

TRAFFICKING IN WOMEN AND CHILDREN

(It is a global issue)

	<u>Page number</u>
PREFACE	3-4
SUMMARY	5-6
1. INTRODUCTION	7-8
2. TRAFFICKING IN WOMEN AND CHILDREN	8-14
2.1 Defining the Problem,	
2.2 The Scope of the problem,	
2.3 The Numbers,	
2.4 The Money,	
2.5 Trafficking in women and children.	
3. TRAFFICKING IN THE OSCE REGION	15-21
3.1 Defining the Problem,	
3.2 Sex Industry in the OSCE Region,	
3.3 Pattern and Practices,	
3.4 General Trends,	
3.5 Emerging Areas,	
3.6 Other Forms of Trafficking.	
4. IMPLICATIONS FOR THE OSCE	21-23
4.1 The Human Dimension,	
4.2 The Economic Dimension,	
4.3 The Security Dimension.	
5. STATUS OF IMPLEMENTATION	24-30
5.1 Destination Countries,	
5.2 Origin Countries.	
4.4 Transit Countries.	
6. COMMITMENTS AND INTERNATIONAL STANDARDS	31-33
6.1 The Moscow Document,	
6.2 Other International standards.	
7. WOMEN AND GIRLS IN AFGHANISTAN	33-38
7.1 Situation of women and girls in Afghanistan,	
7.2 Political Situation in Afghanistan,	
7.3 United States Humanitarian efforts,	
7.4 Quotes women in Afghanistan.	

8. WOMEN AND GIRLS IN OTHER REGIONS.	38-43
8.1 Turkey,	
8.2 Nigeria,	
8.3 Other Countries.	
9. INTERNATIONAL EFFORTS TO COMBAT TRAFFICKING.	43-48
9.1 U.S. Efforts,	
9.2 Efforts by OSCE/ODIHR,	
8.3 Other International Organizations and Institutions,	
8.4 Non-governmental Organizations.	
10. RESPONSES	49-56
10.1 European Union and Member States Response,	
10.2 U.S. Responses, Country Plan of the United States,	
10.3 Other Countries Response.	
11. THE ROLE OF STATES AND RECOMMENDATIONS FOR ACTION	56-66
11.1 General,	
11.2 Recommendations for Action,	
11.3 Recommendations for a European Union campaign Against Trafficking.	
12. CONCLUSION	66-68
12.1 The Problem,	
12.2 Human Rights Issue,	
12.3 Economics and Migration,	
12.4 Transnational Crime Issue,	
12.5 Key Source Countries,	
12.6 Contributing Factors.	
13. ANNEXES	68
1. Hillary Rodham Clinton Remarks at OSCE’s combating Human Trafficking signing, İstanbul, Turkey-November 18, 1999.	
2. Statement of Theresa Loar, at Testimony on Trafficking in Women and Children-September 14, 1999.	
3. Statement Harold HongjuKoh, at Testimony before the House Committee on International Relations. September 14, 1999.	
4. Statement Erin McCormick and Jim Herron Zamora of “the Examines Staff”. Slare trade still alive in U.S., February 14, 2000.	
5. ARIAT Regional Action Plan.	
6. Country Plan of the United States.	
7. Memorandum for the secretary of State (The White House).	
8. Transcript of the concluding Press conference on ARIAT. (March 31, 2000).	
9. Profile of Dr. Louise I.Shelley	
10. Profile of Arzu Kilercioğlu	
14. REFERENCES	69-71

PREFACE

Organized Crime is one of the most important issues of the world. According to Dr.Louis Shelley (1997), “Organized Crime will be a defining issue of the 21st century as the cold war was for the 20th century and that colonialism was for the 19th century. Transnational organized crime will proliferate because crime groves are the major beneficiaries of globalization. The International Monetary Fund estimates that drug trafficking now accounts for 2 percent of the world’s economy, and that if you add illicit capital flight and money-laundering activity, you are dealing with a multiple of that”.

From now on, the countries are beginning to realise the necessity to fight against organised crime more seriously and in coordination. One of the major organised crimes is the "Trafficking in women and children". Trafficking is one of the fastest growing and most lucrative criminal enterprises in the world. Trafficking in persons, predominantly women and children, is one such chilling reality. How does one make sense in this modern day and age of the persistent and growing practice of trafficking? It seems impossible that there is an enormous trade in buying and selling of human beings. Trafficking of women and children is of global concern. It causes human rights abuses, creates public health problems, strengthens organized crime, and corrupts public officials. Trafficking in women and children is a grave human rights, economics, migration and transnational crime issue.

Approx., 50-100.000 women and children are trafficked into the U.S. and western countries (Turkey, Holland, Italy....) each year, primarily from S.E.Asia and former Soviet Union. There is no comprehensive law in the countries against trafficking in women and children, and laws and infrastructure to protect and assist victims do not exists. It is important that the governments have to continue to develop economic alternatives for women and ensure that compulsory education to the children give them healthy career opportunities.

I believe that by bringing together so many governments, NGOs, and international organizations to look at the full range of trafficking in women and children issues. I try to explain all details of trafficking in women and children in this book. The subject is too large therefore. I stress only important points. The subject also is important for human rights. All the countries should support and take appropriate measurements as soon as possible.

The fact that I began to attend my summer Internship program at the law faculty of the American University at the "Transnational Crime and Corruption Centre (TraCCC)" carries an importance for me far beyond my estimations. I am very happy to find the opportunity of examining the subject of "Trafficking in women and children", which is also important for Turkey.

It is a chance for me to get acquainted with Dr. Louise Shelley, the talented chairman of this important establishment, who has undertaken significant responsibilities in the foundation of and TraCCC and in the execution of its operations. Both Dr. Louise Shelley and those serving at this centre shall always be remembered.

I would first of all like to thank to Dr. Louise Shelley and also to the talented members of the organisation

I hope, this book will be a guide for the Trafficking the Human beings studies.

Arzu Kilerciođlu

SUMMARY

Every year, millions of men, women, and children are trafficked worldwide into conditions amounting to slavery. Among these, many thousands are young women and girls lured, abducted, or sold into forced prostitution and other forms of sexual servitude. In 1997, an estimated 175,000 women and girls were trafficked from Central and Eastern Europe and the Newly Soviet Independent States. In addition, the countries in Western Europe and North America continue to be major trafficking destinations for trafficked people from developing countries in Asia, Africa, and Latin America.

In the Organization for Security and Co-Operation in Europe OSCE region, Trafficking is most often discussed in terms of "trafficking in women", "trafficking in women and children", or "trafficking for purposes of sexual exploitation". While trafficking indisputably has a disproportionate impact on women and girls and frequently entails trafficking for commercial sex purposes, trafficking is a much wider phenomenon, both globally and within the (OSCE) region. In the OSCE region, the trade in people includes, for example, trafficking in migrants for sweatshop, domestic, or agricultural labor, forced or fictitious "mail-order" marriages, as well as buying and selling young women for brothels and strip clubs.

Despite divergent definitions, there is growing agreement that the problem of "trafficking in human beings" involves movement of people for the purpose of placing them in forced labor or other forms of involuntary servitude. Thus, for purposes of this background paper, "trafficking in human beings" is defined to include trafficking for sexual as well as non-sexual purposes, and all actions along the trafficking chain, from the initial recruitment of the trafficked person to the end purpose or result - the exploitation of the victim's person or labor.

Trafficking in human beings, particularly of women and children, has been loudly denounced by the international community as an egregious and profound human rights abuse, a form of "modern-day slavery", and a particular form of violence against women. Despite increased attention on the political level, however, few States have taken adequate measures to protect individuals from such practices, to prosecute traffickers, or to provide effective remedies for victims. Current legal frameworks, policies and strategies have proven inadequate to deal effectively with this complex transnational problem, and co-ordination, at both the national and international level, has been the exception rather than the rule. (13) By all accounts, trafficking is a complicated and multifaceted problem that requires a co-ordinate, interdisciplinary, and international response. It has roots in

socio-economic and gender inequalities; it involves migration and law enforcement problems; it is increasingly perpetuated by organized criminal groups; it raises numerous human rights and gender issues; and has broad implications for stability, democratization and rule of law. At the 1998 OSCE Human Dimension Implementation Meeting and the Side Meeting on Gender Issues, both State delegations and non-governmental organizations identified trafficking as a key women's human rights issue requiring intensified action by the participating States.

This paper is intended as a first step in addressing the issue of trafficking within the OSCE and other countries framework. To this end, the paper will provide a working definition of trafficking in human beings, a general overview of the problem, a summary of the relevant commitments and international standards relating to trafficking, and a discussion of the status of implementation of anti-trafficking measures. The paper summarizes current international efforts to combat trafficking and considers, on a preliminary basis, areas in which the OSCE may be uniquely well-placed to address aspects of the trafficking problem, without duplicating the work of others. Among other things, the paper recommends that integrate anti-trafficking measures into existing human rights, civil society, and institution-building activities, provide training to field mission members, and undertake a leading role in combating trafficking in South Eastern Europe as part of the OSCE mandate under the Stability Pact.

Finally, since primary responsibility for combating trafficking rests with the participating States, the paper indicates a number of areas where the participating States could take concrete actions on a national and international level to prevent and suppress trafficking, and to protect the human rights of trafficked persons.

(13)

1. INTRODUCTION

Every year, millions of men, women, and children are trafficked worldwide into conditions amounting to slavery. Among these, many thousands are young women and girls lured, abducted, or sold into forced prostitution and other forms of sexual servitude. It now also constitutes the fastest growing source region for trafficked people. In 1997, an estimated 175,000 women and girls were trafficked from Central and Eastern Europe and the Newly Independent States alone. (13)

Despite increasing efforts to combat it, trafficking in human beings continues to flourish and expand in the OSCE region.

Current legislation, policies and strategies have proven inadequate to prevent or suppress trafficking, or to protect the human rights of trafficked persons. Moreover, in many countries, police, government, and immigration officials ignore, facilitate and even profit from the trade.

Perhaps the most significant limitation in current law and policy is the failure of national governments to treat trafficking - in practice - as a serious human rights issue. In the vast majority of destination countries, trafficking is approached primarily as an illegal migration or prostitution problem. Consequently, most law enforcement strategies target the people who are trafficked, not the criminal networks that traffic them. Assuming the State intervenes at all, it is the victims who are arrested and deported while the traffickers continue to operate with near-impunity. Few victims - in the destination country or upon return to their country of origin - receive any assistance, protection, or legal remedy against their traffickers.

In the regions, trafficking in human beings - and particularly trafficking in women and children - has received an increasing amount of political and media attention in the last several years. In part, this reflects the lobbying efforts of NGOs who have helped elevate this issue to a priority level on the international human rights agenda. Government concern in the regions has also increased, particularly in response to the dramatic escalation in trafficking from Central and Eastern Europe and the Newly Independent States. At the 1998 Human Dimension Implementation Meeting and the Side Meeting on Gender Issues, both State delegations and non-governmental organizations identified trafficking as a key women's human rights issue requiring intensified action by the OSCE and the participating States.

Many individuals, governments, institutions, and organizations are involved in the fight against trafficking at the local, national and international level. It is evident that the OSCE, through its institutions and the participating States, can and should play a greater role in addressing this significant problem.

This paper is intended as a first step in addressing the issue of trafficking within the OSCE and related countries framework. Its purpose is to provide general background information about the problem and to begin exploring the role of the OSCE and other organizations. To this end, the paper will:

- Provide a very general overview of the problem and the status of implementation of anti-trafficking measures.
- Consider areas in which the related regions could support and facilitate efforts to combat trafficking; and
- Provide some preliminary recommendations for the related institutions and the United States.

I'll add to this paper proposed action plan by OSEC/ODIHR as an Annex-5.

2. TRAFFICKING IN WOMAN AND CHILDREN

2.1 Defining the Problem

Forced prostitution and sexual slavery are not recent inventions. 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.

The practice of sexual exploitation of women continues today. When this exploitation involves the moving of women, the practice is usually termed "trafficking in women." This term was used as early as the end of the 1800's. There has been, however, much confusion as to exactly what is meant by it. This confusion can be seen in the various, often contradictory, definitions and concepts used in domestic law and international conventions, as well as in the on-going international debates. Ultimately, however, trafficking in women "is a complex phenomenon, which touches various, often extremely sensitive issues, such as sex and money."

Many different definitions of "trafficking in women" have been suggested by scholars, domestic law and international agreements. Relevant to this discussion, however, is the definition contained in the January 18, 1996 European Parliament resolution condemning the practice. This Resolution goes beyond earlier resolutions, which limited the definition of trafficking to include only women, and takes the term trafficking in human beings to mean:

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.

Although there are problems with this and other popular definitions, the above definition will be used as the reference point for this discussion. (4)

2.2 The Scope of the Problem

Having defined the concept of trafficking in women, it becomes necessary to determine the scope of the problem. This involves examination of not only the

number of women and girls trafficked each year, but also their characteristics, what makes them vulnerable to being manipulated where they are coming from and what conditions they suffer once in this situation.

Trafficking in women and children is one of the most egregious violations of our time. And, it is one of the fastest growing and most lucrative criminal enterprises in the world.

Trafficking in human beings, predominantly women and children, is a form of modern-day slavery. At its core, the international trade in women and children is about abduction, coercion, violence and exploitation in the most reprehensible ways.

The problem of trafficking involves the recruitment, transport, harboring, transfer, sale or receipt of persons through coercion, force, fraud or deception for the purpose of placing persons in situations of slaves or slavery-like conditions such as forced prostitution, domestic servitude, bonded sweatshop labor or other debt bondage. Trafficking may occur across international borders or within the boundaries of a single country.

Men are also trafficked, particularly into forced labor, but I emphasize trafficking in women and children because they are the predominant targets of traffickers.

Trafficking victims suffer extreme physical and mental abuse, including rape, torture, starvation, imprisonment, death threats and physical brutality. Women and children trafficked into the sex industry are exposed to deadly diseases, including HIV and AIDS. Victims trafficked into domestic servitude, bonded sweatshop labor and other industries are subjected to violence and sometimes literally worked to death.

It is estimated that over one million women and children are trafficked around the world each year. According to these estimates, over 50,000 of these women and children are trafficked into the United States, primarily from the former Soviet Union and S.E. Asia. Russia, Ukraine and Poland are major countries of origin in Central and Eastern Europe. A number of the cases prosecuted by the Department of Justice have involved traffickers from Mexico. It is worth noting that of these estimated 50,000 approximately half are trafficked or coerced for bonded sweatshop labor and domestic servitude. Although this hearing focuses on trafficking into the sex industry, it is clear that this is merely one component of trafficking. Accordingly, U.S. policy is not limited to addressing trafficking solely in the context of the sex trade. Subjecting women, men and children to slavery or slavery-like conditions in any context is an intolerable human rights violation and an evil that cannot be ignored.

