women themselves - not all migrant women (even if they are sex workers) are victims of trafficking -

" We speak of trafficking in women in cases when women emigrate after a mediator has deceived them by false promises and put in an debt bondage relationship when already in a foreign country. This puts them in a situation of dependence used by the organizers (...) to

⁴ Integration of the human rights of women and the gender perspective, Violence Against Women, Report of the Special Rapporteur on violence against women, its causes and consequences, Ms.Radhika Comaraswamy, on trafficking in women's migration and violence against women, submitted in accordance with Commission on Human Rights Resolution 1997/44, UN Economic and Social Council, 2000, str. 8.

*force women to work where they are liable to exploitation or are in a slavery-like status, when husbands or employers use such dependent status to deprive women of personal freedom and sexual integrity.*⁵

One of the strategies in the struggle against trafficking in persons includes the introduction of restrictions in the visa regime for the European Union countries and increased control of state borders. And yet, the reasons that had made women decide to migrate, the economic and political discrimination in the countries of origin, have never been considered. It is debatable to what extent such measures contribute to suppressing of the problem or have just the opposite effect -

*"... anti-immigration policies, which reduce opportunities for legal migration and thereby encourage migrants to turn to third parties for assistance in migrating and to rely on false promises of legal migration, serve to provide an ever-growing number of clients to the increasing number of underground networks of immigrant smugglers. Further, such policies impact strongly on the living and working conditions of migrant workers, increasing their vulnerability to violence, abuse and control by criminal networks."*⁶

It is important to mention that illegal migration is just one form of migration movements, which imply (illegal) crossing of state bor-

⁵ Quoted "LEFO - Latin American Emigrated Women in Austria", Austrian NGO that offers support and education to migrant women in Austria. Reprinted from: "Trgovina ženama"(Trafficking in Women), ASTRA/AŽIN, Bgd.2001, p. 71.

⁶ Integration of the human rights of women and the gender perspective, Violence Against Women, Report of the Special Rapporteur on violence against women, its causes and consequences, Ms.Radhika Comaraswamy, on trafficking in women's migration and violence against women, submitted in accordance with Commission on Human Rights Resolution 1997/44, UN Economic and Social Council, 2000, p. 22.

ders. There are also the so-called "internal" migrations, i.e. movements of the population within state borders, which may also have trafficking in women as a consequence. However, a priori telescoping together illegal migration and trafficking in women, as well as illegal migrant women ("foreigners") with victims of trafficking contributes to the invisibility of women who are victims of a trafficking chain but are local citizens and do not cross any state border.

Trafficking in Women and Prostitution

"We are humans, we are women and wish to be treated with respect, and we wish to have the rights you all enjoy"

(Dina Chan, Union of Sex Workers Toul Kork)

The first definitions that referred to trafficking in women were aimed at distinguishing between "innocent" women who were drawn into sex industry by deception from ordinary prostitutes whose behavior has led them to the position they have found themselves in, and therefore deserve no protection. Until 1949, prostitution was not named as a special phenomenon but was described through the concept of "white slave trade", and later through the concept of "trafficking in persons". Between 1895 and 1949 there were a few successful international agreements which treated trafficking in women and prostitution as identical phenomena.

All agreements reached at the time were aimed at protecting women and children from prostitution, protecting women from criminal prosecution if they were already involved in prostitution and criminalization of the so-called "third party", anybody who induces persons to prostitution and thereby make a profit. These issues results of the abolitionist approach to prostitution that developed from the first half of the 20th century. According to the aboli-

tionists, the institution of prostitution is violation of human rights, an institution similar to slavery. Those who advocate this approach believe that no person can deliberately get involved in prostitution but that prostitution survives thanks to pimps, or persons who induce women to prostitution by coercion and force, by deception, all that just in order to make a profit. Abolitionists demand that state representatives make efforts to eradicate prostitution by criminalization and punishment of the "third party", i.e. all those who make a profit from the transaction that goes on between client and prostitute. They advocate that prostitutes should not be punished because they are victims of a system they do not control. UN Convention passed in 1949 reflects the stands of the abolitionists. Ever since its appearance, the Convention has been sharply criticized by various parties.⁷

Ever since that time to this very day, together with many non-governmental organizations, prostitutes have advocating for the redefinition of the problem and reached the conclusion that all the existing abuses and violence closely connected with prostitution, result from the stigmatizing status of prostitutes in the society. The very fact that prostitution exists on the margins of the society, outside the legal framework as a socially unacceptable behavior, deprives all those who are in it of the possibility to be protected from violence and maltreatment. In 1996, international NGO called Global Alliance Against Trafficking in Women - GAATW became the first organization that made a distinction between prostitution and trafficking in women, stressing coercion and exploitation the women in the chain of trafficking are subjected to. GAATW investigated the issues of

