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### Trafficking in Women: Modern Day Slavery

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## TRAFFICKING IN PERSONS AS MODERN DAY SLAVERY

By Hulya Ozonen

*Congress passed the U.S. Victims of Trafficking & Violence Protection Act in November of 2000. The author delves into the definition of trafficking in persons and identifies causes of a recent growth in the frequency in which such acts are perpetrated. The author utilizes reports issued from various organizations, addressing trafficking as a social problem and contemplates possible solutions.*

### Introduction

Trafficking in persons is a highly sensitive issue that involves great human suffering. It can be studied from different perspectives, such as global political economy, population and migration, organized crime, gender and development, public order and/or public health, labor issues, international relations, and human rights abuses. It affects many nations in different aspects to an even greater extent since the 1990s. In November 2000, the United States Congress passed the *US Victims of Trafficking and Violence Protection Act*, in which human trafficking is declared “modern-day slavery”.<sup>1</sup> This act signaled the recognition of trafficking as a seriously fast growing problem. But is trafficking a new phenomenon or is it just the recognition of the problem that is new? This leads us to a new question: Can a problem be said not to exist until it is recognized? Not so when it comes to trafficking in human beings, especially in women. Although the problem was only recently recognized, prostitution and forced labor have been a common practice since ancient times. Indeed,

prostitution is said to be one of the oldest professions on earth. But what is it that differs trafficking from prostitution or from illegal immigration? Why did people have to come to realize that it was a problem at all? In this paper, I aim to explore the definition of trafficking in persons and causes of proliferation of trafficking activities since the 1990s. Having done so, I will move to understand why it constitutes a problem and what is being done to solve this problem. For that, I will mainly use the reports and booklets of International Organization for Migration, the main international organization that deals with trafficking, conference papers, anti-trafficking newsletters, periodical articles, United Nations documents and studies from influential Non-Governmental Organizations (NGOs) and International Organizations (IOs) working in the field, like La Strada and the Organization for Security and Cooperation in Europe (OSCE), respectively.

### Trafficking in Persons: Definition and Clarification

Human trafficking is a global problem in terms of its operation and impacts. It is not restricted within territories of a country even if it takes place within the country. In academic or professional fields, this led to some confusion about what

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<sup>1</sup> The United States Department of State, Office to Monitor and Combat Trafficking in Persons, <http://www.state.gov/g/tip>

constitutes trafficking. The concept was sometimes used interchangeably with human smuggling. However, in theory, these two concepts are not the same. In almost all studies of International Organization for Migration (IOM) and in most of the literature, there is a general reference to this difference between smuggling and trafficking accompanied by the definition of the concept for the clarification. I will follow this tradition.

Despite the expansion of trafficking activities particularly since the 1990s and despite the fact that it existed for many centuries, there was not a generally accepted definition of trafficking until November 2000. The main documents that were used as a reference point for defining trafficking before that time were the United Nations (UN) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery together with the UN Convention on the Elimination of All forms of Discrimination against Women (CEDAW).<sup>2</sup>

Despite these documentations, the problem of establishing a generally accepted and endorsed definition of trafficking still existed. This problem was overcome by the UN General Assembly with the adoption of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime in 2000. Though this protocol provided a common denominator for de-

fining trafficking; it is not without its critics.<sup>3</sup>

According to the 2000 UN Protocol, trafficking in persons is defined in the Article 3 as follows:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>4</sup>

The smuggling however, is defined as the procurement of the illegal entry into or illegal residence of a person in a State Party of which the person is not a national or a permanent resident in order to obtain, directly or indirectly, a financial or other material benefit.<sup>5</sup> The emphasis given to distinguishing smuggling from trafficking has been recognized by many states as well as in the UN Protocols on

<sup>2</sup> Melanie Orhant, “Trafficking in Persons: Myths, Methods, and Human Rights”, <http://www.prb.org/Template.cfm?Section=PRB&template=/ContentManagement/ContentDisplay.cfm&ContentID=5261>

<sup>3</sup> For a further discussion about the feminist lobbying of and the criticism about the 2000 Convention, see Jo Doezema, “Who gets to choose? Coercion, Consent, and the UN Trafficking Protocol” Gender and Development Vol. 10, No. 1, March 2002.

<sup>4</sup> For a summary of the Protocol on Trafficking, refer to [http://www.unodc.org/unodc/trafficking\\_protocol.html](http://www.unodc.org/unodc/trafficking_protocol.html)

<sup>5</sup> For a full documentation of the 2000 UN Convention on Smuggling, see [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/index.htm](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/index.htm)

trafficking and smuggling.<sup>6</sup> Essentially, the main elements that differentiate between trafficking and smuggling are the exploitation and abuse of power which characterize trafficking in persons.