Traffickers themselves are often engaged in more than one kind of trafficking because they follow the profits. For example, we see cases where girls are lured from a village and the traffickers force some of the girls to work in domestic servitude or carpet weaving, while others, considered more attractive, are culled out and sold to brothels. Thus, in the fight against trafficking, there are practical reasons why the United States does not limit its efforts to one form of trafficking over another form.

Consider these examples of trafficking which have already been prosecuted in the United States:

- Hearing-impaired Mexicans were recruited in their hometowns, brought to the United States, enslaved, beaten and forced to peddle trinkets in New York and other cities;
- Thai women, some of whom came to the United States legally, were held captive and forced to work as garment workers in El Monte, California;
- Teenage Mexican girls, believing that they were going to obtain jobs as waitresses, in child and elder care and in landscaping, were held in slavery upon arrival and forced to submit to prostitution in Florida and the Carolinas or risk harm to themselves or their families. Girls who attempted to escape were subjected to beatings, confinement, and threats;
- After being promised good paying restaurant jobs, Thai women were forced into prostitution upon their arrival in New York;
- Latvian nationals in Chicago were coerced into the sex industry by threats of violence from the Russian Mafia. The traffickers picked the women up upon their arrival at the airport, seizing their documents and return tickets, locking the women in hotels or other locations, beating the women and telling them if they refused to work in various nightclubs, the Russian Mafia would kill their families;
- Mexican agricultural workers were recruited, smuggled and forced to work to repay smuggling "debts" in South Carolina.

World's leading authorities on human rights, has discussed the trafficking information contained in the State Department's Country Reports on Human Rights Practices. These reports and NGO reports confirm that trafficking presents itself in a broad array of forms in countries around the world, involving men, women and children. (1)

What is it that drives trafficking in women and children? Economic desperation is a primary cause. For the women and girls who are the targets of the traffickers, poverty and lack of economic opportunity are major forces propelling the trafficking industry. Traffickers capitalize on rising unemployment and lack of viable economic opportunities in countries of origin, as well as the low status of women in many countries. Children, and girls in particular, are pulled out of school early, enhancing the likelihood that they will fall into the hands of traffickers. In many cases, particularly in the former Soviet Union and Europe, victims are lured into trafficking schemes through false promises of employment as teachers, domestic workers, factory workers, nannies, waitresses, sales clerks, dancers or models and forced into the sex industry or domestic servitude. (1)

Elsewhere, families sell their daughters to traffickers who sell them to brothels or to work in factories or in carpet weaving. Workers are trapped in bonded labor in

garment factories or on farms trying to escape the economic desperation in their own countries.

For the traffickers, it is primarily about high profits and low risk. The trafficking industry is one of the fastest growing and most lucrative criminal enterprises in the world. Profits from the industry are enormous, generating billions of dollars annually to organized criminal groups. Trafficking in women and children is now considered the third largest source of profits for organized crime, behind only drugs and guns. Moreover, there are indications that these growing profits are feeding into criminal syndicates' involvement in other illicit and violent activities. Traffickers know that throughout the world they can reap large profits while facing a relatively low risk of prosecution.(1)

2.3 The Numbers

"In any given year, many thousands of young women and girls around the world are lured, abducted or sold into forced prostitution and involuntary marriage. They are bartered at prices that vary depending on their age, beauty and virginity." Victims of trafficking are brought to Western Europe and are either forced into prostitution or trapped by traffickers who take away their passports. These victims are threatened, abused, and deprived them of most, if not all, of their earnings.

The full scale of the practice remains unknown, because few women are prepared to report what has happened to them to police. It would appear, however, that the number of women and girls involved in the European sex trade is enormous. For example, it was reported in 1991 that approximately 60% of the 20,000 prostitutes in the Netherlands were foreigners. In Amsterdam, it is estimated that 7,000 women and girls from the Dominican Republic alone are exploited every year. "Conservative estimates show that 12,000 Philippine women were living illegally in Germany in 1988, the vast majority in prostitution. This is an increase of 30% since 1984." Looking at this data with corresponding information from other Western European countries, "it becomes evident that as many as 100,000 women in Europe are existing in conditions of sexual exploitation, most trafficked from non-European countries."(4)

Additionally, catastrophic social change in both the former Soviet Union and East Germany have also precipitated a significant increase in the numbers of women trafficked into Western Europe. By 1994, the former Soviet Union and its satellites had become the major suppliers of prostitutes for Germany, Belgium, the Netherlands and Switzerland, among others. Moreover, it is believed that "half of Germany's 20,000 prostitutes are from Eastern Europe.

In the Netherlands . . . nearly 70 percent of the foreign prostitutes come from Eastern Europe . . ."(4)

2.4 The Money

Little has changed since a mid-1920's League of Nations study concluded that "profit . . . is at the root of the whole business [of forced prostitution]." World Watch Institute reports that trafficking of women is a multi-billion dollar industry. Global Survival Network estimates that trafficking brings criminal syndicates

worldwide billions of dollars--an amount rivaling their incomes from drugs and guns.

By some estimates, trafficking in women has become more lucrative in Europe than similar commerce in weapons or narcotics. The consumer appetite appears limitless; profit margins are high and risks are low--traffickers hardly ever get prosecuted, and when they do, they rarely see the inside of a jail. (4)

2.5 Trafficking in Women and Children

Trafficking is a truly global plague, one that may appear in Denver as well as in Delhi, in Istanbul, in London as in Lagos. It takes many forms, from forced prostitution to bonded domestic servitude, from coerced work in sweatshops to the pressing into service of child soldiers. It involves women and children, but also men, victims from every walk of life, every culture, every religion. At least 60 countries in which trafficking takes place. That number, which is in all likelihood a conservative estimate, represents nearly one-third of the countries in the world. But before turning to specifics, let me sketch for you the broader scope and complexity of this global problem.

Practices vary from region to region and according to the type of trafficking, but it is possible to make some generalizations. Trafficking involves a vicious cycle in which victims are forced or lured from their home countries, shuttled across one or more international borders, and enslaved, with human rights violations occurring at every step of the way. In "source countries" where trafficking originates--which can be any part of the world, including the United States--victims of trafficking can include men, women, and children of every age group. However, a majority are girls and women under the age of 25. Some respond to employment agencies fronting for traffickers and some are sold to traffickers because their families cannot afford to take care of them. A few are tricked into traveling with a so-called "family friend" or "uncle" to a large city to go shopping, only to discover too late that they have been kidnapped and ensnared by traffickers in a world of violence and slavery. In almost every situation, traffickers prey upon the hopes and fears of their victims: in the case of the runaway, offering shelter and sympathy; in the case of the poor family, offering a false way out of debt; in the case of those seeking passage abroad, offering the false hope of a better life.

In many cases, victims are sent to "transit countries," where traffickers make it clear that they have no choice but to accept prostitution, debt bondage, or other forms of involuntary servitude. Once a person is in the traffickers' hands, the traffickers regularly use any and all means to ensure their cooperation: typically drugs, violence--including sexual assault--, threats to victims' families, and threats to turn victims over to unsympathetic local authorities. If victims have identity papers to begin with, traffickers often seize or destroy them to ensure compliance. Where money has been exchanged--either by the victim to ensure passage, or as payment to the victim's family--victims are often told that the cost of transport is greater than expected, and that they will have to work additional months or years to pay back the traffickers.

Traffickers frequently will move victims- who may be blindfolded or otherwise prevented from seeing where they are and where they are going-- from safe house to safe house, from city to city, or increasingly, from country to country. Once victims of trafficking arrive in so-called "receiving countries," they often are kept in squalid conditions in a state of virtual house arrest. In the victims' world, violence, drugs, and threats about the authorities form part of the brutal daily routine. So too are long hours of forced servitude--whether in a brothel as a prostitute, at gunpoint as a child soldier, or at a sewing machine as a sweatshop worker. What little compensation comes the victim's way is usually a tiny percentage of actual earnings, with the balance claimed by the trafficker to "cover" so-called costs such as room, board, and clothing, or to "repay" the original "loan." In cases involving prostitution and pornography, victims are forced to continue working regardless of disease, meaning that many work throughout pregnancies and despite having contracted sexually-transmitted diseases, including HIV. In fact, the HIV crisis has only fueled the expansion of sex trafficking, with pimps seeking increasingly younger girls and boys in order to market them to customers as "clean." Health care is non-existent or provided only by fellow victims, leaving most victims at high risk of further health complications, and ensuring that many children born to trafficking victims while in captivity will themselves be trafficked, usually through adoption rings, ensuring that the vicious cycle will continue.

- **According to Dr.Sally Stoecker (1999), the export and exploitation of women and children as a growing problem and one that is the result of several economic and technological trends:**
 - The globalization of the economy and the increasingly rapid movement of labor across borders
 - The rising demand for personalized services in the developed world—be they sexual or other—such as domestic servitude as the gap between rich and poor continues to widen,
 - The feminization of poverty; where by the numbers of poverty-stricken and unemployed women greatly exceed that of men,
 - The technological revolution which has enabled persons to “shop” for women and children via the Internet and to make contact with them quickly and inexpensively.

The Russian Federation offers a disturbing and compelling case study of these larger global trends. Since the collapse of the Soviet Union in 1991 and with it the disintegration of the “social contract” whereby Soviet citizens were guaranteed employment, housing, medical care, and other subsidized services in exchange for supporting the regime, unemployment has skyrocketed. According to surveys conducted recently by USIA, half of the adult population is out of work and only one quarter of those employed are getting paid on a regular basis. At least 70 % of the unemployed are women, many of whom are single parents supporting children. Moreover, perhaps 2.5 million Russian children are roaming the streets. Desperate to find a way out of their poverty and the uncertainty that surrounds the economic situation in Russia today, women find offers to work abroad very

appealing. Unfortunately, these unemployed women and rootless children are extremely vulnerable to criminal schemes. Organized criminal networks are taking advantage of these bleak economic trends and the women who have lost out because of them. As a result, numerous crimes such as debt bondage, kidnapping, fraud, illegal migration, physical and sexual abuse are occurring.(13)

- **According to Aleksandr Igorevich. Troyanov (1999),**

Trafficking in women should be thought of in two ways: the trafficking within Russia and the trafficking from Russia or other countries, especially to China and Japan. With respect to the trafficking within Russia, Troyanov believes that women know what they are getting into when they accept offers of employment abroad and are not misled, in most cases.

Troyanov cited severe economic difficulties and the visa-less entry policy between China and Russia as the key reasons for the expansion of this criminal activity. He also believes that computer technology enables crime groups to coordinate their efforts very easily. Crime groups are not subject to the same roadblocks, diplomatic and inter-governmental protocols that attend official law enforcement agencies and the like.

In terms of attempting to prosecute the crimes, Troyanov said that cooperation with foreign law enforcement agencies was lacking, witness protection was underdeveloped, and that the lines of communication with other countries were poor. For example, if Troyanov's office wants information about a crime in Japan, he is required to go through Moscow in order to communicate with Japanese law enforcement officials, instead of speaking with them directly.

- **According to L. Vertinskaya (1999),**

The problem of women voluntarily choosing prostitution and serving markets in Norway, Sweden, and Finland is growing. It is especially easy to travel from Murmansk to Norway because visas are easy to obtain and the borders are not tightly controlled. On average, she said that about 70 women are getting on buses weekly to travel to these northern countries and earning a lot of money in prostitution. There is also a small town in Norway to which women are traveling frequently in the hopes of finding a husband-some 150 women per week are going to Norway and many are marrying Norwegians. The problem, in Vertinskaya's view, is that the children of the women who marry Norwegians, many of whom met their husbands through prostitution, are inated against and wear a "scarlet letter" of sorts.

3. TRAFFICKING IN THE OSCE REGION

3.1 Defining the Problem

There is little agreement in the international community as to how "trafficking" should be defined. Historically, trafficking has been defined in terms of the trade

in women and children for prostitution or other "immoral purposes". The term "trafficking" is also frequently used interchangeably with "smuggling" - the facilitated movement of illegal migrants across international borders for economic gain. "Trafficking" has not been defined in OSCE documents, and, to date, has never been precisely defined in international law.

Despite many divergent definitions, there is growing agreement that the problem of "trafficking in human beings" involves two key elements: recruitment/transport and forced labor or slavery-like practices (actual or attempted). It is this link between the transport of migrants and the purpose of the transport that differentiates "trafficking" from "smuggling", and places trafficking among the practices considered "modern forms of slavery." Moreover, most experts agree that trafficking should be defined as involving deception or coercion of some kind.

In the OSCE region, trafficking is most often discussed in terms of "trafficking in women", "trafficking in women and children", or "trafficking for purposes of sexual exploitation". While trafficking indisputably has a disproportionate impact on women and girls and frequently entails trafficking for commercial sex purposes, trafficking is a much wider phenomenon, both globally and within the OSCE region. Trade in people may include, for example, trafficking in migrants for sweatshop, domestic, or agricultural labour, brokering forced or fictitious marriages, as well as buying and selling young women for brothels and strip clubs. In order to provide a common framework for discussing the problem of trafficking, "trafficking in human beings" is defined for purposes of this background paper as:

- All acts involved in the recruitment, abduction, transport (within or across borders), sale, transfer, harboring, or receipt of persons,
- by the threat or use of force, deception, coercion (including abuse of authority), or debt bondage,
- for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, forced or bonded labor, or in slavery-like conditions,
- in a community other than the one in which the person lived at the time of the original deception, coercion or debt bondage.

As defined, "trafficking in human beings" would include trafficking for sexual as well as non-sexual purposes, and all actions along the chain, from the initial recruitment of the trafficked person to the end purpose or result - the exploitation of the victim's person or labor.

Although issues such as illegal migrant smuggling and working conditions of migrant workers are closely related to trafficking and are also significant problems within the OSCE region, they will not be addressed specifically within the scope of this report. (13)

3.2 Trafficking in Women and Girls for the Sex Industry

To a greater or lesser degree, almost all OSCE participating States are affected by trafficking in human beings, particularly trafficking for the sex industry. Despite the lack of concrete statistical data, experts in the field agree that it is a growing phenomenon, increasingly perpetuated by organized crime. (13)

3.2.1 Patterns and Practices

By several accounts, hundreds of thousands of women and girls are trafficked to and from OSCE countries every year to work as virtual slaves in the sex industry. Although trafficking differs somewhat in each country or region where it occurs, certain common patterns have emerged.