⁷ Jo Bindman with the participation of Jo Doezema "Redefining Prostitution as Sex Work on the International Agenda", (c) 1997, 2b.

recruitment of migrant women and the conditions of work in unregulated sectors – in sex industry and at home. One of the problems that was already identified at that time was the minimum of possibility for legal migration, the issue that has never been put on the political agenda of those who advocate eradication of prostitution. What is important to underline when speaking of trafficking in women are the elements such as coercion, and not a kind of work a person performs or the previous occupation, status of a victim of trafficking. Forced prostitution is not the only sphere women victims of trafficking are engaged in. Although questions such as coercion, deception, violence, are often connected to prostitution, not all the persons involved in prostitution ended up in it as the result of trafficking in persons.⁸

What is characteristic of and common to these two problems is that both women victims of trafficking and women prostitutes are stigmatized by the society. Every woman who deviated from the traditional feminine role, either because she is politically active or sought economic independence, was called a prostitute. The label of a prostitute is linked to feminine transgression of discriminatory roles of the genders rather than to the act of offering sexual services itself. Everywhere in the world women were called "whores" not only because of their "immoral" behavior, but also if they were maltreated, abandoned by men, and similar. Once identified as a prostitute, the vulnerability of a woman to abuse, violence, deportation and exploitation was justified by the existence of "immoral character and behavior".⁹

⁸ Carol Leigh "Trafficking and The Distinction Between Forced and Voluntary Prostitution" Conference on Trafficking in Persons, Utrecht and Maastricht.

⁹ Gail Pheterson "The Prostitution Prism", Amsterdam University Press 1996.

" Everything begins in the family: first you shouldn't speak because you are a girl, then later you shouldn't speak because no one will marry you, then later you shouldn't speak because you are a new bride. Finally, you might have the chance to speak but you don't speak because you have forgotten how to."

Women 2000, An Investigation into the Status of Women's Rights in Central and South Eastern Europe and the NIS, International Helsinki Federation for Human Rights and IHF Research Foundation, 2000).

Causes of Trafficking in Women?

In the beginning of the new millennium, trafficking in women is the result of a new social and political reality, relations of power in the world, but first of all, a society that has no interest to face violence inside it. Despite numerous international documents and constitutional charters, which warrant the rights and freedoms of all individuals, violence against women is an omnipresent phenomenon. It reflects on the economic, family, educational, the public level creating a circle hardly any woman can step out of without the support of her surroundings, institutions or law.

Economic uncertainty and discrimination of women is one of the main causes of trafficking, as the precisely determined geopolitical direction of its chain points out – the countries of origin are mostly Eastern and Southern under-developed countries, while the most frequent destinations are economically developed countries of Western and Northern Europe. In societies in which transition is already under way or just beginning, feminine population takes the brunt of unemployment. The so-called "feminization of poverty" typical of these societies implies poor feminine representation and discrimination at the labour market – marginalization at poorly paid jobs, lower salary rates in comparison with men, impossibility of

promotion at work, etc. Obstacles and discrimination are evident in the very process of searching for employment. For many women, the interview for a job is just an informative conversation about their marital status, plans for the future, plans about having children, which men never have to go through.¹⁰ For instance, in Bosnia and Herzegovina, when applying for a job, along with other medical certificates, women are expected to submit the results of a gynaecological examination to their employer. Although this is a requirement not founded on law, many employers resort to it in order to find out whether a woman is pregnant before they employ her. Many women who were pregnant were eliminated from further competition for jobs.¹¹

Even if they manage to find a job, it is in under-developed and insufficiently paid industries, or "traditionally feminine" professions - health services, education, culture, in which they rarely occupy managerial posts. Moldova, the state that belongs among the most frequent countries of origin of the victims of trafficking, used to employ 80-85% of women in light industries. After its unsuccessful transition and complete ruin of these industries, 68% of them were left jobless. According to the data for year 1999, among the unemployed 63% were women and 37% men. In Russia, out of three unemployed two are women.¹²

Changes occurred in social policy, too - maternity leaves are shortened, the system of childcare has changed making coordination between women's professional and family obligations additionally difficult. At the same time, restoration of traditional social values, especially of the gender roles in the society, the model that is

¹⁰ Ibid. p.11.

¹¹ Ibid.