The definition of smuggling refers only to the illegal transport of a person across the borders for benefit or for profit, that is to say, smuggling does not necessarily entail exploitation. Although it involves other human rights violations, exploitation is not the main intention of smuggling. Trafficking, however, targets the trafficked person as an object of exploitation. Deception and coercion, or other forms of duress are a part of the trafficking process.<sup>7</sup>

One important detail is that trafficking does not necessarily involve illegal border crossings: It can occur within the country, for instance trafficking people from less developed areas to more developed ones. However, smuggling, by definition, involves crossing of an international border.<sup>8</sup> Alternatively, the traffickers may have legal or counterfeited travel documents for the trafficked victim. The victim may have the legal passport and visa when entering the country.

In some cases, making distinctions between smuggling and trafficking can be challenging. For instance, in a case of a woman who was promised a job as a

nanny or waitress abroad; if the woman finds herself in another country being locked up and forced into prostitution with little or no money in return, that woman is said to be a victim of trafficking by common sense. Yet most people, including top-ranking policy makers, would find it hard to believe that a woman who agreed with traffickers to work abroad as prostitute may also be a victim as well: Prostitution alone does not constitute trafficking in human beings. However, it is the deception and giving false information about the terms of a job, about the payment, living and working conditions that constitute trafficking, regardless of the type of work. If a prostitute ends up living in slavery-like conditions, locked up in a room and earning little or no money, with her travel documents confiscated by his/her “sellers”, that would be a case of trafficking.<sup>9</sup> If a person pays smugglers to cross the borders in order to go to that country to work as prostitute on his/her own to make more money, and if he/she is not exploited by someone else, then, this is only a case of smuggling, not that of trafficking.<sup>10</sup>

There is also confusion in terms of understanding different purposes of trafficking.<sup>11</sup> The common thinking is that it is usually the women who are trafficked and the usual type of exploitation occurs

<sup>6</sup> European Council on Refugees and Exiles, An overview of proposals addressing migrant smuggling and trafficking in persons, ECRE Background Paper

<http://www.ecre.org/research/smuggle.shtml>

<sup>7</sup> Frank Laczko, Amanda Klekowski von Koppenfels and Jana Barthel, “Trafficking in Women from Central and Eastern Europe: A Review of Statistical Data”, European Conference on Preventing and Combating Trafficking in Human Beings: Global Challenge for the 21<sup>st</sup> Century, 18-20 September, 2002

<sup>8</sup> *ibid.*

<sup>9</sup> Frank Laczko, Amanda Klekowski von Koppenfels and Jana Barthel, *op cit.*

<sup>10</sup> The distinction between smuggling and trafficking can be seen in figures in “The Relationship between Organized Crime and Trafficking in Aliens”, Study prepared by ICMPD, International Center for Migration Policy Development, Vienna, June 1999

<sup>11</sup> For more information about purposes of trafficking, visit website of La Strada, a regional NGO in Central and Eastern Europe, <http://www.lastrada.kiev.ua/tp.cgi?Ing=en>

at a commercial sexual level, namely, for forced prostitution or for the sex industry. However, trafficking in women is only a component of trafficking in persons in general. Every person may be the victim regardless of gender and age- it may be men, children, the elderly or women. Also, there are different types of exploitation based on the purpose of trafficking. First of all, trafficking may have taken place for the purposes of adoption of babies or children: newly born babies may have been kidnapped from hospitals in order to be sold out to foreigners. Second, the purpose may be usage in pornography. The children or women can be forced to make printed editions, images, computer programs, films, videos, or TV recordings where there is open representation of sexual intercourse. Third, the purpose can be usage in military conflicts. Many children in areas of military conflict face the risk of being kidnapped to be trained as child soldiers, such as in Colombia. In Turkey, for instance, during years of high political tension in Eastern and Southeastern Turkey, the Kurdish terrorist groups were known to force and threaten families to give up their sons in favor of the terrorist organization.<sup>12</sup> Fourth, the trafficked persons may be forced to become involved in criminal activities, such as begging, carrying or selling drugs, and money laundering. Fifth, the purpose can be forced organ transplant or donor services. The victims may be persuaded to sell their organs, or they can simply be kidnapped in order for their organs to be removed. Sixth, people may be trafficked for forced prostitution. Children, men and women can be forced to render

sexual services in the sex industry or Internet bride industry. Lastly, the purpose can be the forced labor. People from different sex and age groups can be forced to work in agricultural and industrial sectors or as domestic servants.