Traffickers tend to target young women and girls in countries or regions where socio-economic conditions are difficult and opportunities for women are extremely limited. Recruitment practices vary, but invariably involve some form of coercion or deception. In a typical situation, the young woman responds to an advertisement or is recruited informally by an agent offering a good job in another country or region. Typically the jobs offered are for nurses, hair stylists, au pairs, domestic workers, waitresses, models or dancers. Recruiters may approach the young woman's family, or recruit them at mixers or matchmaking parties organized by marriage agencies. In some countries, women and girls have been abducted outright or lured across borders by "friends" for nightlife or tourist excursions. In others, young women and girls are literally sold to procurers by relatives, "boyfriends," or state institutions such as orphanages. Some women travel overseas for arranged or brokered marriages, only to be forced into prostitution by their "husbands" marketplace to pimp or brothel and then trapped in abusive situations by intimidation and debt bondage.

In some countries, such as Canada and Switzerland, women may obtain work visas as dancers, entertainers, or artists, thus enabling legal entry. When tourist visas or work permits are not available, traffickers can easily obtain false or altered travel documents from associates or local authorities. In Russia, for example, traffickers can reportedly obtain an altered passport for an underage girl for about \$800. The International Organization for Migration (IOM) reports that traffickers may also transport women without documentation, usually by smuggling the women across land borders in cars and trucks.

Once in the control of the traffickers, the trafficked women and girls are either forced into prostitution or trapped in exploitative conditions through debt bondage. In many cases, the young women are beaten, raped, threatened, confined and/or deprived of food until they agree to the trafficker's demands. In other situations, the coercion is more subtle. In almost all cases, the trafficker takes the woman's travel documents, controls her movement, and uses debt bondage to coerce and control her. If she escapes, she faces retribution against herself or her family for defaulting on her debt, and arrest and deportation from the local authorities. Unfamiliarity with the language, lack of money and proper documentation, mistrust of police or other authorities, lack of information, irregular or illegal immigration status, fear, shame, and isolation further reinforce the victim's dependence on the traffickers.

The "working conditions" of trafficked women in the sex industry are often brutal.

Many are forced to have sex with as many as 15-20 clients per day. They may acquire HIV or other sexually-transmitted diseases and suffer from medical problems associated with multiple rape or physical abuse. Traffickers often use drugs and drug addiction to control the women and ensure their continued compliance. Intimidation and violence is commonplace, and often extreme, particularly in cases with "Mafia" or organized crime connections. NGOs and law enforcement officers have reported cases in which young women committed suicide or were killed by their traffickers, sometimes as a warning to other trafficking victims.

Some women who are trafficked work in relatively better conditions and may even have some freedom of movement. Nevertheless, most are subject to violence or the threat of violence, are not free to leave their "employment," and receive little, if any, of their earnings. (13)

3.2.2 General Trends

The full scale of trafficking in the OSCE region is unknown. Reliable statistics are impossible to obtain due to the underground and illegal nature of the trade, lack of data collection and research, and the wide variety of definitions of "trafficking" used by different sources. In addition, few trafficking victims are willing or able to report their experience to police. As a result, NGO estimates are consistently much higher than those from official sources.

Despite the lack of specific data, most sources seem to agree on the following basic trends:

- The OSCE countries of Western Europe and North America have long been and continue to be destinations for trafficked women and girls from various developing countries in Latin America, Asia, and Africa, including Columbia, Brazil, the Dominican Republic, Nigeria, Morocco, China, Thailand, Vietnam, and the Philippines.
- The major destination countries for trafficked women in the OSCE region include the Netherlands, Belgium, Germany, Austria, Switzerland, Italy, Spain, Greece, Turkey, the United Kingdom, Canada, and the United States. Other destinations include, without limitation: Bosnia-Herzegovina, Sweden, Denmark, Finland and Norway.
- Since the early 1990s, an increasing percentage of trafficked women and girls are from other OSCE participating States in Central and Eastern Europe (CEE) and the Newly Independent States (NIS). Women from CEE are particularly vulnerable to traffickers because of their proximity to Western Europe and ability to enter legally as tourists, often without the need to apply for a visa.
- According to IOM, the main countries of origin in the OSCE region are the Russian Federation, Ukraine, Poland, and the Baltic States. Other major source countries include Albania, the Czech Republic, Hungary, Belarus, Slovakia, Romania, Bulgaria, the countries of former Yugoslavia, Moldova, and Georgia. NGOs also report a growing number of cases of trafficking from Armenia, Azerbaijan, and Central Asia.

- CEE and the NIS now constitute the fastest growing source for trafficked women and girls for the sex industry. A US Government source has conservatively estimated that more than 175,000 women and girls are trafficked from CEE and the NIS each year. In 1995, IOM estimated the number at 500,000 annually to Western Europe alone.
- In many Western European countries (such as the Netherlands and Germany), women from CEE and the NIS now constitute the majority of women trafficked into the sex industry.
- Most Western European countries, as well as Turkey, Israel, the United Arab Emirates, Thailand, and Japan, are destinations for trafficked women and girls from CEE and the NIS. North America is also a growing destination point.
- OSCE participating States that were once primarily source countries now find themselves increasingly countries of transit and destination as well. CEE countries such as Poland, the Czech Republic, Slovakia, Lithuania, Latvia, and Estonia, as well as some countries of former Yugoslavia are now destinations (as well as transit points) for women from less prosperous Eastern European countries including the Russian Federation, Belarus, Ukraine, Romania, and Bulgaria.
- Most women and girls trafficked for the sex industry are trafficked to large cities, vacation and tourist areas, and areas near military bases in Europe. Trafficking rings also operate along major truck routes, such as Warsaw-Berlin and Budapest-Vienna. Many trafficked women are regularly moved between cities and destination countries to satisfy client demand for new prostitutes and to evade detection by police.
- Most CEE and some South East European countries are transit countries for trafficked women from the NIS and from developing countries heading for Western Europe. Albania and the Baltic States, for example, have long-established alien smuggling routes to Western Europe. There is also growing "one-day" or "week-end" trafficking along border areas such as Czech Republic/Austria and Poland/Germany. In these cases, women and children are periodically transported over the border by traffickers for sex work and then returned to the origin or transit country.
- Many western countries are also countries of transit. Once inside the European Union (EU), for example, the free movement permitted by the Schengen Agreement allows the traffickers to transport people relatively freely to other EU destinations. Canada is both a destination and a transit country to the United States.
- Most trafficked women from CEE and the NIS are under the age of 25, and many are aged 12 to 18. It is widely believed that women and girls trafficked from CEE and the NIS tend to be younger than women trafficked to the West from developing countries. Trafficked women from developing countries are also more likely to be married and to have children. (13)

3.2.3 Emerging Areas

The Balkans

Albania has long been identified as a source and transit country for trafficking in women and children. In addition, many NGOs and international organizations report a significant increase in trafficking both into and out of other Balkan States. Political, social, and economic dislocation, combined in some countries with a large international presence, has created conditions ripe for criminals to exploit. The Office of the UN High Commissioner for Human Rights (OHCHR) reports that Bosnia-Herzegovina has become a significant destination for trafficked women and girls from Ukraine and other Eastern European and NIS countries. Cities such as Belgrade have emerged as transit and lesser destination points for trafficking. Women and girls from rural areas throughout the Balkans have increasingly become targets for traffickers. In 1999, credible sources reported that young women and girls had been lured or abducted from refugee camps in Albania during the crisis in Kosovo, and then sold into prostitution in Italy and the United Kingdom. Other Kosovar women were forced into prostitution by traffickers while trying to migrate to the West during the war. Reports from Italy, Germany, Belgium, and the UK suggest that women and girls from rural areas in Albania are also being trafficked in increasing numbers.

At the June 1999 OSCE Supplementary Human Dimension Meeting on Gender Issues, several participants and OSCE mission members identified trafficking as a post-conflict issue requiring greater attention by the OSCE. In particular they expressed concern about the high level of trafficking in Bosnia-Herzegovina, and the potential for a similar situation emerging in Kosovo. In addition, several participants expressed concern about the potential vulnerability of Kosovar women and girls to trafficking in the post-conflict period, particularly those who had been victims of rape. (13)

Central Asia

While considerable attention has been given to trafficking from CEE, the Russian Federation and Ukraine, the situation in Central Asia has not been studied. Official data is scarce or non-existent; however, media reports and anecdotal evidence from governmental officials and NGOs suggest that trafficking in women and girls may be a serious and growing problem in the region. The Kyrgyz Committee for Human Rights has reported that over one thousand young women and girls from Kyrgyzstan have been trafficked into prostitution to the United Arab Emirates alone. Turkey, Germany, Bosnia-Herzegovina, and Japan have also been identified as trafficking destinations for Central Asian women. In May 1999, participants in the OSCE Women in Politics workshop in Almaty identified trafficking as issues of critical importance to women in Kazakhstan. As in the Russian Federation and Ukraine, the existence of several crucial "push factors" in Central Asia - high levels of poverty, 80 per cent female unemployment, organized criminal groups, open borders, and weak institutions as well as high levels of prostitution in certain urban areas - suggest that Central Asia may be, or may be at risk of becoming, an increasing source region for traffickers.

3.3. Other Forms of Trafficking in the Region

The commercial sex industry is one of the principal, but by no means only, sectors into which human beings are trafficked within the OSCE region. Prosecutors in Belgium report incidences of Chinese workers being trafficked by sophisticated criminal networks, stripped of their documents, and forced to work without pay in restaurants and other businesses through debt bondage and other forms of coercion. A recent media report from Germany concerned Romanian children who were reportedly "sold," or otherwise brought across the border by traffickers to beg or steal. Similar reports from Italy involved Albanian children imported to Italy and forced to work as beggars. In a high-profile case in the United States, more than 70 female Thai workers were held in virtual slavery in a garment industry "sweatshop." Lured with the promise of high paying jobs and arriving on tourist visas, the women were kept under guard day and night, and forced to work 16 hours a day for almost no wages. NGOs in the Russian Federation report that large numbers of men are being trafficked into slave labour overseas by employment companies offering them decent jobs. Recent reports suggest that large numbers of Chinese men, women, and children smuggled illegally into Canada by organized criminal groups may be forced to work in prostitution or other forced labor until they have paid off substantial debts to the smuggling rings. A growing number of trafficking cases in the OSCE region involve domestic workers.

Other forms of "slavery-like practices", not traditionally encompassed under "forced labor", may also exist to varying degrees in the OSCE region. These include trafficking for domestic servitude and various non-commercial forms of sexual slavery, such as forced or false marriage, forced pregnancy, and sham adoptions. While there is limited information available to assess the prevalence of these practices in the OSCE participating States, a significant number of individual cases have come to light. In Austria, for example, an NGO reported several instances in which Asian women were sold by their families as "wives" to Austrian men. Another case involved pimps forcing trafficked women to marry them in order to circumvent visa restrictions. "Mail-order bride" arrangements may also result in slavery-like practices or be used to mask trafficking operations.

NGOs and institutions working to combat trafficking increasingly emphasize the commonalities between persons trafficked for the sex trade and those trafficked for other purposes. Like victims of sex trafficking, people trafficked into sweatshops and other forms of forced labor or servitude suffer severe human rights and labor abuses, including deprivation of liberty, appropriation of income, illegal working conditions, and various forms of psychological, physical, and sexual abuse. They are trafficked using similar methods and channels, sometimes by the same criminal networks engaged in forced prostitution. Like victims of sex trafficking, few victims can escape their traffickers or negotiate the conditions of their "employment" or "marriage." If discovered by authorities, they face arrest and immediate deportation. Few receive any assistance or restitution, or have any legal recourse against their traffickers. As in sexual trafficking, it appears that the majority of victims are female.

At present, few OSCE participating States identify these practices as "trafficking." Although several States have laws prohibiting labor abuses, servitude and forced

labor, only a few, such as Belgium and Ukraine, have used broad enough language in their anti-trafficking legislation to encompass trafficking for purposes unrelated to the sex trade. The United States also uses a broader definition in its administration policy, and proposed legislation would also define trafficking in this broader sense. (13)

4. IMPLICATIONS FOR THE OSCE

Trafficking in human beings is a complex and multidimensional problem with broad implications for the OSCE.

4.1 The Human Dimension

Trafficking in human beings, particularly of women and children, has been loudly denounced by the international community as an egregious and profound human rights abuse, a form of "modern-day slavery", and a particular form of violence against women. Despite this, most States have not integrated human rights concerns or strategies into their laws or policies relating to trafficking. The "human rights approach" to trafficking defines trafficking first and foremost as a violation of individual human rights, and only secondarily as a violation of state interests. It emphasizes the rights and needs of the trafficked person, and the obligation of state authorities to provide assistance and legal remedies to victims. Advocates stress the need to integrate a "human rights analysis" into anti-trafficking legislation, strategies, and initiatives, which have historically focused solely on controlling illegal migration, prostitution, and organized crime.

They also note the links between human rights and effective prevention and prosecution of trafficking. Largely due to the work of NGOs, the human rights perspective is increasingly being incorporated into international political norms, political statements, and, to a lesser degree, national policy. The right to liberty, the right to dignity and security of person, the right not to be held in slavery or involuntary servitude, the right to be free from cruel and inhumane treatment, various economic and social rights, and specific rights of the child are among the human rights affected by the practice of trafficking. As governments are responsible for ensuring human rights on their territories, they have an obligation to protect individuals from such practices, prosecute violations, and provide effective remedies for victims.

Trafficking in women and girls also raises numerous issues relating to women's rights and the position of women in society. The overwhelming majority of the persons trafficked into sweatshops and brothels are women and girls. As such, the causes and consequences of trafficking have gender implications, and many aspects of the problem require a gender-specific approach. In developing and evaluating various anti-trafficking approaches, it is important to take gender issues into account. For example, prevention strategies must recognize the profound link between trafficking and women's unequal status in society. Likewise, legislative, immigration, and law enforcement strategies should be reviewed with an eye toward eliminating discrimination and gender bias. In almost all OSCE countries, for example, law enforcement policies focus on the women who are trafficked rather than the men who usually operate and profit from their exploitation.

Various issues and approaches to trafficking also have implications for rule of law. Trafficking in human beings is a multinational crime problem of ever-growing proportions, increasingly perpetrated by organized and sophisticated criminal enterprises. These criminal activities and the official corruption linked to trafficking undermine democratic institutions and challenge the principle of rule of law. Weak institutions and inadequate legislation limit the capacity of governments to suppress criminal activity and to prosecute offenders. Efforts to prosecute trafficking raise numerous legal issues relating to both legislation and law enforcement. These include, among other things: procedural and evidentiary issues, rights of victims to pursue criminal and civil actions, availability of specific law enforcement techniques in trafficking cases, procedural protections in court proceedings, extra-territorial jurisdiction and extradition, victim and witness protection, seizure of assets or criminal proceeds, restitution and compensation for victims, and the role of NGO representatives in court proceedings. On the legislative level, governments must ensure that national and local laws are adequate to prevent trafficking, prosecute traffickers and protect trafficking victims. Moreover, police, prosecutors, judges and other officials may need training to recognize and more fully understand this complex phenomenon.