¹² Data reprinted from the web site of Human Rights Watch, www.hrw.org

imposed on women is that of a "mother" seeking protection of men, unemployed, and whose only happiness and satisfaction is the family. Such an image is conveyed and maintained by education, the media and legislation. And yet, reality shows a completely different picture of male-female relations from the one offered by tradition - the woman is often the one who sustains her family with her job, but she is also the one who suffers the most because of bad conditions at the labour market. In 1992, data showed that 55% of single mothers families with children under the age of six lived under the line of poverty.¹³ That put women into a gap between the model imposed by the society and the reality they encounter at the labour market.

That economic and social marginalization of women is mostly the cause of trafficking in women and women's migration is illustrated by the data obtained through the analysis of cases of women victims of trafficking in three Western European countries - Italy, Belgium and the Netherlands. In Italy, 92,40% of the women victims had lived with their families in the countries of origin, 68,75% of them had working experience, and 58,75% lived on the verge of poverty. The most frequent motive for accepting the offer of strange persons who had recruited them in the countries of origin was employment (35%), and money for basic needs (30%) and money for their families (23%).¹⁴

One of the circumstances traffickers in women use is lack of information especially among young girls about actual possibilities of migration into Western European countries - they either have no or very little information about the conditions of living and possibili-

¹³ Ibid.

¹⁴ "Research Based on Case Studies of Victims of Trafficking in Human Beings in 3 E.U. Member States, i.e. Belgium, Italy and The Netherlands", p. 26 and p. 192.

ties of employment in the countries of the European Union. They do not know what are their rights, if and how they can be issued legal working permits, that they cannot work legally with a tourist ("Schengen") visa, and they are not aware of all the risks of working in the "black" labour market.

Militarization of the region is also one of the causes of trafficking in women that contributes to its spreading. Defined as the "concept of armed peace", militarization is accompanied by the arrival of a large number of soldiers into the post-conflict stricken environment, in which there is no state control, with impotent state institutions (if any), and where there are no mechanisms for suppressing this and other forms of crime. Due to a big demand, a new market of sexual industry is created.¹⁵ Bosnia and Herzegovina, Kosovo and Macedonia are nowadays known as one of the main destination countries on the territory of South Eastern Europe, while their surrounding countries are the region of transit and origin. Members of international forces primarily appear as clients, but not rarely they are involved in the organization of the trafficking chain.¹⁶ The unbreakable link between "peacekeepers" and trafficking in women is largely maintained by existing generally accepted social values according to which it is normal that soldiers have needs - "boys will be boys".¹⁷

¹⁵ Militarization and sex tourism are external factors that contribute to the increase of trafficking in women in the sense that they contribute to the intensification of the market of sexual services. However, users of the services of women who are forced to prostitution are not solely foreign soldiers or tourists, but also (sometimes to a much greater extent) local men.

¹⁶ Unfortunately, higher instances rarely react in order to prevent that - the known case is that of Katherine Bolkovic, member of the American peace-keeping military troops in Bosnia and Herzegovina, who was ready to publicly accuse and present evidence on the participation of her colleagues in this crime. The outcome of her decision is that she was discharged from duty without a possibility to ever join any peace operation.

¹⁷ This explains (justifies) the problem with their "masculine nature" which cannot be changed.

One should not forget the influence militarization has on the ideological level which greatly stimulates feminization of poverty and trafficking in women -

"On the ideological level, the militarization process is expressed through imposing and adoption of military values - it is a process in which the values and needs of the military apparatus are given advantage over all other processes that integrate almost all aspects of everyday life of civilian population into the logic of a war system (...) in which (...) almost all the inhabitants, women included, become at the same time both the victims and the accomplices of a militarist system through an even more rigid division of gender roles and striking political marginalization."¹⁸

In this sense, a good illustration is the example of Bosnia and Herzegovina, where former participants of wars have high priority in employment and higher salaries, which directly goes at the expense of women at the labour market, since men form the majority of demobilized soldiers.

"Article 9 of the Republika Srpska Employment Law... provides priority in employment first to the families of deceased soldiers (if no other member of the household is employed). Priority is also given to disabled war veterans, according to disability, to demobilised soldiers and last to individuals officially listed as unemployed for at least two years. In this context, an increased possibility for discrimination against women seeking employment has been noted."¹⁹

Despite the efforts of non-governmental and international organizations and recently of state institutions, too the intensity of traf-

¹⁸ "Žene i militarizam u Srbiji" (Women and Militarism in Serbia), Staša Zajović, Žene u Crnom (Women in Black), Beograd, 2000.