### Scope of problem

Although there is a growing literature commensurate with growing awareness of the problem of trafficking, this does not imply clearer research on the number of trafficked people. The data on actual numbers of trafficking cases is mostly based on estimations. The estimation is made even more challenging given the fact that these women may enter the country legally- with appropriate visas and passports. The reasons for the lack of data on trafficking include the illicit and illegal nature of crime, lack of anti-trafficking legislation in many countries, legality of prostitution in some countries, the reluctance of trafficking victims to report to the authorities, the lack of government priority given to data collection, research and the corruption among the high-ranking officials and police.<sup>13</sup>

The US State Department estimates that from 700,000 to 2 million people are trafficked each year internationally. 35 percent of this number is believed to be under the age of 18. According to the Congressional Research Service, the majority are from South and Southeastern Asia as well as from Newly Independent States and Eastern Europe.<sup>14</sup> According to UN estimations, however, four million people are trafficked annually both

<sup>12</sup> Personal exposure to news coverage of such threats through living experience in Turkey, a major country of transit and destination

<sup>13</sup> International Organization for Migration, Trafficking in Migrants Quarterly Bulletin, Special Issue, April 2001

<sup>14</sup> Melanie Orhant, op. cit.

domestically and internationally.<sup>15</sup> As for Europol, it comments that the actual number of trafficked victims is still unknown as only estimates are available. Europol believes that the actual number of trafficking cases is much higher than the official estimates by European Union (EU) member states.<sup>16</sup>

It is known that the number of trafficking cases is growing each year. This proliferation of trafficking activities can be attributed to many factors. The most important facilitating conditions will be discussed below. For the purpose of clarity and simplicity, I will focus on the trafficking in women, instead of a broader concept of trafficking in persons. I will mainly consider the trafficking for purposes of sexual/commercial exploitation.

### **Causes of the Proliferation of Trafficking in Women**

There are a number of factors that contribute to the proliferation of trafficking cases in the 1990s, particularly, but not exclusively, in the Central and Eastern European countries.

#### *a. Economic Decline*

One of the main reasons for proliferation of trafficking activities is the economic hardship and lack of economic opportunities. When the people cannot find jobs or when they cannot make the money

that is necessary to support their families, they tend to look for alternative ways to make their living, such as going abroad to work. This has mainly been the case especially for Central and Eastern European countries, but it is valid for others as well. In countries under political and economic transition, or in dire economic situations, social security structures change, or start to fade away. Women are almost always the ones who suffer the most negative effects.<sup>17</sup>

Poverty and lack of economic opportunities constitute one of the most important root causes of trafficking in the countries of origin. In the Central and Eastern European countries, due to the transition to market economies, a huge job loss was seen followed by an increase in poverty. Unemployment among women was much higher than that among men- 71 percent of the newly unemployed were women in the Russian Federation alone.<sup>18</sup> Women were the first ones to be made redundant. The collapse of the Soviet Union ended 70 years of centralized political and economic controls together with the social security structures and job guarantees. Thus, unemployment fiercely struck the former Soviet Union countries.<sup>19</sup>

Most of the Central and Eastern European countries are known to have low per capita income. For instance, in

<sup>15</sup> Jyothi Kanics, "Foreign Policy in Focus: Trafficking in women", *Foreign Policy in Focus*, Volume 3, Number 30, October 1998,

<sup>16</sup> International Organization for Migration, "Victims of Trafficking in the Balkans: A study of trafficking in women and children for sexual exploitation to, through and from the Balkan Region", Slovak Republic, 2001

<sup>17</sup> The Foundation of Women's Forum, "Trafficking in Women for the Purpose of Sexual Exploitation: Mapping the Situation and Existing Organizations Working in Belarus, Russia, the Baltic and Nordic States", Stockholm, August 1998

<sup>18</sup> International Organization for Migration, "Trafficking and Prostitution: The Growing Exploitation of Migrant Women from Central and Eastern Europe", 1995

<sup>19</sup> Sally W. Stoecker, "The Rise of Human Trafficking and Organized Crime", *Demokratizatsiya*, Vol. 8, No. 1, Winter 2000, p 1

Moldova the average per capita monthly income was forty dollars in 1996 but it has been declining since then. Things are not any better for Ukraine with its average monthly income of seventy-five dollars.<sup>20</sup> Faced with increasing unemployment despite their education and professional experience, in addition to increasing the burden on women to look after their families because of a reduction in the number of day-care facilities, women had to look for other ways to make money to support their families. In this context, shiny promises of traffickers such as a well-paid job as nanny, dancer, or waitress in wealthy European countries seemed like a last resort for these women in poverty.