Trafficking has long been identified as a migration issue, particularly within the OSCE. Like migrant smuggling, trafficking involves facilitated, and often illegal, migration. Both practices may involve similar routes and mechanisms, and both are generally organized by criminal groups. Moreover, immigration and consular officials may aid and abet illegal passage across borders. Approaches to prevention and suppression of trafficking necessarily raise important migration and freedom of movement issues, from control of borders to the consequences of immigration law and policies on law enforcement and protection of victims. In the context of preventing trafficking, the need to balance border control with freedom of movement - and to do so in a non-discriminatory way - was one of the issues raised, for example, at the 1998 OSCE Human Dimension Implementation Meeting. Another important issue to consider is the extent to which existing immigration laws and policies contribute to trafficking and its related abuses. Because of strict migration regimes in Western Europe and North America, for example, people seeking work or a better life increasingly turn to criminal networks and employment or marriage brokers to provide access to the West. Once in abusive situations, lack of papers and fear of arrest or deportation often prevent trafficked people from leaving or seeking help.

Civil society also plays a central role in the effort to combat trafficking. NGOs, for example, have played a vital role in raising awareness, lobbying national governments, and providing much-needed assistance to individual victims. Media portrayals of prostitution and trafficking have both helped and hindered anti-trafficking efforts. In countries where legislation and institutions are weak, or where police and other authorities are complicit in the practice of trafficking, NGOs may be the only institution taking effective steps to prevent trafficking or to protect its victims. Programmes to build capacity and support emerging local NGOs in their efforts to combat trafficking and other forms of violence against women are thus among the most needed in many parts of the OSCE region. Teachers, health workers, social workers, lawyers, and journalists can also play an important role in raising awareness among target groups, lobbying governments,

and identifying and assisting victims. Finally, long-term sustainability requires that OSCE efforts to combat trafficking are conducted with the participation and co-operation of NGOs and other members of civil society. (13)

4.2 The Economic Dimension

Economic and social inequalities that exist between and within countries are perhaps the most important single cause of trafficking. Moreover, given their unequal status and lack of opportunity in their home countries, it is no coincidence that the vast majority of trafficked persons are female. High rates of poverty, unemployment or underemployment, low pay, discriminatory labor practices, violence, patriarchal social structures, and lack of social supports for single mothers all push women to migrate.

Developing countries outside the OSCE area still account for the majority of trafficked persons in the OSCE region, although the fastest growing segment is from Eastern and Central Europe and the countries of the former Soviet Union. Many experts have noted the link between trafficking and the dislocations associated with economic transition, particularly increases in female poverty and unemployment. While detailed economic analysis is beyond the scope of this paper, it is evident that any long-term strategy to combat trafficking necessarily requires initiatives to address the economic and social conditions at its root. As discussed at the 1999 OSCE Supplementary Human Dimension Meeting on Gender Issues, this includes specific strategies aimed at improving the economic and social position of women and girls.

4.3 The Security Dimension

Perhaps the central issue affecting security and democratization in transitional democracies is that of organized crime and corruption. Numerous experts have acknowledged the growing link between human trafficking and organized crime. Even in instances where criminal groups are not directly responsible for trafficking people overseas, they often provide security or protection for the operations. The involvement of "Mafia" dramatically increases the risks and challenges for those seeking to combat trafficking, as well as the cost to society of allowing the practice to continue.

Another important issue in the security dimension relates to the emergence of trafficking in post-conflict areas. As noted above, political, social, and economic dislocation combined with a large international presence has created conditions in Bosnia-Herzegovina in which trafficking has flourished. Kosovo presents similar risks and challenges. In an effort to prevent a "repeat of Bosnia", several participating States and NGOs have called on the OSCE to address trafficking in Kosovo as part of its broader role under the Stability Pact. (13)

5. STATUS OF IMPLEMENTATION

The ODIHR is in the early stages of collecting independent data about the implementation of anti-trafficking measures in the OSCE region. However, a

number of general observations may be made based on a preliminary review of the literature and discussions with selected experts in the field. (13)

5.1 Destination Countries

With a few notable exceptions, the commitment to combat trafficking in the OSCE region seems more verbal than real. Since 1995, several European bodies have condemned the practice of trafficking and adopted well-considered guidelines and recommendations for combating it. To date, however, few States have fully implemented these recommendations.

There is currently no unified approach to combating trafficking among the OSCE destination countries. Laws and policies vary considerably between the major destination countries, even within the EU. In some participating States, such as Germany, laws and policies are further decentralized, and vary even within the country itself. With respect to both law enforcement and victim protection, cooperation between the States is very limited and generally occurs only on an ad hoc basis.

Co-ordination is also lacking on a national level. A few countries, such as the United States, have established interagency bodies to recommend legal and policy changes and to co-ordinate action between the agencies responsible for law enforcement, immigration, labour, social services, and foreign affairs. Other countries, such as Belgium and Italy, also have a centralized authority responsible for co-ordinating trafficking issues, and in addition, have achieved significant cooperation with the NGO community. For the most part, however, it appears that few OSCE destination countries have established a national point person, agency, or task force to co-ordinate anti-trafficking strategies nationally or internationally.

The participating States also lack an adequate legal framework to combat trafficking in human beings. With respect to criminal legislation, for example, few States have specific anti-trafficking laws. Most rely instead on a variety of existing criminal statutes, usually associated with prostitution. While opinions differ as to whether it is necessary to have a specific "anti-trafficking" provision in the criminal code, few States have taken adequate steps to address the limitations or gaps in existing law. A persistent problem, for example, is the narrow reach and low penalties associated with "prostitution" crimes. A typical "incitement to prostitute" or "procuring" statute, for example, will not reach many of the actors involved in trafficking and does not carry penalties reflecting the serious and often brutal nature of trafficking crimes.

Even if a State has a "slavery", "servitude", or "forced prostitution" statute, it may be too narrowly defined or interpreted to apply in many trafficking situations. For example, the law may require actual force or restraint. Not only is force difficult to prove, if the coercion takes a different form - i.e. threats against the victim's family or threats to turn the person over to police - prosecutors may not be able to use the law against the trafficker. Moreover, the law may also not be broad enough to reach the other individuals in the criminal network who aided and abetted or conspired to commit the crime of trafficking.

Another weakness in existing trafficking laws is that they tend to be defined

exclusively in terms of trafficking for prostitution or "sexual exploitation". As discussed above, these laws may not be adequate to address trafficking for other forms of forced labour and slavery-like practices known to exist in the OSCE region. Of the few countries that have a specific anti-trafficking statute, only Belgium treats trafficking primarily as a human rights issue and applies the law to a wide range of exploitative situations. The United States has also taken steps to address gaps in its existing legislation and to ensure that adequate criminal laws and sanctions exist to prosecute serious labour abuses, slavery-like practices and trafficking in other sectors.

According to many law enforcement experts, legislation and policies in destination countries often do not provide adequate regulations for combating trafficking, particularly when it involves transnational criminal organizations. For example, many countries do not have laws or policies permitting the use of specialized law enforcement techniques and tools believed necessary to investigate complex crimes, dismantle organized crime structures, or cut criminal profit margins. Even when such techniques are legally available, few States apply them in trafficking cases. At the national and international level, limited law enforcement capacity, lack of expertise at the judicial level, limited resources, and insufficient collaboration between law enforcement and other agencies result in inadequate or inefficient investigation, prosecution, and adjudication of trafficking cases. Many countries do not have a legal framework for co-operation between law enforcement and justice officials in other countries - particularly source countries. Moreover, States without extra-territoriality or extradition agreements may be powerless to prosecute all the perpetrators in the trafficking chain.

Even where reasonably good laws exist, trafficking in human beings remains a relatively low law enforcement priority in most destination countries. With some exceptions, most governments and law enforcement agencies view trafficking in human beings as a far less serious crime problem than trafficking in guns or drugs, and/or approach it primarily as an immigration problem. Few fully recognize the brutality of the crime or address the involvement of organized criminal groups. Unspoken biases, confusion, and disbelief over the issue contribute to the lack of political will. In many countries, for example, trafficking is widely mischaracterized as simply "foreign" prostitution or black-market labour rather than a form of slavery. The consent of the trafficked person is presumed, or the problem is dismissed as an abuse perpetrated by private individuals for which States have no responsibility under international human rights law.

When laws are enforced in destination countries, they are far more likely to be enforced against the trafficked persons than the perpetrators of trafficking crimes. In a typical brothel raid, for example, the police arrest, interrogate, detain and deport the women while the pimps and brothel owners go virtually unpunished. If the traffickers are prosecuted, they generally receive light punishment for offences such as "living off immoral earnings" or "harbouring an illegal alien". They are regularly released on bail, and often receive only suspended sentences and/or small fines. Although most States have provisions in their criminal code for rape, assault, extortion, deceit, and unlawful confinement, as well as laws prohibiting labour exploitation and servitude, these laws are rarely used in trafficking cases.

One of the biggest obstacles to effective prosecution of trafficking cases and to

protection of victims - identified by police and prosecutors as well as NGO representatives - is the fact that in most destination countries, trafficked persons caught residing or working in the country illegally are immediately deported pursuant to the State's alien or immigration law. In most cases, the police or immigration authorities do not make any attempt to determine whether the persons are victims of trafficking or other slavery-like abuses, and therefore fail to alert interested parties (even in their own government), provide assistance or protection to the victims, or conduct any further investigation. In some countries, such as Germany, authorities are obligated to arrest and deport individuals within a short period even when the person has been identified as a potential victim or witness in a criminal case.

These strict immigration policies and procedures relating to deportation of illegal migrants or workers work at cross-purposes with efforts to prosecute trafficking crimes and to protect the human rights of victims. Among other things,

- the threat of immediate deportation prevents victims from seeking help from police or other authorities;
- victims who are arrested or otherwise escape their traffickers do not receive the assistance or protection they need and are entitled to under international human rights norms. In fact, in most cases they are further victimized by the State's criminal and immigration policies;
- effective law enforcement is severely undermined because victims are unwilling or unable to testify against their traffickers.

In two recent conferences, law enforcement officials stressed how difficult it is for them to prosecute trafficking cases under the current system in their countries. An obvious problem is the difficulty of convicting traffickers if the key witnesses are sent home. However, the impact can also be more subtle. Several police officers noted that when trafficked women are initially identified, they are often traumatized, afraid, or distrustful, and therefore reluctant to co-operate with police. Moreover, if they know they will be immediately deported, they have little incentive to make a statement against their traffickers.

Only a few OSCE participating States (such as the Netherlands, Belgium and Italy) have specific legislation permitting a temporary stay for victims of trafficking. Moreover, only the Netherlands, Belgium, and Italy have institutionalized policies for providing assistance to victims of trafficking. In each of these States, a trafficked person is given a temporary stay of deportation while she decides whether to participate as a witness in criminal proceedings. During this time she is provided with shelter, benefits, and services such as counselling and medical assistance, in close co-operation with NGOs. In Belgium and Italy, the woman may be permitted to study or work, thereby helping her to regain control of her life, earn some money, and develop skills. If the trafficked person agrees to co-operate with law enforcement and judicial authorities, the residence permit and services are extended for the length of the criminal proceedings. In Italy, the law is even more progressive. While co-operation with law enforcement is strongly encouraged, it is not necessary for the victim to report to the police in

order to apply for the permit and assistance. Under Article 16, protection is available to a trafficked person if she:

- is a foreigner who has been abused or severely exploited;
- is endangered, either because of statements made to authorities or in the course of court proceedings, or by her attempt to escape the control of a criminal group.

If she meets these criteria, either law enforcement or an NGO may apply for the permit on her behalf, and she may receive assistance as long as she participates in an NGO-run reintegration programme.

As a result of these and related policies, Belgium, the Netherlands, and Italy all report significant increases in witness testimony and successful prosecution of traffickers. Certain limitations remain - for example, with some exceptions, few victims receive any restitution or civil remedy, and the protection ends when the victim is returned to her country. However, most destination countries have no legislative framework or procedural mechanisms at all to ensure the safety and fair treatment of trafficking victims. With few exceptions, trafficked persons are deported without receiving any special counselling or care, protection from reprisal or harm, compensation for damages, or any other legal remedy. (13)

5.2 Origin Countries

With few exceptions, trafficking remains a relatively low priority among officials in the OSCE countries of origin. Many officials are not aware of the scope of the problem in their countries or do not fully understand the phenomenon. Some are concerned, but view trafficking as either a minor problem, or one too dangerous or complicated to address. Some are indifferent to, or are actively participating in and profiting from the trade. Socio-economic conditions, attitudes about women and/or prostitutes, lack of information, resources, capacity, and political will all contribute to this problem.

Like destination and transit countries, very few OSCE countries of origin have enacted legislation that specifically addresses the problem of trafficking. While most States have laws prohibiting pimping or procuring, these laws are under-enforced, carry low penalties, and are too narrowly drawn to reach many trafficking activities. In Latvia, for example, it appears that the only law used to prosecute traffickers is a law prohibiting pimping. According to a Latvian prosecutor, there were only four convictions for pimping in 1997, and the offenders generally received suspended sentences. Moreover, it appears that these persons were exploiting the prostitution of women in Latvia, and not necessarily involved in the "export" of Latvian women overseas.

In the last two years, a few OSCE participating States have taken important steps in the legislative area. For example, Ukraine, Poland, and Lithuania each enacted or amended laws criminalising trafficking. Lithuania also has pending a criminal law directed at crimes involving "deprivation of liberty". In 1998, the Russian Federation ratified an amendment that criminalizes sexual trafficking of minors by crime groups. However, it is not yet clear whether these laws will be effective in

implementation or the degree to which they will be enforced in practice.

Although some traffickers are prosecuted under pimping laws, prosecution of trafficking cases in most source countries is extremely rare. Generally the attitude is "out of sight, out of mind". Since the women are taken outside the country, local police assume they have no jurisdiction and generally make little or no effort to investigate these crimes. In addition, few States investigate or prosecute the cases of "returned" trafficking victims. One reason is that - in the absence of any kind of witness protection - most women do not report their experience to police or agree to bring charges against their offenders. Moreover, many investigations are dropped for lack of evidence even when victims co-operate. In these cases, better police co-operation between the country of destination and the country of origin could make a significant difference.

