

TRAFFICKING OF WOMEN IN THE BALKAN REGION

*Dissertation submitted to Jawaharlal Nehru University
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MASTER OF PHILOSOPHY

HEMALATHA. G



**Centre for European Studies
School of International Studies
Jawaharlal Nehru University
New Delhi-110067
India
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DECLARATION

I declare that the dissertation entitled "TRAFFICKING OF WOMEN IN THE BALKAN REGION" submitted by me for the award of the degree of MASTER OF PHILOSOPHY of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this or any other University.

G. Hemalatha
Hemalatha. G

CERTIFICATE

We recommend that the dissertation be placed before the examiners for evaluation.

Ummu Salma Bava

Prof. Ummu Salma Bava

(Chairperson)



Prof. Ummu Salma Bava
Chairperson
Centre for European Studies
School of International Studies
Jawaharlal Nehru University
New Delhi-110067, India

Sheetal Sharma

Dr. Sheetal Sharma

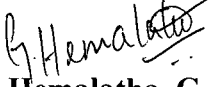
(Supervisor)

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25 July 2011

Dedicated To

*The thousands of Women fighting oppression and exploitation
daily in their lives and on the streets across the world....*

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Abbreviations

CAT	Convention Against Torture
CATW	Coalition Against Trafficking Women
CEDAW	Convention on the Elimination of Discrimination Against Women
EU	European Union
GAATW	Global Alliance Against Traffic in Women
ILO	International Labour Organization
IOM	International Organization for Migration
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women
UNMIK	United Nations Interim Administration Mission In Kosovo
UNODC	United Nations Office on Drugs and Crime
UNOHCHR	United Nations Office of the High Commissioner for Human Rights

Chapter One
Introduction

Background

Some 2.5 million people throughout the world are at any given time recruited, entrapped, transported, and exported - a process called human trafficking (Aradau 2008).

Trafficking in women generates about 12 billion dollars a year, making it the third largest profit industry in the world after trafficking in weapons and drugs (Anker 2006).

These whopping figures are not mere numbers but evidence to clearly exhibit that human trafficking is a phenomenon of global proportions. Trafficking, especially of women, has existed since time immemorial and is largely done for the purpose of sexual exploitation. However, based on statistics available on this subject, it can be said that there has been a rapid rise in the volume and magnitude of traffic in the past few decades. Needless to say, it has reached its pinnacle now with the coerced movement of thousands of persons across borders every day. "6000000 to 8000000 men, women and children are trafficked across international borders each year. Approximately 80 percent are women and girls" (U.S. Department of State Trafficking in Persons Report 2010).

Trafficking of women has developed into a sophisticated system, given the modern day technological advancements that in one way or the other facilitate its proliferation. Old hands such as poverty, deprivation, unemployment, gender inequality and political instability also play their significant roles, as ever, in making women vulnerable leading to its global expansion. This is evident from an International Labour Organization report that states, "The majority of trafficking victims arguably come from the poorest countries and poorest strata of the national population" (U.S. Department of State Trafficking in Persons Report 2010).

Though trafficking of women is spanning the entire globe today, it is also strategically concentrated in specific regions. For instance, the countries of former Soviet Union are mostly reported as source countries, whereas countries of Western Europe and America are categorized as destination regions. In the Asian context, it is the Commonwealth of Independent States and South East Asian region that are prominent in intra-regional trafficking. Similarly, the countries of Latin American, Caribbean and African region are primarily reported as source regions. Therefore, clusters of

geographically proximate countries together form the base for trafficking networks to operate with ease. One such region in South-East Europe is the Balkans. It consists of a combination of all three points, namely origin, transit and destination that makes it an important hub in illegal trading networks. Both inter-regional as well as intra-regional trafficking is prevalent here. According to United Nations Office on Drugs and Crime (UNODC) 2009 report, “each year more than 400,000 women are trafficked through the Balkans to the states of the European Union. Another 170,000 women are trafficked annually into the Balkan region” (UNODC 2009).

In the Balkan region, Moldova, Romania, Albania and Bulgaria mostly serve as source countries from which women are picked for trafficking, while countries like Serbia, Macedonia and Bosnia serve as destination countries where they are forced into sex trade. In the current research, the Balkan region would be taken as a case study, and the phenomenon of trafficking in women in the Balkans would be studied as a social process. Given the fact that the socio-economic and political conditions that persist here have a momentous impact on trafficking, it would provide for an interesting investigation. Studying trafficking as a social process would mean examining the ‘act’ of trafficking in a societal context. Therefore the research would begin by analyzing the facts and data regarding trafficking networks, the actors involved, the trafficking trajectories, and the major concerns with regard to trafficking in the Balkan region. An analysis based on ‘what’ and ‘how’ questions would be done in order to explain the contention. This would be followed by an examination of the other processes which act as determinants of trafficking and would answer the ‘why’ question.

Balkans:

It would be feasible to study Balkan region as a unit as different countries act as different points in the entire process of trafficking as the networks are spread throughout the region and are strongly inter-linked. The geographical position of Balkans, it acts as cross roads between east and west and has become the centre of activity for illegal channels.

Recent IOM (International Organization for Migration) figures show that around

120,000 women are trafficked into the European Union each year, mostly through the Balkans (IOM 2001). Map One in Appendix One is a graphic representation of the Balkan region¹. Around 10,000 women mostly from Moldova, Romania and Ukraine are working in Bosnia and Herzegovina sex trade (UNODC 2009). The two most common trafficking routes begin in Ukraine, Moldova and Romania and move through Serbia and onto west European markets primarily through Hungary and Slovenia, or to destination points in Bosnia, Kosovo or Macedonia. The trafficking routes do not remain the same throughout owing to the responses of the respective governments and international organizations. For instance Map Three of Appendix One shows how there has been the adoption of different trafficking routes towards Albania by trafficking networks in a span of one year². Similarly, change in trafficking routes to Bosnia, Kosovo and Macedonia are represented in each of the Map respectively³. However, this classification of states by origin, transit and destination is not exclusive in nature, as more and more countries are exhibiting characteristics of all three categories and the distinctions between them are blurring. For instance, with the continuing decline in living standards and rising rates of unemployment across the region, states such as Serbia and Bosnia, traditionally classified as destination states, are also becoming states of origin as more women are forced to seek illegal employment in sex trade (Goodey 2004).

This being the current trend, there has been specific reasons working behind the increase in trafficking of women in Balkans and it is imperative to examine these reasons in order to have a comprehensive understanding about trafficking in Balkans. Many common social, economic and political factors prevalent in the Balkan region facilitate trafficking. In particular, changes in the political and socio-economic set up of Balkans during the 1990's have had a profound impact on trafficking in the region. Hence a deep insight into political factors is essential to point out the impact these changes had on trafficking. They also form the background for the empirical study that is undertaken in the research. The foremost influential factors were, fall of

¹ Map 1 of Appendix One Page No. 107 showing the Central Balkan Region.

² Map 3 of Appendix One Page No. 109 showing the changing Trafficking Routes towards Albania.

³ Map 4 of Appendix One page No. 110 showing the changing Trafficking Routes towards Bosnia and Herzegovina.

Map 5 of Appendix One page No. 111 showing the changing Trafficking Routes towards Kosovo.

Map 6 of Appendix One page No. 112 showing the changing Trafficking Routes towards Macedonia.

communism, ethnic conflicts, militarism and its paraphernalia that fuelled trafficking for sexual exploitation in the Balkans. These causal factors would be dealt with and analysed one by one in the research.

At the outset, it can be said that political turbulences create instability within a country or region even though the nature of it may differ. In the European context, the end of cold war coincided with the expansion of sex trafficking in women from Eastern, Southern and Central Europe. The social changes created due to transition from communism, in the 1980's and 1990's, enabled trafficking of women from these regions into the western European society and established itself with full force within a few years. Heyzer (2002) notes that until the rise of the modern nation state, most forms of migration were essentially voluntary, as people moved to escape some form of deprivation in the area of origin or to benefit from some anticipated opportunity in the area of destination. However, with the introduction of international travel documents and border controls, population movement became regulated. Migrants who failed to meet entry criteria set by countries of intended destination therefore become illegal, giving rise to both people smuggling and trafficking (Heyzer 2002). These changes amounted to shorter distances and fewer expenses involved in trafficking due to the opening up of borders, political instability and the sudden lacuna created by fall of communism that led to panic in the society's work force in regions such as the Balkans.

The opening up of the trafficking trade within Europe also led to changes in perceptions of gender and sexuality in the European society. Women from these regions were seen as sex objects who were racially compatible to the white customers than their Asian counterparts. This in turn created an increase in demand for European women in the sex industry. Whereas on the other hand, more and more women from the underdeveloped regions of Europe began to look for opportunities abroad with regard to employment as there was nothing promising for them in the home ground. This created the climate ripe for traffickers who themselves got into trafficking jobs given the lack of employment opportunities otherwise. This formed a vicious circle of supply and demand within the European sex industry fuelling trafficking in the Eastern, Central and Southern European region.⁴ A representation of Morehouse

⁴ Before this phase began, Asian women were the most prominent among the trafficked people into the sex industry of Europe.

(2009) shows the open circle of human trafficking which depicts the causes that lead to increase in trafficking⁵.

Hence, an examination of the impact of end of cold war and fall of communism becomes pertinent in the current research.

The second issue that is dealt with in this research is the study of the impact created by ethnic conflicts and militarization that lead to increase in trafficking of women. Specific conflict and post-conflict situations create instability and drastic social changes in general in the society. Even though countries and provinces like Bosnia-Herzegovina, Croatia, Kosovo, Macedonia, and Serbia and Montenegro experienced serious conflict after Yugoslavia collapsed in 1991, the later wars fought within present day Balkans had a greater impact on women in particular, as these wars were infamously known for their gender related war crimes. War rapes and forced prostitution were used as means of wartime violence in the Balkans. Rape camps, brothels and gang rapes were common phenomena at that point of time, and the methods used to bring women to these camps were extremely cruel and humiliating.

News about women held in sexual slavery appeared in newspapers starting from late 1993, about how Muslim women were forced into prostitution and held in sexual slavery by Serbs. Many reports also shows the complicit nature of the soldiers of UN peacekeeping forces in Bosnia, who themselves were regular clients of women held in captivity. The situation was no different in Kosovo during the Kosovo war; the Albanian mafia largely used the refugee crisis during the Kosovo conflict to NATO intervention for trafficking Albanian and Roma women from Kosovo to Italy and other western countries. Post-war militarization and the large presence of international organizations further contributed to the growth of sex trafficking in Balkans. The end of hostilities and arrival of peacekeeping forces led to increase in the number of brothels in the war-torn areas. These forces which are still present in these regions continue to fuel trafficking by creating larger demand for women in the sex industry. These are few of the many factors that enable the cancerous growth of trafficking in the Balkan region.

⁵ Figure 1 of Appendix Two Page No.114.

Besides these reasons, the root cause of the problem lies in the nature of the Balkan society itself. Even though there is an ever-present market demand for sexual services in developed countries which acts as a catalyst for the increase in trafficking, it cannot be denied that adverse socio- economic conditions make trafficking all the more possible and eventually a flourishing trade in most underdeveloped and developing regions like the Balkans. A cumulative effect of these factors and lack of proper law enforcement agencies within these countries enhance trafficking rapidly. On the economic level, women suffer the bulk of discrimination in employment that pushes them into desperate social situations. According to an UNODC Report, “The most common recruiting method used by Balkan-based groups consists of promises of employment” (UNODC 2009).

Seemingly legitimate offers of employment in affluent countries attract women with the promise of being able to make sums of money that far exceed what they might earn at home. Women respond to advertisements, in newspapers for offers of works as au pairs, bar attendants and dancers and accept these jobs without much scrutiny. They are also approached by men in public places such as bars, discos, city bus stations where women arrive seeking employment opportunities from the rural hinterlands with promises of opportunities abroad. In other cases, they are effectively sold by relatives or male acquaintances into the hands of traffickers. Women are targeted by other women with enticements to work abroad; often by women themselves who have been trafficked and are in the services of traffickers. Some women give initial consent to be transported from one country to the other, and even consent to work as prostitutes. But their situation becomes one of trafficking once their freedom to pursue their own ends is removed and others profit from their exploitation (Goodey 2004).

This necessitates the examination of the role of important socio-economic factors like poverty, deprivation, lack of employment opportunities and gender inequality in fuelling trafficking. With regard to women in particular, literature on studying the vulnerability in their social context emerges as the missing link therein creating a gap in formulating policies and practices with regard to trafficking. This research would attempt to contribute in filling these gaps in order to address the real problems of the vulnerable women. It also intends to bring out the correlation between trafficking in

women and the dynamic features of the Balkan society, and to analyse the profound impact that the nature of society and politics have on the process of trafficking itself. The research would endeavour to find the similarities and differences between the natures of society of the Balkan states. Along with the analysis of the causal factors, an examination of the consequences is done in order to complete the investigation. An analysis of the after-effects of trafficking is in this regard. With respect to victims, the implications of being trafficked and sexually exploited would be explored and with regard to the state, the reluctance to undertaking responsibility and the possible areas of interventions in the given field is examined.

Review of Literature

As the research involves studying and analyzing various concepts and issues that are inter-linked with trafficking, it requires the reference of more than one corpus of literature for an in-depth understanding. With literature taken from different fields such as sociology, international relations, economics and politics, the study would be multi-disciplinary in nature. In this regard, the literature review is under three broad rubrics. The first section relates to the works that would be laying theoretical foundation for the research. This includes works operating within Marxist and feminist frameworks, mainly on women, globalization, prostitution and the vulnerability caused in women depending on the nature of the society they live in.

The second section consists of review of works that deal with the broader concepts of human trafficking, and trafficking of women for sexual exploitation in the world and specifically in Europe. In the third section, a review of literature on trafficking of women for the purpose of sexual exploitation and its causal factors exclusively in the Balkan region is done. This section includes review of works that mainly deal with the analysis of the initiatives of international organizations, non-governmental organizations and the national governments world over and in the Balkan region and their effectiveness so far in curbing trafficking.

Review of these works help in finding the gaps therein in studying the process of trafficking. These gaps are mainly created due to lack of a fundamental and holistic approach to the problem of trafficking as most of these approaches are either aimed at

short term achievements or long term goals not taking into account the possibility of practical implications. But it has to be stated that these works can have overlapping tendencies, as they can fall under any of the above mentioned three categories, given the generality or the specificity of the work. The most widely used sources of data on trafficking are provided by international and local Non Governmental Organizations involved in assisting, and often repatriating trafficked women. Apart from books and articles, a number of reports and surveys were taken into account for the research.

Theoretical Foundation

An important work that lays the theoretical background to the research is the “The Origin of the Family, Private Property and the State” (1884) by Engels and Marx. The book was inspired by works of Lewis Henry Morgan whose work, “Ancient Society” was a pioneering research on understanding the evolution of human social organization. The whole book revolves around a materialist analysis of development and change in human society and its institutions. With regard to women and oppression, they argue that the rise of a class society pushes women out of work force stating various reasons which in turn makes them vulnerable to exploitation and to bolster the argument that women are meant to be at home as unpaid care-givers. In this seminal work, they argue that a woman’s subordination is not a result of her biological disposition but of social relations. According to Engels, subordination of women is a comparatively recent phenomenon, beginning in the epoch of barbarism. He asserts that exclusion of women from social production lead to oppression of women as household work became their private domain. On the whole the book focuses on elimination of gender and class inequality. This work of Engels serves as the basic framework for the research.

Another book that is an important reference in the study and in laying the basic framework is “Poverty and the Production of World Politics” (2006) edited by Matt Davies and Magnus Dyer. This book deals with the Global poverty as a central concern for world politics, and discusses the impact of the “global poor” on the contemporary world order and the power relations involved. The fifth chapter, “Prostitution and Globalization: Notes on a Feminist Debate” by Silvia Federici is the most relevant one to the study, as it examines the impact of globalization on prostitution which the author categorizes under unprotected work. She analyses how it

has sparked a controversy in the international feminist circles over the politics of prostitution in the global economy. She argues that there is a gap in the feminist debates, from both abolitionist and libertarian stances that do not take into consideration the possibility of a social struggle in an international context with regard to possible alternatives. She takes more of a skeptic's stand with regard to globalization and attempts to provide an alternative to the existing stands with regard to prostitution. She asserts that the feminists have a role to play in connecting the struggle of sex workers with that of the other workers and with the other social movements that are resisting globalization in order to come up with an alternative solution.

The historical debates and references with regard to prostitution are present in the edited book named "The Politics of Prostitution, Women's Movements, Democratic States and the Globalisation of Sex Commerce" (2004) by Joyce Outshoorn. It offers a systematic analysis of the impact that women's movements have had in shaping prostitution policy in democratic states in the last three decades. This compilation is a comparative study of changes in prostitution policies within various western countries. The book is divided into three parts.

The first part, titled, "Understanding systems of Prostitution" provides an overview of the negative aspects of prostitution. Articles draw links between prostitution and issues such as racism, colonialism, poverty, new communication technologies and drug-addiction. Strategies employed by pimps and brothel owners, owners of film companies, clients and different kinds of supporters of prostitution are also included. The second part is called 'Resisting the Sexual New World Order'. Here articles discuss topics such as the connections between prostitution and globalization, the co-operation of unions with the sex-industry, the sexism of pro-prostitution activists and other 'sex-positivists', and the silencing of voices against sexual exploitation. Articles in the third part titled 'Surviving, Conceiving, Confronting' investigates the spread of prostitution both locally and globally, and the harm of mainstream heterosexual as well as lesbian and gay pornography to women and men.

The editor's aim was to develop new grounds in the debate for or against prostitution (p.xiii) The book attempts to answer the main question of 'whether governments have

actually improved women's status, promoted women's rights and reduced gender-hierarchies that are the basis of inequalities between women and men' (Outshoorn: 1). Even though the focus is on western countries, it can be used to contextualize the present research within globally occurring changes, given its comparative disposition.

"Globalization, Prostitution and Corporeal Politics" (2008), by Elina Penttinen, gives an insight into the kind of subjectivities and the forms of agencies that are produced by globalization in a society. The author tries to bring out the relationship between globalization and prostitution and how the former impacts the latter. Individuals are negatively affected by globalization, or rather commercialized, that is, produced as subjects. She says that globalization forms agencies that are gendered which concretize the global sex industry. The author argues that globalization and breaking down of borders has led to increase in movement of women from one country to another and a change in perception of sexuality given the forms of liberalization and globalization. The author substantiates this with the classic example of the 'Eastern Girl' concept, which has evolved lately. Before globalization of world economy, there was no concept such as the eastern girl. But with commercialization and advent of sex business, it has become a reference to women in the sex trade.

Another notable contribution in this regard comes from the UNODC document titled "An introduction to human trafficking: Vulnerability, Impact and Action" (2008) prepared by the anti-trafficking unit of the UNODC. This is a comprehensive work that operates around three central themes namely, Vulnerability, Impact and Action and these themes reflect the key issues to be addressed not only in case of anti-trafficking measures, but also victim protection.

Trafficking of Women for Sexual Exploitation

"The Links Between Prostitution and Sex Trafficking: A Briefing Handbook" (2006) by Monica O'Connor and Grainne Healy is a basic reading that looks into the connection between prostitution and sex trafficking, the importance of programmes and policies that are based on gender equality, the legal status of the sex industry, and the male demand for prostitution that promote sex trafficking. The author takes a feminist stance and strongly argues that male demand for women is the root cause for trafficking. Its approach toward prostitution is also on the same lines, indicating that

commercialization of sexual services arise out of demand from the other sex which is explained in the 3rd section of the book. On the whole, the author rejects prostitution as a profession, and names prostitution and trafficking as violence against women, even if it involves consent from the woman's side.

Another significant work in this section is "Rethinking Trafficking in Women: Politics out of Security" (2008) by Claudia Aradau, explores the complex relationship between security, subjectivity and politics with regard to trafficking in women. Aradau argues that security practices reproduce a politics of dependence and inequality. 'Politics out of security' on the contrary, is formulated around universality, equality and freedom. In the situation of trafficking, she argues that there is incompatibility between the security measures that are based on unreliable data and the concepts of equality and universality. Aradau emphasizes that the reduction of politics to security limits struggles for equality and freedom and entrenches divisions and boundaries in the world and hence in her view, security is not the sole answer to trafficking.

"Trafficking and Women's Rights" (2003), edited by Christien L. Van Den Anker and Jeroen Doomernik is another book that falls under this section. The whole book moves on the basic premise of ways to combat trafficking. The first two chapters along with chapter outline the limitations and problems in defining the term "trafficking" and conducting research on the subject. Another area in the first chapter is state's role in creating the condition in which employers benefit from using trafficked or otherwise unfree labour. The author argues that trafficking creates moral hierarchies of deserving and undeserving victims. Furthermore, the author asserts that considering trafficking as a part of transnational criminal networks allows the states to implement anti migration policies in the name of pro-human right policies.

Van Liempt in chapter two discusses the issue of how to measure exploitation in order to establish that trafficking has taken place and shows that restrictive immigration policies make women especially vulnerable to trafficking. The final section of the chapter discusses the organized crime angle of the Palermo Protocol. In chapter three, Donna Dickinson deals with the issue of consent in the current debate on trafficking. She draws parallels in Marxist arguments on unfree labour, arguments on adaptative

preferences and feminist theory on the social construction of women. Grafalo in chapter 5 develops a feminist economic perspective on trafficking in the sex industry. She emphasizes on promoting the freedom to exit from work and promoting freedom of movement should become priorities in anti trafficking policies instead of the current policies. The rest of the chapters deal with law, policy making and women's rights situating trafficking. The book on the whole provides an up-to-date overview of the conceptual developments in the debates on trafficking as well as a critical analysis of the policies being developed across Europe.

Apart from these works, many reports from organizations such as the UNODC, IOM and government sources such as the U.S department of state reports were referred for the research. One such report is "The global report on trafficking in persons (2009)" published by the U.S Department of State. It is one of the most comprehensive documents available on trafficking worldwide. The first section of this report gives a global overview of trafficking with regard to legislation, trafficking patterns, trafficking flows, and trends. The second section consists of country profiles that provide data and figures regarding trafficking in each of the country examined. The country profile is classified under different regions of the world such as Middle East and North Africa, West and Central Africa, East Africa, Southern Africa, North America, Central America and the Caribbean, South Africa, East Asia and the Pacific, and so on. This categorization according to specific regions helps in understanding intra-regional trafficking and its nuances.

The UNODC (2009) report titled "Trafficking in persons: Analysis in Europe" is another document that was referred for the research. This report was produced in the studies and threat analysis section of UNODC. This report deals exclusively with trafficking in Europe and the three main sections that are dealt with are, national responses to trafficking, human trafficking flows, and trafficking patterns in Europe. This is more of a descriptive document encompassing facts and figures regarding trafficking in Europe. the researchers compiled the data by contacting the relevant national governments in three subject areas namely, legislative and administrative frameworks, criminal justice data, profile of offenders, and the number victims identified with their profiles. The statistics given in this document are to a large extent reliable than the much-hyped media figures. The information pertains to the period

2003 to 2008, enabling a comparison of data between European countries involved in traffic.

Trafficking in the Balkan Region

“Victims of Trafficking in the Balkans: A study of trafficking in women and children for sexual exploitation to, through and from the Balkan region (2001)”, is an IOM publication that sheds light on the process of trafficking in the Balkan region. It aims to establish the extent of trafficking that is prevalent in the Balkans. By using the term Balkans, the study implies these countries: Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Hungary, Kosovo, the Former Yugoslav Republic of Macedonia, Moldova, Montenegro, Romania, Slovenia, and the Federal Republic of Yugoslavia. The major recommendations of this study are in the fields of legislation, assistance to victims, prevention through awareness, data segregation, information sharing at the international level, differentiation of migration and trafficking, and appointing national level counter trafficking officials.

A similar report brought about by three international organizations UNICEF, UNOHCHR, ODIHR in 2002, titled “ Trafficking in Human Beings in South East Europe” follows up the above mentioned document on reporting and updating information about trafficking in the south East European region. The first section “ Introduction and overview” give an outline about the concept of trafficking in general and the paraphernalia attached to it in terms of migration, prostitution, health problems, etc. the second section is on the regional initiatives taken up for combating trafficking. This further is done under three headings, namely, initiatives by national governments, international organizations and Non Governmental Organizations. The initiatives by national governments pertains to pacts, agreements and actions of countries of southeast Europe, whereas the second sub section deals with the role of international organizations in the whole of Europe with regard to combating trafficking. The third section is on the role of Non Governmental Organizations on both global and European level. This is followed by the country profiles of each of the south east European country. An overview regarding trafficking, current responses and an overview of activities in each of these countries constitute the country profiles. At the end, a chapter is dedicated to victim referral systems and assistance systems. The report concludes with some valuable arguments with regard to curbing of

trafficking in the South East European region.

“Traffickers and Trafficking in Southern and Eastern Europe: Considering the Other Side of Human Trafficking” (2008), by Rebecca Surtees, describes the patterns of trafficking from and within South-Eastern Europe, with particular attention to traffickers and their activities. Hence it gives a bird’s eye view of the other side of trafficking, that is, the traffickers’ side and the kind of operations they use to traffic people. By pointing out the characteristics of the traffickers, the article helps in formulating policies and methods to tackle trafficking. She argues that till date, more of attention has been given to victims of trafficking in an effort to develop counter-trafficking measures. According to her there is a need to address trafficker’s behaviour through more effective law enforcement agencies. In her view, reforms brought about in these means would make traffickers reassess the economic benefits of their current strategies. This observation she does in the context of South East Europe and thus makes the article relevant to the current research.

Another important work in relation to human trafficking in Balkans is done by Sarah Mendelson for the Centre for Strategic and International Studies titled, “Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans” (2005). The central theme of the report is about peacekeeping forces in the Balkans and the fuelling of trafficking and forced prostitution by the army personnel from these forces. This report finds that the way in which peacekeepers in these regions have perceived human trafficking has inhibited their ability to respond to it. The findings of the report prove that the army barracks and brothels are at proximity, and is increasingly becoming more proximate given the demand for sexual services by the peacekeeping forces. The author also dedicates a chapter to understanding the security dimension of human trafficking by putting it in the organized crimes context. In the third section there are many excerpts from interviews among the victims as well as the army personnel belonging to the peacekeeping forces, which give a general idea about the knowledge and attitudes regarding trafficking. She also brings out the relation between trafficking and prostitution in war torn areas leading to a blurring of distinction between the two as they overlap. On the whole it is an interesting investigation on the negative role of peace keeping forces in the increase in trafficking and forced prostitution in war torn areas.