¹⁹ Women 2000, An Investigation into the Status of Women's Rights in CEE and South Eastern Europe and NIS, IHF, 2000, p. 89.

ficking in women reveals the figure of (at least) 700 thousand victims of trafficking in the world annually; but in the latest Trafficking in Persons Report 2003, this figure went up to 800-900 thousand victims.²⁰ Unfortunately, some segments of the society are still in the phase in which they fail to admit that the problem exists. For example, the Minister of Internal Affairs of Russian Federation declares - *"Trafficking in women is within the exclusive competence of the Ministry of Foreign Affairs and the consulates abroad. (...) The Ministry of the Interior is not particularly concerned about the problem, as there are no criminal contents in it. All offences against women who departed are committed in the territories of the states where they go. That means it is those countries' problem. In general, the discussion about trafficking in women has come to us from the West. The dust is raised by intolerable feminist organizations that promise help, but do not help the victims in any way. They receive grants and for the money disseminate information that does not correspond to reality"*.²¹

Reality of Women Victims of Trafficking

When buyers come, the girls are ordered to take off their clothes and stand naked in the road. They are exhibited like cattle for selection... (a testimony from ARIZONA marketplace in Bosnia and Herzegovina)

Once a woman finds herself in the trafficking chain, from that moment the motive of her departure becomes irrelevant. We must keep that in mind, because there is a general tendency to pass judgement such as - whether she "wanted it", "knew what she was

²⁰ Can be found at <http://www.state.gov/g/tip/rls/tiprpt/2003/21262.htm>

²¹ Women 2000, An Investigation into the Status of Women's Rights in CEE and South Eastern Europe and NIS, IHF, 2000, p. 17.

going to do", or whether "she is naive and stupid"... People tend to forget that such women were deceived of concerning the conditions they would work in - that they must earn a certain sum of money a day, or else they are punished (the so-called "debt bondage"); their movements are limited and controlled; their personal identity papers were taken away from them, which additionally aggravates their status if they are in a foreign country whose language they do not speak; they are constantly in a situation of physical, mental, and sexual violence and intimidation.

These are the "working methods" traffickers use in order to impose on the women a feeling of fear, helplessness, and stigmatization. Even if they manage to summon up sufficient amount of courage and strength to run away or endure long enough until the police makes a raid (which most frequently happens), it does not mean that they will be able to actually step out of the circle of violence they are trapped in. Majority of these women go back to the same situation they have tried to escape from - their environment does not know nor wishes to know what has happened to them, they have no explanation why they are coming back with no money, they are scared, they feel humiliated, convinced they are the only ones with such experience. Their families and institutions often refuse to take any responsibility and impose an additional feeling of guilt and shame on them, so women often do not even wish to go back home.

For the beginning, women who survived terrible physical violence (beatings, squashing out cigarettes on their bodies), sexual violence (rape), mental violence (maltreatment, threats, blackmail, control), need only to be in a safe place and surroundings. They need time to reestablish contacts with and confidence in persons who offer them support. Women who have experienced traumas often relive

through flashbacks the same situations, and have overwhelmingly strong feelings about and reminiscences of the traumatic event.

Prejudices about Trafficking in Women

"Girls become victims of trafficking out of naiveté"

The motive that makes a girl respond to an advertisement or accepts a job offer is not important, the most important is the violence she is exposed to if she finds herself in a trafficking chain. It should especially be kept in mind that traffickers in women are often persons they trust - fathers, brothers, boyfriends... whose offers hardly any of them will check.

"Trafficking in women and prostitution are one and the same"

Trafficking in women does not take place solely for the purpose of forced prostitution; it can take other forms - forced labour at home, forced marriage, forced participation in criminal activities. Prostitution may be a voluntary choice of a woman, if she decides about the conditions of her work and controls the profession she practices. A woman who as a victim of trafficking ends up in forced prostitution has no possibility to decide about anything and no possibility to choose. Even when a girl knows that she will be engaged in prostitution, she does not know in what conditions she will work and live, and she has no control of anything happening to her whatsoever.

"Trafficking in women is white slave trade"

Women victims of trafficking cannot be called "white slaves" because trafficking does not affect only women of a particular race, ethnic or national affiliation. "White" women are not the only vic-

tims of trafficking, but among them are African women, Roma women, Asian women... it is a racist term, which does not reflect the reality. The term "female slaves" is also problematic because it is discriminatory - it stigmatizes the woman presenting her as somebody whose destiny is sealed and nothing can be done to change that.

"Only foreign women are victims of trafficking"

Trafficking in women can go on within borders of a single country, it does not necessarily imply crossing state borders. This means that a girl who is a citizen of Serbia and Montenegro can be a victim of trafficking in her own state. We must be aware that trafficking in women does not happen only to "Russian", "Ukrainian", "Moldavian women", but to women who are citizens of our country, too.