In one of the few high-profile successes, Poland, in 1996-97, successfully prosecuted and convicted a Polish recruiter and two associates who had trafficked approximately 100 women to Turkey, Germany, Austria, France, Switzerland, and Spain. Good co-operation between law enforcement in the destination and transit countries enabled Polish police to investigate and prosecute the recruiter in Poland. Over 200 trafficking cases have since been investigated in Poland, but prosecutions and convictions are rare. According to a Polish police officer, criminal cases can take several years to get to court, and most offenders receive light sentences or are acquitted or released due to lack of evidence.

It appears that few OSCE countries of origin have adopted any anti-trafficking strategy relating to the companies operating on their territory which recruit and organize the transport of trafficked persons. Although it is well known that many advertisements and agencies are fronts for trafficking, for example, there is little regulation and few efforts to close down these operations. Criminal investigations of recruiters or recruiting agencies are very limited. According to several sources, these businesses are highly profitable, and therefore well organized and protected. Involvement by organized crime further inhibits an effective government response.

State-sponsored prevention programmes are virtually non-existent in most countries of origin, and public awareness about trafficking remains frighteningly low. Although some governments and government officials have co-operated with NGOs and various international organizations in prevention efforts, few States have been willing or able to devote public resources for this purpose. State education officials have also been slow to incorporate any trafficking awareness programmes into school curricula. Local and international organizations have taken some steps to fill this gap, but much greater efforts are needed. Moreover, in several countries - particularly in Albania, the Russian Federation, and other NIS - NGOs are too frightened to engage in any overt awareness-raising measures because of the actual or perceived involvement of organized crime, police, and government officials in the trafficking trade. In these situations, international groups or "outsiders" may be in a better position to engage in pointed and aggressive awareness strategies.

What limited assistance there is for victims of trafficking in countries of origin is provided almost exclusively by NGOs. The level of assistance available varies

depending on the country or region, but NGOs report that it is generally ad hoc and universally inadequate to meet existing need. Safe shelters for victims of domestic and sexual violence, as well as medical and psychological care for victims, are among the most urgent needs identified by NGOs assisting trafficked persons in origin countries. NGOs also report that even limited co-operation by police and government officials can be very helpful. For example, a Lithuanian NGO representative reported that officials often notified her NGO when a deported woman was arriving back in Lithuania, so that they could meet her at the airport or bus station. A Czech NGO reported that police regularly referred potential trafficking victims to them for shelter and other assistance while police investigated the criminal case.

Moreover, it does not appear that any OSCE participating States have programmes to protect trafficked persons from retribution by traffickers upon return to the country of origin. Since most trafficked persons escape or are deported before paying off their debt, many are in danger of being "re-trafficked." If the trafficked person has co-operated with police or other authorities, she is even more vulnerable. Since most traffickers have local contacts, many trafficking victims cannot return to their homes or families. In areas where police and/or organized crime are involved, the risks to the trafficked person cannot be overemphasized. Several officials from source countries justifiably argue that they cannot afford to provide "witness protection programmes", as that term is commonly understood. However, few have considered what smaller measures might be taken, such as monitoring the victim's status, monitoring phone calls, or providing safe shelter for victims with the assistance of NGOs.

In some source countries, trafficking victims are treated as criminals upon return. NGOs in Poland and Ukraine have reported cases, for example, in which trafficked persons were interrogated, fined, and even jailed upon return for using false documents or leaving the country illegally.

Origin countries have also been lax in assisting their nationals while in the countries of destination. Most embassies and consulates, for example, appear ill-prepared and ill-equipped to assist trafficked persons if help is requested. According to a Lithuanian NGO, the embassy failed to help a young woman who escaped her traffickers in transit because she was not considered a "victim of crime" under their assistance policy. In some cases, co-operation is lacking even when requested by the destination governments. An Italian prosecutor, for example, complained about the difficulty of getting new documents for trafficked individuals or information about victims or arrested perpetrators from officials in Albania. She noted that Italy would provide legal aid to trafficked women if they met certain criteria, but that Albanian officials rarely provided the information needed to confirm eligibility. In contrast, a German prosecutor reported that he was able to provide witness protection for a trafficked person in Germany because of a statement provided by a judge in her country of origin.

Finally, most source countries also do not have any national strategy or co-ordinating agency responsible for addressing trafficking or related issues. Ukraine has recently taken steps to create a national co-ordinating body under the rubric of the Office of the Ombudsperson, and plans to develop a strategy in this context. In addition, Lithuania reports that it is developing a programme to combat illicit

trafficking as part of a broader organized crime prevention and control strategy. A few countries have designated a police officer or unit to deal with trafficking, but these are usually not co-ordinate with other judicial, social, or immigration agencies. Many countries do not appear to have any strategy at all. (13)

5.3 Transit Countries

Many OSCE participating States fall into the category of "transit" countries, although they may also be countries of origin and/or destination. The issues facing transit countries with respect to trafficking are very similar to those of destination and origin countries. For example, most transit countries face challenges related to border control and interdiction. Some could benefit from better border guard training and more sophisticated border technology, but these are not solutions in and of themselves.

Like destination countries, most transit countries view trafficking only as a migration problem. While it can be very difficult to identify a trafficked person while in transit, effectively combating trafficking requires that transit countries play a role in investigating and enforcing laws against traffickers, and in protecting trafficked persons.

As in origin and destination countries, public awareness about trafficking is generally low in transit countries, and there is a need to train police, immigration, and other officials likely to come in contact with situations involving trafficking and potential victims of trafficking. Few transit countries have developed co-ordinated strategies and procedures for responding when trafficked persons are identified in transit situations, other than to detain and/or deport them. Few have developed systems or resources to provide assistance to trafficked persons, or protocols for alerting authorities and/or NGOs to the potential trafficking situation before returning the trafficked person across the border or to the country or origin. One possible exception is the Czech Republic, where specialized police have reportedly co-operated with local NGOs to assist trafficked women from other countries discovered in the Czech Republic while in transit to western destinations.

Finally, most transit countries have not done enough to investigate and prosecute suspected traffickers and trafficking rings. As in destination and origin countries, cross-border communication and co-operation is limited, and most transit countries do not have the legal framework or capacity to prosecute the transnational offence of trafficking, and not just its component parts.

6. OSCE COMMITMENTS AND INTERNATIONAL STANDARDS

6.1 The Moscow Document

Paragraph 40.7 of the Moscow Document, adopted by the participating States in 1991, states that:

"The participating States will... seek to eliminate all forms of violence against women, and all forms of traffic in women and exploitation of prostitution of women including by ensuring adequate legal prohibitions against such acts and other appropriate measures."

Other commitments contained in the Moscow document are also relevant. Among other things, participating States agree to comply with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to effectively implement the obligations in other international instruments to which they are parties, and to take steps to implement the UN Nairobi Forward-looking Strategies for the Advancement of Women (40.2-40.3). Participating States are also obligated by the Moscow commitments to protect and promote the human rights and fundamental freedoms of men and women fully and without discrimination with regard to sex (40.1), to promote effective measures to achieve de facto as well as de jure equality of opportunity between men and women (40.4), and to encourage measures to ensure full economic opportunity for women, including non-discrimination in employment, and equal access to education and training, among others (40.6).

Paragraph 40.7 of the Moscow Document is the only OSCE commitment that specifically addresses trafficking in human beings, and, in fact, refers only to "traffic in women". Nevertheless, other OSCE commitments obligating States to respect and promote fundamental human rights, as well as those affirming the Universal Declaration of Human Rights and other international declarations and instruments to which the States are parties, oblige participating States to take broader action.

6.2 Other International Standards

States have a duty under international law to prevent violations of human rights, to investigate violations, to take appropriate action against the violators, and to afford remedies and reparation to those who have been injured as a consequence of such violations. Slavery and slavery-like practices, forced labour, forced prostitution, forced marriage, exploitation of prostitution, debt bondage and servitude are widely recognized as practices which violate individual human rights and are prohibited under international law. Relevant instruments include: the Slavery Convention (1926), the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), the Forced Labour Convention (1930), the Abolition of Forced Labour Convention (1957), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child, and the International Covenant on Civil and Political Rights (1966).

Numerous international instruments and non-binding declarations and standards have provisions related to trafficking. For example, Article 6 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) expressly obligates State parties to "take all measures, including legislation, to suppress the traffic in women and exploitation of prostitution of women". Similarly, the Convention on the Rights of the Child (CRC) obligates State Parties to protect children from economic exploitation and all forms of sexual exploitation and abuse. The Slavery Convention obligates State Parties to bring about "the

complete abolition of slavery in all its forms," whether by private or public actors. Similarly, the ILO conventions hold States accountable for forced labour practices, including the activities of private individuals. Other rights and norms contained in CEDAW, CRC, and such documents as the International Covenant on Economic, Cultural and Social Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment; the Convention on the Protection of all Migrant Workers and Members of their Families; the Declaration on the Elimination of Violence against Women; and the Beijing Declaration and Platform for Action are also relevant.

A number of early international conventions specifically aimed at eradicating sexual trafficking, although these are generally criticized as outdated. These include: the International Agreement for the Suppression of White Slave Traffic (1904), as amended by the Protocol of 1948; the International Convention for the Suppression of the White Slave Traffic (1910), as amended by the Protocol of International Convention for the Suppression of Traffic in Women and Children (1921) and the Protocol of 1947; and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949). Among other things, the 1949 Trafficking Convention obligates State Parties "to punish any person who ... [p]rocures, entices or leads away, for purposes of prostitution, another person..." as well as any person "who keeps, manages, or finances a brothel". It also calls on Parties to "adopt or maintain such measures as required ... to check the traffic in persons ... for purposes of prostitution", to provide assistance to trafficked persons by, e.g., "mak[ing] suitable provisions for temporary care and maintenance [of trafficked persons]", assisting with repatriation, etc. Those OSCE participating States that have ratified one or more of the trafficking conventions are bound by the provisions of these agreements. A number of other international and regional agreements relating to crime prevention, illegal migration, illegality on the high seas, economic development, health, etc., may also contain provisions relating directly or indirectly to trafficking and trafficked persons.

United Nations member States have begun to develop a new instrument on trafficking of persons under the auspices of the United Nations Convention against Transnational Crime - currently referred to as the draft Protocol to Prevent, Suppress and Punish Trafficking in Women and Children ("Trafficking Protocol"). A related protocol on illegal trafficking and transporting of migrants is also being developed. There is currently no European Convention on trafficking in human beings. However, a working group of the Council of Europe has developed a series of in-depth legal recommendations for its member States, which will likely be issued later in 1999.

In the 1997 Hague Declaration, EU governments specifically committed themselves to a wide range of measures designed to prevent and suppress the trafficking of women. Included among these measures were several significant commitments to provide support, protection, and legal redress to victims of trafficking.

7. WOMEN AND GIRLS IN AFGHANISTAN

7.1 Situation of women and girls in Afghanistan

The situation of women and girls in Afghanistan has remained mostly unchanged since 1998. Although there have been reports of relaxation in their implementation, most of the Taliban's gender policies remain in place. In addition, the humanitarian situation for all Afghans, and particularly the most vulnerable women and children, continues to deteriorate as a consequence of the ongoing civil war between the mainly Pashtu Taliban and the mainly minority-dominated Northern Alliance.

The situation of women and girls deteriorated rapidly with the resumption of fighting between the Afghan factions in 1992. Lawlessness, rape, and kidnapping were rampant throughout much of the country, as a welter of local militia commanders dominated the country. When the Taliban appeared on the scene in 1994, they enjoyed a series of rapid victories and were initially popular with many who were tired of the war and general anarchy. When they took over Kabul in 1996, they began to enforce a series of ultraconservative social strictures, many of which impacted women and their position in society. Although Afghan women traditionally have suffered disadvantages in many areas of Afghan society prior to the civil war, a limited but growing number of Afghan women, particularly in urban areas, worked outside the home in nontraditional roles. There were female lawyers, government officials, and doctors in Kabul.

The Taliban forbade women to work outside the home but soon allowed exceptions for female doctors and nurses in restricted circumstances and have since stated that widows could work outside the home to support their families. In urban areas, women were forbidden to leave home unless accompanied by a male relative. Some changes have taken place since then. Women now can appear on the streets alone. However, particularly in cities, when they go out they must wear a traditional long robe called the "burqa" covering them from head to toe. A small mesh-covered opening about five inches square provides the only means to see. Some women have been beaten by the Taliban "religious police" on the street for failure to wear the burqa or for not being fully covered.

The burqa is a traditionally women's garment in Afghanistan and is similar to garments worn in a number of other Muslim countries. Many Afghan women wore the burqa before the Taliban took control. However, wearing the burqa was not part of a legally enforced dress code, as the Taliban have decreed. Many women in Kabul, as well as most rural women, typically appeared in public wearing scarves that just covered the head. Many rural women continue to be unveiled today.

The Taliban restricted education for girls, particularly in urban areas such as Kabul. Private home-based schools, which had quietly continued to operate, were ordered closed last year in Kabul. Those that continue to operate do so at the risk of being shut down. Although the Taliban claim that they are not against female education and have requested resources from foreign donors for educating both boys and girls, we have as yet seen no serious effort to provide educational opportunities for women and girls, and they have not accepted offers of assistance which are on the table.

The impact of Taliban restrictions on women is most acutely felt in cities such as Herat and Kabul, where there are some numbers of educated and professional women. In rural areas women do chores, tend animals, gather water and firewood and, when working in the fields, do not wear burqas and enjoy a greater degree of mobility. At one time before the Taliban takeover, Kabul University had several thousand women students while professional women worked in different capacities in the city. Especially hard hit has been war widows (there are more than 30,000 in Kabul alone), many of whom are the sole providers of their families. Many were reduced to begging on the streets to feed their children. Partly due to employment restrictions, but particularly as a result of deteriorating economic conditions throughout the country, many women and children have been forced to beg on the streets.

Women and girls now do have access to medical services and hospitals in Kabul, with the exception of two military hospitals reserved for men. Male doctors can and do treat female patients, and many female doctors have returned to work. Women and children patients need not be accompanied by a male relative. Access to medical facilities, however, is impaired for all by a critical and chronic shortage of medicine and equipment. This affects both male and female patients.

7.2 Political situation in Afghanistan:

The fighting in Afghanistan has gone on for more than 20 years and continues today. The Taliban now occupy 90% of the country, including all major cities, but do not fully control occupied areas. Resistance continues from the Northern Alliance Forces, largely those of Commander Ahmed Shah Masood.

The international community, through the United Nations General Assembly, the UN Security Council, and the UN's informal Group of Six-Plus-Two (the six countries bordering Afghanistan: Pakistan, Iran, Turkmenistan, Uzbekistan, Tajikistan, and China, plus the U.S. and Russia) has called on the parties to declare a cease-fire and to negotiate to establish a broad-based, multi-ethnic representative government that respects international norms on human rights, including the rights of women and girls. Sadly, this call has been ignored.