Definition, Rationale and Scope of Study

With the alarming rise in the number of people trafficked into sex industry everyday, an understanding of the factors responsible for it assumes significance. Even though there are many factors that are responsible for trafficking, there are certain factors that make trafficking feasible as well as uncontrollable in some regions. The Balkan region of Europe is one such region, as there have been economic, political and social turbulences that have fuelled trafficking and sexual exploitation directly or indirectly. The research intends to bring out the correlation between trafficking in women and the dynamic features of the Balkan society, and to analyse the profound impact that the nature of society and politics have on the process of trafficking itself.

The rationale of the study pertains to the increase in trafficking of women world over, and specifically in developing regions like the Balkans. However, to curb trafficking, the question of “why is it happening?” has to be answered and the root causes of trafficking have to be determined. Moreover, with the rapid globalization and Information, Communication and Technology revolution around the corner, the magnitude of trafficking across borders is steadily shooting up, sometimes leaving no choice for the state, but to implement strict immigration laws instead of addressing the root causes. These laws in turn do not deter the traffickers, as loop holes for evading law enforcement agencies and taking the trade underground are ever present. Therefore a comprehensive approach to the study of trafficking and prostitution would help in aspects of policy making and regional and international cooperative measures to curb trafficking. The rationale behind the research therefore lies in the idea of comprehending ways to emancipate women from the societal pressures, whether direct or indirect, those push them into a vulnerable position to get trafficked and/or sexually exploited and to look deeper into the problem to find the fundamental issues.

It is evident from the literature available on trafficking and prostitution, which covers a range of disciplines that study them and provide an array of views on the same, that there is scope and relevance attached to the subject. Also in the context of newly stemming perspectives regarding gender and sexuality in a globalizing world, it is necessary to place this age old, but dynamic process under academic scrutiny. Therefore the research would comment on the perception of the society with regard to

gender and sexuality and the overall impact of the social constructs on women, which differ from society to society.

Research Questions

- 1) What are the conditions that create the climate ripe for trafficking in women for sexual exploitation?
- 2) Does the political set up of the Balkan society and its dynamics have an impact on trafficking and the question of sexuality?
- 3) What are the changes in perspective of the Balkan society towards trafficked women and sexual services in the post-war period?
- 4) What are the main challenges that the victims of trafficking in the Balkans face and are the current initiatives of EU and other organizations effective enough?
- 5) Strict immigration laws, prosecution of offenders and victim support systems or uprooting the fundamental problem of the society; is a one way approach feasible towards curbing of trafficking?

Hypothesis

- 1) In adverse social, economic and political situations, vulnerability of women increases which leads to increase in trafficking and sexual exploitation.
- 2) Improvement of the social, economic and political conditions of women would help in uprooting trafficking and sexual exploitation in the Balkans.
- 3) Though there are serious efforts to combat trafficking in terms of strengthening law enforcement agencies and rehabilitation provided to victims, only a holistic approach would effectively address the fundamental reasons behind increase in trafficking, which is deep rooted in the Balkan society.

Research Methods

The research uses of both quantitative as well as qualitative research methods. The research's main focus is on bringing out the similarities and differences in causal factors, with regard to trafficking in women, between different countries within the Balkan region. For this purpose, the research uses a comparative approach. Within the Balkan region, the individual states are sufficiently similar in certain aspects and different too. Although there are differences among the countries, they are inter-

linked in such a way that they provide for the push and pull factors for trafficking within and outside these regions. This enhances the possibility of a comparative study which would help in generalizing regarding the Balkan society. A comparison among the Balkan states with respect to certain independent variables like poverty, deprivation, unemployment, gender roles, perceptions on gender and sexuality, impact of war and political turbulences, and nature of the economy is carried out.

The research operates within a Marxist-feminist paradigm. In their seminal work-“The Origin of Family, Private Property and the State”, Marx and Engels argue that a woman’s subordination is not a result of her biological disposition but of social relations. Therefore, women being viewed as biological beings meant only to perform certain tasks, is in itself a social construct. This gives way to the confinement of women in certain work spheres, mostly domestic. The restriction of entry of women into the larger work force makes them suffer the bulk of economic discrimination. Such conditions push them into desperate social situations that necessitate drastic responses. Marxist feminists argue that economic inequality, dependence, political confusion and unhealthy social relations between men and women arises out of capitalism and private property ownership and is the root of women’s oppression in the current social context. This would be the basic framework of the research as it intends to study the problem of trafficking in women and the root causes for its increase from the same perspective.

To get an overview of the magnitude and volume of trafficking and prostitution, statistical data is used. The quantitative data would be generated from various surveys and reports undertaken by the European Union and International Organizations such as the United Nations Office on Drugs and Crime, International Organization for Migration, etc. is consulted for analysis of policy stance and strategies used so far. The websites are:

<http://www.unodc.org>

<http://www.iom.int>

<http://www.globalizacija.com/>

<http://www.amnesty.org/>

<http://www.prostitutionresearch.com/>

<http://www.rapeis.org>
<http://www.unicef.de>
<http://www.stopthetraffik.org>
<http://www.humantrafficking.org/>,
<http://www.bosnia.org.uk/>
<http://www.ncjrs.gov>
<http://www.cwgl.rutgers.edu/>

Apart from data at the international level, data obtained at the regional and national level from various databases is used.

Limitations

However, it is pertinent to mention that there is a limitation with respect to use of data in the given subject. The reason being limited availability of reliable data on the scale of trafficking and on the nature of trafficking trajectories. The lack of authentic surveys and appropriate evaluation research on the governmental policies in most developing regions like Balkans also adds to the restriction.

Chapters

The research is divided into following five chapters.

Chapter 1

Introduction- The first chapter is a description of the undertaken research project along with a critical survey of the literary sources pertinent to the study. An enumeration of the research questions and hypothesis is followed by a brief discussion on the limitations of the study.

Chapter 2

Trafficking of Women: An Overview - This chapter is divided into two sections. The first section consists of an examination of the concept of trafficking, and the discourses/perspectives on trafficking in women for sexual exploitation. It is followed by an analysis of the impact of globalization on trafficking. The second section elaborates on global patterns in trafficking of women for sexual exploitation followed

by an examination of data regarding trafficking of women in Europe in order to provide a background to the study.

Chapter 3

Trafficking of Women in the Balkan Region - This chapter attempts to give an account of the factors responsible for the rise in trafficking. This chapter brings out the similarities and differences between the Balkan states in the context of trafficking and sexual exploitation prevalent there.

Chapter 4

International Responses: Rhetoric and Reality - This chapter analyses the consequences of trafficking in the Balkans, with regard to the traffickers, victims and the state in the contemporary period. It involves an analysis on the role combat strategies of the national governments of the Balkan states, the EU and other International Organizations in the region and the possibilities of change in near future.

Chapter 5

Conclusion: The Way Forward - This chapter critically examines the efforts of the European Union, International Organizations, and Non-Governmental Organizations in combating trafficking and the extent to which they have been successful. The main findings of the study will be presented thematically in this chapter. It raises pertinent questions to be taken up for future discussion regarding the issue of trafficking.

Chapter Two
Trafficking of Women:
An Overview

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Conceptualizing Trafficking

Being the central concept in the work, it is imperative to draw the basic contours of “Trafficking in Persons” before embarking into the contention of the research. As a starting point towards it, it is useful to define the same. According to Article 3, Paragraph (a) of the Protocol⁶ To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing The United Nations Convention Against Transnational Organized Crime⁷ (2000),

“Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation⁸, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (UNODC 2006).⁹

It is pertinent to mention that this protocol on ‘Trafficking in Persons’ provides the first definition of the term in a legally binding international instrument (American Journal of International Law 2001). Previous instruments to fight trafficking in persons and forced prostitution, such as the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,¹⁰ or the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),¹¹ failed to provide a definition of trafficking in persons and focused mainly on the punishment of traffickers. According to the United Nations Office on Drugs and Crime, the definition of trafficking in persons is “central to addressing the

⁶Also referred to as Trafficking Protocol.

⁷Hereafter referred to as UNODC

⁸Where the consent of the trafficked victim is rendered “irrelevant” (United Nations 2000b as cited in Sharma, 2005)

⁹Protocol on Trafficking, supra note 2, Art. 3. Significantly, the protocol provides that the consent of a victim to such exploitation is irrelevant if any of the means set forth in the definition have been used, and that exploitation of a child (under 18 years of age) is trafficking even if it does not involve any of the means set forth in the definition. (American Journal of International Law, 2001)

¹⁰Cited from <http://www.unhchr.ch/html/menu3/b/33.htm>.

¹¹Cited from <http://www.unhchr.ch/html/menu3/b/1cedaw.htm>.

activity of trafficking in persons” and is divided into three separate parts namely, criminal acts, the means used to commit those acts and goals, for the purpose of various forms of exploitation (UNODC 2006).

While the above definition seems to be the widely accepted one, there are other organizations and government agencies that define the concept in various ways. These agencies criticize the UN Trafficking Protocol for its various limitations. Some consider that it does not require national governments to assist trafficked persons and hence reiterates a criminalization approach (Berman 2003), the argument being, any governmental protection or assistance provided becomes a means of facilitating the prosecution of criminals rather than addressing the situation of the trafficked person, allows traffickers to ‘continue to operate with impunity’ and does not guarantee that the trafficked person will not be prosecuted as a criminal, detained and/or deported (Global Alliance Against Trafficking in Women¹² [GAATW] 2000). Another criticism from the Special Rapporteur on Violence Against Women is that the term trafficking is being used to refer to an incommensurate range of activities; she seeks instead ‘new understandings of trafficking that derive from an assessment of the current needs of trafficked persons in general and trafficked women in particular’ (GAATW 2001).

However, there are definitions by other agencies that also focus on particular issues within the context of trafficking and hence prioritize their concerns. For instance, in Section 103(8) of the Victims of Trafficking and Violence Protection Act of 2000, the U.S Congress enacted a definition of the crime, establishing that a severe form of trafficking is:

- (a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (b) The recruitment, harboring, transportation, provision, or obtaining of a person for labour or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (Esquibel 2005).

¹² Hereafter referred as GAATW

While broadly defining “trafficking in persons” in a manner consistent with the protocol, the law distinguishes “sex trafficking”, meaning any activity involving a commercial sexual act, from “severe forms of trafficking,” i.e., activities involving force, fraud, or coercion. The operative provisions of the law apply only to the latter type of trafficking (American Journal of International Law 2001) In the European context, definition contained in the January 18, 1996 European Parliament resolution condemning the practice reads as,

“The illegal action of someone who, directly or indirectly, encourages a citizen from a third country to enter or stay in another country in order to exploit that person by using deceit or any other form of coercion or by abusing that person’s vulnerable situation or administrative status (Johnson 1999).

On the same lines as the U.S congress definition, The Council of Europe defines “Trafficking in women” and “forced prostitution”,

“any legal or illegal transporting of women and/or trade in them, with or without their initial consent, for economic gain, with the purpose of subsequent forced prostitution, forced marriage or other forms of forced sexual exploitation. The use of force may be physical, sexual and/or psychological, and includes intimidation, rape and abuse of authority or of a position of vulnerability.”¹³

Following that, the Committee of Ministers Recommendation (2000) defined “Trafficking in human beings for the purpose of sexual exploitation” as,

“the procurement by one or more natural or legal persons and/or the organization of the exploitation and/or transport or migration, legal or illegal, of persons, even with their consent, for the purpose of their sexual exploitation, inter alia by means of coercion, in particular violence or threats, deceit or abuse of authority or of a position of vulnerability.

From a Human Rights perspective, the Global Alliance Against Trafficking in

¹³ Report of the Committee on Legal Affairs and Human Rights, Eur. Consult. Ass., 13th Sess. Doc. No. 7785 (Apr. 23, 1997).

Women has developed the following definition,

“All acts and attempted acts involved in the recruitment, transportation within and across borders, purchase, sale, transfer, receipt or harbouring of a person involving the use of deception, coercion (including the use or threat of force or the abuse of authority) or debt bondage for the purpose of placing or holding such person, whether for pay or not, in servitude (domestic, sexual or reproductive), in forced or bonded labour, or in slavery like conditions, in a community, other than the one in which such person lived at the time of the original deception, coercion or debt bondage” (GAATW 2001).

Exploring definitional disagreements can appear as an abstract, academic debate, but how trafficking is defined affects access to support, protection and redress and what actions are considered criminal acts (Kelly 2003). The anomalies such as the differing positions above ranging from over-inclusive definitions that encompass all foreign women involved in prostitution, to restrictive narrow definitions which exclude trafficked people from the victims/trafficked category where there is no evidence of ‘force’ at the initial recruitment stage. An over-inclusive definition serves to legitimize heavy-handed law enforcement ‘clean-up’ campaigns that result in mass deportations, while ignoring both the traffickers and whether any nationals are being subjected to sexual exploitation. Under-inclusive definitions result in women being denied access to redress and support. For example, it appears that many law enforcement officials and other practitioners in the Balkans are applying the most narrow definition, thus preventing the majority of foreign women detected accessing support services, and even subjecting many to terms of detainment and prosecution (UNICEF et al., 2002 as quoted in Kelly 2003).

Differences between smuggling and trafficking

In the given context, distinguishing trafficking from smuggling is essential as they are often used inter-changeably, but incorrectly. At both conceptual and policy level, clear differentiation between human smuggling and trafficking has been reiterated, most recently in the UN Convention on Transnational Organised Crime (Kelly 2003). Article 3(a) of The UN protocol against the smuggling of migrants by land, sea and air, supplementing the 2000 UN Convention Against Transnational Organized Crime

states,

“smuggling in migrants shall mean the procurement, in order to obtain directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or a permanent resident” (UN 2000).

According to the Trafficking Protocol, consent to leave a country and work abroad does not determine the dividing line between smuggling of migrants and trafficking in persons. What began as a voluntary activity on the part of the migrant, who may in fact have sought out the services of the smuggler, will still qualify as a case of trafficking in persons if the initial consent of the victim was gained through the use of deception, coercion or any other means, and exploitation subsequently takes place (UNODC 2006).

Significantly, the protocol provides that the consent of a victim to such exploitation is irrelevant if any of the means set forth in the definition have been used, and that exploitation of a child under 18 years of age is trafficking even if it does not involve any of the means set forth in the definition (American Journal of International Law, 2001). It is important to note that a child under the age of 18 cannot give his or her consent even if none of the means of trafficking are used. In other words, even if a child is not threatened, no force is used against him or her, and she is not coerced, abducted or deceived, a child cannot legally consent to the act of trafficking in persons for the purpose of exploitation. Moreover, even the custodian of the child cannot give consent to the human trafficking act for the purpose of exploitation (UNODC 2006).

According to an UNODC 2006 report, there is initial consent or cooperation between victims and traffickers in many cases. This is followed by more coercive, abusive and exploitive actions on the part of traffickers. Anyone placing themselves in the hands of smugglers surrenders a degree of control over their fate, and for some the outcome may be being trafficked into sexual exploitation, or forms of forced and bonded labour. Further complexities emerge when, in the case of deceptive recruitment into trafficking, it is clear that women believe that the contract they are making is to be

smuggled in order to take up a legitimate employment offer. Looking at the question from another angle, while at lower levels many smugglers are small-scale operators assisting those who feel they have few options other than to illegally migrate, many are also traffickers, not only exploiting those they transport, but subjecting them to 'dangerous and inhumane' treatment, such as locking them in vehicles and containers without water and food for days on end (Kelly 2003). By making the consent of the migrant in her/his movement across borders "irrelevant" if they experience any form of deception, coercion, or abuse in the process, this definition also dramatically expands the scope of trafficking (Sharma 2005).

According to Jo Goodey, exploitation at every level distinguishes trafficking from smuggling, especially when trafficked persons are later coerced into situations that they had not agreed to and in the case of women, even if they had consented to work abroad and as prostitutes, "their situation becomes one of trafficking once their freedom to pursue their own ends is removed and others profit from their exploitation" (Goodey 2004). A smuggler generally makes his or her profit upfront once entry into the desired country has taken place, at which time the relationship with the "client" ceases to exist. "Human trafficking, in contrast, is founded upon the institution of an exploitive relationship that continues beyond the initial transporting phase; this generally implies the further controlling of the victim by the trafficker for a long period of time after entering the new country"(Esquibel 2005).

As the Florida State University Center of Advancement for Human Rights stated in their Florida Responds to Human Trafficking Report, "The purpose of trafficking is to extend and even increase the debt that the victim owes to the trafficker. The litmus test for distinguishing the situations of those working for exploitive wages and trafficking victims is whether they can walk away from their worksites of their own volition" (Esquibel 2005). While human smuggling can be understood as a form of assisted migration in contexts where legal migration channels are increasingly restricted, trafficking involves human rights violations ranging from kidnapping, deception to forms of debt bondage (Kelly 2003).

In summing up, the three main differences between smuggling and trafficking are;
Consent: The smuggling of migrants, while often undertaken in dangerous or

degrading conditions, involves migrants who have consented to the smuggling. Trafficking victims, on the other hand, have either never consented or, if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers.

Exploitation: Smuggling ends with the migrants' arrival at their destination, whereas trafficking in persons involves the ongoing exploitation of the victims in some manner to generate illicit profits for the traffickers. From a practical standpoint, victims of human trafficking also tend to be affected more severely, become more traumatized by their experiences and are also in greater need of protection from re-victimization and other forms of further abuse than are smuggled migrants.

Transnationality: Finally, smuggling is always transnational¹⁴, whereas trafficking in persons may not be. Human trafficking can occur regardless of whether victims are taken to another country or only moved from one place to another within the same country (UNODC 2006). However, while such distinctions can be made in words and law, in reality the categories are often overlapping (Kelly 2003). Despite a separate Protocol Against the Smuggling of Migrants within the 2000 UN Convention, the distinction between smugglers and traffickers has, for all intents and purposes, been collapsed. In reality, it is difficult to distinguish the acts of smugglers from the acts of traffickers as both smugglers and traffickers move people along illegalized routes of migration (Sharma 2005).

Trafficking in Persons as a Process

Human trafficking can be characterized in terms of the phase of the trafficking process. As the global patterns report of UNODC enlists, there are four stages in the entire process, though not all victims go through all the four stages. It differs from case to case.

¹⁴ An offence is transnational if: (a) it is committed in more than one State; (b) it is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State; (c) it is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or (d) it is committed in one State but has substantial effects in another State (UNODC, 2006).

1. Recruitment- The process of human trafficking begins with the abduction or recruitment of a person. There are several known methods by which people are recruited by human traffickers. Significant variations occur in how the victim is identified, and subsequently approached by traffickers; the inducement, if any, that is offered to the victim; and, the agreement reached, if any, by the victim and the contracting trafficker. While, initially, these variations may appear to be simply the result of opportunistic behaviour by criminals, given the context of the origin country and traffickers involved, it appears that more often a particular type of victim is targeted and then recruited in a predetermined manner.

2. Transportation and potentially the illegal entry of the trafficked person- It continues with the transportation from the place of origin to the place of destination. In case of transnational trafficking in persons, the process includes the entry of the individual into another country. Sometimes there are countries that act as “transit” countries between the source and destination. The term, ‘transit countries’, in the context of human trafficking, refers to the countries that make up the transnational route by which a victim is transported from their country of origin to a destination country determined by the traffickers. There may, of course, be more than one transit country along a route, and alternative routes between a particular origin country and a determined destination may vary significantly. The transportation stage of the trafficking of persons goes beyond the boundaries of the victims’ passage through transit countries, and concerns the entire process by which victims are moved between their countries of origin and their final destinations. Related criminal offences include abuses of immigration and border-control laws, corruption of officials, document forgery, acts of coercion against the victim, unlawful confinement and the withholding of identity papers and other document.

3. The exploitation phase- This is followed by the exploitation phase during which the victim is forced into sexual or labour servitude. This often includes violence against the victim. The key human trafficking action associated with destination countries is the exploitation of victims in any number of forms, Dependent on the legal system of a country, associated criminal offences include those related to slavery, involuntary servitude, forced or compulsory labour, unlawful coercion, unlawful threats, extortion, false imprisonment, kidnapping, illegal procurement, corruption, debt

bondage, document theft, destruction of documents, sexual assault, assault, bodily injury, rape, death, forced marriage, forced abortion, forced pregnancy and torture.

4. The subsequent phase of profit laundering- A further phase may occur that does not involve the victim but rather the offender. Depending upon the size and sophistication of the human trafficking operation, the criminal organization may find it necessary to launder the criminal proceeds. There may be further links to other criminal offences such as the smuggling of migrants, weapons or drugs. At the data entry phase, two main forms of exploitation were identified: sexual exploitation and forced labour. Sexual exploitation is not defined in the Trafficking Protocol, and forms of sexual exploitation other than in the context of trafficking in persons are not covered by the Protocol. Forced labour is also considered as exploitation though it is not specifically defined in the trafficking protocol. For this purpose, the International Labour Organization's (ILO) definition is used in many cases¹⁵ (UNODC 2006).

On the same lines, Zimmerman and colleagues (2003), in their European Union study of the health effects of trafficked women, outlined the stages in the trafficking journey. However, the difference being the inclusion of pre-departure, deportation to the country of origin, and re-integration to the other stages mentioned above. He too concurs that not all women follow these five stages, since some may become illegal sex workers without ever being trafficked or come for sex work but attain legal residence in the destination country (Cwikel and Hoban 2005).

In this context Coomaraswamy proposes that trafficking is undertaken for numerous purposes, including but not limited to prostitution or other sex work, domestic, manual or industrial labour, and marriage, adopted or other intimate relationships (Corrin 2005).

Perspectives/Approaches to Trafficking in Women

Trafficking of women has been defined and considered from varying perspectives. Some consider it a violation of a woman's human rights or another form of violence against women, as she is a modern day slave experiencing intimidation and force,

¹⁵ According to the ILO definition, forced labour comprises two basic elements, which are: (a) the work or service of the trafficked person is exacted under the menace of penalty; and, (b) it is undertaken involuntarily (UNODC 2006).

debt-bondage, limited freedom and independence, passport confiscation, violence, objectification and second class citizenship. Trafficking of women and children for work outside their countries of origin in an increasingly globalized sex industry is a significant issue for public health professionals, international law enforcement and human rights agencies, international labour monitors, and groups concerned with women's and children's welfare (Coalition Against Trafficking Women [CATW] 2003).

Marjan Eijers has outlined different approaches to trafficking,

- **Moral perspectives**, regarding trafficking and prostitution as evil, aim at control and punishment yet can lead to stigmatisation of victims. One cannot separate the trafficking of women for sexual exploitation without having consideration for prostitution for it is for the purpose of prostitution that these women are coerced, obtained, bought and sold, or willingly engaged and then exploited. However, different prostitution laws, enforcement and regulation practices among them make it all the more difficult to come to cross border agreement on definitions of trafficking, implementation of conventions or protocols, and/or counter trafficking efforts when each country adopts a different ideology concerning prostitution. Some states apply a prohibitionist approach in which prostitution is prohibited and clients are punished, others practice legalisation or regulation in which prostitution and the exploitation of the prostitution of persons of full age is not punishable and others apply an abolitionist approach in which prostitution is not an offence but its exploitation is, thereby complicating research, discourse and legal efforts (Tavcer 2003).
- **Criminal approaches** share similar risks of finding women guilty of prostitution or illegal migration.
- **Migration approaches** argue for stricter border controls and reflect state interests which can penalise individuals. Others consider trafficking an issue of migration in which women illegally cross borders without a proper permit or visa or stay beyond their visa timeframe. This perspective is adopted by several governments which consider the state to be the victim in this dynamic rather than the woman who was trafficked and exploited. It uses jargon such as illegal entries, false or expired visas, abuse of state resources, illegal workers,

and implements criminal justice efforts to close borders, reduce immigration and work permits, and arrest and prosecute the women found (Tavcer 2003).

- **Human rights perspectives** offer two analyses: prostitution is a human rights violation to be abolished, or, it is the conditions in which women in prostitution live (violence, debt bondage) that need to be tackled. “Addressing the issue as a violation of human rights also means acknowledging that trafficking is a violation of the basic human rights to which all persons are entitled - the right to life; to equality, dignity and security; not to be held in slavery; not subjected to cruel, in human or degrading treatment and more (Tavcer 2003).
- **Public order/health approaches** propose control by medical examination.
- **Labour issues/liberal feminist arguments** propose labour opportunities and working rights including state benefits for women in prostitution (Corrin 2005).

Still others consider trafficking to be a problem of organised crime. This approach stems mainly from governments or international bodies seeking a solution to the financial and legal victimisation of its institutions and states. It considers trafficking of women as one of the many types of criminal activities carried out by organised criminal networks in addition to drug trafficking, weapons trafficking, violence or gambling that costs the state money through illegal activity, prosecution demands and fraud (Tavcer 2003).

One among the many criticisms for such categorizations comes from Sharma’s essay which critically examines the historical and contemporary discursive practices of anti-trafficking campaigns. She argues that such campaigns within the global North, often led by feminists, constitute the moral reform arm of contemporary anti-immigrant politics that targets negatively racialized migrants. “As in the past, current campaigns collude with a state-backed international security agenda aimed at criminalizing self-determined migrations of people who have ever-less access to legal channels of migration” (Sharma 2005). From the criminalization angle, Tavcer argues that, considering trafficking of women solely as another aspect of organised crime activity does not give it the attention it deserves; for it becomes a one-sided analysis rather than an all encompassing evaluation of the components involved in trafficking,

namely, identifying the various victims, causes, prevention, prosecution and protection aspects. Instead, a holistic or multi-disciplinary approach is most effective, for it includes proactive causes and reactive law issues in addition to encompassing all of the relevant victims in the trafficking chain (Tavcer 2003).