In addition to economic hardship, political tensions also facilitate the work of traffickers. The social support structures are broken down in conflict and post-conflict situations. Economic crisis and an institutional vacuum usually accompany this political instability. These create the atmosphere for prostitution to flourish in those countries suffering from political tension as it did in Kosovo.<sup>21</sup>

Poverty and stricter immigration controls in wealthy countries serve as part of the explanation for the increasing trafficking cases in the 1990s. The other side of the coin is comprised of the demand for sex services from developing countries in the countries of destination, like Western European countries.

#### *b. Demand for sex services*

It is not only the increasing supply of women, but also the increasing demand

<sup>20</sup> Frank Laczko, Amanda Klekowski von Koppenfels and Jana Barthel, *op. cit.*

<sup>21</sup> International Organization for Migration, "Victims of Trafficking in the Balkans", *op. cit.*

for exotic foreign women in countries of which explain why trafficking has proliferated in the last couple of decades. Specifically, Turkey provides a classic example of how foreign women are demanded in the sex industry. The tendency of Turkish men to prefer blonde prostitutes led to increasing prostitution by blonde women from Central and Eastern European countries starting from the 1990s.<sup>22</sup> This is fuelled by the sexual taboos in the society such as prohibition of sexual intercourse with women before marriage, and by the general encouragement of young boys and men to purchase sex as a way of passage to manhood.<sup>23</sup>

Other factors that contribute to the creation of demand for prostitution and trafficking include abusive international troops, expatriate community, UN peacekeeping forces and humanitarian relief workers.<sup>24</sup> For instance, the Vietnam War accounted for the rise of the sex industry in Thailand. The Thai government agreed to provide "rest and recreation services" to American soldiers in Thailand. The number of prostitutes skyrocketed from 20,000 to 400,000 in 7 years, which later on led to a flourishing

<sup>22</sup> International Organization for Migration, "Irregular Migration and Trafficking in Women: The Case of Turkey" by Prof. Dr. Sema Erder and Dr. Selmin Kaska, November 2003. For further information on the issue, also see "The Natasha Experience: Migrant Sex workers from the Former Soviet Union and Eastern Europe in Turkey", Leyla Gulcur and Pinar Ilkcaracan, *Women's Studies International Forum*, Vol.25, No 4, 2002

<sup>23</sup> Stop Trafficking : Anti-Human Trafficking Newsletter, Vol. 2, No. 2, February 15, 2004

<sup>24</sup> *Ibid.*



of sex tourism.<sup>25</sup> UN peacekeeping forces and humanitarian aid workers in the Balkans, particularly in Kosovo and Bosnia-Herzegovina led to the increase in demand for sex services.<sup>26</sup> The May 2000 Report of Human Rights Watch documented significant complicity of local police, international police, and some Stabilization Forces (peacekeeping forces) in human trafficking in the region. In one case, an SFOR civilian paid seven thousand Deutsche Marks (US \$3057) to purchase two women from a brothel owner.<sup>27</sup> According to a recent report from Johns Hopkins University's School of Advanced International Studies (SAIS) in Washington:

Women from Russia, Ukraine and Central European countries have been trafficked into the region to service the large population of foreign soldiers. A recent investigation by the United Nations found more than 150 Eastern European women who had been forced into prostitution in Bosnian refugee camps...In November 1995, survivors of the former U.N. safe haven in Srebrenica in Bosnia accused Dutch U.N. troops of serious misconduct, including abetting child prostitution. The German Defense Ministry said in December that it would investigate a report that underage girls are working in Macedonia brothels regularly visited

by German peacemakers serving in Kosovo.<sup>28</sup>

### *c. Relative Ease of Entry*

Most trendy trafficking routes include the countries with relatively easy visa regulations and loose border controls. Some countries like Turkey and Egypt employ relatively flexible visa regulations in order to promote tourism.<sup>29</sup> Likewise, free mobility of people within the Schengen visa system attracted traffickers.<sup>30</sup> Those countries which signed the Schengen Agreement in 1990 agreed to abandon control of persons between their territories. With this lack of border controls within EU member states, the women are sold and resold and easily transported to other countries within the Schengen visa system without much problem. Once they are in the system, both traffickers and trafficked can move nearly freely across the states.<sup>31</sup>

One detail to keep in mind should be the possibility that the consular officials, border patrol authorities, and policemen

<sup>25</sup> "Human Rights Impact Assessment on Trafficking in women and girls for Commercial Sexual Exploitation: The case of Thailand", op. cit. p 4