During military clashes that started with a Taliban offensive in July 1999, there were numerous reports of abuse of civilians by the Taliban. There have been reports of a deliberate scorched- earth policy by the Taliban that has left scores of thousands of Afghans homeless and destitute. These actions came during a series of seesaw battles in the Shomali Valley and in the north that have since settled into stalemate. There also were credible reports of attacks by Taliban forces on the Hazara Shia residents in Mazar-i-Sharif, including the killing of innocent civilians, when it fell to the Taliban forces on August 8, 1998, and in Bamiyan in April 1999, when the city was recaptured by the Taliban from the Hazara forces. The Taliban have since agreed to an international investigation of all of these and other killings, including some where the Taliban were the victims. The Taliban also agreed to the stationing of UN civil affairs monitors in the country.

Insecure conditions in Afghanistan have led to the periodic withdrawal of international humanitarian agency staff. UN agencies and international non-governmental organizations (NGOs) withdrew expatriate personnel from Afghanistan in August 1998. Some personnel returned in March, following UN discussions with the Taliban regarding credible security guarantees for humanitarian workers. Some emergency assistance continued through locally hired staff during the interim. In November 1999, crowds of Afghans protesting the implementation of UN sanctions against the Taliban for not turning over terrorist Usama bin Laden stoned, and in one case burned, UN buildings across the country. UN workers are again operating after Taliban leaders assured them that they would receive protection.

Afghanistan has now become the world's largest opium poppy producer. Elements of all Afghan factions have links to and have received benefits from the narcotics trade. These narcotics are trafficked through Pakistan, Central Asia, and Iran to supply Pakistan, the Middle East, and Europe, with some going to the U.S. market. (5)

7.3 United States humanitarian efforts for women and girls:

The United States is committed to providing humanitarian assistance to women and girls of Afghanistan. United States officials play a key role in making the issue of assistance to women in Afghanistan a major focus of the donors' Afghanistan Support Group.

In 1999, the State Department's Bureau of Population, Refugees and Migration (PRM) provided \$3.14 million in funding to NGOs to carry out health and education projects for Afghan women and girl refugees principally in Pakistan. These contributions were in addition to those made to the South Asia regional programs of the UNHCR and ICRC, which include Afghan women and girls among the beneficiaries. In addition to continuing existing health and education programs with Save the Children, Church World Service, and the International Rescue Committee (IRC) (\$1.7 million), major new initiatives included an IRC project to expand and improve secondary education for Afghan girls in Peshawar and nearby camps (\$480,632); an IRC project to fund projects of local women's NGOs working to improve women's and girls' health and education (\$349,603); and funding for the Women's Commission for Refugee Women and Children to place a gender technical adviser in Peshawar who will assist other NGOs to improve the treatment of Afghan women in their projects (\$199,301).

PRM is also providing \$408,000 to the International Medical Corps for the Afghan Women's Refugee Camp project. The project will be implemented with the Afghan NGOs Ibni Sina, Afghan Women's Resource Center and Afghan Women's Clinic. It will provide training and capacity building to mobilize educated Afghan women to meet the health needs of women and children in six refugee camps in the Northwest Frontier Province of Pakistan. It will also provide a donation of medicines and medical supplies to health units in those camps.

In 2000 PRM is continuing to emphasize health and education programs for women and girls in Pakistan and, to the extent possible, in Afghanistan.

In addition, the Bureau of South Asian Affairs, through its Regional Democracy Fund, will provide \$420,000 in FY 1999 funding for NGOs with programs in the Afghan refugee camps in Pakistan and within Afghanistan to improve the civic participation and human rights status of Afghan women. One of these NGOs, the International Human Rights Law Group, will provide training and funding for human rights monitors in the refugee camps and in Afghanistan. (5)

Besides traditional urgent protection and rescue cases, UNHCR will also refer for permanent U.S. resettlement, persecuted ethnic and religious minorities and other groups singled out by the Taliban.

7.4 Quotes on women in Afghanistan:

President Clinton:

President Clinton pledged this government's continued assistance to "women suffering under the Taliban regime in Afghanistan" at the December 10, 1998 Human Rights Day ceremony.

The President pledged U. S. assistance to Afghan women and girls suffering under the Taliban at the March 11, 1998 International Women's Day celebration.

In a joint statement issued on December 4, 1998, President Clinton and the then Prime Minister of Pakistan, Mohammad Nawaz Sharif, "...agreed to work for an immediate end to the conflict in Afghanistan and the restoration of durable peace, stability and normalcy in the country based on the principals of sovereignty, territorial integrity and non-interference in internal affairs, as well as a political reconciliation and respect for the human rights of all Afghan citizens, including women and girls and ethnic minorities."

At a Vogue magazine reception on October 26, 1999, the President stated, "And the last thing I would like to say, because no one has mentioned this yet -- perhaps the most difficult place in the world for women today is still Afghanistan. And I hope that the fact that we have had two Afghan women here in one of our human rights events, and the fact that we continue to push for changes in the lives of those people and to take as many in as we can here, will someday lead to a change in that country -- because no women should have to undergo what those women have experienced."

First Lady Hillary Rodham Clinton:

First Lady Hillary Rodham Clinton has consistently spoken out against the treatment of women by the Taliban in forums around the world. At the Human Rights Day ceremony December 10, 1998, she recognized two Afghan women in the audience for their invaluable work on behalf of women and girls of Afghanistan and said "We cannot allow these terrible crimes against women and girls -- and, truly, against all of humanity - to continue with impunity. We must all make it unmistakably clear this terrible suffering inflicted on the women and girls of Afghanistan is not cultural, it is criminal. And we must do everything we can in our power to stop it."

At the United Nations International Women's Day celebration on March 4, 1999, the First Lady said "There probably is no more egregious and systematic trampling of fundamental rights of women today than what is happening in Afghanistan under the iron rule of the Taliban."

In her remarks at the United Nations on the 50th Anniversary of the Universal Declaration of Human Rights on December 10, 1997, the First Lady spoke about the importance of education for girls and the Taliban's prevention of girls from receiving an education. "Two-thirds of the 96 million people worldwide who can neither read nor write are women. Even now, the Taliban in Afghanistan are blocking girls from attending school. Not only that - they are blocking those, like Emma Bonino, European Commissioner for Humanitarian Affairs, who would speak out on behalf of this injustice." (5)

Secretary of State Madeleine Albright:

Secretary of State Albright aptly characterized the Taliban's treatment of women in Afghanistan as "despicable" when she visited the Nasir Bagh refugee camp in Pakistan in 1997. She said "We are opposed to their [the Taliban] approach to human rights, to their despicable treatment of women and children, and their lack of respect for human dignity, in a way more reminiscent of the past than the future."

At the March 11, 1998 International Women's Day celebration, Secretary Albright said "In Afghanistan, all the major factions are guilty of violence against women. But the most powerful, the Taliban, are determined to drag Afghan women from the dawn of the 21st century back to the 13th. The only female rights they seem to recognize are the rights to remain silent, and invisible, uneducated and unemployed."

At her induction into the National Women's Hall of Fame, at Seneca Falls, New York on July 11, 1998, Secretary Albright reaffirmed our government's commitment to the women of Afghanistan when she said "Afghan women and girls have asked for our help. I know because last fall, I sat in a tent in the high mountains of Central Asia and listened to their stories. I'll tell you what I told them. The United States cannot and will not abandon them. We are increasing our support for education and training. And we have made it clear that if leaders of the Taliban or any other Afghan faction want international acceptance, they must treat women not as chattel, but as people; and they must respect human rights."

At a speech before the California Women's Conference October 5, 1999, Secretary Albright reiterated U.S. support for the women of Afghanistan. "The United States can not and will not abandon you. We are increasing our support for education and training. And we have made it clear that if the leaders of the Taliban or any other Afghan faction want international acceptance, they must treat women not as chattel, but as people; and they must respect human rights." (5)

Theresa Loar, Senior Coordinator for International Women's Issues and Director of the President's Interagency Council on Women:

Appearing before Senator Dianne Feinstein on March 2, 1998, Ms. Loar said “At the time women are moving forward in most other countries of the world, the Taliban have cruelly pushed Afghan women backwards. Since the 1995 United Nations Fourth World Conference on Women, there has been increasing agreement in the international community on the importance of women’s human rights. The situation in Afghanistan presents us with a test of this principle. This is a pivotal moment for human rights. If the international community is steadfast and united in its resolve, the human rights of women will prevail and the lives of women and girls in Afghanistan will go forward.”

8. WOMEN AND GIRLS IN OTHER REGIONS

8.1 Turkey

8.1.1 Geographic Situation:

The lands of Turkey are located at a point where the three continents making up the old world, Asia and Europe are closest to each other, and straddle the point where Europe and Asia meet. Geographically, the country is located in the northern half of the hemisphere at a point that is about halfway between the equator and the north pole, at a longitude of 36 degrees N to 42 degrees N and a latitude of 26 degrees E to 45 degrees E. Turkey is roughly rectangular in shape and is 1,660 kilometers long and 550 kilometers wide.

The actual surface area of Turkey inclusive of its lakes and rivers, is 814,578 square kilometers, of which 790,200 are in Asia and 24,378 are located in Europe.

The land borders of Turkey are 2,573 kilometers in total, and coastlines (including islands) are another 8,333 kilometers. Turkey has two European and six Asian countries for neighbors along its land borders.

The land border to the northeast with the Commonwealth of Independent States is 610 kilometers long; that with Iran, 454 kilometers long, and that with Iraq 331 kilometers long. In the south is the 877 kilometer frontier with Greece and a 269-kilometer border with Bulgaria.

Because of its geographical location the mainland of Anatolia has always found favour throughout history, and is the birthplace of many great civilizations. It has also been prominent as a center of commerce because of its land connections to three continents and the sea surrounding it on three sides.

8.1.2 Turkish Politics & Policy

The Republic of Turkey is a democratic, secular and social State governed by the rule of law; bearing in mind the concepts of public peace, national solidarity and justice; respecting human rights and loyal to the nationalism of Ataturk. The Turkish State, with its territory and nation, is an indivisible entity. The official language of the Turkish State is Turkish and its capital is Ankara.

Sovereignty is vested in the nation without reservation or condition and the nation exercises its sovereignty through the authorized organs as prescribed by the principles laid down in the Constitution. The right to exercise sovereignty cannot be delegated to any individual, group or class. Everyone possesses inherent fundamental rights and freedoms which are inviolable and inalienable.

The fundamental aims and duties of the State are to safeguard the independence and the integrity of the Turkish Nation, the Republic and democracy; to ensure the welfare, peace and happiness of the individual and society; to strive for the removal of political, social and economic obstacles which restrict the fundamental rights and freedoms of the individual in a manner incompatible with the principles of justice and of the social State governed by the rule of law; and to provide the conditions required for the development of the individual's material and spiritual existence.

8.1.3 Turkish Culture

"We shall make the expansion and rise of Turkish culture in every era the mainstay of the Republic."

Among the prominent statesmen of the 20th century, few articulated the supreme importance of culture as did Mustafa Kemal Atatürk, founder of the Turkish Republic, who stated: "Culture is the foundation of the Turkish Republic." His view of culture encompassed the nation's creative legacy as well as the best values of world civilization. It stressed personal and universal humanism. "Culture," he said, "is a basic element in being a person worthy of humanity," and described Turkey's ideological thrust as "a creation of patriotism blended with a lofty humanist ideal."

To create the best synthesis, Atatürk underlined the need for the utilization of all viable elements in the national heritage, including the ancient indigenous cultures, and the arts and techniques of the entire world civilization, past and present. He gave impetus to the study of earlier civilizations of Anatolia--including Hittite, Phrygian, Lydian and others. Pre-Islamic culture of the Turks became the subject of extensive research which proved that, long before the Seldjuk and Ottoman Empires, the Turks had already created a civilization of their own. Atatürk also stressed the folk arts and folklore of the countryside as a wellspring of Turkish creativity.

The development of painting, sculpture and the decorative arts had been arrested by Ottoman officials, who claimed the depiction of the human form was idolatry, but these arts flourished during Atatürk's presidency. Many museums were opened and architecture gained new vigor. Classical Western music, opera and ballet, as well as theater took impressive strides. Several hundred "People's Houses" and "People's Rooms" all over Turkey gave local people and youngsters a wide variety of artistic activities, sports and cultural affairs. Book and magazine publication enjoyed a boom. The Film industry started to grow. In all walks of cultural life, Atatürk's inspiration created an upsurge.

Atatürk's Turkey is living proof of this ideal -- a country rich in its own national culture, open to the heritage of world civilization and at home in the endowments of the modern technological age.

8.1.4 Trafficking in women and children/Turkey

Turkey is one of the most popular destinations in Europe for trafficked women from Ukraine and Russia. (Vladimir Isachenkov, "Soviet Women Slavery Flourishes" Associated Press, 6 November 1997).

Prostitutes are now commonly referred to as "Natashas" because so many come from Russia. ("Invisible' Women Shown In Russia's Demographics," Martina Vandenberg, St.Petersburg Times, 13 October 1997).

Following the disintegration of the Soviet Republic, the fact that thousands of women attained closer contact with developed countries has resulted in individual tragedies. We pitifully observe that these women - although unwillingly - fall into the hands of human merchants, who leak them into such countries illegally, to work as prostitutes.

Although we do not have exact numbers, it is being estimated that 80 - 90 % of the women who enter Turkey through such means come from Russia and the former Soviet Republic.

According to research done by the International Migration Organization, it is estimated that every year a total of 500,000 women are diffused into the EU through illegal ways. Moreover, it is seen that this human merchandise is increasingly intensified on young women under 18 years old at least 10 - 20 thousand of this total amount enter Turkey through various ways.

This trafficking seen in towns of the bordering regions initially was later directed to greater cities such as İstanbul, İzmir and Ankara. In addition to this, a kind of trade named as "Luggage Trade" has developed, especially in İstanbul. In a very short time, markets formed by women from Ukraine, Moscow and Georgia have appeared, especially in İstanbul. Luggage Trade has rapidly reached a significant status in the Turkish economy.

It is maintained that Luggage Trade, which reached 3 billion dollars in 1998, results in an increase in trading women for sexual purposes at the same time. It is being reported that there are 10 - 20 thousand women in İstanbul for such purposes. Women trafficking observed in the Black Sea region initially, has spread into greater cities of Turkey and this fact is increasingly stressed in the media and by the public. That these women who enter Turkey with tourist passports work illegally in various places of amusement and entertainment, has been revealed through police controls.

The police force has increased its duly controls in order to prevent this situation which is dangerous to human health. Such people caught in inappropriate situations in these controls are subjected to hygienic controls, expelled and sent to their countries.