Globalization and Trafficking of Women

While trafficking as a process has remained and increased in scale for years, the means and methods of maintaining and executing it has seen a sea of change given the rapid globalization that the world is experiencing today. The impact of globalization on various sections of the society has not been uniform and has been quite adversely affecting women in particular. 'Capitalist globalization', as Poulin puts it, today involves an unprecedented 'commodification' of human beings (Poulin 2005). It has created a market of sexual exchanges in which millions of women and children have been converted into sexual commodities (Ibid). In recent years under the impact of structural adjustment and economic liberalization policies in numerous countries of the Third World, as well as in the ex-USSR and Eastern Europe, women and children have become new raw resources within the framework of national and international business development. Capitalist globalization is more and more characterized by a feminization of migration. Women of ethnic minorities and other relatively powerless groups are particularly exploited (Ibid.).

Five out of nine factors responsible for the worldwide increase in trafficking revolve around globalization (Raymond 2001 cited in Cwikel and Hoban 2005). As Raymond points out, "Under economic policies of globalization, many services that used to be state-supported, such as education, health care, and social welfare, are now being transferred to private hands, increasing the economic burden on families who must pay for these services. This is particularly true in the countries of the Former Soviet Bloc, where basic health and educational services were provided under Soviet rule, but now need to be financed out-of-pocket in free-market economies. Often, the women and children are sent abroad to earn foreign currency to pay for these essential services". For example, women we interviewed reported entering a trafficking contract to finance expensive health care for family members or their own university education, items that had once been provided by the state (Ibid).

The other factor being the sex industry becoming more globalized, with recruitment and transport being conducted in larger and more sophisticated trafficking networks. Sex industry advertising is accomplished over the internet, offering further opportunities to provide international sex business” (Raymond 2001 cited in Cwikel and Hoban 2005). Also the male demand for sex services is a hard market to saturate, suggesting that ‘the way in which sex has been tolerated as a male right in a commodity culture is all part of this demand’. The Commodification of women’s bodies and stereotyping foreign women as “exotic” has fuelled the demand for women to enter sex work, further inflating the demand for trafficked women. This has been a traditional marketing angle in the sex industry, dating back to Roman times when the hetaerae, or foreign women, commanded the highest prices for sexual services. Today, there is an even broader selection of source countries for recruitment (Ibid).

Other impacts of globalization

As Shifman points out, one of the key features of globalisation is the use of technology. In the Philippines and other Asian countries, the use of technological advances has been an avenue for a serious rise in trafficking of women and children. For example, a lot of the negotiations for ‘mail order brides’¹⁶, are happening through Internet technology (Shifman 2003).

The traffickers make use of the tools of globalization to the maximum extent. For instance, technology is helping them use the Internet to market girls all across the world, through all kinds of Internet sites which auction girls. “The nature of contemporary trafficking enterprises has changed both in volume and method. Growth of the internet has provided new methods of recruiting, procuring, and supporting this clandestine movement of people and expanding the demand for exotic or foreign women for sexual services” (Von Struensee 2000 as cited in Cwikel and Hoban 2005). It has made it easier for traffickers to operate their trafficking networks, keep in touch with each other, and find out the sites where girls can be sold cheaply, and it is easy for buyers and clients to log on to Internet portals to find out where to go. At the same time, it has made it more difficult for girls in the Third World to understand that they are going to be exploited in these ways. Because they might be in Delhi, and

¹⁶ now also called Internet brides

they can't comprehend that they would end up in New York through the Internet as virtual goods. So that is one part of globalisation which has been very advantageous to traffickers (Shifman 2003).

Though purposes of trafficking in general involve all the above, women and children mostly are trafficked for sexual exploitation¹⁷. Forced prostitution and sexual slavery are not recent inventions (Johnson, 1999). Moving women between countries for the purposes of work in prostitution dates back to Roman and Biblical times and was a major concern among social reformers of the late 19th century who fought against the "White slave trade" (Cwikel and Hoban 2005). Going back to the African slaves who were raped by their masters, to the Japanese "comfort women" to the more recent mass and systematic rapes of Muslim and Tutsi women, sexual exploitation has long been a fact of life for countless numbers of women throughout history (Johnson, 1999). Such practice of sexual exploitation of women continues today. When this exploitation involves the moving of women, the practice is usually termed "trafficking in women" (Ibid).

In contemporary times, the profit from trafficked women is vast compared with the \$54 million over two years that the U.S. government invested worldwide to try to stop trafficking (U.S. Department of State as cited in Cwikel and Hoban, 2005) The scope of human trafficking is hard to measure, but it is estimated that from 700,000 to 2 million women (UN, 2000), with some estimates as high as 4 million women and children, are trafficked across borders to work in the sex industry each year (Raymond 2001 cited in Cwikel and Hoban 2005).

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

¹⁷ Refer to figure Table 2 in Appendix Two Page No.118.

related to traffic in women and prostitution: the main countries of origin are there, while some Balkan countries are also transit and destination countries. The Balkans has what can only be described as “women markets.” Bosnia’s notorious “Arizona Market” is one example, it sells every possible commodity, including women (Musacchio 2004).

As stated by Johnson (1999), “All women transported across borders to provide sexual services share experiences such as falling victim to deception and economic indebtedness during the trafficking process”. Another almost universal theme in trafficking is that most women are held under debt bondage, and everything that goes along with this form of control. Debt bondage requires a woman to pay her transportation costs to the “host” country at several times the actual price. Once in the new country, the woman has no place to stay, no money for housing and her means of return to her homeland, passport and tickets, are usually confiscated from her by her trafficker. Because she is often in the country illegally, the woman feels she is not able to go to the authorities for help. Escape without paying this debt is impossible as this places the woman at risk for punishment by the brothel owner, his employees or the police. Risk of retribution against the woman’s family for “defaulting” on the debt, as well as arrest for being an illegal immigrant is also a very real possibility (Johnson 1999). This figure depicts the interlocking connections involved in the process of trafficking which makes a person vulnerable to trafficking¹⁸.

Women Trafficked for Sex Work (WTSW) lack citizens’ rights, often do not have passports, and are wary of authorities for fear of deportation (Feingold 2003). Deceptive tactics may range from outright abduction and kidnapping to enticement through the representation of apparently favourable conditions to deceptive offers of marriage or legitimate employment. It is common for women to enter a “work contract” of six months or a year, and then work without pay for several months or never receive any remuneration if they are resold to new owners or bosses. These contracts are usually verbal accords and often do not articulate the type of work or conditions the women will find at destination. Often the recruiter is someone known or trusted, such as a neighbour, friend, or family member (Raymond, 2001). Forced

¹⁸ Figure 3 of Appendix Two Page No. 116.

prostitution is one of the main reasons or channels which fuel trafficking and therefore a close inspection on the concept deems necessary.

Forced Prostitution and Trafficking of Women

In 1995 during the United Nation's Fourth World Women's Congress in Beijing the principle of "forced" prostitution appeared. This was the first time the term "forced prostitution" was used in a UN document. This created a special category of prostitution that could be opposed without opposing the sex industry as such. Constraint/force was identified as the problem rather than the sex trade itself. The way was opened for the normalization and legalization of the industry (Poulin 2003). In 1997 at the Hague Ministerial Conference on Private International Law, when the European ministers attempted to draw up guidelines harmonizing the European Union's fight against trafficking for the purposes of sexual exploitation, their definition of trafficked women included only those women who were being trafficked against their will (Ibid).

In 1998, the International Labour Organization (ILO) called for the economic recognition of the sex industry on the grounds that prostitutes would then benefit from workers' rights and protections and improved working conditions that it presumed would follow. In June 1999, the ILO adopted an agreement on unbearable working conditions for children, the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The agreement provides a long list of the work children do, including prostitution. This is the first time in an international text that sex work is presented as simply a job. Countries, such as France, although ratifying this Convention, have underlined that their ratification in no way recognizes prostitution as work. The United Nations' Special Rapporteur on Violence against women was at pains in her report to the UN Human Rights Committee in April 2000 in Geneva, to distinguish trafficked women from "clandestine migrant sex professionals" (Kelly 2003).

Kelly (2003) notes, that applying the categories of 'forced' and 'free' prostitution to trafficking has been an attempt to create space for women who, it is argued, choose to move countries in order to work in the sex industry. In this perspective, it is only restrictive immigration rules that 'force' women to resort to third parties to facilitate

their journey. While not disputing that some women do choose prostitution as a source of income, Kelly opines, that there are questions that need to be asked here. This model might explain movements between neighbouring countries, but it is extremely unlikely that large numbers of women, who everyone acknowledges are coming from situations where they are unemployed and in poverty, could afford to travel between or across continents. It is also an open question how they find their way into sex markets thousands of miles away, without facilitation, or even direct recruitment. Few can arrive without considerable debts, and quite how their circumstances are different from debt bonded trafficked women, and why in this case such circumstances do not constitute human rights violations remains to be explained. Many women's NGOs in the countries of origin, also question the notion of choice, central to the 'free' prostitution discourse, arguing that in a context where there is high and increasing female unemployment, sex discrimination in the labour market, routine sexual harassment for those who do have paid employment, and economies ravaged by organized crime the choices and options available to women are minimal (Kelly 2003).

In the given context, Dianne Johnson enumerates some of the omnipresent risks to the women who are forced into prostitution. Besides "rape and battery at the hands of customers and pimps," women are exposed to health risks, especially sexually transmitted disease, including hepatitis B and AIDS. Beyond the risk of infection through sexual intercourse with many men, the growing popularity of contraceptive injections in brothels also contribute to the spread of disease, since brothel owners often use the same, and possibly contaminated, needle several times. Infertility is also a serious risk of forced prostitution that can bring about devastating consequences. Women who come from cultures where the primary purpose of marriage is procreation find themselves unmarriageable. "Shunned by their own families and communities, many of these women must return to prostitution in order to support themselves." Beyond the physical or cultural commonalities, one of the defining characteristics of sexual trafficking is that it removes girls and women from a world in which they have at least a semblance of a support system into a situation where they have none. Finally, women and girls who are trafficked are often put into environments in which people of their racial or ethnic group are considered inferior and are thus subjected to additional discrimination. "In other words, sexual trafficking

puts already extremely vulnerable girls and women into the most powerless and dependent situation imaginable” (Johnson 1999). This is summed up in Figure 2 of Appendix 2¹⁹.

Global Patterns in Trafficking of Women

According to UNODC, a global picture of patterns of exploitation indicates that 98 out of 113 sources that reported the form of exploitation the victim was subjected to, listed sexual exploitation as the motive for trafficking, while 32 of those sources reported forced labour. Where the form of exploitation is reported, sources reporting human trafficking cases for sexual exploitation outnumber those reporting cases of forced labour in all regions. The degree to which there is a discrepancy between these two types of exploitation varies between regions and sub-regions. In Central and South Eastern Europe, sexual exploitation is the predominant form of exploitation reported, in comparison to forced labour. Sexual exploitation is also highly reported in Latin America and the Caribbean, Western Europe and the Commonwealth of Independent States. In Africa, forced labour cases are reported by almost 40% of the sources reporting the form of exploitation in that region. Forced labour is also frequently reported in Asia, Oceania and North America by sources reporting cases of trafficking in persons in those regions (UNODC 2006).

In total, 98 countries were reported as countries of transit. Forming a greater regional area, countries within Central and South Eastern Europe and Western Europe are highly reported transit regions. Beside Europe, South-Eastern Asia, Central America and Western Africa are also reported transit sub-regions and account for the greatest part of the remaining sources providing information on transit countries and human trafficking routes (Ibid).

With regard to the citation index given in the UNODC report, six countries score very high as transit countries²⁰. Fourteen countries (or territories) rank high, according to the citation index, as transit countries.²¹ (Ibid) One hundred and thirty-seven (137)

¹⁹ Figure 2 of Appendix Two in age No. 115 showing the relationship between prostitution and trafficking.

²⁰ These are in alphabetical order and by sub-region: Albania, Bulgaria, Hungary, Poland (Central and South Eastern Europe); Italy (Western Europe); and Thailand (South-Eastern Asia).

²¹ (in alphabetical order and by sub-region): Bosnia and Herzegovina, Czech Republic, Kosovo, the

countries were reported as destination countries. By reference to the citation index, countries within Western Europe, Asia (in particular some East and South-Eastern Asian countries and some countries in the sub-region, Western Asia and Turkey) and North America, are the most commonly reported destinations for trafficking in human beings. Ten countries in the Trafficking Database of the UNODC score very high as reported destinations for trafficked victims. Five of these countries are in Western Europe.²² The other very highly reported destination country is the United States (North America). Twenty-one countries (or territories) are listed as high as reported countries of destination²³ (UNODC, 2006). Map 2 of Appendix One is a graphic representation of countries of origin for human trafficking²⁴.

Trafficking of Women in Europe

“The phenomenon has taken on such dramatic proportions in Europe and the rest of the world that many European organizations are now considering how to counter a trade which comes third (behind only drugs and arms smuggling) in the league table of profitable crimes” (Musacchio 2004).

Considering Europe, different organisations offer varying estimates of the numbers of women trafficked for sexual exploitation annually – from between 100,000 and 200,000 to 500,000 (IOM, 1996 as cited in Kelly and Regan, 2000) and while nongovernmental organisations suggest that the numbers may be even higher (Tavcer 2003). According to IOM data, 10% to 20% (2,000 to 6,000) of the 20,000 to 30,000 illegal female migrants who enter the sex industry in Italy each year are trafficked. In Greece, research has shown that just over half of trafficked women are from Russia or Ukraine, while a third are from the Balkans and a small percentage from Asia and Africa. Trafficking to Belgium tends to be from Nigeria, China, Albania, Romania,

Former Yugoslav Republic of Macedonia, Romania, Serbia and Montenegro, and Slovakia (Central and South Eastern Europe); Ukraine (the Commonwealth of Independent States); Myanmar (South-Eastern Asia); Turkey (Western Asia and Turkey); Belgium, France, Germany and Greece (Western Europe)

²² Belgium, Germany, Greece, Italy and the Netherlands. Among Asian countries that score very high are Israel and Turkey (Western Asia and Turkey); Japan (Eastern Asia); Thailand (South-Eastern Asia).

²³These are, in alphabetical order and by sub-region: Austria, Denmark, France, Spain, Switzerland, United Kingdom (Western Europe); Australia (Oceania); Bosnia and Herzegovina, Czech Republic, Kosovo (Serbia and Montenegro) and Poland (Central and South Eastern Europe); Cambodia (South-Eastern Asia); Canada (North America); the People's Republic of China, Hong Kong China SAR, Taiwan Province of China, (Eastern Asia); Cyprus, Saudi Arabia, United Arab Emirates (Western Asia and Turkey); India and Pakistan (South-Central Asia)

²⁴ Map 2 of Appendix One page No. 108 showing Countries of Origin For Human Trafficking.

Russia and Bulgaria. The majority of females trafficked to the Netherlands would appear to be from central and eastern Europe. Most victims in Germany were from the former Soviet Union and elsewhere in Eastern Europe. In France, according to the central anti-human-trafficking office, 12,000 to 15,000 people were engaged in prostitution in 2000. All the eastern European nationalities were involved. Young Russians, Ukrainians, Slovaks, Moldavians, Slovenes and Latvians had joined the Romanian, Hungarian, Bulgarian, Czech, Croatian and Serb women working as prostitutes in the early 1990s. Albanian women from Kosovo, Macedonia and Albania began appearing in 1997.²⁵

Switzerland is a special case, not being a member of the European Union or the Schengen area. It is a destination country. The countries of origin for migration into Switzerland are Poland, Russia, the Czech Republic, Latvia and Albania. The recent increase in the numbers of sex workers in some parts of the country, especially the cantons of Ticino, Aargau and Solothurn, is troubling on account of deregulation and the increase in uncontrolled prostitution, which is less professional and often concentrated in clubs or discos in outlying parts of cities, along major roads. Competition in this market is fierce and prices have fallen, making prostitutes' working conditions increasingly difficult. Under greater pressure, they are inclined to take more risks and sometimes to offer or agree to unprotected intercourse. The women involved, the vast majority of who are immigrants, are often in Switzerland illegally or on a dancer's permit (Tavcer 2003).

East to West

Although experienced world-wide, the trafficking of women for the purpose of sexual exploitation in Europe has experienced a boom of productivity and exploitation since the collapse of the communist system in the former Soviet bloc and elsewhere in Eastern Europe. As a result of the shift in the political climate and economy (from socialist to capitalist), exorbitant amounts of unemployment and poverty have skyrocketed as well as has a lack in the rule of law, and inappropriate judicial systems

²⁵ At <http://www.iom.int/> in the press briefing notes. Migration Health Annual Report 2003. Compare with, International Organization for Migration, Trafficking in Women to Italy for Sexual Exploitation. Geneva (2002), at http://www.iom.int/documents/publication/en/mip_Italy_traff_eng.pdf. (This exploratory study describes how women are trafficked to Italy for sexual exploitation. This is the first study to examine specific issues of trafficking Nigerian and Albanian women to Italy. The study is based on interviews with 50 women who were identified as victims of trafficking in women.)

which have allowed black market economies and corruption to flourish. Smuggling of goods, arms and people, corrupt state employees, organised crime groups and acceptance of illegal ways to earn money, have unfortunately become to new norm (OSCE 2002).

Since the early 1990s the wave of women trafficked from CEE countries to Western countries has grown to a level where it now constitutes one-fourth of the world trade or a global sex trade worth an estimated US\$10 billion. According to the Swedish NGO Kvinna Till Kvinna, an estimated 500,000 women from over the world are trafficked each year into Western Europe alone, wherein a large proportion of these women come from the former Soviet bloc countries, and IOM report that between 700,000 to 2 million women and children are trafficked across international borders annually (IOM 2001); that in 1997, an estimated 175,000 women and girls were trafficked from CEE countries and CIS into Western Europe, and furthermore 120,000 women and children are trafficked annually into the European Union, mostly through the Balkans (OSCE 2002). Regardless that the figures may be exaggerated or not all encompassing, there is ample evidence to suggest that a substantial amount of women are being trafficked within Europe and sexually exploited. They come from cultures where girls are not considered as desirable as boys; are not afforded equal opportunity for education or work; and where the selling of a young virgin girl can bring the family money for food and shelter (Johnson 2002). Such causal factors appear more prominent in certain regions than in others. Ninety percent of foreign migrant sex workers in the Balkan countries are victims of trafficking (OSCE 2002) and at least 50,000 women are taken out of Russia each year and become slaves abroad (Caldwell et al. 1997 cited in Tavcer 2003).

An IOM study in the Balkans for the years 1999 to 2000 (IOM 2001) reporting on a combined study from agencies that assist trafficked women in the region, offered that from a total of 5887 cases, 7% originated from Moldova and those assisted specifically by IOM, from a total of 697 cases, the majority (46%) were from Moldova. Trafficking of women into Bosnia and Herzegovina for forced prostitution surged in the late 1990s. The Balkans and neighbouring regions appear to have become a predominant region of transit and destination for trafficked women in the wake of the humanitarian crisis and wars. Figure 4 and Table 4 of Appendix Two

shows that the Balkan countries are major players in the field of trafficking²⁶. With the presence of international forces and their families, international currency and copious spending, a demand for a sex industry has increased (IOM 2001).

Since the democratic transformation of Central Europe in the early 1990s, the region's migration patterns have changed greatly. The recent liberalization of their migration policies making it easier to cross borders, their geographical location, improved economic prospects, the resultant opportunities, and their inexperience in combating unlawful immigration all mean that the central European countries now face huge migration connected to traffic in women and prostitution. The problem is exacerbated by those countries' not having visa requirements for entry. Generally speaking, there are two categories of migration here: with the first, the intention is to remain in the central European country for some time; with the second, the aim is to continue to a western destination and the central European states are only transit countries, being adjacent to the main destination countries. They are also countries of origin for trafficking and consequently they fall into all the categories of countries connected with trafficking in women and migrant prostitution (Johnson 1999).

The structural changes in the world order in the past two decades ranging from collapse of communist regimes to opening up of market capitalism has led to rapid transformation in many regions in Europe. Yet, these changes are more prominent in countries that are in transition and development (Calloni 2002). One such area is the Balkan region where there have been innumerable changes in the social, political and economic domains in the past two decades. There have been certain positive implications of these changes such as new and revised constitutions, regular elections, multiparty system and creation of democratic institutions. However, the sudden and spontaneous transformation has had a major share of negative implications and this has had a heavy impact on women's economic opportunities and gender relations in general. A repercussion of this is the rise of illegal networks in trafficking involving women. The next chapter seeks to analyse the impact of such changes on the Balkan society which influence the process of trafficking especially of women. Other factors which facilitate trafficking in the region are also dealt with.

²⁶ Figure 4 of Appendix Two in Page No. 117. Table 4 of Appendix 2 in Page 120.

Chapter Three
Trafficking of Women in the
Balkan Region

A highly disruptive environment has characterised the period following the fall of Berlin Wall (HWWA 2004). Within the Balkans, it was marked by wars and ethnic conflicts leading to socio-economic and political instability along with a wave of migration. Such factors, along with the sudden and spontaneous transformation have rendered it impossible for these states to have a peaceful transition from socialism to capitalism and holistic development.

As a result of transition, “Unemployment, inflation, income differentials and poverty have increased. Conflict and economic change has led to deterioration in living conditions and access to services” (UNICEF 2002). This has especially had a heavy impact on economic opportunities available for women and gender relations. The reality of the post conflict situation and economic transition have weakened the position of women in the labour market, causing more women to be unemployed, which in turn has resulted in increased migration especially among younger women in search of employment opportunities (Ibid).

In the Balkans, a direct implication of this has been the rise of illegal networks in trafficking involving women. Though trafficking has been prevalent in the region, the systemic-change-induced-dynamics have led to its proliferation in whopping proportions in the past two decades. Within this context, this chapter seeks to situate these dynamics and various other internal factors in the rapid rise in trafficking of women in Balkans. An issue by issue investigation will be undertaken for this purpose. Alongside, the changes in gender relations, policies and perceptions towards women within Balkans will be examined.

Trafficking of Women in Balkans: Scope and Directions

The unique geographical positioning of Balkans enables it to be at cross-roads between Asia and Europe. Though such a strategic position usually serves to be advantageous for most nations, the Balkans' experience has been otherwise. Trafficking for sexual exploitation has been prevalent in the region, given its exceptional geo-political location. The questions addressed in this section would be, “How widespread is the trafficking of women in Balkans and what are the reasons behind it?” A number of surveys conducted by governmental and NGOs help in

estimating the figures and answering this question.

International Organization for Migration (IOM) figures show that around 120,000 women are trafficked into the European Union each year, mostly through the Balkans (IOM 2001). Based on estimates in *Trafficking in Human Beings in South Eastern Europe* UNICEF report, “about 15,000 females may have been trafficked in the three and a half years between January 2000 and June 2003 and as many as 90 percent of foreign women working in prostitution in the region in 2002 and 2003 were trafficked” (Mendelson 2005).

And 10,000 women mostly from Moldova, Romania and Ukraine are working in Bosnia and Herzegovina sex trade. The two most common trafficking routes begin in Ukraine, Moldova and Romania and move through Serbia and onto West European markets primarily through Hungary and Slovenia, or to destination points in Bosnia, Kosovo or Macedonia (UNODC 2000). However, this classification of states by origin, transit and destination is not exclusive in nature, as more and more countries are exhibiting characteristics of all three categories and the distinctions between them are blurring (Goodey 2004). For instance, with the continuing decline in living standards and rising rates of unemployment across the region, states such as Serbia and Bosnia, traditionally classified as destination states, are also becoming states of origin and transit as more women are forced to seek illegal employment in sex trade (Goodey 2004).

In early 1990's Serbia was one of the main destination countries for trafficked women within Eastern Europe. It later became mainly a transit country to destinations within Balkans and to Western Europe. The military presence brought in by the conflicts within and in the neighbouring region fuelled trafficking. Women from Ukraine, Russia, and Romania make up the majority of women trafficked through Serbia. They are most often sexually exploited in Serbia for some time and then sold further, mainly through Montenegro to Italy. Similarly in the case of Macedonia, although the economic situation was difficult throughout the transition from communism, its geographic position, large presence of NATO forces, and strong Albanian mafia

contributed to it becoming one of the main transit countries for many trafficked women (Ristanović 2004).

Women from Bulgaria, Ukraine, Mongolia, Moldova, Romania, and Albania prevail among women trafficked to or through Macedonia. From there, women are trafficked to the Middle East and Western Europe, mainly via Greece. According to the IOM (2001) Kosovo data, more than a half of women whom IOM assisted entered Kosovo from Serbia, and about a third of them entered from Macedonia. Also, women sometimes enter Kosovo from Albania. Women are usually sold three to six times during their journey to Kosovo. However, after Kosovo's introduction of tough laws against trafficking in 2000, the trafficking of women from Kosovo to and through Macedonia also became prevalent (IOM 2001). This being the current trend, there have been specific reasons working behind the increase in trafficking of women, making Balkans a trafficker's dream with many countries becoming trafficking hotspots. Most countries in the Balkan region have experienced severe economic and social turn down. This in effect creates an improper distribution of resources leading to drastic responses by the people of this region, such as getting involved in criminal activities; trafficking or selling oneself not knowing the consequences and victimization ahead being one of them. This state of affairs, if unchecked, may lead to extreme situations creating permanent impediments for growth and development in the region.

In order to understand the phenomenon of trafficking in its entirety, it is imperative to examine the linkages between the events that followed the end of cold war and their impact on the Balkan society making it one of the prominent trafficking hubs. Below given, in no order of importance, are some of the significant events that negatively influenced the Balkan society, especially women, which in turn led to the rise of trafficking in the region.