<sup>26</sup> "Human Rights Impact Assessment on Trafficking in women and girls for Commercial Sexual Exploitation: The case of Thailand", op. cit. p 4

<sup>27</sup> Human Rights Watch:  
<http://www.hrw.org/wr2k1/women/women5.html>

<sup>28</sup> Irina Sandul, "East European Women Trapped In Sex Slavery", March 11, 2001, The Washington Times, <http://www.sos-sexisme.org/English/east.htm>

<sup>29</sup> IOM, "Irregular Migration and Trafficking in Women: The Case of Turkey" op cit

<sup>30</sup> Raimo Väyrynen, "Illegal Immigration, Human Trafficking and the Organized Crime", paper by UNU/WIDER for conference on "Poverty, International Migration and Asylum", Finland, September 27-28, 2002

<sup>31</sup> Lea Ackermann, "How does one find and rescue trafficked women in Germany?", Stop Trafficking : Anti-Human Trafficking Newsletter, op cit



may be given incentives such as bribes and threats in order to collaborate with the traffickers. As a result, the traffickers may get the passports and visas relatively easily.<sup>32</sup>

#### *d. Advances in communication*

The advances in technology and communications served as a facilitator for trafficking activities in the world.<sup>33</sup> Increased globalization and technology allowed people to move between borders more freely and without much difficulty.<sup>34</sup> Internet technologies led to the increase in Internet bride services,<sup>35</sup> and it made possible the usage of mobile phones and e-mails for communication among traffickers and for finding clients. With wider coverage of flights, traffickers started to use planes more frequently to transport the trafficked women.

So far, the phenomenon of trafficking and the factors that led to the proliferation of trafficking activities have been examined. For the next section, the focus will be shifted towards the reasons why the trafficking constitutes a problem and its devastating consequences.

### **Why Is Human Trafficking A Problem?**

Trafficking in persons is a serious violation of human rights. People are deceived by use of threat or abuse of power, or are kidnapped for purposes of exploitation. Their dignity is not re-

spected; their right of choice is not recognized. They are not even seen or treated as human. They are sold and bought like commodities.

Some stereotypes of trafficked women, especially in countries of origin, included the general thinking that these women wanted to take part in prostitution and that they were aware that they would be performing sexual acts in countries of destination. The truth however, is that although some women knew that they would be working in the sex industry, they were misled by false information the traffickers gave to them about the terms of work, living and working conditions, and payment. Most of trafficked women found themselves locked up in a room and forced to have sex with many men in a day. Their freedom of movement is severely limited. Some of them cannot even go out without permission or unaccompanied by traffickers. They are physically exploited: beaten, raped or abused. They have no right to decline service to the clients. Some times, they are supposed to perform sexual acts for 16 hours a day regardless of their consent.<sup>36</sup> Their living and working places tend to be the same, which are not in good sanitary condition. When the clients do not want to use contraceptive methods like condoms, victims do not have the right to decline them. This makes the victims vulnerable to the sexually transmitted diseases, including HIV/AIDS, or unwanted pregnancy.<sup>37</sup>

<sup>32</sup> IOM, "Irregular Migration and Trafficking in Women: The Case of Turkey", op cit

<sup>33</sup> Stop Trafficking : Anti-Human Trafficking Newsletter, op cit

<sup>34</sup> Shared Hope International, [www.sharedhope.org/history.htm](http://www.sharedhope.org/history.htm)

<sup>35</sup> One such website for internet bride services is: [www.bride.ru](http://www.bride.ru)

<sup>36</sup> For case studies of trafficking victims, please visit Anti-Trafficking website at <http://www.stophumantraffic.org/sylvia.html> or see IOM, "Irregular Migration and Trafficking in Women: The Case of Turkey" op cit p 43

<sup>37</sup> "Human Rights Impact Assessment on Trafficking in Women and Girls for Com-

What makes the situation even more dreadful is the fact that due to their illegal status in the country, they have little or no access to medical care. They cannot even have regular medical controls. In the cases of unwanted pregnancy, they are forced to have abortions under inhumane conditions.<sup>38</sup> The trafficked people who are forced to work illegally under terrible conditions are no better than the ones sexually exploited. They hardly have any time for rest, they have to work long hours and earn little money. Their living and working conditions are also far from humane.

To sum up, the trafficked people suffer from a variety of physical and psychological health problems.