Apart from the above mentioned and other measures, the Turkish government has started to stricken the controls at customs entrances. These people who come from particular countries are subjected to stricter control at the country borders.

Faced with such developments, some women's organizations have started presenting papers on this subject in commissions. In addition to this, intense work on prevention of women subjected to sexual harassment is on its way.

On the other hand, Turkey, preparing for EU membership, stresses this issue. The existing non-governmental organizations in Turkey desire to participate meetings on "Trafficking in women and children", aiming international cooperation.

The Turkish Government is also highly sensitive on this issue. That women belonging to this traffic take part in some illegal events, reveals the seriousness of the issue more clearly.

This women merchandise is affecting Turkey at various levels. This type of trade is mostly done by well organised crime gangs or the Mafia. Turkey has taken various steps, especially in the last years, aimed to enhance international cooperation to cope with this trade. To this end, being a country of origin, transit and arrival, Turkey is determined to take stricter prevention and legal implementation measures and to strive for closer cooperation.

However, unless this evil trade is rooted out at its countries of origin and transit, it will be optimistic to hope that the measures taken to stop trafficking in women will reach a positive result. Thus, it becomes very important that the USA, EU countries and other countries cooperate on a global basis to root out trafficking in women, which is a global issue.

8.2 Trafficking of Nigerian women to Europe

Hundreds of young Nigerian women have been trafficked into prostitution and forced to endure abuse and violence on the streets of Europe.

Nigerian women have been travelling to Europe for over a decade to work as prostitutes, and the Italian government puts their number at around 15.000. But only recently has the coercive side of this traffic begun to receive the attention it deserves.

The new series of *On the Record* is based on recent interviews with three young women who have managed to escape the clutches of traffickers. One was duped into travelling to Rome. Within a day of arriving she was forced onto the streets to work a 20-hour day, and told that she would have to earn 9 million lire (about \$50.000) from prostitution to purchase her freedom. Twenty-five days and scores of sex partners later, she managed to escape and make her way home to Nigeria with help from the Catholic Church.

The series was researched in Edo State, which together with the Delta State has produced over 80 percent of the Nigerian prostitutes in Europe. Trafficking is deeply embedded in the fabric of Edo society. Some of the women are sold into prostitution by their own parents. Others are recruited by school friends. Many are required to sign fake agreements. These are witnessed by voodoo priests, who use a clipping of the victim's public hair or a sample of her underwear to control her from a distance.

The series is particularly critical of the Italian government, which has deported hundreds of young Nigerian women back to Edo State at very short notice. The abrupt manner of deportation creates further pressure on the financially strapped Government in Nigeria and adds to the trauma of the women.

How can such an abuse flourish in Europe in the twenty-first century? How can women be so gullible as to get trapped by it? Is it possible (or even appropriate) to discourage those who knowingly enter the trade? How can the Italian government allow such a sordid business in its fabulous tourist sites? What has happened to law enforcement?

U.S. Secretary of State Madeleine Albright recently described the trafficking in women as the “fastest-growing international criminal enterprise”. Women’s groups are mobilizing against.

Most research on trafficking has focused on Asia and Eastern Europe. Only recently has it become clear that other parts of the world are also exporting women- -including Africa.

Within Africa, Nigeria is far and away the largest single source. No one knows exactly how many women leave for Europe each year, but well over 500 Nigerian girls were deported back from Italy alone last year. As many as 80 percent of the girls who are trafficked from Nigeria are thought to come from two states, Edo and Delta. How and why this happens is the subject of this new series of ‘On the Record’.

The origins of the series lay in a request to the Advocacy Project from the Women’s Consortium of Nigeria (WOCON), a prominent Nigerian non governmental group that has been campaigning against the trafficking of women from Nigeria since 1997.

The Governments of Italy and Nigeria have agreed in principle on a ‘Re-Admission Agreement,’ under which Italy would provide development assistance to ease the reintegration of those deported. But the agreement has yet to be signed. (15)

8.3 Other Countries

Trafficking in women and girls for the purpose of sexual exploitation in the form of prostitution, pornography, escorts, and such is a growing phenomenon in Europe and throughout the world. As a result of poverty and limited work opportunities, young women from the third world, and increasingly, from Eastern Europe, leave their countries in search of work. These women become prey to traffickers who promise such work as dancing or hostessing. Instead, these women end up living in slave-like conditions, under the full control of the profiteer/pimp.

To address this growing problem, the European Commission's DAPHNE initiative and the Swedish Ministry for Foreign Affairs, funded this project, which is run by Kvinnoforum in partnership with the Latvian Gender Problem Centre and

MONIKA, Multicultural Women's Association in Finland. The project's goal is to build networks among NGOs and other parties in the Nordic and Baltic States interested in working against trafficking, with a focus on prevention and rehabilitation. Ultimately, this project seeks to mobilise resources and organisations and to facilitate the exchange of knowledge and experiences in trafficking in women and girls.

In 1998 Q Web Sweden and Kvinnoforum researched and met with NGOs, networks and government institutions working against trafficking in the Nordic and Baltic States, Russia and Belarus. Because the focus was on prevention and rehabilitation, the project included some organisations working in prostitution. The results of this project have been published in a Report and a Resource Book.

This book provides a general background of trafficking, describes different approaches to the problem, shares knowledge about victims of trafficking, and describes the result of our work thus far.

9. INTERNATIONAL EFFORTS TO COMBAT TRAFFICKING:

9.1 U.S. EFFORTS:

9.1.1 President's Interagency Council on Women:

President Clinton established the Council in August 1995, on the eve of the United Nations Fourth World Conference on Women in Beijing, in order to “make sure that all the effort and good ideas actually get implemented when we get back home.”

The Council is charged with coordinating the implementation of the Platform for Action adopted at Beijing, including the U.S. commitments announced there. It also develops related initiatives for further women's progress and engages in outreach and public education to support the successful implementation of the Conference agreements.

First Lady Hillary Rodham Clinton serves as Honorary Chair. Secretary of State Rodham Clinton serves as Honorary Chair. Secretary of State Madeleine Albright has chaired the Council since March 1997 following the strong leadership provided by former chair Secretary of Health and Human Services Donna Shalala. The Council includes high level representatives from executive branch agencies. (10)

Since the United Nations Fourth World Conference in Beijing in 1995, the President's Interagency Council on Women has worked diligently to improve and advance the status of women and their families in the United States and abroad. U.S. government has strong commitment to promote women's progress in this nation and around the world.

This publication highlights the efforts of the United States government since 1995 in supporting and creating programs and policies that benefit women and their families. The report is arranged according to the twelve critical areas of concern as outlined in the Beijing Platform for Action. The 2000 Edition of America's Commitment demonstrates that, by working together, their government can achieve tremendous results in improving the status of women and children in society.

The 2000 Edition of America's Commitment reflects the laws, policies, and programs of the United States that meet the goals and objectives of the Platform for Action (11)

On March 11, 1998, in an Executive Memorandum, President Bill Clinton directed the Secretary of State, the Attorney General, and the President's Interagency Council on Women to continue to expand their work to combat violence against women in this country and around the world. (Annex) President Clinton directed the President's Interagency Council on Women to coordinate the United States Government's response on trafficking in women and girls, in consultation with non-governmental groups in the areas of:

- Prevention of Trafficking
- Protection of and Assistance to the Victims
- Prosecution of the Traffickers.

9.1.2 The Asia Regional Initiative Against Trafficking (ARIAT)

The Asian Regional Initiative Against in Women an Children (ARIAT) had produced a regional action plan after three-days of meetings in Manila. U.S. sees meeting as first in series of regional approaches.

Speaking at a press conference March 31, Ralph Boyce, Deputy Assistant Secretary of State for East Asian and Pasific Affairs, said part of the effort would include that nations enact legislation that would apply new penalties for the traffickers.

“This ARIAT meeting and its outcomes,” Boyce said, “represent the first what we hope will be a series of practical, regional approaches to combating trafficking.”

The lucrative criminal activity of human trafficking currently has very few international strictures to prevent it, Boyce said. The goal is to increase penalties and make trafficking more dangerous, he said.

“Some countries have legislation prohibiting this kind of activity but are no enforcing it,” Boyce said. “Others don't yet have the legislation and need to see the models some of the partner countries here at the ARIAT have.

“This function brought together 20 countries who have a variety of different legal strictures in place, either already working or in place but not working or not in place at all. And the idea was a combination of working within the individual countries, depending on their own legal frameworks, to try to have best practices, lessons learned, etc., from others, and also to try to develop kind of a transnational

interaction using the international organizations—working through Interpol and others – to try to bring this type of criminal activity up to receive the same sort of attention that drugs and guns have been receiving for some time now.

Asian Regional Initiative Against Trafficking in women and children (ARIAT) meeting held in Manila on March 29-31 2000. The U.S. delegation is headed by Anita L. Botti, deputy director of President's Interagency Council on women, and deputy assistant secretary of State for East Asia and Pacific Affairs and many high level personals. State Department Spokesman James Rubin did a statement.

He said, "It is estimated that as many as 250,000 human beings are bought and sold each year." Delegates from more than 20 Asia-Pacific nations, government and non government organization representatives attended the meeting. ARIAT seeked the problems of trafficking in human beings.

The goal of the meeting is to develop a comprehensive and implement table regional action plan and projects proposals to combat trafficking within and from Asia.

Regional Action Plan is one of the key plan to combat against trafficking in Persons, especially women and children. (annex- 5)

- **Current Initiatives by Organization for Security and co-operation in Europe (OSCE) / Office for Democratic Institutions and Human Rights. (ODIHR)**

The issue of trafficking in persons, and particularly in women, has been raised at various times in the OSCE context since the early 1990s, when the OSCE participating States included a commitment to combat trafficking in the Moscow Document (1991). In 1996, the OSCE Parliamentary Assembly expressed grave concern about the practice of trafficking within and beyond OSCE borders, recognizing its link to economic transition and the problem of organized crime (Stockholm Declaration, 1996). NGOs and several participating States identified trafficking and violence against women as key issues affecting women at the 1997 OSCE Human Dimension Seminar and the 1998 Human Dimension Implementation Meeting. Human trafficking was also identified as one of the new risks and challenges to security by the OSCE Ministerial Council in 1998.

Despite this attention, the OSCE has only recently begun to address the problem of trafficking in practical terms. In 1999, the ODIHR supported three anti-trafficking projects, two of which will continue into next year. These included:

- funding for an international seminar of experts in May 1999 organized jointly by the Polish NGO La Strada and the Friedrich Ebert Foundation;
- funding for a series of training seminars by La Strada in six border regions of Poland, Autumn 1999-Spring 2000;
- a joint project with IOM and the Office of the Ombudswoman to provide technical assistance to support a National Co-ordinating Committee

Against Trafficking in the Human Person in Ukraine. The project includes research, training, continuation of the IOM information campaign, legislative review, victim assistance, and facilitating joint action and bilateral contacts between Ukraine and various destination countries.

The ODIHR has also agreed to jointly fund a preliminary study regarding trafficking in Kirgizstan and has proposed to conduct a human rights training for Ukrainian border guards that would include a component on trafficking.

In April 1999, with funding from the United States, the ODIHR appointed an Adviser on Trafficking Issues to help define ways for the OSCE to assist in combating trafficking without duplicating the efforts of others, and to assist the OSCE in developing an Action. (Action) (13)

Other OSCE institutions have also begun to address the problem of trafficking in limited ways. In July 1999, the Parliamentary Assembly adopted a resolution at its Annual Meeting condemning the practice of trafficking, particularly sexual trafficking of women and girls. A few OSCE field missions have also dealt with the issue of trafficking, although primarily on an ad hoc and case-by-case basis. In Albania and Bosnia-Herzegovina, field officers have begun reporting trafficking cases and mission members have started to co-ordinate efforts with other international organizations. However, it appears that most missions are not yet addressing trafficking in their reporting or programmes, and there have been no sustained or systematic programmes against trafficking.

Other International Organizations and Institutions

Over the last several years, many international organizations and other bodies have been working directly or indirectly on programmes or initiatives to combat trafficking - primarily of women into prostitution. These include:

The United Nations: As part of the work of the UN Commission on Crime Prevention and Criminal Justice, an Ad Hoc Working Group is in the process of developing an optional protocol on trafficking in human beings to the Convention Against Organized Transnational Crime. In addition, both the Special Rapporteur on Violence Against Women and the Office of the High Commissioner for Human Rights are working to integrate human rights concerns into international, regional, and national anti-trafficking initiatives, and have modest programmes to monitor and analyze legal and policy developments. The OHCHR Sarajevo office has recently undertaken a number of small-scale preventive and assistance initiatives throughout the territory of former Yugoslavia, and has played a central role in co-ordinating with other international and local organizations around this issue. In addition, the UN Office for Drug Control and Crime Prevention has recently begun work on a proposed "Global Programme Against Trafficking in Human Beings" which will focus on the role of organized crime groups in smuggling and trafficking, and on the development of criminal justice-related responses. Specialized agencies such as UNICEF, UNHCR, and UNDP have also begun to address trafficking in relation to their education, relief, and development work.

The European Commission: Since 1996, the European Commission (EC) has taken a number of initiatives at the European level or in association with third

countries and organizations relating to trafficking "for the purposes of sexual exploitation". These include the STOP programme (research, training, and exchange programmes relating to trafficking and sexual exploitation of children), and the DAPHNE initiative (supporting NGO activities relating to violence against women). Both programmes have been used to support (13) projects relating to trafficking in women and girls. Outside the EU, the PHARE and TACIS Democracy Programmes helped finance the NGO network La Strada in Poland, the Czech Republic, Bulgaria, and Ukraine. The EC has also addressed trafficking on a political level, for example, in the non-binding Hague Ministerial Declaration (Declaration on European Guidelines for effective measures to prevent and combat trafficking in women for the purpose of sexual exploitation, April 1997) and various joint actions. The Amsterdam Treaty is also relevant in that it requires EU States to co-operate in criminal and migration matters.

The Council of Europe: The Council of Europe is addressing trafficking directly or indirectly through a number of Committees and programmes. Among these is the on-going work of the Multisectoral Group of Specialists chaired by a representative of the Steering Committee for Equality between Women and Men (CDEG). Since 1997, this group has engaged in various initiatives relating to trafficking "for the purpose of sexual exploitation", including the preparation of forthcoming recommendations to the Council of Ministers and member States. In 1998, the CDEG held a seminar devoted to the role of NGOs in the fight against trafficking, and a workshop on the image of women in the media as it relates to trafficking. The Council of Europe has also organized and/or proposed a number of seminars under the ADACS programme relating to trafficking, illegal immigration, law enforcement, organized crime, and corruption, including a recent training programme on trafficking in Albania with the OHCHR. The Council of Europe continues to address related issues such as criminal law procedures, organized crime and corruption, and the sexual exploitation of children under the rubric of the European Committee on Crime Problems (CDPC), the European Committee on Legal Co-operation (CDCJ), and the Steering Committee on Social Policy (CDPS). These activities are primarily legal in nature.