Fall of Communism, Transition to Market Economy and their Impact

At the outset, it can be said that political turbulences create instability within a country even though the nature and extent of it may differ from region to region. The changes that followed the fall of bipolar order in the late 1980's had a profound

impact on the international as well as the national arenas. The change was profound in the sense that it affected every aspect of social life (Štulhofer and Sandfort 2005). The countries in Central, Eastern and South Eastern Europe experienced the combined effects of transition from conflict to post-conflict situations, the presence of the international community and peace keeping forces, and the transition from state to market economies which brought a greater diversification of economic status and social position, as well as new social phenomena (UNICEF, 2002). In many of these countries, prompted by political and economic changes, the dominant value system, anchored in collectivism, began transforming into a more individualistic one. Political participation based on the individual vote and market competition induced a new perception of society. The idea of an egalitarian or a class defined society was replaced by the realization that society consists of loosely connected individuals pursuing their interests (Štulhofer and Sandfort 2005).

The most dramatic consequences of fall of communism largely manifest in a significant rise in unemployment, the impoverishment of a large part of the population and the loss of many social benefits. The new economic system required new institutions and the reforms were usually introduced by copying western standards, frequently encountering obstacles, in local mores and untrained administrators, although strange hybrid of the old and new institutions emerged (Ibid.). Most people lost their previous social security benefits and, while communism was generally characterized by equality in poverty and by the recognition of formal rights, rapid societal transition was the source of existential problems and new issues that propped up as a result of void and instability left by communism. Taken together these rapid changes enabled the countries of Central, Eastern and South Eastern Europe to open to globalization, international trade, information flow and cultural influences. While there was optimism in the beginning, there were also emerging problems caused by the complex task of simultaneous transformation of political, economic and social structures. At the macro level, normative vacuum and political instability fuelled by political struggles, weak governments, ethnic cleavages, irregularities in the redistribution of property rights and raising corruption, led to “de-legitimation of the public sphere”. The misfortunes ranged from an increased level of uncertainty and social insecurity mostly caused by the introduction of markets.

A sharp increase in unemployment, poverty, social inequality and mortality rates as well as declining quality of public services such as health care, and widely perceived absence of rule of law created a new and oppressive social reality (Štulhofer and Sandfort 2005). Even as large sections of the population was marginalised due to these changes with the emergence of neo-liberal policies and so called democratic institutions, the most affected were women. The following section will discuss the impact of these changes on Balkan women and analyse the root cause of trafficking by observing the increase in vulnerability of women in the post-cold war period.

Status of Women

In post communist countries, “the political sphere, controlled by a unique party stopped having the control, over all socio-economic activities and civil society gave way to a mainly uncontrolled market economy” (Calloni 2002). In Calloni’s view, with regard to women this trend contradicted previous policies of the socialist state, which were aimed at promoting women’s participation in politics and work. In the socialist states there were developed policies of quotas for political representation and a system of full employment for women in the labour market, on the basis of the formal equality among the sexes. Keeping the welfare and well-being of socialism in mind, women had to work and contribute to the society (Ibid). But at the fall of communism most of these policies ceased to exist in these countries. This rendered marginalization of a section of the population leading them to become desperate and vulnerable to exploitation.

While the particulars of women’s status differ from country to country, general patterns of marginalization have always existed: diminished labour market access, increasing vulnerability to crime, loss of family oriented social benefits, and exceedingly low parliamentary representation. This pattern was obvious in the Balkan region following the fall of communism. In many countries-in-transition in the Balkan region, feminization of poverty has been striking. “In most of the new democracies, regulations prescribe early retirement for women, locking them into fixed incomes far removed from the free market. Under the weight of gender-based layoffs, lower pay, and meagre career opportunities, this downward spiral is accelerating. Complicating their situation even further, women are disproportionately vulnerable to rising crimes

such as trafficking for sexual exploitation” (Swanee 1997).

On similar lines of argument Jo Goodey (2004) points out that “with the demise of communism and the ensuing economic turmoil, ‘feminization of poverty’ has increased in these regions and as women suffer the bulk of the economic discrimination, they are often pushed into desperate social situations that necessitate drastic responses”(Goodey 2004). Hence seemingly legitimate offers of employment abroad attract the marginalized population with the promise of better living standards and large sums of money. As a result, women respond to advertisements in newspapers for offers of work as au pairs, bar attendants, and dancers and are also sold by relatives or male acquaintances into the hands of traffickers. When recruiting women, organized crime syndicates rely largely on myths about Western countries which exist among women in post-communist countries (Ristanovic 2004). Women are targeted by other women with enticements to work abroad; often by women who have themselves been trafficked and are in the service of traffickers. “While they might be wary of employment offers for easy money that seem ‘too good to miss’, their economic circumstances push them into precarious situations” (Goodey 2004). “Women from Eastern Europe and the former Soviet Union have been particularly vulnerable to trafficking networks because the post-socialist transition has displaced many women, and because the feminization of poverty has been particularly acute in these former socialist countries” (Ovidia 2005). According to an UNODC Report, “The most common recruiting method used by Balkan-based groups consists of promises of employment” (UNODC 2009).

Hence, as opposed to social protection and political provisions of the communist era, today’s uncontrolled power of free market has created an increasing gap translating to sharpening of social differentiation between a small part of very rich and a large part of poor people, with an almost disappearing middle class (Ristanović 2004). On the economic level, women suffer the bulk of this differentiation and discrimination in employment pushing them into precarious situations demanding impulsive and immediate responses. As a result Europe saw the expansion of sex trafficking in women from Eastern, Southern and Central European regions towards Western Europe and within the region. Indeed, trafficking in women and girls has increased in the last years and gender violence has been growing exponentially (Calloni 2002). In

the case of Kosovo for instance, the strains of survival in difficult conditions along with the war related problems had unleashed a mix of contradictory forces in Kosovo as far as female status was concerned (Sayantani 2002).

Opening of Borders

One of the immediate effects of fall of communism was the opening up of borders of the former communist countries. It enabled an influx of positive as well as negative influences from outside. The negative impact was the emergence of human trafficking trade from the former socialist countries since there were no border controls anymore which enabled free movement. For example, in the case of Romania, “the number of persons and vehicles crossing the state’s borders increased by a factor of three, while the number of illegal crossings of the border increased by a factor of sixty. Since then, clandestine migration has continued to grow and become more diversified, both in terms of the practices used and the people trafficked” (Institute for the Study and Prevention of Criminality, Romanian Police, 2003)²⁷.

Migration to the countries of Western Europe, be it legal or illegal, represents for most migrants mainly a solution to poverty, and offers a chance of living a better life. Growing economies create increased demand for imported labour as citizens increasingly refuse to take low-paying jobs. Young women are in particular demand because they are regarded as more compliant and less likely to rebel against substandard working conditions. Some are pulled into migration by the prospect of marriage and a better life abroad. Growth in the industrialized economies has been accompanied by a quantum leap in low-cost transportation and communication technologies, which facilitates all aspects of migration and trafficking (Heyzer 2002). Against this background, many persons could fall victim to traffickers when searching for assistance in migrating, or in finding a job abroad. While the opening of the borders has led to the increase of cooperation at all levels between countries in countering illegal immigration on the one hand, it also led to the rise of organized criminal activity, including human trafficking, on the other” (Ovidia 2005).

²⁷ *Some Aspects on the Evolution of Criminality in Romania in 1990–2003* (Bucharest: Institute for the Study and Prevention of Criminality, Romanian Police, 2003); available at www.politiaromana.ro/Prevenire/studii.htm.

Change in Gender Relations and Perspectives on Sexuality

Along with every aspect that underwent a change during transition, gender as a concept, construct and discourse also went through changes. The old communist gender order, its main characteristics being the declarative quality of genders epitomized in educational rights and full employment, is not present anymore. A host of changes brought about by the historical opening of the societies in Central Eastern and South Eastern Europe began shaping a new gender order.

Historical and political backgrounds are very different in post-socialist and post-colonial countries, both in relation to previous forms of government and gender policies (Calloni 2002). As a result of systemic change, gender relations have changed in the public and private domains and not always for the better. In many cases women have been constrained to accept “neo-traditional” and “neo-patriarchal” forms of subjection to men both in the workplace and in the family (Ibid). Calloni analyses the impact of fall of communism on gender relations, sexuality and women with special reference to Albania. She contends that the fall of communism and emergence of free market economy had important consequences in the creation of new masculinities and femininities along with the emergence of different models of family and class relations. This gap created by such a scenario widened the lacuna for order in the society and led to panic in the work force, given the economic insecurities and hardships that had ensued (Ristanović 2004). As a result, the attitudes and perceptions of people changed spontaneously, though there was historical baggage attached from the previous systems in many domains. This trend affected women in particular as gender relations and gender discourse went through some drastic changes and yet some notions of the past remained deep rooted rendering it impossible to move forward.

In Calloni’s view point, women are becoming more and more excluded from the labour market because of both economic and cultural reasons, ranging from the increasing unemployment to the rebirth of traditional patriarchal mentality. They are forced to assume traditional roles in the household, independently of what the husband’s nature or position of job is. She argues that, “beside the appearances of a “macho” power, where men control economic and political sectors and decision-

making roles, post-communist masculinity is in a state of crisis". Disorientation, work related frustration and post-war traumas in men are often reflected in domestic violence, self-destruction through alcohol, illegal business and involvement in trafficking in human beings (Calloni 2002).

According to standard sociological approach, the process of social regulation of sexuality is anchored in social institutions like religion, family and secular institutions such as school, law and medicine that produce and/or reproduce ideologies and norms which define social expectations. In spite of the fact that every modern complex society is a dynamic system in which a number of intimate ideologies coexist and frequently compete it is nevertheless argued that a dominant set of ideas regulate gender roles, norms, sexuality and inscribed power relations at any given time.

All three major pillars of social regulation of sexuality went through profound change after 1989. Freed from strict party control the church became an omnipresent social and political force influencing the decision making process in more than just matters of public morals. Already displaying the signs of growing instability before the beginning of the transition the family in post communism became less popular and more fragile than ever (Stulhofer, and Sandfort 2005). As Sayantani's work on post-communist Kosovo indicates, there was a scenario of *mélange*, where western liberal feminist notions had started to develop as a reaction to communist-era institutional networks. "What emerged was a confusing hybrid situation in which each strand of competing ideology and influence had to be delineated to make sense of the composite whole" (Sayantani 2002).

There are clear empirical indications that gender relations were and still are in transition: the rate of female participation in the new democratic parliaments is less than under state socialism; women are overrepresented among those who are unemployed; reproductive rights secured during socialism have been challenged; women's domesticity is widely portrayed as a social virtue; pornography has come to symbolize freedom, and the marketing of women's bodies is rising. In sum, the transition toward neoliberal capitalism is accompanied by the re-traditionalization of gender roles, both regarding the division of labour and sexuality (Ristanović 2004).

Monika Platek draws attention to the strong patriarchal influence in all spheres of social life, its embodiment in language and the difficulties of achieving women's full participation in post-communist political life (Ibid). Sayantani points out that, "the societal framework remains a conservative and patriarchal definition of ideal womanhood" in places like Kosovo (Sayantani 2002). Another befitting example on the same lines would be the case of Albania as analysed by Calloni (2002). According to her, certain historical features have characterised gender relations in Albania and have influenced the role and position of women in the Albanian society. Before communist rule, the Albanian women were subjected to strong community regulations and were relegated to home or rural areas. However, during communism, an attempt at modernization and betterment of women's conditions was initiated under the leadership of Enver Hoxa. He introduced legal equality for women and the formal possibility to become active in all sectors of work and society. Although communism helped women in terms of economic occupation and political representation, it did not help much in terms of symmetrical gender relations, given the strong traditional impositions that regulated daily life remained deep rooted in the society. After the fall of communism in Albania, women lost formal protection and new laws were not promoted by the new parliament (Calloni 2002).

Calloni opines that a split between norms and reality exists in this society though the approval of a democratic constitution and ratification of international norms have taken place in due course of time. Women's human rights are not yet fully respected and in many cases the feudal law of the Kanun is still practised mainly in Northern Albania. The Albanian constitution under Article 3 recognises women's rights. Yet, such a formal declaration has not translated into reality in terms of women's equality and emancipation. The new nature of gender gap is clearly stressed along with the persistence of traditional forms of segregation. As stated in an UNDP report,

"One of the main gender concerns in Albania today seems to be the missing link between de jure and de facto equality with regards to access to employment, business and credit institutions, health and social services. Albanian law prohibits gender discrimination and job segregation in public and private employment, but despite this prohibition and despite the high level of women education, also in traditional male-dominated areas, employment opportunities for women are still very few and badly remunerated. Furthermore, the intensive involvement of women in the labour force during the communist

regime was not accompanied by changes in the division of labour in the family. Paradoxically the emergence of a more democratic society and the growth of civil society have led not to greater participation in decision making but in greater exclusion from public life and women's political participation" (Calloni 2002).

According to Calloni (2002), the process of democratization contradicts the traditional theory of the development of a free public sphere with the political and economic beliefs of the 'liberal state' in Western countries. While one of the main features of this democratic liberal state is a conceived utopia of equal rights for all and emancipation of women, countries that are in development and transition show instead, an increasing split between free economic development and the decreasing participation and representation in institutional politics, which multiplies class and gender gaps.

As demonstrated in the case of Albania, democratization does not imply economic prosperity and political equity for all. The complex situation characterized by the emergence of a new way of governance and policies along with the historical baggage of socialistic tendencies and mindset had led to unfair distribution of resources and political participation. This is true in the case of women in particular who are experiencing new forms of marginalization both in rural and urban areas. The consequences of individual "liberty" are also multifaceted. On the one hand, women do not want to go back to the previous government due to the socio-political limitations it had; on the other hand, they feel "unprotected" by the State, often disoriented and more and more dependent on their husbands because of the lack of job opportunities and the increasing discrimination in the work market (Ibid). This, tied up with the new freedom of movement has partly been responsible for increase in illegal migration and trafficking.

Role of Media

Cultural images of women as sex objects became a strong contributing factor for neutralizing and glorifying the seamy side of trafficking and prostitution abroad. The current trend has been the creation of new gender images in post-communist countries like the Balkan countries. The current trend has been the creation of new gender images in post-communist countries. Media has become a part of such cultural

tendencies associated with rapid liberalization of trade and economic activity across the world. This has led to the “reorganization of economic and political life around the sovereignty of the citizen as a consumer”. A manifestation of such tendencies is reflected in many societies where sexual exploitation is seen as a as a business transaction in which women can be bought in a market by consumers and not as a violation of women’s rights and being. These cultural tendencies include the colonization or commodification of sexuality, which is now playing an increasing role in the public culture of market societies throughout the world (Ristanovic 2004). The various markets for commercial sex acts and sexually explicit performances are openly advertised and this has the effect of normalising the acts and increasing the demand for them among men. The more these acts are visible and public, the more they are accepted (Hughes 2005).

In the case of portraying victims of trafficking, the media has been equally flawed. Mojca Pajnik (2010) in her work analyses how the topic appears in the media, what content emphases it receives in reporting, which aspects are dealt with and which are absent, and the implications of such framing. According to her trafficking appears within ‘frames’ that she labels ‘criminalization’, ‘nationalization’, ‘victimization’ and ‘regularization’ and these labels together help in shaping a specific anti-trafficking paradigm that depicts trafficking as a criminal issue and calls for stricter policing, saving victims and tightening borders. In her view, there is a need to go beyond predominant representations such as these. The counter trafficking strategies used by various agencies represent trafficking as an international crime and a problem of immigration and this tendency creates a criminalization perspective that advocates a “crime crusade” against “global gangsterism” (Pajnik 2010). The media’s portrayal of trafficking involves mainly the criminals who traffic and the victims who are trafficked. The role of the State, in terms of responsibility is not dealt with and these portrayals also encourage the adoption of an attitude unmindful of the wide range of circumstances that lead people to migrate. The criminalization frame is geared towards creating further restrictions in migration policies that lessen opportunities for migration which increases the possibility of border-crossing practices going underground thus potentially producing more exploitation and violence (Ibid).

Conflicts and Trafficking

Along with the factors mentioned above, specific conflict and post-conflict situations create instability and drastic consequences. Social change in post-communist countries, together with war-related changes in some of them, has had a negative impact on women's vulnerability to different forms of violence, especially to domestic violence, sex trafficking and sexual harassment in the work place. These influences were mediated by changes in social and economic status, as well as in the gender and ethnic identities of both women and men (Ristanovic 2004). This phenomenon is especially striking in the Balkans, where thousands of women and girls have been trafficked in the last several years (Ibid).

Wars and Gender Related Crimes

Violence against women is not restricted to war; its roots are well established in peaceful times (Olujic 1998). Even though countries and provinces like Bosnia-Herzegovina, Croatia, Kosovo, Macedonia, and Serbia and Montenegro experienced serious conflict during and in the immediate aftermath of the dissolution of Yugoslavia, the later wars fought within present day Balkans had a greater impact on women in particular, as these wars were infamously known for their gender related war crimes rendering women vulnerable to traffickers. In these wars, rapes and forced prostitution were used as means of wartime violence. Rape camps, brothels and gang rapes were common phenomena at that point of time, and the methods used to bring women to these camps were extremely cruel and humiliating.

In Bosnia, one of the most common routes into the sex industry is rape, which makes women "unmarriageable." Within male-female relationships, rape corresponds to the behaviour of conquering troops toward occupied territories. But women's bodies can become a battlefield on which men communicate their rage to other men as well, because women's bodies have been the implicit political battlefields all along. As a consequence, raped women bear the message that "their" men were not able to protect them as well as that they are worthless as "property" (Ristanovic 2004).

For a better understanding of this perspective, it is important to understand the state of gender relations and perspectives on sexuality that existed during normal times.

According to Olujic (1998), gendered violence in war draws on peacetime meanings of sexuality. That is, the perspective of a society towards its female population in “normal” situations, and the meaning attached to sexuality and gender discourses have an impact on the kind of violence perpetrated during conflict situations. In the case of south east European countries, the dynamic of male protection of female honour is embedded in the complex traditional cultures of the Slavic peoples. It is a patrilineal and a patriarchal society the centre of which is the extended family called *Zaruga*. Yugoslavian cultural ideologies are based on *zadruga*, according to which women are outside the core social unit. They are valued sex objects, mothers and workers. Workers women represent the code of honour and shame in these families and these codes are the basis of morality (Olujic 1998).

In the former Yugoslavia, these traditional values regarding sexual behavior, which condoned rape through honour/shame constraints, took precedence over economic transformations, state policy commitments under communism, and male migration. These constructions of sexual violence where even rape was accepted as a punishment for misbehaviour were reflected in the peacetime gender interactions in former Yugoslavia. The illustrations in the form of songs, jokes, and stories have similar messages though different in form in different geographical regions. Various symbolisms were used during peacetime in gender interactions. Many songs sung in the gender context were not directly to women, but womanhood in general and sexuality of women in particular being the focal point (Ibid).

Men generally sing songs about their virility and masculinity and women as depicted as hypocritical objects. In *Ganga*, a Croatian form of epic singing, the man is depicted as the controller of a woman’s sexual being. Symbolisms like shaving or cutting a woman’s hair if she does not follow the code of honour have eventually taken the meaning of killing someone as the words cut and shave have entered the war lexicon to mean kill the enemy. During World War II if a woman was thought to be a spy, Yugoslavian partisans shaved her head. During the recent war, another metaphor was associated with hair. The word *procesljati*, which means “to comb through,” also refers to liquidating the enemy. While on the man’s side, the importance of cutting or shaving the hair symbolized a man’s coming of age and hence suggests male power. Similar symbolisms can be observed in the usage of words like blood, where the

blood of males was considered superior and pure. Historically, in ballads about the distress of war, heroes wrote letters in their blood or wept tears of blood in their fury, which expressed love (Olujic 1998).

The tight control over the expression of women's sexuality in South Eastern European cultures does not obviate the widespread discussion of sexuality by both men and women in the form of jokes, songs, aphorisms, and other folklore phrases. All these symbolisms advertently express the ideas that men are more powerful than women and women are mere sexual objects. The patriarchal society saw men preoccupied with their own as well as women's sexuality. Measuring male sexuality was done by public displays of virility and sexual prowess. Rape and symbolic or "play rape" have historically been a part of some marriage rituals in South Eastern Europe. Marriage by capture, in which a man kidnaps a woman and takes her to the mountains to sexually express his right over her as his wife, often took place without the consent of the woman or her male kin. Even the courtship patterns clearly exhibited violence to a large extent (Ibid).

In "*otmica*", a form of elopement, the theme is played out in a form of courtship called "chasing". Male teenagers would run after a woman, knock her down, jump on top of her, pin her onto the floor, roll her over, and assault her. In public, this physical assault aroused the cheers of men and motivated women to yell out and pull the man off the victim. Men openly chased women as a way of publicly boasting to other men of their accomplishments (Ibid). Since the attacked women usually rejected the men's advances, the play rape became a way for a man to publicly save face and publicly humiliate a woman for rejecting him. Conversely, if an unmarried woman attracted the attention of a young man, her face or cheek was dishonoured, which in turn ruined the honour of her entire family. Courtship contained an intrinsic undercurrent of dangerous, violent sexuality. While male teenagers had almost unlimited rights of expression, female teenagers were frequently told publicly to contain themselves. Given the importance and value placed on women's chastity, monogamy, and fertility, it is understandable why women, and by extension family and lineage, constituted critical targets in the war in Croatia and Bosnia-Herzegovina. Aggression or violence against women is a means by which combatants show who controls the sexual property and political process through traditional honour/shame ideology. Women's

honour reflects that of men's, which, in turn, reflects that of the nation (Olujic 1998).

Coming back to the war scenario, the common form of terror was selection and round up of civilian population. Most people were beaten torture and killed. During this period, the *ganga* songs were explicitly sung by bringing about an analogy between violent attack and sexual behaviour. On the eve of the war in Bosnia, a number of popular jokes revealed apprehension and anxiety about expected sexual violence. Such jokes represent the merger of images of sex and combat and illustrate the importance of rape as both a physical and a symbolic form of terror. The jokes portray women as the objects of men's military/political aims (Ibid).

In this context rape constitutes a physical and moral attack against women, as well as an attack by humiliation and dishonour on the husbands, brothers, fathers, and sons of the victims. Rape demonstrates men's inability to protect their women. Thus, in wartime, violation of female honour is a weapon used by the men of one ethnic group against those of another. This type of humiliation is especially intense in South Eastern Europe where the honour/shame complex is strong and female chastity is central to family and community honour (Olujic, 1998).

War rapes reinforce the cultural notions of cleanliness and dirtiness associated with sexuality and ethnic affiliation. Through forced pregnancy resulting from rape, aggressors can "purify the blood" of the attacked group by creating "ethnically cleansed" babies belonging to the group of the invading fathers. In the former Yugoslavia, because meanings of rape are shared by the three ethnic groups (Croats, Muslims, and Serbs), sexual violence is especially salient as a weapon of torture (Ibid).

War rapes in Croatia and Bosnia Herzegovina

Nobody knows the actual number of the victims of rape and sexual torture in the war in former Yugoslavia (Brecic and Loncar 1995). According to the figures released by the Bosnian government at the end of September 1992, almost 15 percent of the population of approximately one and a half million or 200,000 individuals, had been confined in concentration camps (New York Times 1993). Men and women were held

separately. Individuals of both sexes were physically and sexually tortured. Tortures included rape and sexual mutilation. In another report compiled by a fact-finding mission of the European Community in December 1992, Bosnian Serb soldiers were reported to have raped 20,000 women, mostly of Muslim ethnicity. The report noted, "in recent months this was part of a deliberate pattern of abuse where rapes cannot be seen as incidental to the main purposes of the aggression but as serving a strategic purpose in itself" (European Community Investigation Mission into the Treatment of Muslim Women in the Former Yugoslavia).

The Bosnian Ministry of the Interior places the number of women rape victims at 50,000. While the reported number of rapes varies, all reports agree that rape has been used as a genocidal tool used against ethnic populations. Many mass rapes in Bosnia-Herzegovina have occurred in what the Bosnian government terms rape camps, where Serbian soldiers forcibly held and raped the conquered women, who faced either of two cruel fates: to survive repeated rapes and tortures, or to be killed immediately. The atrocities committed by Serbian soldiers were systematic. Unwilling Serbian soldiers were sometimes coerced by superior officers to rape or help rape women. There was a deliberate attempt to impregnate women and hold them as prisoners until it was too late to abort-usually through the second trimester of pregnancy. Today the raped women and their children from rape are constant reminders of suppression and domination. Military rapists bind themselves together ethnically by separating their male and female victims through a multitude of sexually violent acts. By acting as a group and by systematically imposing their methods through acts and words of brutality, rapists are a social body that acts against another social body. In short, a purpose of ethnically organized rape is to destroy another ethnic group. War transforms the political uses of rape. Although the first rapes of women in this conflict occurred during 1991 in Croatia, the Croatian government kept silent. Atrocities occurred in greater numbers in Bosnia-Herzegovina than in Croatia. Also, Muslim women were valued more in Bosnia than Christian women in Croatia. But these answers fail to reveal the complexity of the relevant cultural expressions and interactions. Lack of official disclosure about war rapes of Croatian women enabled Croatian men to publicly retain their honour and their face. Public admission would have required an admission of male weaknesses. War rapes in Bosnia symbolized an assault on the Muslim social body. While both Croatian and Muslim women were

raped by military men in Bosnia, the bulk of the victims were Muslim family (Olujic 1998).