Melanie Orhant reflects in her work how women are specifically vulnerable to reproductive and other gender-specific health problems. This is particularly true in trafficking situations where women have little or no access to reproductive health care. What women have to face under these circumstances is overwhelming: lack of access to birth control, constant rapes, forced abortions and contraceptive use, lack of regular mammograms and Pap smears, and other health issues. Orhant also calls attention to the conditions of women in domestic servitude are subject to rape and other physical abuse, while women in forced prostitution suffer increased risk of sexually transmitted infections, including HIV/AIDS, repetitive stress injuries, and back problems. Moreover, most trafficked persons suffer from post-traumatic stress and, because of constant physical and psychological abuse, ex-

hibit symptoms associated with survivors of severe trauma and torture.<sup>39</sup>

While the issue of health is seen from the victims' viewpoint, some anti-trafficking activists emphasized the public health perspective. Most clients do not want to use condoms, in the case of an infection with sexually transmitted disease, the clients become infected as well. When they have intercourse with their girlfriends, wives, or other sex partners, they spread the disease mostly without even knowing it. This has been a hot debate in most countries of destination such as Turkey.<sup>40</sup> Along with accusations of spreading diseases, foreign women are also blamed for breaking down family structures in the society. As many men go after the trafficked women, they overlook their own families preferring to spend time and money with those women.<sup>41</sup> The general attitude reflected by media in countries of destination is that these women are "ready for any sexual act any time, are sex bombs."<sup>42</sup> In this way, they fuel the demand for the foreign prostitutes, instead of warning people of the seriousness of the problem.

Having seen the reasons why trafficking is a problem, we can now give more emphasis on what can be done to solve this problem.

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mercial Sexual Exploitation: The Case of Thailand", op cit

<sup>38</sup> Leyla Gulcur and Pinar Ilkcaracan, op cit

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<sup>39</sup> Melanie Orhant, "Trafficking in Persons: Myths, Methods, and Human Rights", op. cit.

<sup>40</sup> For a discussion in a daily newspaper in Turkey: Foreign Prostitutes spread AIDS <http://www.hurriyetim.com.tr/haber/0,,sid~1@w~2@nvid~366086,00.asp>

<sup>41</sup> IOM, Irregular Migration and Trafficking in Women: The Case of Turkey", op. cit.

<sup>42</sup> Personal exposure to such newspaper news in Turkey

## Solutions to the Problem

In order to deal with the problem of trafficking, states have individually and collectively resorted to different policy solutions, the most important of which is to address the root causes that lead to the birth of the problem. As mentioned above, the two main reasons why trafficking is commonplace are the lack of economic opportunities and poverty, and demand for sex services from foreign women. Accordingly, the main policy tools to combat trafficking should be to diminish poverty and to reduce demand for trafficked women. Some activists emphasize the importance of the demand side of the problem which turns out to be the main obstacle in implementing anti-trafficking policies. Enforcing the arrest and prosecution of buyers of sex is challenging because even some high-ranking officials, including judges, lawyers and influential community leaders, do purchase sex themselves.<sup>43</sup> Besides, even the authorities such as police who are supposed to go after the traffickers and prevent forced prostitution overlook such activities in exchange for “gifts” or even worse, they do take part in trafficking and/or prostitution as in the case of trading of foreign prostitutes in Kosovo. Police can help traffickers bring the women/girls to brothels and/or accept bribes from brothel owners to turn a blind eye to their operations. Furthermore, police officers may be regular customers of brothels.<sup>44</sup> If the lawmakers and enforcers already use these services,

<sup>43</sup> Stop Trafficking : Anti-Human Trafficking Newsletter, “The Force of Demand in Global Sex Trafficking”, op. cit

<sup>44</sup> Human Rights Impact Assessment on Trafficking in Women and Girls for Commercial Sexual Exploitation: The Case of Thailand”, op. cit.

how can we expect the ordinary citizens to avoid it?

One aspect of general practice among some societies is the existence of the practice of bachelor parties with use of prostitutes, which may lead to their being raped. Fathers encourage their sons to purchase sex as this practice symbolizes the passage to manhood. What is lying beneath such cultural practices is the general thinking that some forms of sexual violence against women are acceptable.<sup>45</sup> This is also closely linked to “machismo” as some men do not feel that women have rights, especially the ones engaged in prostitution.<sup>46</sup> It is claimed that until men and boys who “buy” sex and exploit prostitutes are held accountable, the sex industry will continue to flourish. That’s why men and boys should criticize their peers who “purchase” sex, rather than encouraging this practice. This would hopefully reduce the demand for prostitution.<sup>47</sup>

To combat poverty and marginalization of women would also help reduce human trafficking. When women have more opportunities, like better jobs matching with their educational and professional background or day-care centers for their babies, they would not have to resort to traffickers to make a living.<sup>48</sup> Besides, women should be given more education and training to make themselves more qualified for jobs.

<sup>45</sup> Stop Trafficking : Anti-Human Trafficking Newsletter, The Force of Demand in Global Sex Trafficking” op cit

<sup>46</sup> Stop Trafficking : Anti-Human Trafficking Newsletter, “The Role of Men and Boys in Gender Equality”, op. cit

<sup>47</sup> Ibid.

<sup>48</sup> IOM, “Trafficking and Prostitution: The Growing Exploitation of Migrant Women from Central and Eastern Europe”, op. cit.

Elimination of root causes is a long-term process of combating trafficking. However, more should be done in the medium- and short-term to fight with this violation of human rights as well. One such short-term policy could be to launch awareness raising campaigns, both in country of origin and in country of destination.<sup>49</sup> Most of the public still do not know much about trafficking, or have little information. With TV shows, radio broadcastings, announcements in bulletin boards and websites, conferences and discussions, the public would be provided more information about how traffickers deceive and recruit young people, mostly children and women. If they know how the trafficking mechanism works, they would be more cautious before accepting job offers abroad.<sup>50</sup> Awareness raising campaigns should not be confined to countries of origin; they should be implemented in countries of destination as well. Information campaigns should alert both general public and officials about the crime. They should be informed and/or trained on how they can help a victim of trafficking. At least, such information campaign should make sure that most people, especially the clients and policy-makers, regard these women as victims, rather than simply law breakers or illegal immigrants.<sup>51</sup> This is crucial because the majority of the public and authorities tend to overlook the fact that these

women are victims at all,<sup>52</sup> which is linked to the underlying thinking that they “chose” to be prostitutes and that they do not have any rights. As a part of these campaigns, educational curriculum can be changed to reflect the harm of gender stereotypes and sexual objectification of women and girls in order to raise awareness among young people.<sup>53</sup>

Both countries of origin and destination should adopt international instruments of combating trafficking like the 2000 UN Convention on Trafficking. They should also make necessary amendments to their national laws and regulations that would recognize the trafficking as a crime and set the penalties for this crime. In the literature, there is still no consensus as to whether or not it would be helpful to criminalize prostitution in order to combat trafficking. While some argue that such criminalization would help reduce the trafficking cases as could be seen in Sweden where prostitution was 80 per cent cut after making it illegal,<sup>54</sup> others claim that with prosecuting only the clients for buying sex, the combat trafficking efforts are deprived of an important source of information - the clients. In addition, if the prostitution is illegal, the victims would hesitate to go to police forces or NGOs due to their illegal status. Such criminalization would also cause the potential clients to go abroad or to push the sex industry underground, to go unreported and unchecked.<sup>55</sup> If the prostitution is

<sup>49</sup>“ IOM Counter-Trafficking Strategy for the Balkans and Neighboring Countries”, January 2001

<sup>50</sup> Ibid.

<sup>51</sup> Patsy Sorensen, “New Perspectives and Policies on Protection of Victims”, , European Conference on Preventing and Combating Trafficking in Human Beings: Global Challenge for the 21<sup>st</sup> Century, 18-20 September, 2002

<sup>52</sup> Ann Jordan, “Human rights or wrongs? The struggle for a rights-based response to trafficking in human beings”, *Gender and Development* Vol. 10, No. 1, March 2002

<sup>53</sup> Stop Trafficking, “The Role of Men and Boys in Gender Equality”, op. cit.

<sup>54</sup> Stop Trafficking, “The Force of Demand in Global Sex Trafficking” op. cit.

<sup>55</sup> Patsy Sorensen , op. cit p 8

legal, the state can impose sanitary standards and regular medical checks.

Effective prosecution of the trafficking would constitute a strong deterrent to the traffickers. The general practice is to deport the foreign prostitutes even if they are victims of trafficking. However, this practice would mean punishing the victims, not the criminals. Thus, new legal mechanisms should be established to punish the traffickers to make sure that they are not getting away with what they do. The current loopholes in the international legal system work to the benefit of traffickers making their work less risky and more profitable.<sup>56</sup> More disincentives to the human traffickers would drive them to work in less perilous businesses.