The sheer scale of the violence against women and against Muslim women made it impossible initially to hide the reality of these atrocities. Furthermore, the Bosnian government profited politically from publicizing the aggression against its "own" women. Bosnian women who were victims of mass rapes in Serb-run Bosnian rape camps became bargaining tools of the Bosnian government to entice or persuade the West to intervene militarily. Raped women were also used to manipulate the media and other governments' actions by male members of the Bosnian government who in effect confiscated the identity of these women, thereby becoming rapists of another sort. Although divorced women were more likely to talk about their experiences than single or married women, they did not have the same stake in virginity or marital fidelity and therefore did not have the same potential to bring public shame to their families, even though they told me that they could never return to their villages after the violence. The shame of their ordeal was too much to share with family (Olujic 1998). In the ideology of honour and shame, it does not matter whether or not a woman consents to sexual intercourse (Rebhun 1995). The significance of the linkages these women created between wartime and peacetime images and beliefs about blood cannot be overstated. In both peacetime and wartime, the meanings inscribed on women's bodies constantly shift between individual and social meanings (Hughes and Lock, 1987). In peacetime, on the one hand, women's bodies are the symbolic repository of their men's honour, the symbolic terrain of male competition. By controlling women's bodies and invading the bodies of other men's women, either symbolically through folkloric boasts, or physically through kidnap and rape, men play out masculine competitions. They achieve status among themselves by stripping women of status (Ortner 1981). Because a woman's body is a microcosm of her lineage, and the body's weak points being its orifices (Douglas 1970), by dishonouring a woman, a man symbolically dishonours the whole lineage. This is partly due to women's reproductive power. Underlying the whole honour complex is the fear that somehow a man from another group will impregnate a woman and make fools of the whole group by forcing them to raise an "alien" child. In this way the competing lineage would have permanently invaded the victim's lineage. Raping women and forcing them to bear "Chetnik" babies is the logical extension of the

unconscious fears that underlie the honour complex. What the soldiers are doing is making the worst fears of their victims come true: unstated but deep-seated fears are now stated openly and have become a reality. On a larger scale, in the context of war the concept of lineage can be extended to include an entire ethnic group. In this political context in the former Yugoslavia all ethnic lineages-Croats, Serbs and Muslims-were antagonists. The symbolic "body" of these lineages became a geographic territory in terms of both land and the physical bodies that the military groups were able to hold. "Ethnic cleansing" became a way of "devirginizing" their national territory and then holding it safe from the symbolic rape of invasion. In sum, the rapes of individual women were microcosms of the larger invasions of territory (Olujic 1998). As Ristanovic states, inevitably, these women who were targeted turned towards prostitution which made them vulnerable to trafficking, as they did not have much choice left (Ristanovic 2004).

Consequently, armed conflict makes survival of raped women even more precarious. When a huge international army is also present, as in the case of Bosnia, newly created demand for sex workers cannot be met by local women, trafficking of foreign women from poor post-communist countries supplements the supply. According to some sources, there is evidence of foreign women working as prostitutes in Bosnia and Herzegovina as long ago as 1993 (Ibid).

Peacekeeping Operations and Trafficking

Not only did conflict ridden situations fuel gender crimes, trafficking, and its agencies, but the aftermath of conflicts too had an irreversible impact on these societies. After the war, the wartime infrastructure of the mafia was easily transferred into post-war crime and it was able to smuggle large numbers of illegal immigrants into the country (Ristanovic 2004). Sometimes, the peacekeeping forces were involved in such activities. Moreover, in addition to their occasional active involvement, the peacekeeping forces formed an important consumers' market for the products of these criminal groups. With respect to trafficking and prostitution, the exploitation by peacekeepers varies in severity (Mendelson, 2005). It ranges from peacekeepers themselves buying and selling women to being a part of the crime by paying for sexual services provided by the trafficked women.

UN peacekeepers have been found involved in sexual violence, including trafficking in numerous conflict and post-conflict regions. “Violations have been documented in Angola, Bosnia and Herzegovina, Cambodia, DRC, East Timor, Liberia, Mozambique, Kosovo, Sierra Leone and Somalia” (Mendelson 2005). In the Balkans, news about women held in sexual slavery appeared in newspapers starting from late 1993, about how Muslim women were forced into prostitution and held in sexual slavery by Serbs. Many reports also shows the complicit nature of the soldiers of UN peacekeeping forces in Bosnia, who themselves were regular clients of women held in captivity. The situation was no different in Kosovo during the Kosovo war; the Albanian mafia largely used the refugee crisis during the Kosovo conflict to NATO intervention for trafficking Albanian and Roma women from Kosovo to Italy and other western countries. Post-war militarization and the large presence of international organizations further contributed to the growth of sex trafficking in Balkans. The end of hostilities and arrival of peacekeeping forces led to increase in the number of brothels in the war-torn areas. These forces which are still present in these regions continue to fuel trafficking by creating larger demand for women in the sex industry (Ibid).

On a report entitled “Barracks and Brothels” by Sarah E. Mendelson (2005) regarding the connections between prostitution, sex trafficking, and peacekeeping forces in the Balkans (particularly Bosnia and Kosovo), describes the spikes in the number of trafficked females followed the deployment of United States, North Atlantic Treaty Organization, and the United Nations forces in Bosnia and then later in Kosovo. The report describes how ironic it is that forces deployed to enforce peace, to rebuild societies, end up increasing exploitation of women and children in the area to meet the demand for sex and recreation.

Peacekeepers as Customers

Many experts point to the locations and names of the bars as evidence that traffickers not only target but also respond to the demand of international peacekeepers. Traffickers in Bosnia directly targeted the international workers for customers; this is illustrated by how “names of bars in Bosnia correspond to peacekeeping troops” that surround them. The Americans could patronize the Malibu Club and the Freedom

Restaurant, conveniently located close to their camp locations, while the Café Sale and Café Picasso were tailored to French aid providers. The Arizona Market in Bosnia, established by peacekeeping forces after the war to foster trade between Serbs, Croats and Muslims, has grown “into five square miles of sinister black facade, where women from the former Soviet Union and elsewhere in Eastern Europe are sold to the highest bidder.” The Market is situated near the towns of Brcko and Tuzla, which boast “one of the highest concentrations of the international police force created to establish law and order in Bosnia, one of the largest American army bases and one of the biggest UN-administered aid packages of the post-war years (Mendelson 2005).

In 1999, Human Rights Watch uncovered brothels “filled with women scattered throughout Bosnia.” Women told Human Rights Watch interviewers that they had been sold from brothel owner to brothel owner, placed in debt bondage, threatened, and beaten. One year later, the United Nations report on trafficking in Bosnia confirmed the widespread abuses. The UN identified 260 nightclubs throughout the country, while the estimate given by NGOs is that the number is as high as 900, with between four and 25 women in each nightclub (Limanowska 2003). The May 2000 HRW Report documented significant local police, international police, and some SFOR²⁸ complicity in trafficking in women (Human Rights Watch World Report, 2001).

Also, according to local NGOs, 50 per cent of clients are internationals, mainly soldiers from SFOR, and at least 70 percent of all profits from prostitution are estimated to come from internationals, paying different rates and spending more money in bars than local men. A similar situation exists in Kosovo, where three higher-level police officers have been recently repatriated for suspected involvement in trafficking (Limanowska 2003). Peacekeeping missions therefore, directly or indirectly fuel trafficking of not only local but also foreign women in disturbed regions.

²⁸ Stabilization Force

Regional Factors favouring Trafficking

Besides these situational reasons, the root cause of the problem lies in the nature of the Balkan society itself. Even though there is an ever-present market demand for sexual services in developed countries which acts as a catalyst for the increase in trafficking, it cannot be denied that adverse living conditions within these countries make trafficking all the more possible and eventually a flourishing trade in regions like the Balkans. A cumulative effect of these factors and lack of proper law enforcement agencies within these countries enhance trafficking rapidly.

Organized Crime Syndicates

Smuggling of goods, arms and people, corruption of state employees, organised crime groups and acceptance of illegal ways to earn money, as well as unregulated migration, have become the new norm” (UNICEF 2002). Organized crime refers to sub-national and transnational corporate agencies that operate systematically outside the purview of law with the intention to turn in profits for its members, especially the leaders. Organized crime is obviously illegal in nature, although it may have diverse connections both with the state agencies and legal markets. It is useful to make a distinction between two key activities of organized crime groups; trafficking of illegal goods and the provision of protection and enforcement services, usually to other criminal businesses (WIDER 2003). The collapse of Yugoslavia and the wars that emerged also led to the increase of organized criminal activities in the Balkans. “So massive is the social and political upheaval created by a major war, and so radical a shift in the strategic context is wrought by its conclusion, that opportunity knocks for a host of actors who seek to exploit what they believe is their strategic moment” (Ristanović 2004). For instance, the organized crime syndicates, more popularly known as the mafia enter the markets to deal with drugs, arms and human beings. The need to finance the many war efforts of the various groups involved in the conflict in the region led to the appearance of a so-called “war economy,” which generated its funds from illegal activities. The networks and markets established during the war had remained even after the war ended, as they had proved themselves to be very efficient (Ibid).

Black Market and Trafficking

Lack of the rule of law and difficult economic situations have allowed black market economies to flourish” (UNICEF 2002). As is the case of all forms of organized crime, the existence of a developed “black market” has played a major role in the establishment and development of illegal networks and routes of traffic. All the centralized economies of Eastern Europe harboured developed black markets, due to the incapacity of the official economies to meet consumers’ basic needs. Against this backdrop, after 1990 different criminal groupings began to appear, taking advantage mainly of the weakness of the state and the corruption of state structures. It is clear that traditional patterns of trade and investment also shape the trade in human beings, much as they do with the trade in other “commodities.” (Musacchio 2004). Behind only drugs and arms smuggling in the league table of profitable crimes, trafficking in persons is more or less interspersed with the rest of the illegal trades. Moreover, people involved in the traffic of other commodities can easily become traffickers in persons as well, due, on the one hand, to their familiarity with existing networks and known routes, and, on the other hand, to the high revenues generated by human trafficking, at a relatively low risk (Ibid).

With regard to trafficking, with their large presence of international administration, organizations, police, and military forces, the attendant confusion in jurisdiction, corruption, and inefficient and biased law enforcement system, and its short distance from the post-communist countries with large supplies of vulnerable women, is an ideal destination for traffickers wishing to avoid risks and unnecessary expenses. Moreover, women from other East European countries usually do not need visas to get to the former Yugoslavia, which make traffickers’ tasks even easier. Many criminal organizations have set up in the business of “exporting” women to put them to work in sectors where access to information and social assistance is very limited. Young women are enticed by offers of employment abroad as dancers, bar hostesses or au pairs and end up, sold and in debt, on the pavements of some unknown country. Even those who know that they are heading into prostitution have no idea of the violence in store for them and they are misled about the conditions they will have to work in (Ibid).

Rampant Corruption

South Eastern Europe is faced with a high level of corruption at all levels of society, and institutional corruption is a catalyst for producing an environment where transnational criminality can flourish. Without the help provided by corrupt law enforcement, consular officials, diplomats, and lawyers the traffic in human beings in the region would virtually cease to exist. Also central to the success of traffickers is the corruption of border guards, police, and personnel in the security and transport sectors. Without employees in the airports and railroad industry turning a blind eye, often after the payment of a significant sum, this form of organized crime could not proceed. Moreover, it is not only the case that the official police in the countries of South Eastern Europe are in many cases incapable of stopping the phenomenon of human trafficking, but in certain cases police officers or other high officials are managing their own trafficking networks. For example, in the summer of 2003, high-ranking government officials in Montenegro, including the Deputy General Prosecutor, Zoran Piperovici, were accused of direct involvement in a trafficking network; due to pressure from the international community, the case was taken over in July 2003 by an OSCE investigative commission (Ovidia 2005).

The specificity of each country in the Balkans and their respective societies limit the possibilities of generalizations. Nevertheless, given their geographical proximity and certain pan-Balkan socio-cultural tendencies generalizing to some extent is possible and helps in understanding Balkans as a whole. These are the common social factors that in one way are the other induce traffickers and put women to the risk of getting trafficked in the Balkan region (Ibid).

Family Situations

Many researchers concur that most of the victims of human trafficking usually come from families with low levels of education. In particular, the most vulnerable females come from families with histories of abuse and domestic violence, or from homes with alcoholic parents. The familial environment of the victims is also characterized by a lack of communication between parents and children, and by a general lack of care on the part of the parents for their children's future. Many of the victims are also

formerly institutionalized or “street” children, with little or no experience of domestic harmony or parental care (Ovidia 2005).

Zone of Provenance

A very large portion of the victims come from poor regions of the source countries, characterized by an acute lack of employment opportunities (either big cities or poor rural areas) and by heightened levels of migration to seek work abroad. Both the social conditions at home and the “success stories” of people who have managed to make a living abroad, or the “mirage” of a better life outside the country, are very important factors in determining a person’s decision to trust a recruiter and leave home (Ovidia 2005).

Lack of a Culture of Migration

The environment where the most victims come from is very often characterized by a lack of public information on institutions involved in the process of migration and on the legal possibilities of getting a job abroad. Moreover, the potential victims have little or no information on employees’ rights, or about the country to which they want to emigrate for work. In general, victims of human trafficking have an unreal image of life in Western countries, an image that recruiters do little or nothing to dispel (Ovidia 2005).

Incoherent Social Policies

Most countries in the region are faced with a lack of efficient strategies and social policies to combat unemployment and poverty, as well as with a deficient educational system in relation to the requirements of the job market. The countries in the region are also characterized by a relatively new institutional framework combating human trafficking and the crimes associated with it, as well as by insufficient budgetary allotments for the implementation of national plans of combating both poverty and human trafficking (Trafficking in Children report Romania 2004).

Lawlessness and Social Disorganization

An ambiguous and very often inadequate legislative framework for combating all forms of organized crime, including human trafficking, can be observed in most of the countries in the region. For example, Romania adopted a law on preventing and combating human trafficking (Law 678/2001) only in December 2001. Also the main law directed at preventing and combating organized crime (Law 39/2003) defines, among other very serious felonies, pandering, human trafficking, and slavery.

However, despite the measures taken in recent years by the countries of the region in the field of combating trafficking in persons, the weak performances of the official institutions of the state are still evident, both because of corruption and because of the lack of specialized personnel and equipment(Trafficking in Persons Report 2005). Table 3 of Appendix Two is a summary of the Post cold war Scenario with regard to trafficking in the Balkans²⁹. To address the problem of trafficking of women within Balkans, it is pertinent to identify the systemic causes and focus on rectifying the issues based on these causes. The following chapter is an attempt to analyse the responses to trafficking of women in the Balkans has received both from the international community and the regional agencies. It would critically examine their role and the reasons for failure in spite of multiple initiatives.

²⁹ Table 3 in Appendix Two Page 119.

Chapter Four
International Responses:
Rhetoric and Reality

Trafficking in human beings has figured prominently in international policy debates. Hence it is imperative to assess its role and involvement in the region with regard to trafficking and the efforts that it has undertaken to combat the same. The international community has had an important influence on both trafficking and anti-trafficking efforts in the Balkan region and hence has a decisive impact on the dynamics of the process. "With large numbers of men, women and children taken across international borders and within their own countries to be exploited for profit by criminals, anti-trafficking efforts worldwide have resulted in increasing efforts towards ensuring justice for victims and punishment of offenders" (OSCE 2006).

Both domestically and internationally there have been efforts put forth to combat trafficking. At the international level, there are approximately 80 separate instruments that address the issue of slavery, slave trade, slave-related practices, forced labour, and their respective institutions (Clawson et al 2008). The ICF report on human trafficking states that these instruments can be subdivided into four broad rubrics: 1) those specific international instruments which have arisen under the law of peace; 2) general human rights instruments that touch upon the issue of slavery and its associated practices under the law of peace; 3) other international instruments which reference slavery and slave-related practices under the law of peace; and 4) those international instruments which address slavery and its related practices under the law of armed conflicts (Clawson et al 2008).

Major International Instruments Addressing Human Trafficking (Clawson et al 2008)

Firstly, The Hague Conventions of 1899³⁰ and 1907³¹ incorporated protections for both civilians and belligerents from enslavement and forced labour into the international regulation of armed conflict. These conventions laid down the foundation for slavery slave-related practices, and forced labour to be considered as

³⁰ Laws and Customs of War on Land (Hague, II), July 29, 1899, 32 Stat. 103, T.S. No. 403. As cited in Clawson et al 2008

³¹ .Laws and Customs of War on Land, Oct. 18, 1907, 36 Stat. 2277, T.S. No. 539. As cited in Clawson et al, 2008

international crimes under conventional and customary international law (Clawson et al 2008). The following are other major instruments being used internationally in order to address the problem of trafficking.

The 1815 Declaration Relative to the Universal Abolition of the Slave Trades

The 1815 Declaration was the first instrument to address slavery and was signed in Vienna on February 8, 1815. Signatories included Austria, France, Great Britain, Portugal, Prussia, Russia, Spain, and Sweden. The Declaration recognized the penal nature of enslavement and established a duty to prohibit, prevent, prosecute, and punish slavery-related offenses (Ibid).

Consolidated Treaties

The 1904 International Agreement for the Suppression of the White Slave Traffic and 1910 international convention for the suppression of white slave traffic were signed prior to the establishment of the League of Nations (Morehouse 2009). The first Agreement was signed in Paris on May 18, 1904, and the State signatories were Belgium, Denmark, France, Germany, Italy, the Netherlands, Portugal, Russia, Spain, Sweden, Norway, Switzerland, and the United Kingdom. Articles 1, 2, and 3 require cooperation in the prosecution and punishment of the trafficking in white slaves (Clawson et al 2008). While the former did not differentiate between minor and adult human trafficking victims in granting victim-status, The 1910 Anti Human Trafficking Convention was age-specific and addressed the 'white slave traffic' of female minors (under 21) and adult women. Also both these treaties addressed human traffic of women only: adult women and female minors. Hence it was gender-specific, applying only to female victim. In Morehouses's (2009) view, the 1904 treaty was Euro-centric; its signatories were predominantly European countries and many of their colonies. Europe was both a region of source and destination for victims of human trafficking for the purpose of sexual exploitation at this time. The 1910 Anti Human Trafficking Convention was similarly Euro-centric, applying primarily to Europe and its colonies.

The 1921 International Convention for the Suppression of the Traffic in Women

and Children

This Convention was signed in Geneva on September 30, 1921, and entered into force with respect to each state party on the date of their respective ratifications. The 1921 Anti Human Trafficking Convention expanded the geographic scope of the two prior agreements beyond Europe (Morehouse 2009). State signatories were Albania, Australia, Austria, Belgium, Brazil, the British Empire, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Estonia, Germany, Greece, Hungary, India, Italy, Japan, Latvia, Lithuania, the Netherlands, New Zealand, Norway, Persia, Poland, Portugal, Romania, Siam, South Africa, Sweden, and Switzerland. Articles 2 and 3 require prosecutions of the proscribed act, while Article 4 requires cooperation in extradition (Clawson et al 2008). The 1921 Anti Human Trafficking Convention applied the same limitations as the 1910 Anti Human Trafficking Convention when it came to the age of the victim and was therefore age specific. It also removed the gender-specificity of prior international Anti Human Trafficking Agreements only on children (Morehouse, 2009).

The 1933 International Convention for the Suppression of the Traffic in Women of Full Age (1933 Anti Human Trafficking Convention)

This convention focused only on women or girls of full age, and did not exclude minors as being recognized as victims of human trafficking. Instead it removed the restriction on recognizing adult victims of human trafficking as such in cases where adults consented to their exploitation. Therefore, the 1933 Anti Human Trafficking Convention was not age-specific. Since the 1933 Anti Human Trafficking Convention does not address children, it neither reaffirms nor disputes the progress made in the previous convention concerning child victims of both genders. This convention was primarily Euro-centric according to Morehouse (2009) and interrupted the momentum of anti human trafficking engagement at the international level from continually moving from a primarily European to a global issue (Morehouse, 2009).

The 1948 Universal Declaration of Human Rights (UDHR)

The UDHR was adopted by the United Nations on December 10, 1948. The Declaration speaks to the freedom of every person in Article 3, and specifically

addresses the issue of slavery in Article 4 (Clawson et al 2008). Torture, cruel, inhuman or degrading treatments are also prohibited by the declaration. Equality before the law and non-discrimination are basic human rights that every individual is entitled to regardless of “race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Morehouse 2009).

The Geneva Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of Others (1949 Anti Human Trafficking Convention)

The 1949 Anti Human Trafficking Convention was a turning point at the international level concerning governments' understanding the relationship between gender and human trafficking. In this convention the League of Nations defined human trafficking to apply to all men and women and convention was also not age specific. The 1949 Anti Human Trafficking Convention was not Euro-centric and was internationally focused. Following the 1949 Anti Human Trafficking Convention, the international community gained continuing clarity on the issue of gender as irrelevant to granting victims of human trafficking this status. It defined human trafficking as including sex trafficking of both genders in articles one and seventeen. Although the Convention can only be described as a limited global effort based on the small number of countries that subscribed to it, it marked a lasting turning point at which the nucleus of combating human trafficking became global. This change from a primarily regional to a global focus on anti human trafficking policies occurred rather slowly, only after a half-century of international efforts. The 1949 Anti Human Trafficking Convention amended the 1904, 1910, 1921 and 1933 international policy frameworks on human trafficking (Morehouse 2009).

United Nations Protocol to Prevent, Suppress and Prevent Trafficking in Persons (PPSPTP) 2000

By 2000 anti human trafficking efforts were undertaken by almost every government in the world. The 2000 UN Anti Trafficking Protocol was not Euro-centric. Its signatories are from all over the globe (Morehouse 2009). Articles 1, 2, and 4 of the PPSPTP set out the relationship between the Protocol and its parent instrument, the UN Convention against Transnational Organized Crime, the basic purpose of the Protocol, and its scope of application. The Protocol is not a stand-alone instrument,

but rather must be read and applied with the parent Convention. Each country is required to become a party to the Convention in order to become party to the Protocol. Protocol offenses are deemed to be Convention offenses for the purposes of extradition and other forms of cooperation (Morehouse 2009).

The basic purpose of the Protocol is to prevent and combat trafficking, to protect and assist victims, and to promote international cooperation. Victims and witnesses are also dealt with in the parent Convention, but the protection of, and assistance to, victims is specified as a core purpose of the Protocol in recognition of the acute needs of trafficking victims and the importance of victim assistance, both as an end in itself and as a means to support the investigation and prosecution of trafficking crimes (Ibid).

The definition of “trafficking in persons” is found in Article 2 of the Protocol, the first time that the international community has developed and agreed to a definition. Essentially, trafficking consists of actions in which offenders gain control of victims by coercive or deceptive means or by exploiting relationships (e.g., those between parents and children) in which one party has relatively little power or influence and is therefore vulnerable to trafficking (Clawson et al 2008). Articles 9 through 13 require law enforcement agencies of signatory states to cooperate in the identification of offenders and trafficked persons, to share information about the methods of offenders, and to train investigators, law enforcement and victim support personnel. Countries are also required to implement security and border controls to detect and prevent trafficking. These measures include strengthening their own border controls, imposing requirements on commercial carriers to check passports and visas, setting standards for the technical quality of passports and other travel documents, protecting the production and issuance of travel documents from fraud and corruption, and ensuring the expeditious cooperation of security personnel in establishing the validity of their own documents on request (Ibid).

Council of Europe Convention on Action against Trafficking in Human Beings (CECATHB) 2005

The CECATHB was adopted by the Committee of Ministers on May 3, 2005, and is a

comprehensive treaty focused on the protection of victims of trafficking and the safeguarding of their rights (Clawson et al 2008). The Convention aims to improve the protection of the rights of trafficked persons, thus ensuring a better balance between the prosecution of the crime and the protection of the rights of trafficked persons and also states that trafficking violates the integrity and human dignity of the person (OSCE 2006). Convention applies to all forms of trafficking (national and transnational), all victims (men, women, and children), and all forms of exploitation (e.g., sexual and forced labor). The Convention provides for the setting up of an independent monitoring mechanism guaranteeing parties' compliance with its provisions (Clawson et.al 2008).

UN Commission on the Status of Women (CSW), 2005

The 2005 CSW Resolution on Demand reinforces Article 9.5 of the UN Protocol against trafficking by affirming that “eliminating the demand for trafficked women and girls for all forms of exploitation, including for sexual exploitation, is a key element to combating trafficking”. It calls upon Governments to take all appropriate measures to eliminate the demand for trafficked women and girls and emphasizes that commercial sexual exploitation overwhelmingly affects women and girls. It encourages all measures, including legislative ones, “to deter exploiters and eliminate the demand” (Connor and Healy 2006).

The Seven Core International Human Rights Treaties

The seven core international human rights treaties expand upon the rights included in the Universal Declaration of Human Rights (Morehouse, 2009). These core treaties are:

- 1) International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965
- 2) International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
- 3) Convention on the Elimination of Discrimination against Women (CEDAW), 1979
- 4) Convention against Torture and Other Forms of Cruel, Inhumane or Degrading Treatment or Punishment (CAT), 1984
- 5) Convention on the Rights of the Child (CRC), 1989

6) International Convention on the Protection of the rights of all Migrant Workers and Members of their families (ICRMW), 1990

7) International Covenant on Civil and political rights (ICCPR), 1966

Of all the above stated treaties the most relevant to trafficking are discussed below.

Convention on the Elimination of Discrimination against Women (CEDAW), 1979

CEDAW aims to protect the rights of women. In article one, it defines discrimination against women: “Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” Although human trafficking is not a crime specific to women and girls, a majority of its victims are female. According to US government estimates from 2004, 80 percent of global human trafficking victims are female.

CEDAW builds on the ICERD treaty and goes further to protect women’s rights, in cases where their exploitation is made possible or is simplified through gender discrimination. Article six of CEDAW address human trafficking in women specifically: “States Parties shall take all appropriate measures, including policy frameworks, to suppress all forms of traffic in women and exploitation of prostitution of women.” Articles 12 and 13 advocate women’s rights to health, employment, among other things. Article 21 of the Convention on the Elimination of All Forms of Discrimination against Women empowers the Committee on the Elimination of Discrimination against Women (CEDAW) to make suggestions and general recommendations based on the examination of reports and information received from States parties. CEDAW clarified that trafficking is a form of gender-based violence when it adopted General Recommendation No. 19 in 1992, which highlights the interconnections between trafficking in women, women’s lower economic status, armed conflict and violence (Connor and Healy, 2006).

Convention against Torture and Other Forms of Cruel, Inhumane or Degrading Treatment or Punishment (CAT), 1984

The CAT treaty is relevant to human trafficking. It includes a provision for punishing those who inflict cruel, inhumane or degrading treatment or punishment. CAT commits its signatories to have legal channels for preventing, investigating and punishing torture and cruel, inhumane or degrading treatment or punishment. It also prevents repatriation of persons who risk being subjected to such treatment. In the case of human trafficking this could apply to victims who risk being re-trafficked. Articles 12 and 14 include victim's rights to fair and adequate compensation as well as full rehabilitation (Morehouse, 2009).

Many of the rights and protections included in the seven core international human rights treaties pertain to protecting victims from being trafficked.

Of the above given agreements, Morehouse (2009) identifies six important agreements and has undertaken a detailed study. The treaties that he undertook for observation are,

- a) The 1904 International Agreement for the Suppression of White Slave Traffic (1904 Anti Human Trafficking Treaty),
- b) The 1910 International Convention for the Suppression of the White Slave Traffic (1910 Anti Human Trafficking Convention),
- c) The 1921 International Convention for the Suppression of Traffic in Women and Children (1921 Anti Human Trafficking Convention),
- d) The 1933 International Convention for the Suppression of the Traffic in Women of Full Age (1933 Anti Human Trafficking Convention),
- e) The Geneva Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of Others (1949 Anti Human Trafficking Convention) and
- f) The 2000 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 UN Anti Human Trafficking Protocol) (Ibid).

Morehouse (2009) came up with 22 parameters among these instruments by observing their recurring components and identifies the main pressure points of international policies, which have remained 'problematic'. Those aspects of anti human trafficking policy, which have remained controversial or 'problematic' over the past 100 years are as follows:

- 1) Demographic parameter: gender-specificity
- 2) Geographic parameter: internal human trafficking
- 3) Exploitation parameters: forced non-sexual labour and trafficking in human organs
- 4) Victim protection parameter: victim access to legal residence
- 5) Criminalization and punishment parameters: criminalization of links in the trafficking chain and the commercial nature of the crime (Morehouse 2009).

Table 1 of appendix Two shows the regional initiatives that have been undertaken in the region³².

Challenges to co-ordinated international efforts

Problems with Conceptualization

The concept of trafficking is still very much an emergent one, whose definitions and interpretations are far from settled (Limanowska 2004). The language used is often inconsistent across countries, laws and practices in addressing the crime (Omelanuk 2005). The concept of trafficking, as discussed in the second chapter has been defined by various agencies in various ways. Though the UN Trafficking Protocol's definition has been the most widely accepted and internationally recognised trafficking definition, there are groups that do not concur with it. This ambiguity over the definition proves to be the first hurdle in addressing the issue. As perspectives and definitions differ, the ways of addressing the problems also differ from nation to nation. Adding to the existing ambiguity is the emergence of new definitions by individual groups/agencies focussing on one or two aspects and not the entire problem. The definitions by these agencies either have feminist, human rights, border control, migration, or a security angle to it. In short, most of them are one-sided and focus on the group's immediate concern and orientation. Hence the differences in opinions of groups ranging from governments to feminists render it impossible to come up with an all-view encompassing definition.

While the criticism for the Trafficking Protocol has been ever present, there is also acknowledgement by certain agencies with regard to parts of the definition such as the

³² Table 1 of Appendix Two page No. 118

mentioning of “demand” issue that promotes trafficking for the first time. “Article 9.5 stipulates that States Parties shall take or strengthen legislative or other measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking” (UN trafficking Protocol, Connor and Healy, 2006). This international legal consensus, however, actually has something more of a supra-national existence. To a significant degree, it sets the terms of debate in gatherings of transnational actors. Outside of such gatherings, in the day-to-day operations of national and local level actors, definitions of trafficking remain murky and contradictory (Limanowska 2004). Even if there is agreement at the international level on the legal definition of trafficking, researchers disagree on how trafficking should be defined and studied. This new definition has not resolved the problem of what precisely is meant by the term trafficking, and what should be the focus of studies on the subject (IOM 2005).

According to Zimic (2004) the question of having a common definition addresses two issues. Firstly it refers to terminological differences such as inconsistent use of terms such as trafficking in human beings, trafficking in persons and trafficking women in women and children for the purpose of sexual exploitation. Although the term ‘trafficking’ has for many, taken on a commonsensical meaning, there remains a pressing legal and policy need for a precise technical definition. It is thus necessary to continue discussing how to define trafficking if we want the term to be a fruitful tool in framing the phenomenon—which in turn impacts the ability to aid victims, prevent victimization and to prosecute traffickers (Skilbrei and Tveit 2008).

The second aspect that Zimic (2004) refers to as the definition dilemma, is regarding understanding the concept of trafficking. At the core of anti-trafficking services is an understanding of what the phenomenon itself consists of (Brunovskis and Surtees 2008). “There is both consensus and disagreement about how trafficking in human beings and trafficking in women for the purpose of sexual exploitation should be defined” (Zimic 2004). She opines that the inconsistency of definitions can be traced in different approaches within research studies where different emphases are followed by diverse starting points including common agreement on the contents and dimension of trafficking (Zimic 2004). Also, different interpretations are a result of institutions within states as well as between states.

Trafficking can be addressed from a number of different perspectives such as gender, economic or poverty-induced, health, human rights, state sovereignty, migration and so on. This means that a variety of agencies seek to address it, including governments, NGOs and migration authorities. These have resulted in diverse approaches not always adjusted to each other. In many cases, these parties define and approach the problem from the perspective of their own mandates (Zimic 2004). Divergent definitions will remain a stumbling block, despite the fairly broad definition within the Optional Protocol to the UN Convention. Even signatories to the protocol are likely to have different definitions in their national laws, and it is these that are used in the construction of official data. The question of which definition is being used and by whom, will however continue to be a matter that research has to address. Definitions of trafficking affect access to support, protection and redress, as well as the kinds of activities that will be characterized as criminal acts. The complexities of definition and language continue to make both the research and the providing of services less than straightforward. There are no simple answers to the fact that the realities of lived experiences always challenge the categories and concepts that are supposed to describe and contain it. (IOM: Kelly 2002).

International Legislation

An assessment with regard to the international legislation in response to trafficking is necessary as the rate in which trafficking is increasing is alarming. New trends are emerging where more and more countries are becoming states of origin and internal trafficking has risen especially in the case of the Balkan countries. With identification and assistance of victims decreasing and traffickers going unpunished it is imperative to critically analyse the steps undertaken both by national governments and international organizations in this regard. In the context of developing international legislation against traffic in women, the mixture of responses by various authorities denotes confusion, with few measures yet in place to ease their situation in the country of destination- either with rights to remain, return or move to third countries (Limanowska 2004).

The challenge of protection prosecution and assistance is faced by every country individually as well as internationally given the global nature of trafficking. This is

reflected in the ambiguous policy frameworks that the countries and international organizations draft which are far from becoming reality. While all the institutions working on the issue of trafficking base their actions on the same international law, and in theory use the same definition of trafficking, in practice their approach differs depending on the broader context of their work and the mandate of the organisation/institution. These differences can be divided into three different categories: migration; law enforcement; and human rights. Approaching the issue of trafficking from one of these perspectives often results in different legal and administrative tools being used to solve the problems and in different actions being undertaken by the participating actors (Limanowska 2004).

The security angle to any discourse has become inevitable in the post cold war period which is reflected immensely in the field of immigration and trafficking. 'While on the one hand the number of women seeking employment opportunities abroad has grown, on the other hand many destination countries, and especially the EU, have put in place more restrictive immigration policies, thereby further decreasing the opportunities for legal migration even when there is a demand for labour in the informal sector. The result is a growing gap between official policies in destination countries and day-to-day practices. This is where organized crime comes in, filling the gap that official policies leave (Ristanovic 2004). Trafficking is often migration gone terribly wrong, opines Feingold (2005). He argues that trafficking issue is often used to support policies limiting immigration. In fact, the recent global tightening of asylum admissions has increased trafficking by forcing many desperate people to turn to smugglers. In Southeast Europe, a study found that more stringent border controls have led to an increase in trafficking, as people turned to third parties to smuggle them out of the country. Similarly, other legal efforts to protect women from trafficking have had the perverse effect of making them more vulnerable (Feingold 2005).

According to a WIDER (2003)³³ Report, illegal migration seems to be increasing due to the strict border controls combined with the expansion of the areas of free mobility, such as the Schengen area, and the growing demographic imbalance in the world. The

³³ WIDER (2003), World Institute for Development Economics Research, "Illegal Immigration, Human Trafficking and organized crime", Paper No:72

more closed are the borders and the more attractive are the target countries, the greater is the share of human trafficking in illegal migration and the role played by the national and transnational organized crime. The involvement of criminal groups in migration means that smuggling leads to trafficking and thus to victimization and the violation of human rights, including prostitution and slavery. Less is known about trafficking within post-communist countries, especially about the Balkans as one of major destinations for trafficked women.

The one sided approach to the problem has had significant negative consequences on policing and treatment of illegal migrants in general, and victims of trafficking in particular. “Fortress EU” syndrome, together with narrow human rights approaches and the overlooking of broader structural causes of trafficking led to “instant” and mostly punitive solutions, which are not efficient either in terms of deterrence of offenders or in terms of protection of victims (Ristanovic 2004). Most analysts also agree that migration policies of western European countries have been implicitly gender biased and many countries imposed restrictions on the admission of migrants for female types of occupation, usually low-skilled, low paid jobs. (HWWA, 2004) The problem is that the more strictly the laws of immigration against the illegal entrants are enforced, the more sinister forms of criminality are used in human trafficking to overcome the barriers that are needed for making a profit and this problem has to be addressed comprehensively (HWWA, 2004).

Victim Protection

Limanowska (2004) enumerates the flaws in victim protection strategies. 1) Not all victims of trafficking are identified as such; many are treated as illegal migrants, detained and then deported; 2) There is no assistance available to trafficked women, except for those victims who take part in IOM’s return programmes; 3) There are no standard operating procedures for the agencies working with victims of trafficking and no minimum standards for the treatment of the victims of trafficking used by the assisting agencies; 4) There are almost no HIV/AIDS prevention programmes or treatment for the victims; 5) Child victims are not identified as such, nor provided with the special protection to which they are entitled. The challenges that remain are related not to the direction of the changes, which have to be valued very highly, but

rather to the way in which the policies have been implemented (Limanowska 2004).

While the structure for action is much better developed than a year ago it does not always work in the way envisaged and suffers from,

1. Lack of a human rights framework; 2. Improper interpretation of what trafficking is; mixing up trafficking with illegal migration and smuggling, and victims of trafficking with illegal/smuggled migrants and prostitutes; 3. Lack of a holistic approach to trafficking; not addressing the issues of protection, prevention and prosecution as interrelated; 4. Very strong emphasis on law enforcement and policing migration; 5. Insufficient co-operation between organisations working on anti-trafficking within the different approaches (human rights, law enforcement, migration); 6. Lack of protection mechanisms for victims and witnesses; especially the lack of proper identification procedures for the victims and the lack of appropriate assistance/protection; 7. Lack of comprehensive long-term goals for the anti-trafficking strategies, and the frequently unclear role of the international organisations (Limanowska 2004).

While all organisations and institutions claim that they operate within the human rights framework and are acting in the best interest of the victims, this best is not clearly defined and not always even well assessed. For many agencies, the main focus is on acting within the mandate of their agency, achieving their goals and co-operating efficiently with others without engaging in analytical and policy development work. Given that the number of women identified as trafficked is decreasing and the system of assistance does not offer adequate support to the victims, there is a need for new and more effective strategies to combat trafficking. In order to find an alternative to shelters where the few women and children that agree to go there remain locked up, there should be a change in the way that the system of identification and assistance operates. Comprehensive national referral mechanisms should be created based on human rights and the best interests of the victims (Limanowska 2004).

This is especially pertinent if combating trafficking is not to be turned into combating migration and strengthening state security, without really addressing the crime of trafficking in human beings as such. It is necessary to look for new, alternative solutions and methods to approach the issue of the referral of trafficked persons, i.e.

identification, assistance and re/integration, based on human rights principles that prioritise the victims' rights. We have to acknowledge that there is no other way to fight trafficking but through the protection of the victims of trafficking. All victims have to be identified as such and all have to be protected and assisted, offered real options to choose from and then integrated back into society in the country of destination, in their home country or in a third country. If properly protected, provided with assistance, legal advice and security, some of the victims of trafficking will then become reliable witnesses in prosecution cases against traffickers (Ibid).

Within Balkans

Study of impact of law enforcement and migration approaches to anti-trafficking action in SEE by Limanowska, (2004) observes there has been no overall decrease in human trafficking but increasingly fewer victims of trafficking are identified and assisted. No substantial increase in prosecution or sentencing of traffickers is present and victims' human rights are not protected. While not very effective in combating trafficking the traditional law enforcement anti-trafficking approach has had a positive impact on other areas of law enforcement and state policies. Strengthening the co-operation between law enforcement agencies at national and regional level is a necessary step towards controlling trafficking. Giving impetus to strengthening border control systems and registration systems for migrants and foreigners and collaborative efforts to fight organised crime and the smuggling of migrants is given importance in this approach. However, police actions to combat trafficking in human beings should not be undertaken in parallel with actions against illegal migration, as this has proved to be counter-productive. Anti-trafficking programmes have discouraged, often unlawfully, young women's decisions to migrate or even to travel. Very often, information about women stopped or questioned at border crossings is presented as information about the prevention of trafficking. Refusal to issue a visa or to allow a young woman to enter the country is sometimes presented as a valid anti-trafficking measure; Trafficked women and children are treated like criminals, detained and deported instead of being recognised as victims and referred to assisting agencies. So far, the protection of victims has not been considered a priority for law enforcement anti-trafficking action since most often victims are not identified as such.

Rather than being identified and assisted, victims of trafficking are more often treated as offenders and deported as illegal migrants (Limanowska 2004).

Once identified, most victims are only offered the option of returning to their home countries. This is largely a result of the situation in SEE where the only operational and well-organised assistance system available for victims of trafficking is the one developed and operated by IOM. The operational identification, referral and assistance system that has developed in SEE is based on the almost exclusive co-operation between the police and IOM. Women without valid documents are interviewed by the police in a bar or at a police station (Ibid).

Those who decide to ask for help and agree to take part in IOM programme are sent to a shelter. The transfer to the shelter is immediate - often women are not even able to collect their belongings or demand that the owner of the bar/trafficker pays them the money owed to them. The knowledge that agreement to enter the return/assistance programme is connected with the loss of the few belongings that they possess and the money that they have earned is one of the key factors in the victim's decision making process; some women decide to stay in the bar rather than part with their possessions. In this process assistance equates to repatriation without considering the conditions at the home countries that push these women into such situations. Also, re-victimization is done in the process of assistance sometimes knowingly and sometimes unknowingly. The inadequacy in victim/witness protection and lack of legal assistance leads to lack of possible prosecutions further complicating the situation (Limanowska 2004).

According to Nikolić-Ristanović (2004), hypocrisy and imperialistic approaches to the problem of trafficking often is not only present in Western immigration policies but also in the international community's requests for changes of laws and policy regarding human trafficking within the Balkans. Accusations against the Balkans always exaggerate the lawlessness and corruption of local police while overshadowing the role of the international community in both the creation of demand and in the administrative chaos in this part of the world. The fact that in Bosnia and Kosovo the legal and administrative power is in the hands of international community so that no law can be passed or enforced without approval or supervision of

international government and police is usually ignored (Ristanovic 2004).

In the Balkan context, given the media attention and international focus on the need to support women in transitions from war to peace, with pictures of women and children refugees from Kosovo widely displayed, expectations of adequate resourcing were raised. Yet Rehn & Sirleaf (Friman 2007) show that the World Bank Group Transitional Support Strategy for Kosovo does not mention gender or women at all. Nor did the UNMIK Consolidated Budget for 2002, except for a gender-training project costing \$31,000 or approximately 0.006% of the total budget of \$467 million (Friman 2007). These figures speak volumes about rhetoric and reality in terms of the political will to directly support women's needs (Friman 2007).

Peacekeeping Forces

With regard to peacekeeping forces and trafficking too, the chances of reform seem bleak. There were 112 sexual exploitation and abuse allegations against UN peacekeeping personnel and 78 repatriations in 2009. During the same period, the UN completed 39 investigations into new and pending allegations and deemed 21 of them credible; investigations for 98 cases are still pending. No information is available on the number of cases of disciplinary action such as suspension, dismissal, censure, demotion, and referral to employers. The UN reports that in 2009, it followed up 82 times with affected Troop Contributing Countries concerning the outcomes of disciplinary actions but only received 14 responses.³⁴ So, as can be seen from the above examples, the international community's behaviour generally was reactive, episodic and not especially determined in the face of trafficking.

Mendelson (2005) in her report describes how one long term effect of the willingness to turn a blind eye to international peacekeepers' responsibility in issues of trafficking can be seen in US reports on their military and sex trafficking. Reports record very little interaction of these two groups, but the reliability of these reports is questionable since researchers only interviewed service men, not the local police, the victims of trafficking, or brothel workers in Bosnia where these things took place. Mendelson's

³⁴OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, UNITED NATIONS, Trafficking in Persons Report 2010

research in this area especially in exploring how peacekeepers and policy makers understand the links between trafficking and peacekeeping for the implementation of zero tolerance policies point out some relevant points to be observed.

According to her, Organizational attributes and attitudes shared to varying degrees by DOD, NATO and the UN have determined a weak response to human trafficking in the past. Each of these organizations has been reluctant to address:

- The security implications of misconduct by uniformed service members and civilian contractors, especially involving human rights abuses; and
- The role of organized crime in shaping the security environment of post-conflict regions (Mendelson, 2005).

The prevalence of such attitudes—including denial, invisibility, mistaking human trafficking for legalized prostitution, and, as a result, inaction by authorities—shapes organizational cultures and current responses. Although Pentagon officials claim to have responded to a congressional request to address human trafficking in a thorough manner, few, if any, resources have been specifically allocated from its budget of over \$400 billion (Ibid.). She argues that current efforts by DOD to implement the anti-trafficking policy are in danger of being ineffective in addressing the plethora of impediments identified in her report. She opines that without the allocation of resources and commitment by senior military leadership, efforts to create a taboo around trafficking are likely to fail (Ibid.).

At NATO, some Nordic countries along with the US mission have led the charge. Other than the United States, no major troop contributing country at NATO has actively supported the policy. According to Mendelson (2005), the NATO staff has open to working with outside experts, but they have been given few resources to support this work and are extremely overburdened. The NATO policy, like that of the UN, is such that it shifts responsibility for implementation to individual nations. Both policies do so with little guarantee of transparency. In her view to make implementation meaningful at NATO, political and military leadership is needed inside member states. Also, individual nations need to commit resources and senior military officials need to become knowledgeable about and more actively engaged in combating trafficking (Ibid).

She stresses the importance of mobilizing commanders, institutionalizing transparent evaluation and reporting mechanisms as well as investigative and disciplinary measures in order to combat trafficking in these regions Mendelson (2005). The United Nations has an especially troubling track record of peacekeeper involvement in trafficking as well as other forms of sexual exploitation in conflict and post-conflict region. To date, decision makers at the UN seem to fear that creating a taboo against trafficking for peacekeepers would negatively affect the UN's ability to attract peacekeepers. The stature of those policymakers advocating attention to both gender and human rights agendas within the UN system has made it impossible to ignore trafficking. Their influence has been insufficient, however, to produce a comprehensive anti-trafficking effort among the multiple UN agencies responsible for peacekeeping around the world. A constant refrain has been that the UN, like NATO, lacks jurisdiction to discipline and prosecute those violating the zero-tolerance policy (Ibid.).

Given this institutional reluctance, she says that the secretary-general and the under-secretary of peacekeeping will need to lead on this issue, and individual nations must also address the issue. Two important things at stake are, first, peacekeeping missions have been gravely undermined by the human rights abuses committed by peacekeepers. These abuses prolonged deployments because they have helped institutionalize organized crime and undermined the rule of law (Ibid).

Second, and more generally, organizations, including various ministries of defence, have helped create a culture of acceptance and the challenge now is to change that culture, Mendelson (2005) argues that the absence of awareness concerning the links between human trafficking and peacekeeping operations is pervasive. These organizations need not only to address the behaviour of those peacekeepers actively engaged in or facilitating trafficking but the larger community of people who know nothing about this issue, who turn a blind eye, or misperceive what is going on. The creation of a taboo against human trafficking will require nothing less than a shift in the current organizational cultures of the DOD, NATO and the UN. In her opinion, the goal for these organizations should be to develop a robust norm about what it means to be a professional, well-trained and effective peacekeeper (Ibid). Such a norm would dictate that all contingents and civilian contractors know:

- How human trafficking relates to security, organized crime, and human rights;
- How to recognize human trafficking;
- How to report involvement in trafficking by service members or by contractors up the chain of command; and
- Which local organizations to contact if they see it.

They would also need to understand that:

- Purchasing sex is illegal in most post-conflict regions;
- Purchasing illegal sex creates conditions permissive to trafficking;
- Patronizing establishments with trafficked people breeds corruption as well as undermines the mission;
- Purchasing a human being as chattel is illegal;
- Trafficking is a grave human rights abuse and a serious crime; and
- National authorities will criminally prosecute and discipline troops and contractors engaging in trafficking (Ibid.).

Ultimately, she argues, that the prosecution of traffickers, as well as those who facilitate trafficking, may be the greatest deterrent. Organizations must be willing to penalize, whether at home or in the theatre of operation, any peacekeepers who are implicated. “The culture of impunity must end or peacekeepers will continue to be engaged in criminal activity while on mission, and these organizations, the U.S. military, NATO and the UN, will be undermined and damaged” (Ibid).

“Senior policymakers within the DOD, NATO, and the UN need to recognize that rhetoric must be accompanied by a concerted, widespread effort to change the knowledge, attitudes and behaviour of all who serve, from U.S. uniformed service members to civilian contractors, from military officers in NATO member states to UN police officers. To have decisive impact, policymakers have to commit resources including staff to this effort. They must focus on accountability and, where merited, prosecute personnel (Mendelson 2005).

Differing Focus

Julie Mertus and Andrea Bertone argue that international approaches have addressed

human trafficking as more of a “social and criminal phenomenon” isolated from broader structural challenges of “poverty, unemployment, discrimination, violence in the family, and demand.” Narrowly focused law enforcement approaches have overshadowed broader human rights approaches in international efforts and, in turn, the National Action Plans adopted by Balkan governments, with unintended results. Nicole Lindstrom argues that differences in the approaches and influences of transnational policy actors help to explain patterns of variation in the National Action Plans adopted by Balkan countries. Focusing on the cases of Serbia and Montenegro, Lindstrom reveals top-down dynamics in both countries, though leading to “slightly different” anti-trafficking mechanisms and institutionalized roles for transnational actors. She also notes the unintended consequences of such steps, including the reliance on flawed indicators of success, shortcomings in victim assistance and protection as trafficking moves underground in the face of enforcement, and the rise of re-trafficking of women who have been repatriated to their home countries. The path to resolving these problems, she argues, lies in opening the policymaking process by giving greater voice to relevant actors, including trafficked persons. Immediate and broader policy steps also are necessary to address the underlying socioeconomic factors shaping trafficking (Lindstrom 2007).

With regard to women especially, very little has been accomplished to effectively combat the flourishing trade, despite the fact that trafficking has been of international concern since the beginning of this century. Trafficking in women presents complex enforcement issues due to its international character and the numerous actors involved (Granville 2003). With few exceptions, countries of origin, transit countries, and countries of destination refuse to accept the responsibility of protecting trafficked women (Granville 2003).

These international milestones notwithstanding, trafficking in human beings remains an issue that is still largely misunderstood and, consequently, inadequately addressed in both policy and practice. This claim can be made primarily based on the low numbers of victims of trafficking who have been identified as such, contrasted with global estimates which point to up to several million victims annually and consequently have not been able to obtain access to justice, including protection and assistance. Not surprisingly, the numbers of arrests, prosecutions and convictions of

traffickers remains low. The limited recognition of multiple forms of trafficking, in practice rather than policy, as well as credible indications of re-trafficking are further signs that much work is yet to be done to increase the awareness and understanding of the problem and the effectiveness of counter-trafficking measures. Therefore in conclusion, the international community, though has ample laws and treaties put in place as a response to trafficking has not entirely worked on practicing the texts of the given treaties. Most of them remain in paper and a general security related paranoia prevails in every country with regard to trafficking which overshadows the rest of the concerns, which are equally important. Hence instead of concentrating on multiplying the rhetoric in paper, the international community's focus should turn towards translating comprehensive policies to practice and reality.

Chapter Five
Conclusion: The Way Forward

Having undertaken a study of the concept and process of female trafficking in the Balkan region in the previous chapters, it would now be imperative to look at the issue more closely, in terms of coming to some conclusions. This would involve the validation or otherwise of the hypotheses proposed, as to whether adverse social, economic and political situations increase vulnerability of women leading to increase in trafficking and whether addressing their problems and improving their conditions will help in uprooting trafficking in the region. Secondly, the research posited that the efforts to combat trafficking are one-sided and it is imperative to focus on addressing root causes which would help in holistically dealing with the issue.

The study began by examining the basic contours of the concept of trafficking which has acquired new definitions, meanings and perspectives in a century's time. These variations in understanding the concept made it imperative to examine various definitions and differentiate it from similar but most often inter-changeably used concepts such as smuggling. This was followed by an exploration of the process of human trafficking and its phases. Moving on to the contention of research from here, an examination of the perspectives/ approaches involved in trafficking of women in particular, and the links between globalization and trafficking was done.

The next section analysed the link between forced prostitution and trafficking of women, which is predominantly prevalent in the Balkan region. In order to lay the underpinnings of this work, a study of global and European patterns of trafficking among women for sexual exploitation was undertaken. With this as the background, the research examined the fundamental push factors and facilitating factors behind increase in trafficking of women in the Balkan region. The impact of certain specific societal, economic and political changes experienced in the Balkan region on women is put forth. This is followed by an examination of the international and national responses to trafficking of women in the region and the pitfalls in addressing the problem are critically analysed. The present chapter concludes the research by asserting that a comprehensive outlook and approach is necessary to control trafficking both nationally and globally.