The next step after raising awareness and recognition that trafficked people are the victims would be to offer protection to the victims. The starting point for that is to train the officials, police or any authority that is likely to make the first contact with trafficked people. If they are trained about the plight of trafficked persons, about their human rights and about the legal mechanisms in that country in cases of trafficking, they can offer better assistance and protection to the victims rescued.<sup>57</sup>

Another key component of assistance and protection to the victims of trafficking is to provide them with a short-term residence permit. This can be done in exchange for their cooperation with the police officers combating organized crime and human trafficking. The rescued victims are the most crucial evi-

dence of the crime of trafficking; therefore, they can facilitate the police to find the traffickers with the help of their testimony. Almost all victims do not want to go to court and give testimony due to the fear of reprisal from the gang of traffickers, and threat to their own or their loved ones' lives. If the police provide the victim with a temporary residence permit and a special protection with a disguised name, then the victims can be persuaded to go to court against their "sellers".<sup>58</sup> If the victims are seen as criminals and illegal immigrants and deported immediately, then the police are deprived of a vital witness to human trafficking.

Protection also includes creating safe havens for rescued trafficking victims, such as shelters or safe houses. In those shelters, women can be provided with medical care, psychological and legal counseling from specialized support staff. The shelters should be safe, sanitary and secure places for the victims. These can be established by NGOs or the state. The shelters can be special houses or unused student dormitories, or any appropriate housing options. They should be run on special guidelines and privacy should be respected.<sup>59</sup>

Even if the trafficking victims are rescued, placed in a shelter, given protection and assistance with necessary counseling, or even if the traffickers are prosecuted, if the victims go back to prostitution and/or to exploitation afterwards, all these efforts would not be fruitful or meaningful. Therefore, the next crucial step in counter-trafficking is to make sure that the people are no longer exploited. This can be done through social reintegration of the rescued victims and through social rehabili-

<sup>56</sup> *ibid.* Also see "The Role of Men and Boys in Gender Equality", *op. cit.*

<sup>57</sup> Conference paper from Conference on "Path breaking Strategies in the Global Fight Against Sex Trafficking", Washington DC, February 23-26, 2003

<sup>58</sup> Patsy Sorensen, *op. cit.*

<sup>59</sup> *Ibid.*

tation such as language courses, vocational training programs,<sup>60</sup> micro credits and self-employment.<sup>61</sup> The reintegration programs can be implemented both in the countries of origin and destination. In the former, the victim must have acquired the work permit along with the residence permit. In the latter, the aim should be to lessen the public humiliation of the victim's plight by his/her family, relatives and acquaintances and to guarantee the self-sufficiency and economic independence.<sup>62</sup>

All of these preventive and protective efforts could be facilitated through cooperation among NGOs, IOs and countries, particularly among countries of origin and destination.<sup>63</sup> Since trafficking can take place across borders, cooperation across borders may also be required. Law enforcement cooperation entails exchange of information, training of law enforcement authorities, mutual legal assistance and joint investigations.<sup>64</sup> Trans-border cooperation is also

crucial in implementing return and/or reintegration programs. The countries of origin and destination can cooperate to make sure that the victim has safely returned home and is no longer exploited.

### **An Alternative Future**

Being a complex problem in terms of its impacts, human trafficking requires a bilateral and/or multilateral action. That is why cooperation among activists, NGOs, and states is vital in the fight against it. Most important of all is to break down the prejudices and stereotypes. People have their biases and presumptions about trafficked persons and the only way to change those false presumptions is to provide people with more information about the plight of the trafficked persons. What is interesting in the efforts to combat trafficking is that the majority of the activists are women. However, more men should be "brought back in". Efficient anti-trafficking activism can only be achieved if more men want to stop human trafficking as well. Men have a great role in this fight as they constitute the majority of buyers of

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<sup>60</sup> Giuseppe Roma, "Victims protection and Assistance: Trafficking in human beings: Methods and Measures for defending and supporting the Victims" Report by CENSIS, Centro Studi Investimenti Sociali, presented at the conference on "European Conference on Preventing and Combating Trafficking in Human Beings: Global Challenge for the 21<sup>st</sup> Century", 18-20 September, 2002

<sup>61</sup> Conference paper presented in "Path breaking Strategies in the Global Fight against Sex Trafficking", Washington DC, February 23-26, 2003, op. cit.

<sup>62</sup> Ibid.

<sup>63</sup> IOM, "Counter-Trafficking Strategy for the Balkans and Neighboring Countries", op. cit.

<sup>64</sup> Angelika Kartusch, "Reference Guide for Anti-trafficking Legislative Review with Particular Emphasis on Southeastern Europe", Ludwig Boltzmann Institute of Human Rights, Vienna, 2001, P 56

sex services. My belief is that with dedication and enthusiasm, and with due counter-trafficking policies and pro-

grams, modern day slavery can be reduced over time, if not eliminated.

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