The Balkan Trafficking Scenario

The socio - cultural transformation that the Balkans has been experiencing in the past

two decades is the result of various internal and external macro processes influencing the nature of the state and its people simultaneously. Internal and external influences induced dynamics is an integral part of every nation's development and policy making processes; if not for them, there would be no international relations. Closely observing the Russian and Central Asian experiences, the Balkan countries sought to take the road to opening up the economy, politics and culture in the post communist era. Consequently there was massive transformation in all fields in the Balkan countries. Whilst to a greater or lesser degree the social legacy of the communist era remains, these societies have also come under many new influences since the end of state socialism: from the growth of capitalism and the advent of the Internet to the EU accession pursued by many ex-communist states. Gender norms and ideals are no longer subject to prescriptions of communist ideology as they were in the Soviet period. Economic, cultural and political links between the nations still referred to as 'post-communist' are continually evolving, as are the societies themselves (Johnson and Robinson 2007). However, the negative implications of this amalgamation of influences are reflective in certain societies in which such changes are sudden and spontaneous, that a void is created instead of filling the left over gaps.

One such region is the undertaken case study, which has for the past twenty years strived to grow in spite of such problems. However many social, political and economic impediments working in unison within the region have made the growth and transition of Balkans from socialism to capitalism painful and difficult. This has resulted in people looking for alternatives, as is normal human nature, though one does not realize that the alternatives may be deceptive and devious. Trafficking in women for sexual exploitation is one such implication, reflected both on the trafficker and the trafficked adversely. Trafficking of women has been increasingly attributed to the incidence of poverty and its related problems. These problems are further worsened by the neo-imperialist capitalist pattern of development that many countries are embracing today which maximises individual profiteering over communal well being. As a result, a combination of push, pull and facilitating factors has resulted in dramatic growth in illegal migration and trafficking flows in regions such as the Balkans.

The trafficking problem is further exacerbated by multiple sets of interlocking

structural problems such as widening social inequality, state corruption, and ethnic and gender discriminations (Granville 2003). A sudden decrease in the standard of living and an increase in uncertainty, instability, and war victimization have led to continued increase in trafficking of women. Trafficked persons themselves point towards economic, and other oppressive conditions, as well as lack of opportunities in their own countries as the main reasons of why they felt the need to migrate for employment, and thus risk being used and exploited by traffickers. The structural preconditions during the transition period, including unemployment, reduction in social services, and increasing poverty, especially affecting women and children, have created a push to leave the region. The process of transition from centrally planned to market economy that the Balkan countries are experiencing is increasing gender disparities in the region. "Horizontal professional segregation manifested itself in women being traditionally employed in 'light' industries or 'social' sector that have been hit first by socio-economic transformation (UNDP 2004). As a result, women seek alternative incomes, and offers of well-paid jobs abroad that require limited skills seem as a solution for many. Intensified corruption and lack of rule of law further benefit the organized networks that profit from trafficking.

Particularly in the Balkans, along with these factors, conflict and post-conflict situations have facilitated the breakdown of political, legal and social structures leading to instability. These factors had a profound impact on the way gender relations and gender norms were perceived by the Balkan society. Women who were treated as properties of men were targeted victims during conflict situations. Consequently, gender relations and perceptions on sexuality went through a sea-change in these regions. The militarization of the conflict-prone regions experienced a sudden rise in trafficking of women both internally and from outside to meet the demands of the stationed military forces. These conditions have given traffickers significant freedom to operate and flourish in the region (Ibid.).

Along with such 'push' factors, economic growth, relative prosperity and peace in industrialized and newly industrializing countries act as 'pull' factors. Amidst poverty and limited prospects, many women willing to take risks in order to seize opportunities abroad become susceptible to trafficking. Popular notions of 'The West' conjure glamour and opportunity, while promises of steady employment, better living

conditions, and access to hard currency seem to offer a way out of endless hardship. The perceived importance of adventure and fulfilment as a pull factor appears related to the level of economic conditions in the country of origin (Ibid.).

The demand in the destination countries for women and children for the purpose of sexual exploitation is one of the most important root causes of trafficking in human beings. To understand the growth in the global demand for women for sexual exploitation, one has to look at the demand side of the issue. One indirect cause of the intensified sex trade may be the increased production of pornography and this issue has to be addressed effectively, along with the demand for women for sexual exploitation, consumption of pornography and other sexual services (Weitzer 2000).

In the recent past, one of the adverse effects of globalization has been trafficking. The rapid advancements in the Information Communication and Technology sector all over the world have facilitated trafficking in terms of easier and faster transportation routes and methods. Traffickers are finding new ways to traffic with the help of the advancements in these sectors. Mail order brides, where women are chosen and bought online and delivered to the destination is just another manifestation of this problem.

The Current Situation

Transnational human trafficking, hardly a global issue in the 1980s, is now a multi-billion-dollar trade worldwide, rivalling the other trades (OSCE 2006). Both national and international efforts have been undertaken to handle the problem of trafficking. As discussed in the fourth chapter, there have been numerous international responses to combat trafficking. There have been international treaties, pacts, declarations and so on to address the problem at national level efforts as well. Various governmental and non-governmental organizations also strive to put an end to trafficking of human beings worldwide. Though these organizations have been working towards combating trafficking, there has been no one comprehensive approach that addresses the root causes of the problem which facilitate trafficking. For instance, the IOM which has been actively involved in the Balkan area has been using the migration approach to trafficking. Its interventions include assistance to victims, awareness raising

campaigns, data collection and research. The OSCE is another prominent organization involved in the region which is concerned with the human rights aspect of trafficking. Its anti-trafficking initiatives involve legislative reform, law enforcement and public awareness.

The European Union is concerned with the migration and crime dimensions of trafficking, which it addresses through programmes such as STOP and Daphne. The STOP and STOP II Programmes aimed to facilitate and support cooperation and networking among influential actors such as public officials and provide training and information exchanges in the prevention of and fight against human trafficking. It encourages NGO and multi-sectoral collaboration and activities, many of which are related to trafficking in women. The United Nations specialized agencies and bodies involved in counter-trafficking in the region in addition to UNDP include UNICEF, UNFPA, UNHCHR, UNODC, UNHCR, UNIFEM, and ILO. In the Balkans, the Stability Pact Task Force on human trafficking unites governments, donors and international organizations in the fight against trafficking. Several local and international NGOs, including La Strada: Prevention of Traffic in Women work in the region to assist victims and raise awareness.

Reasons for Failure

Far too often the efforts of the dozens of international intergovernmental organisations and hundreds of NGOs involved in the area of human trafficking are fragmented, uncoordinated and not channelled towards mutual goals. There are two major flaws in the current international anti-trafficking approach. First, there is the lack of a comprehensive institutional framework, at present epitomised by the Trafficking Protocol with its overriding focus on security. Second, there is the lack of an institutionalised structure for global cooperation against human trafficking. The reasons for failure or partial success when it comes to combating trafficking can also be attributed to non-addressal of root causes as discussed in earlier chapters and the lack of co-ordinated efforts by agencies that are addressing the issue in a one-sided manner. A close observation of all the international and national efforts reveals that there have been pitfalls in the way these agencies have approached the problem of trafficking. They either focus on one particular aspect of trafficking or speak plain

rhetoric. There has been a lack of comprehensive strategies that address the issue holistically. The general responses to trafficking in human beings by organisations and governments in the region are often reactive. Fewer actors focus on addressing root causes of human trafficking, including the demand that fosters all forms of exploitation of women and children, poverty and poor governance, which are priority areas (UNDP 2004).

In the case of Europe, since the fall of the iron curtain, the regional borders had become porous facilitating the movement of people from one neighbouring country to the other within the Eastern, Central and Southern European region. However, it was followed by the establishment of European immigration regulations that do not permit legal entry of people from these regions to work in other European countries. In most cases, measures taken to control illegal migration in the name of controlling trafficking, such as tighter border controls, do not solve the problem and, in some cases, merely render the trafficking operations more lucrative. These regulations set the preconditions for trafficking, since migrants began to depend on illegal middlemen to buy passports and for transportation across borders. The fear of illegal migration and such reluctance of the international community to address the causes rather than the consequences of trafficking make arriving at a solution enormously difficult.

In the peacekeeping and trafficking context, the UN does not have any disciplinary authority over the members of the troop contributing countries. They serve under the operational control of the United Nations but remain members of their own national establishments and subject to discipline only by their national authorities. In such a scenario, where the peacekeepers involved in such offenses do not suffer any punishment greater than repatriation, it generates a perception among the other peacekeepers that they are immune to prosecution for crimes they may commit while deployed in another country and in many cases, it is true. Also, under the memorandum of agreement of the UN, the TCC preserves its right to discipline its forces. As a consequence, the TCC has exclusive jurisdiction to punish its soldiers and the host nation has none. The lack of host-nation jurisdiction over peacekeepers within its borders gives these troops de facto immunity from prosecution there (Allre, 2006). This implies that until prosecution methods are sorted out within the

international community for such crimes, the troops remain to have immunity further motivating them to commit such mistakes.

In summing up, the responses so far to trafficking by various agencies have had emphasis on eradicating crime, meting out more severe punishments and increasing the security of migration controls. Concurring with Pajnik's (2010) views, it can be said that these overly simplistic responses neglect the fact that trafficking is not only a crime in need of restrictive intervention but also a phenomenon encompassing diverse personal experiences and migration patterns in a world order that is highly gendered and racialized, as well as stratified by class.

How should the international community respond to trafficking at present?

Farley (2009) states there is an agreement that trafficking is a gendered component of economic globalization. According to him, sex discrimination, race discrimination, and economic injustice are at the root of women's inability to avoid prostitution and get involved in trafficking. Hence, a check on the spread of globalization and its adverse effects has to be observed in order to understand the links between trafficking and globalization. Moises Naim (2003) opines that the war against terrorism, drugs, money laundering, arms and human trafficking share many aspects in common. He argues that the current approach is flawed, since "the way in which the world is conducting these five wars is doomed to fail, not for the lack of effort, resources, or political will but because the collective thinking that guides government strategies in the five wars is rooted in wrong ideas, false assumptions and obsolete institutions. An understanding based on each country's specific social, economical, political and cultural domain helps in formulating policies which are region/country specific. Recognizing that governments have no chance of winning unless they change the ways these wars are fought is an indispensable first step in the search for solutions. With regard to addressing the actions of peacekeeping forces and their demand for women leading to trafficking, there have been similar loop holes. Denial and cover ups are the common form of response to such complaints from the troop contributing countries whenever there is a complaint regarding their forces' involvement in trafficking. However, despite all the efforts, the problem continues to remain, and the issue of more coordinated and concerted approach in order to effectively tackle the problem is acute today more than ever in the international agenda.

It cannot be denied that there have been efforts by various agencies to combat trafficking or address the related issues, though not all of these focus on all the aspects of trafficking. In order to address the problems effectively, there has to be better understanding of the past and the present situation. This is possible only through ground work; i.e. direct involvement at the grass root level to comprehend the nuances of trafficking which is day by day going underground. Global attention to the problem does not necessarily mean one common strategy for all countries. Rather, region/country specific strategies based on a common foundation aimed at bringing about a comprehensive solution are necessary.

As traffickers are finding new ways to traffic, the agencies also need to incorporate new ways of fighting trafficking. For this purpose, involving a victim-centred approach can be utilized. It would help the agencies look at the problem from a different light, apart from their usual security or migration based perspectives. However, this requires the participation of identified victims, which proves to be difficult given the fear of victimization that is involved in many cases. So as a first step, there has to be enough victim assistance programs that identify and help the victims which would facilitate their involvement in not only identifying the traffickers, but also in having a say in the policy-making processes with regard to trafficking.

At a global level, strategies to prevent trafficking must address the macroeconomic policies in both developed and developing countries that generate the push and pull factors in migration and thus, where that movement is illegal, directly promote trafficking. Governments, including those in industrialized countries that commit to combating trafficking must consider the possibility that, in a globalized world, their own policies contribute directly to the phenomenon that they seek to eliminate. The current contradictions in trade policy are a case in point. Economically marginalized people, particularly women, in developing countries are unable to realize their human right to a decent livelihood in their own country partly due to global inequities in trade. On the one hand, the economic liberalization promoted by industrialized countries exposes them to competition from imports in local markets. On the other, their own products continue to face trade barriers in the markets of those same industrialized economies. The result is strong pressures in those poor countries to

migrate to the industrialized economies in search of the means for livelihood, often becoming victims of trafficking in the process. In addition, industries and households in industrialized economies are encouraged to maintain labour intensive technologies that provide a market for the same victims of trafficking that their governments are trying to combat. Industrialized countries create markets for cheap and often trafficked labour in labour-intensive industries.

With regard to peacekeeping forces and sexual exploitation, abuses and trafficking, a combination of robust training, real prohibitions, patrols, greater educational and recreational facilities, and appropriate punishment in cases would make a difference and remove the immunity of these forces from punishments when they are deployed in other countries. With combined efforts of the members of the international community, there is reason to hope (Allred 2006). To sum up the arguments put forth in the research, a thorough examination of the causes of trafficking with respect to the nature of the country/region would enable a better understanding of the process and therefore lead to better policy making measures that are sensible and have the possibility to implement in reality.

Balkans is a society of interesting contradictions. Trafficking is an issue of critical importance in Balkans and needs global attention not only because it infringes upon and challenges the protection of human rights, but also because it has the potential to undermine the process of democratization, discredit the rule of law, weaken efforts to reform and build institutions, promote corruption, and even to threaten the stabilization process in the region. However, portraying trafficking as inherent to post-socialist societies such as Balkans and depicting them as the only sources of the problem is prevalent. A clear demarcation is present between the Balkans and the West as the former constitutes the “others” who are producing the problem imposing a burden on “us over here” (Pajnik 2010). What is being side-lined here is the ever-increasing demand on the other side of the world for women for labour and sexual exploitation. The reluctance of the West to share the responsibility makes the situation even more complex as one side of the story remains untold. Industrialised societies should acknowledge that they are to a great extent dependent on foreign labour to sustain their economic activities. It is within the power of governments to change the way global markets operate, thereby reducing the ‘push’ factor in the

trafficking/migration nexus – and within their power to address the issue of how to optimise the regulation of migration, thus diminishing the ‘pull’ factor (Vienna Forum). Hence, a responsibility sharing outlook among the international community is imperative for them to understand, evaluate and situate themselves in the global trafficking scenario, which may require a self-critical analysis by each country.

On a regional level, a significant obstacle in curbing trafficking in Balkan countries is the obvious lack of material resources. Expansion of neoliberal capitalism, deepening of the gap between poor and rich countries, and the dependent development strategy of Balkan countries do not promise much chance for a strong welfare state in the near future. The costs of economic change are very high, especially in poorer and war-torn countries. Global inequalities will surely persist, which, in turn, will continue to boost trafficking flows (Ibid). Planning political strategies to reduce such traffic entails grass-roots groups and international networks having to differentiate within the complexity underlying certain ‘push/pull’ factors in directing change and addressing them. The starting point for a new paradigm should be to recognise that victims of human trafficking are not solely the victims of traffickers but also of the global economic order and prevailing social contexts. Rest assured, the efforts of the respective governments and the international community in combating trafficking would yield positive results in future, only if there is a comprehensive approach void of rhetoric and based on ground realities. A new paradigm also requires an international structure that will ensure effective cooperation and coordination between stakeholders and the multiple anti-human trafficking initiatives. More focus on development assistance helps create conditions that reduce the vulnerability of at-risk groups, especially women and children to traffickers, including poverty reduction, rule of law, anti-corruption, capacity building of civil society and local government, strengthening of the independent media, equal economic and political opportunities for women, girls’ education and public education on family violence. Situating trafficking in human beings in a broader context and to designing innovative interventions that acknowledge the link between trafficking and lack of development, thus extending beyond the immigration and crime control approach to trafficking is what is needed (UNDP 2004).

Significant for women will be the efforts at national levels, with states setting in

motion processes of taking up responsibility and acting swiftly by addressing infrastructural failures. To implement any of the above mentioned measures successfully, gender representation and gender balance of women and men in top policy-making positions is required. Working towards such balance appears a very uneven process across the European continent, with legislation to protect women from exploitation still required. Moving from protection of women and victimising them as the “helpless victims” to promotion of women’s rights is certainly one of the next steps towards addressing the problem of trafficking.

Appendix I

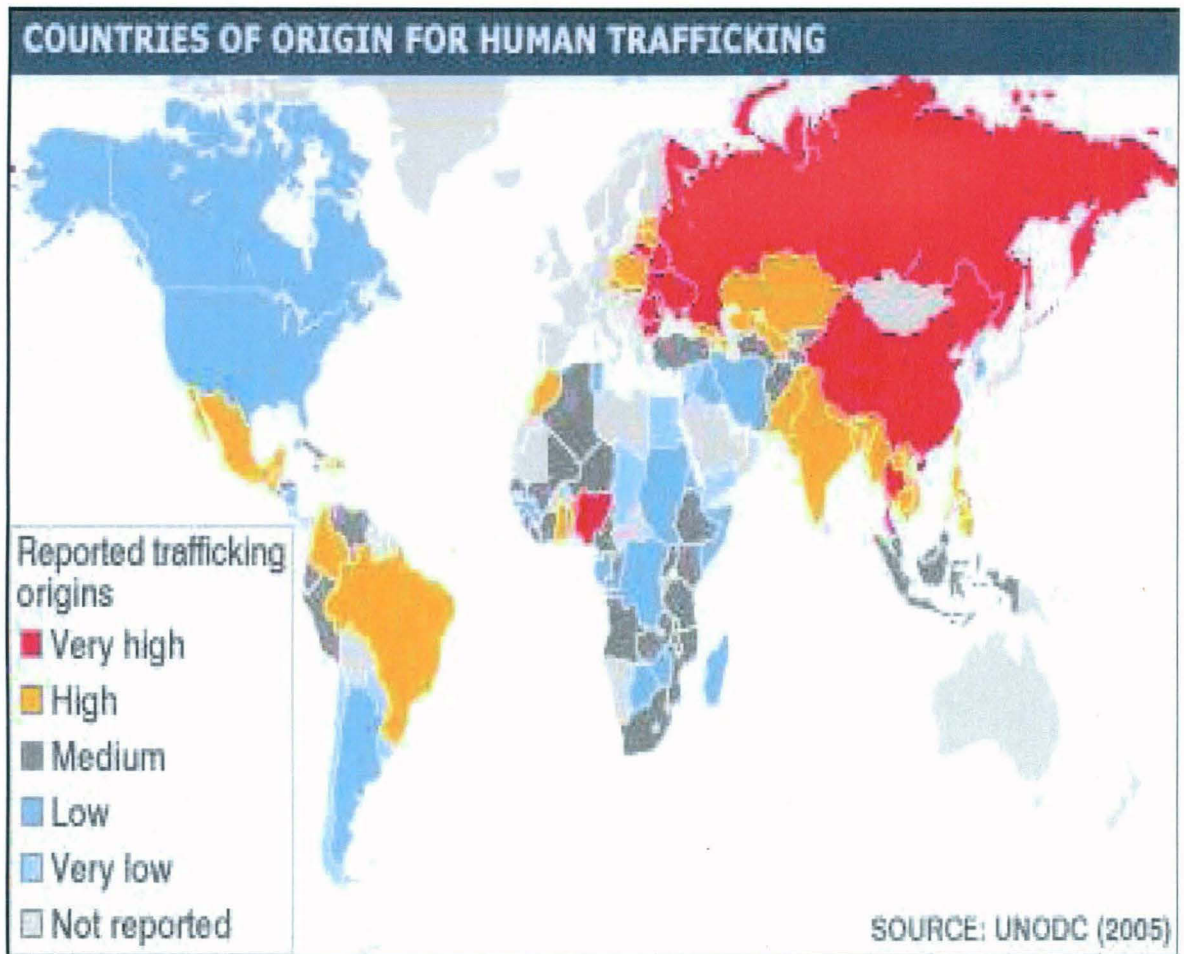
Maps

Map 1: Central Balkan Region



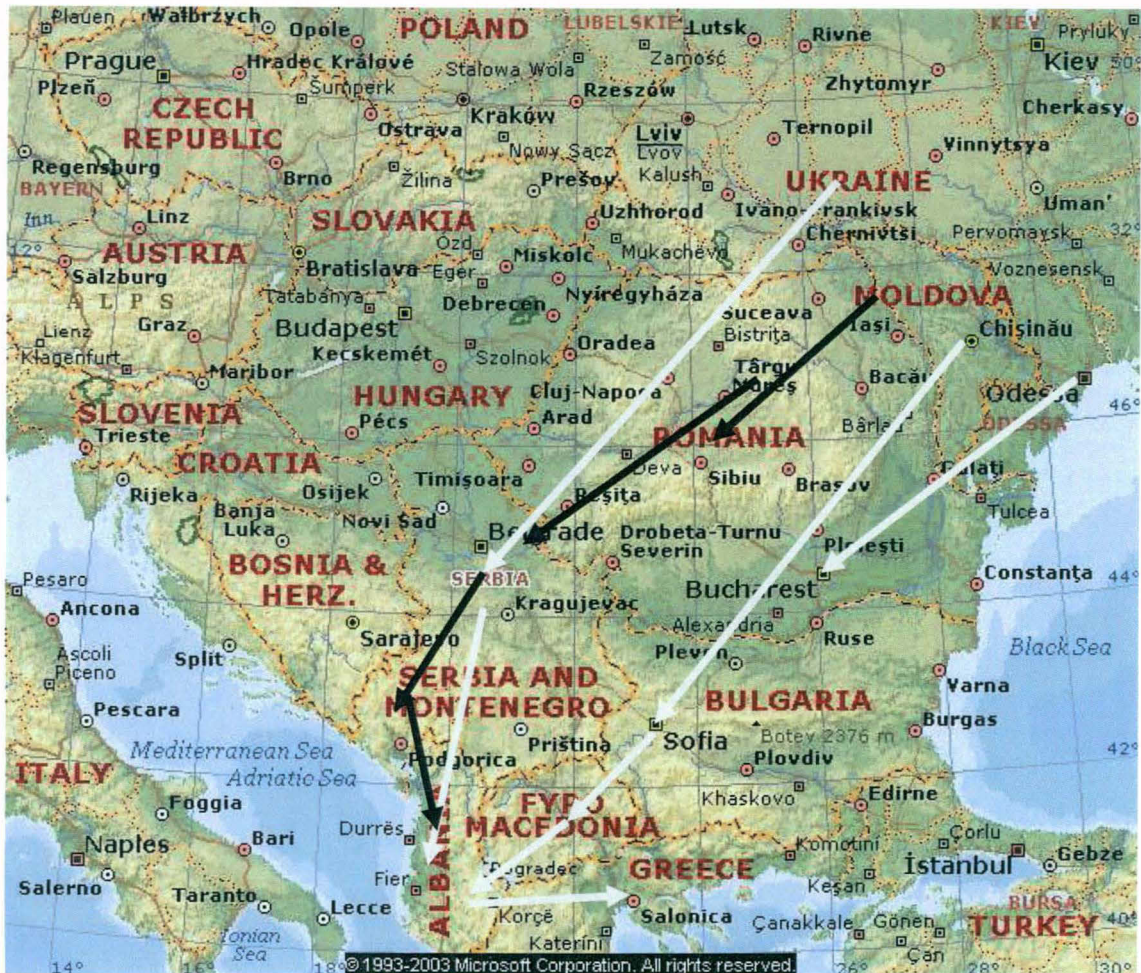
Source: Perry Castenada Library Map Collection, University of Texas at Austin. Democratization without Decommunization in the Balkans, Alina Mungiu Pippidi, Unfinished Revolutions, Fall 2006

Map 2: Human Trafficking-Countries of Origin, according to UNODC 2005



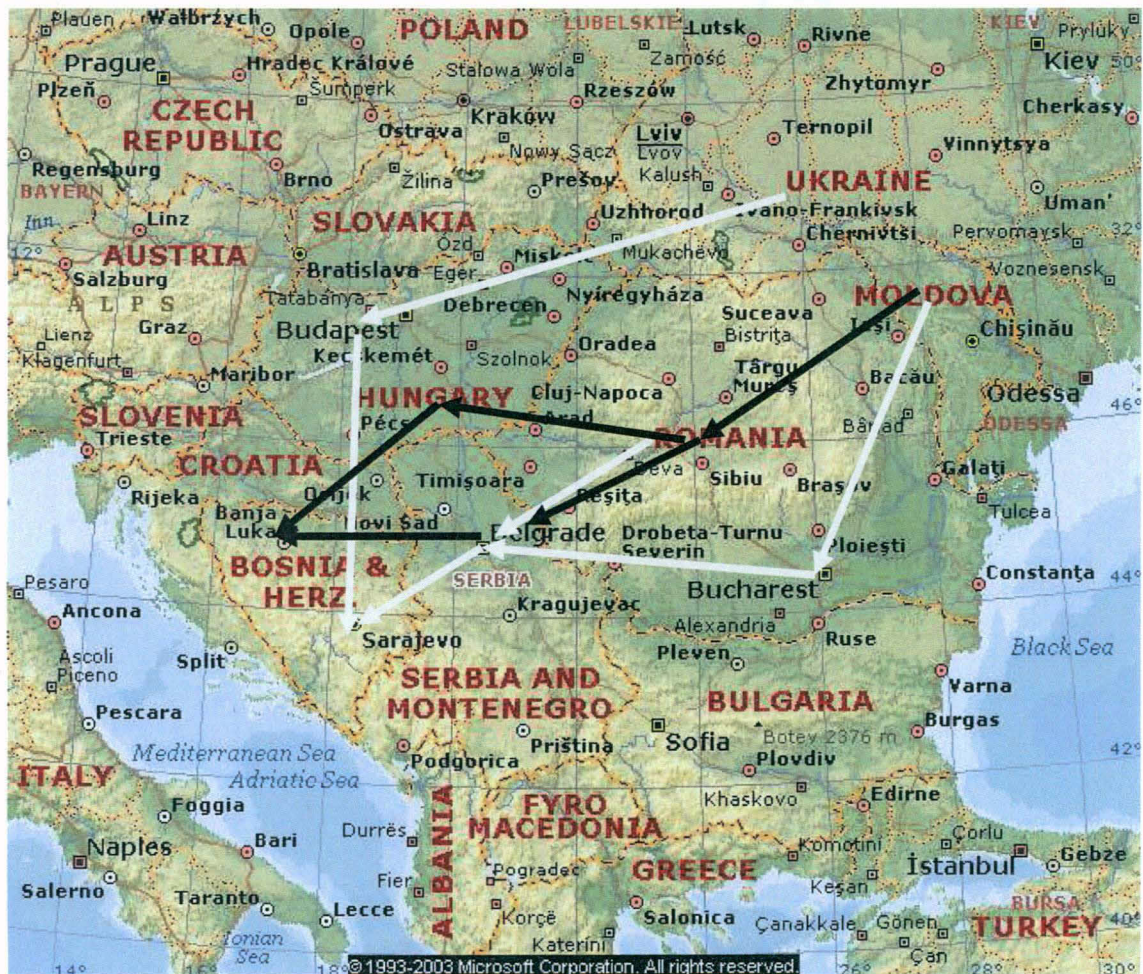
Source: http://untotheleastinternational.org/images/_44425220_human_traffick_416map.gif

Map 3: Albania: Patterns and Trends in Trafficking Routes
 2000/2001-Black Arrows; 2003/2004- White Arrows



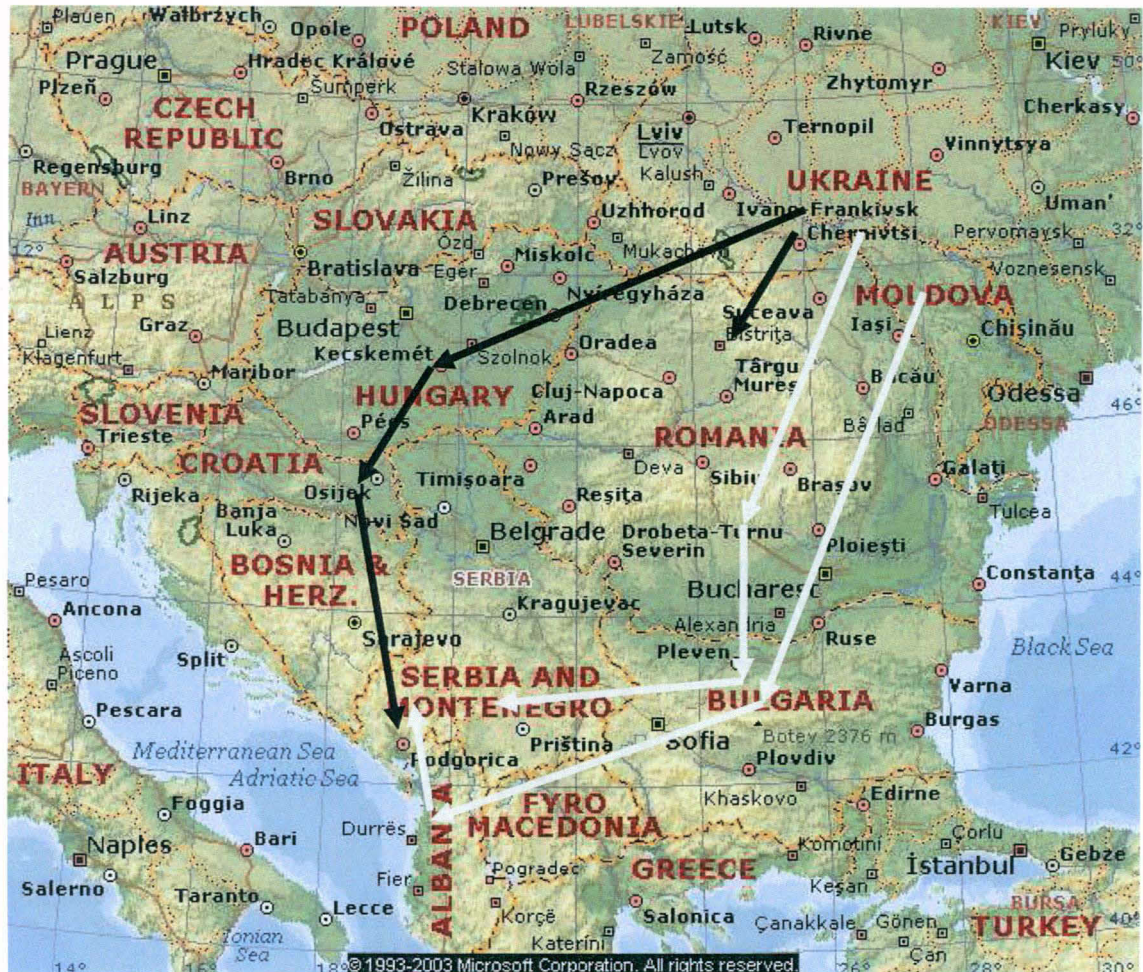
Source: Rahmani, Ladan, "Invisible Routes: An Exploratory Study of Changing Patterns and Trends in Routes of Trafficking in Persons in the Balkan Region", URL: www.bmlv.gv.at/pdf_pool/.../10_wg11_trafpers_50.pdf.

Map 4: Bosnia and Herzegovina- Patterns and Trends in Trafficking Routes 2000/2001- Black Arrows; 2003/2004- White Arrows



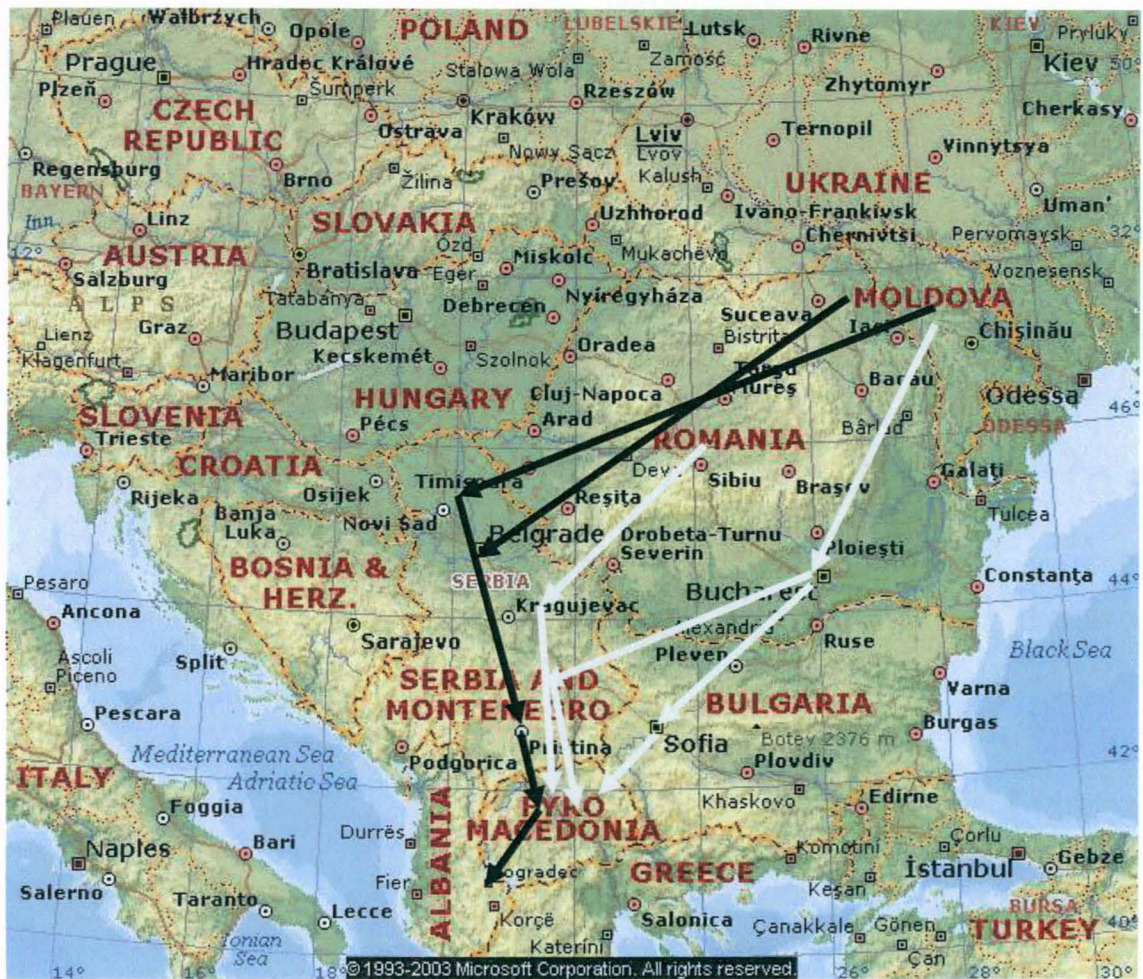
Source: Rahmani, Ladan, “Invisible Routes: An Exploratory Study of Changing Patterns and Trends in Routes of Trafficking in Persons in the Balkan Region”, URL: www.bmlv.gv.at/pdf_pool/.../10_wg11_trafpers_50.pdf

Map 5: The Province of Kosovo (Serbia)-Patterns and Trends in Trafficking Routes 2000/2001-Black Arrows; 2003/2004-White Arrows



Source: Rahmani, Ladan, “Invisible Routes: An Exploratory Study of Changing Patterns and Trends in Routes of Trafficking in Persons in the Balkan Region”, URL: www.bmlv.gv.at/pdf_pool/.../10_wg11_trafpers_50.pdf.

Map 6: FYR of Macedonia – Patterns and Trends in Trafficking Routes 2000/2001-Black Arrows; 2003/2004-White Arrows

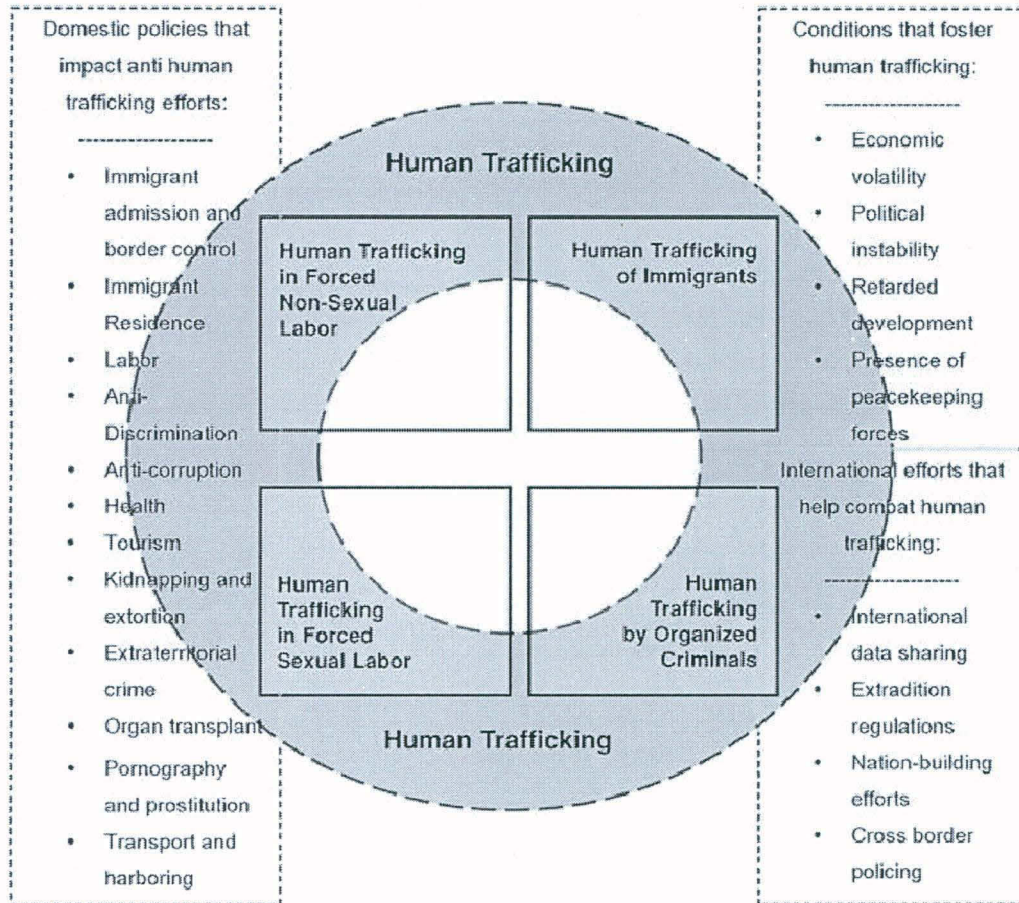


Source: Rahmani, Ladan, "Invisible Routes: An Exploratory Study of Changing Patterns and Trends in Routes of Trafficking in Persons in the Balkan Region", URL: www.bmlv.gv.at/pdf_pool/.../10_wg11_trafpers_50.pdf.

Appendix II

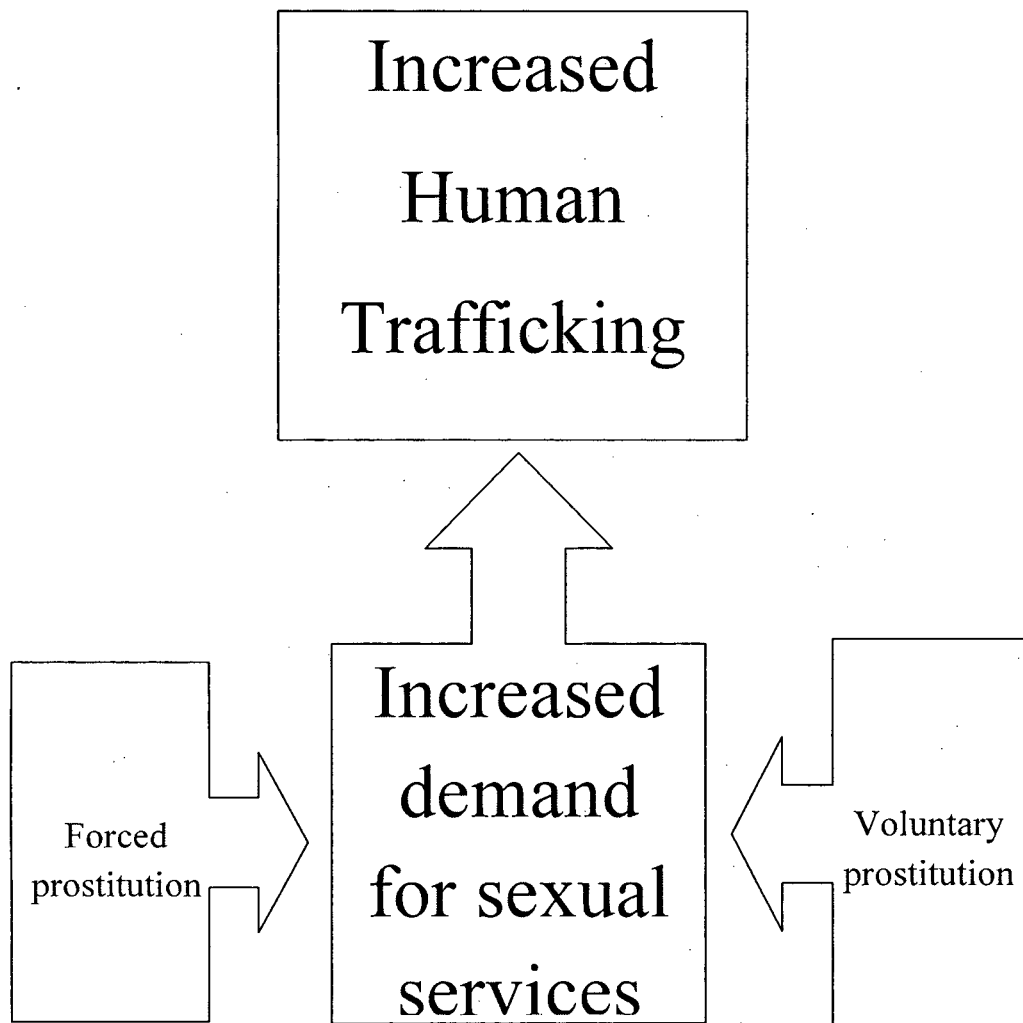
Figures and Tables

Figure 1: The Open Circle of Human Trafficking



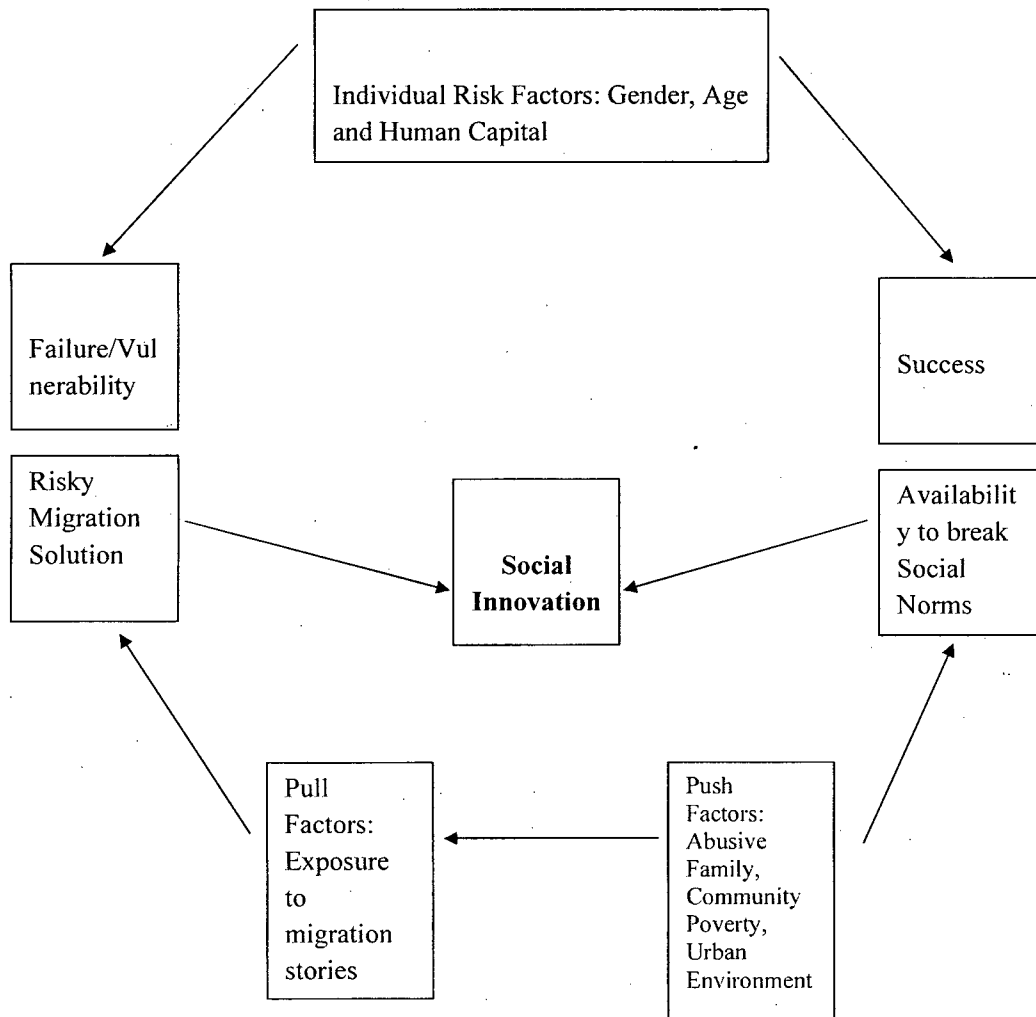
Source: Morehouse, Christal (2009), *Combating Human Trafficking: Policy Gaps and Hidden Political Agenda in the USA and Germany*, Wiesbaden: VS Verlag.

Figure 2: A Concept for Depicting the Relationship between Prostitution and Human Trafficking



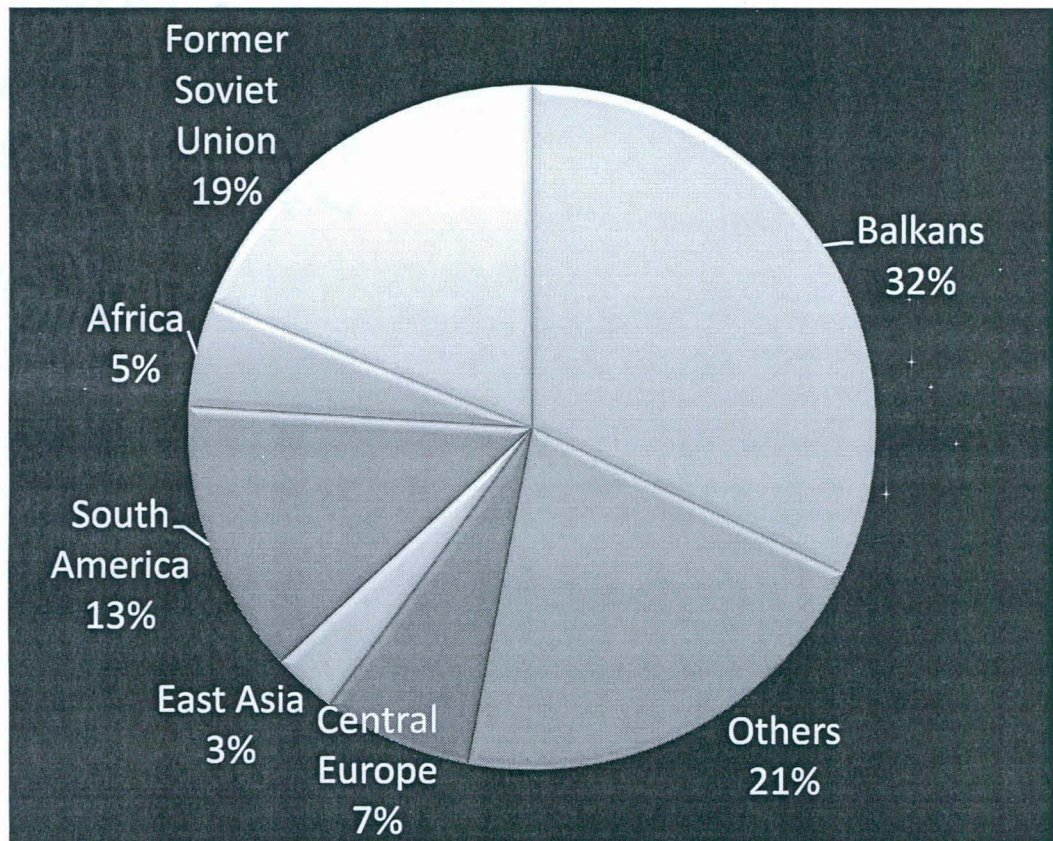
Source: Morehouse, Christal (2009), *Combating Human Trafficking: Policy Gaps and Hidden Political Agenda in the USA and Germany*, Wiesbaden: VS Verlag.

Figure 3: Interlocking Connections



Source: HWWA(2004), Hamburg Institute of International Economics, "EU Enlargement, Migration and Trafficking in Women- The Case of South Eastern Europe".

Figure 4: Nationalities of trafficking victims detected in Western and Central Europe: In Percentage Terms, 2009 UNODC



Data Source: United Nations Office on Drugs and Crime, “Global Report on Trafficking in Persons”, 2009

Table 1: Summary of Regional and Governmental Initiatives:

Organization	Mandate	Initiatives
The Stability Pact for South-Eastern Europe	The Stability Pact aims to stimulate countries of SEE to foster peace, democracy, respect for human rights and Economic prosperity in order to achieve stability in the whole region.	Task Force on Trafficking in Human Beings. Data and Research. Victims' Assistance and Protection. Return and Reintegration. Legislative Reform. Training and Capacity Building. Prevention. Awareness Raising. Stability Pact Initiative on Organised Crime in South-Eastern Europe. Security Sector Reform Inventory Project.
Southeast European Co-operative Initiative (SECI)	To encourage cooperation Among participating states and to facilitate integration into European structures. Emphasises coordination and region wide planning.	Agreement on Co-operation to Prevent and Combat Trans-Border Crime

Source: UNODC 2001

Table 2: Forms of trafficking among assisted SEE nationals, 2003 and 2004

Form of trafficking	2003		2004	
	N	%	N	%
Sexual exploitation	824	65.2	864	74.2
Labour	91	7.2	48	4.1
Begging and delinquency	51	4.0	75	6.4
Adoption	0		9	0.8
Sexual exploitation and labour	245	19.4	97	8.3
Sexual exploitation, begging and delinquency	10	0.8	27	2.3
Labour, begging and delinquency	11	0.9	2	0.2
Sexual exploitation, labour, begging and delinquency	1	0.1	0	
Potential victims	31	2.5	43	3.7
Total	1254		1164	

Source: Surtees 2005:33 as cited in UEHR working papers

Table 3: Post-Cold War Scenario in the Balkans.

Fall of Communism	Loss of social security benefits, political protection	Commodification of sexuality	Change in class and gender relations	State infrastructural Weakness
Transition to market economy	Unemployment, Zone of Provenance, Feminization of poverty	Role of media-portrayed citizen as a 'consumer'	Incoherent social policy	Widespread rampant Corruption
Opening up of borders	Clandestine migration, Open back door to Europe	Rise in criminal activities by organized crime syndicates	Solution to poverty, better living standards, job aspirations abroad	Developed Black market
Wars	War economy-generating funds from illegal activities	Creates political instability, Lawlessness and Disorganization	Gender related war crimes	Peacekeeping forces increase demand for sex workers

Table 4: Number of Identified and Assisted Trafficking Victims 2000-2004, Stability Pact

Country of origin of victim	2000	2001	2002	2003	2004	Total
Albania	219	445	375	345	366	1,750
Moldova	319	382	329	313	300	1,643
Romania	163	261	243	194	193	1,054
Bulgaria	46	96	164	172	143	621
Kosovo	54	67	165	192	90	568
BiH	0	0	8	17	39	54
Serbia	0	1	10	13	21	45
Croatia	0	0	1	1	6	8
Montenegro	0	0	2	3	5	10
Macedonia	0	0	0	14	12	26
SEE countries Sub total	801	1252	1297	1264	1165	5779
Ukraine	68	97	104	47	41	357
Russia	7	22	21	5	4	59
Belarus	8	9	1	2	1	21
Georgia	0	3	2	0	2	7
Others	3	0	5	11	14	33
Other countries Sub total	86	131	133	65	62	477
Total Number of victims trafficked into, via or from SEE	887	1383	1430	1329	1227	6256

Source: (Surtees 2005 31-32) as cited in UEHR working papers

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