The International Organization for Migration: The IOM has been active in conducting research on migration trends, including trafficking in women from Central and Eastern Europe. In 1998, the IOM conducted a large-scale information campaign in Ukraine, and has reportedly conducted some additional awareness-raising efforts in the Czech Republic, Hungary, and Bulgaria. On a limited basis, the IOM has facilitated the return of individual victims of trafficking from various destination countries. They have also recently begun a pilot programme in Bosnia-Herzegovina to provide return assistance to trafficked women. The ODIHR is currently co-operating with the IOM on two joint projects relating to trafficking in Ukraine and Kyrgyzstan.

Interpol: The International Police Organization has held several conferences on trafficking and is attempting to help co-ordinate transnational law enforcement efforts against trafficking in women and children. Interpol continues to be a valuable resource for law enforcement agencies, but is significantly underutilized. A new initiative by Interpol involves developing a "resource book" of anti-trafficking organizations and contacts throughout the world. (13)

Non-governmental Organizations

International, regional, and local NGOs have been at the forefront of efforts to raise awareness about trafficking and push governments toward greater accountability. The Human Rights Caucus, for example, has played an important role in monitoring the development of the UN draft Protocol on Trafficking, and in lobbying for inclusion of protections for victims and integration of other human rights norms. NGOs such as Human Rights Watch, Global Survival Network (GSN), Foundation for Trafficking in Women (STV), Global Alliance Against Traffic in Women (GATW), the Human Rights Law Group, and La Strada are among those active on an international level. Groups such as the Open Society Institute (OSI) and Network of East-West Women (NEEW) have contributed to anti-trafficking efforts more generally by facilitating and supporting emerging NGOs and NGO networks in CEE and the NIS.

At the local and regional level, NGOs have played a crucial role in raising awareness and assisting victims of trafficking and other vulnerable groups. In many countries of the OSCE, local NGOs are the only groups carrying out programmes to warn women and girls and their families about the dangers of trafficking, and the only ones providing direct assistance to victims of trafficking. In many cases, these are not NGOs with special expertise in trafficking, but domestic violence or rape crisis shelters, STD clinics, local women's rights groups, counseling centers, and women's professional organizations. None have sufficient resources or capacity to help all those in need of assistance and most have very limited access to government officials.

Deputy director of the council on woman said, "The trafficking of women is not just a woman's issue, but an international issues involving transnational, organized crime and corruption's".

The meeting brought together the governments of more than countries to find ways to focus on the problem many call "modern-day slavery."

Anita Botti also said, "The United States is very committed to working to forge a regional Plan."

During the meeting, Deputy Assistant secretary of State Ralph Boyce said, "Trafficking is one of the fastest growing and most uncreative criminal enterprises in the world. After drugs and guns, it is considered the third largest source of profits for organized crime."

Boyce said, "It requires relatively little capital investment and the risk of prosecution a severe punishment are still fairly low. The trafficking of women an children is of global concern. It causes human rights abuses, creates public health problems, strengthens organized crime, and corrupts public officials.

10.RESPONSES

10.1 U.S. Government Response

U.S. Government Response

- The Presidents Interagency Council on Women established a senior governmental working group on trafficking to address the areas of prevention, victim assistance and protection, and enforcement. The working group consults closely with non-governmental organizations and members of Congress.
- The Department of State is working jointly with the European Union, the Group of Eight, and the United Nations, as well as the Governments of Israel, Italy, and Ukraine, to combat trafficking.
- The United States and the European Union formally launched an information campaign, kicked off in November 1997 by First Lady Hillary Rodham Clinton, to combat trafficking in women and girls and to warn potential victims of methods used by traffickers. The United States supports a public awareness campaign in Ukraine and the European Union supports a similar campaign in Poland.
- The Department of State and the Department of Justice are training foreign immigration and law enforcement personnel to enhance their ability to effectively implement border security and to identify traffickers and victims of trafficking. They are also training foreign judges and prosecutors regarding enhanced enforcement of laws against trafficking.
- The Department of Justice is actively investigating and prosecuting cases involving trafficking in women and girls into as well as within the United States.
- The Department of State funded the development of a comprehensive database on U.S. and international legislation protecting women and children from commercial sexual abuse. The project is analyzing laws, penalties, sentencing patterns, reporting requirements, law enforcement capabilities, extradition practices and victim assistance programs. An expected outcome of this project is prototype legislation and guidelines on enforcement and victim protection. (4)

New Initiatives

- The Presidents Interagency Council on Women will convene a gathering of governmental and non-governmental representatives from source, transit, and destination countries and representatives from international organizations to call attention to the issue of trafficking in women and girls and to develop strategies for combating this egregious human rights violation.
- The Department of Justice is reviewing existing United States criminal laws and their current use to determine if they are adequate to prevent and deter trafficking in women, to ensure safety and services for victims, and to recommend any legal changes to combat trafficking.

- The Department of State, in coordination with the Department of Justice, will work with other countries to provide assistance to victims of trafficking, to develop legislation to combat trafficking, and to expand efforts to train legal and law enforcement personnel worldwide.
- The Department of State consular presence worldwide will work with source, transit, and destination countries to develop strategies for protecting victims and expanding and enhancing anti-fraud training to stop the international movement of trafficked women and girls.
- The Department of State and United States Agency for International Development will work jointly with the Government of Ukraine to develop and implement a comprehensive and integrated strategy to combat trafficking of women and girls into and out of Ukraine. The United States-Ukraine cooperation will serve as a model for a multi-disciplinary approach to combat trafficking that can be expanded to other countries.
- The Department of State and the United States Information Agency will expand public awareness campaigns targeted to potential victims to warn them of the methods used by traffickers.

10.2 European Union And Member States Response

Although the EU was founded on an economic basis, steps have been taken to address the issue of trafficking in women, as well as to assist those caught up in the trade. Some of these measures are directly targeted at addressing this problem, while others are more general, but still impact the issue. The most significant of these measures are discussed below.(4)

10.2.1 Community Level Action

Protection of Fundamental Human Rights

While it is easy to see the problem of trafficking in women as an economic or social one, ultimately it is a human rights issue. Women who are forced into situations where they are sexually exploited for the profit of a third person are having their basic human rights, as guaranteed by numerous international instruments, violated. As drafted, the Treaty of the European Union addresses the issue of human rights. Article F(2) of the Treaty provides that the Union shall respect fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms. As of 1996, however, the European Court of Justice (E.C.J.) opined that "as Community law stands now, the Community has no competence to accede to the . . . Convention."

This issue is seemingly addressed in the Draft Treaty of Amsterdam. While the Draft has not yet been adopted, the Treaty amends Article F by declaring that "the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms." In addition to this declaration, the Treaty provides for

enforcement mechanisms to be used in cases of "serious and persistent breach" of these basic principles by a MS.

While it is unclear as to how this article will be interpreted or utilized, it is conceivable, if unlikely, that the article could be used to address long-standing and on-going human rights violations in MS, including the practice of sexual exploitation of women. (9)

Immigration of Third Country Nationals

As noted previously, the European Parliament's definition of "trafficking in women" requires a foreign border crossing. Because the EU is without internal borders, by definition then, women trafficked into the EU are not going to be EU citizens, they will all be third country nationals [TCNs]. The rights and responsibilities of TCNs figure very little in the founding text of the European Community. With the exception of Article 100 c of the European Community Treaty, which deals with the issue of visas for non-EU citizens, the Treaty establishing the European Community is silent as to non-EU nationals.

Recognizing the need for a "comprehensive approach for dealing with immigration policy, the European Commission, in 1997, presented a proposal for a Council Act Establishing the Convention on Rules for the Admission of Third Country Nationals to the Member States." The Convention lays out the rules for the "initial admission of a third-country national to the territory of a Member State for the purposes of employment, self-employed activity, study and training, non-gainful activity and family reunification."

As drafted, this Convention deals with "entry and a stay of more than three months" The Convention does not specifically address the issue of women brought into the EU, legally, nor illegally, for the purpose of prostitution. However, the Convention does provide for an exception to its otherwise strict entry and residency requirement in Article 2(1)(c). Conceivably, in situations where return to her homeland is not possible, this humanitarian exception could be used by MS to grant victims of trafficking the right to remain in the host country.

With the exception of Article 2(1)(c)'s humanitarian allowance, the proposed immigration convention would seemingly do little to aid women who find themselves in an EU MS. Even assuming her initial entry was legal, her activities once in the MS would nullify any appearance of legality. These activities may further subject her to deportation, as she no longer satisfies the requirements for remaining within the MS as set out by this Convention. Perhaps more relevant to this discussion is the Schengen Agreement and the Convention Applying the Agreement. While the Schengen Agreement is outside EU law, the majority of MS have signed on to it, thus making it law that cannot be ignored. Like the proposed immigration convention, the Schengen Agreement does not specifically refer to woman trafficked into the EU. It does, however, deal with the issue of entry visas, both long and short term.

Especially relevant to this discussion are Articles 23 and 27 of the Convention Applying the Agreement. Article 23's allowance for remaining in a MS for humanitarian reasons gives MS leeway for allowing a victim of trafficking to

remain in the country if return to her home land is not viable. This is especially important in situations where the women comes from a culture where her history of prostitution would render her an outcast, subject to social scorn, or worse. Without family or husbands to support them, such women are extremely vulnerable to returning to prostitution in order to survive. Additionally, while trafficking in women is not specifically mentioned by name, Article 27's imposition of penalties on anyone who, for gain, brings or assists an alien into a MS illegally, gives the MS a tool in the prosecution of traffickers. While neither the proposed immigration convention nor the Schengen Agreement alone provides extensive protection for victims of trafficking, both could be used as components of a wide-based and comprehensive plan to aggressively attack the problem. (9)

Law Enforcement

The architects of the EU recognized the need for a mechanism to fight crime within the EU and assist MS with their law enforcement efforts. Toward that end, Article K.1 of the Treaty of Maastricht provides for the creation of Europol. The Europol Convention was signed by all MS in July 1995.

Significant to the discussion at hand, Europol's original mandate was expanded in 1996 to include "the exchange and analysis of information and intelligence, as soon as they affect two or more Member States, in relation to . . . trafficking in human beings." Finally, the Treaty of Amsterdam, as one of the steps to "provide citizens with a high level of safety," also includes the prevention and combating of "trafficking in persons" as one of its goals.

While the Europol Convention will not come into force until jurisdictional issues are solved by the ECJ and until all MS have ratified it, the convention is a potentially powerful tool in the fight against trafficking of women for the purpose of prostitution. Because of the connection between organized crime and trafficking in women, Europol would be particularly suited to addressing this issue. It has at its disposal computerized networks of information as well as the ability to share that information with MS in order to pursue and prosecute traffickers. (4)

Social Programs

Outside of treaty provisions and law enforcement, the European Commission has taken some steps in providing for programs that directly impact victims of trafficking. One of the largest of these programs is known as the DAPHNE Initiative.

The DAPHNE Initiative was created to assist non-governmental organizations [NGO's] in combating violence against "women, young persons and children from all kinds of violence and commercial sexual exploitation, trafficking and other abuses." DAPHNE was inaugurated in 1997 and, while the Commission claims combating sexual violence "to be an important priority," it also noted that future programs under the DAPHNE Initiative will be conducted only "[s]ubject to budgetary availability."

The European Parliament [EP], despite being the weakest organ of the EU, has been at the forefront in addressing the issue of trafficking in women. Despite the fact that its recommendations are not binding, the EP has called on the Commission to more aggressively address the issue of trafficking, as well as provided reports and proposed community wide action.

As recently as December 1997, the EP was called on by the Commission to "create a taskforce on the trafficking of women for purposes of sexual exploitation." Unlike many previous EU measures, this communication urged that trafficking be addressed from the stand point of the victim and that the practice be viewed "in terms of violations of the fundamental rights of women (and not solely from the view of fighting organized crime and illegal immigration)." Also, and in step with current reality, the communication called for more funds to be allocated to programs for Eastern and Central Europe, as well as the former Soviet Union which would go directly to the fight against trafficking of women in these regions.

In 1997, the EP released a report concerning, among other things, trafficking in women. This extensive report noted that the "sex trade is one of the world's most lucrative industries," and put forth extensive and far reaching recommendations regarding how, and why, the EU should address this issue.(4)

10.2.2 Member State Response

Laws, policy and programming at the MS level, in response to the problem of trafficking in women, range from non-existent to fairly comprehensive. Two MS, the Netherlands and Belgium, have fairly wide ranging and comprehensive laws and programs geared toward prostitution in general, and trafficking specifically. (4)

10.2.3. The Netherlands

Registration of prostitutes is not compulsory in the Netherlands but it is estimated that approximately 25,000 to 30,000 women work in the field in any given year. Of this number, approximately 40-60% are of foreign origin. Additionally, it is believed that approximately 2,000 to 3,000 women arrive as a result of trafficking or work under conditions of forced labor. As of 1996, prostitution was not, in and of itself, illegal in the Netherlands. Exploitation of a prostitute, as well as "living on the immoral earnings of another," however, is criminalized. In reality, the government takes a hands-off approach to prostitution and pimping and pursues charges only in "cases of exploitation with the use of violence, deceit or abuse of authority." The Dutch criminal code does criminalize the "bringing [of a person] to prostitution by means of violence, deceit or abuse of authority" under the heading of 'trafficking in human beings'.

The Dutch program addressing prostitution in general consists of three components: prevention, prosecution and support. Each will be discussed briefly.

Prevention

The Dutch government has taken three formal steps in its attempts to prevent prostitution and trafficking. First, embassy personnel in origin countries warn

women vulnerable to trafficking of the dangers. Second, the government supports various NGO prevention programs. Finally, the government has supported peer projects that provide prostitutes, or women vulnerable to becoming prostitutes with information about their rights, along with medical information.

Prosecution

If prevention fails to keep women from being trafficked, the Dutch government has an aggressive and comprehensive program for prosecution of traffickers. The main aspect of this program is the granting of a temporary residency permit to women who are willing to cooperate with the government in the prosecution of the trafficker.

In addition to these laws, the Dutch Attorney General, in 1989, introduced several directives in order to achieve a national policy on the issue of trafficking in women. These directives included the development of specialized police units and adequate "care and support of the victim." A follow up study in 1992-93 showed that actual implementation of these directives was not uniform. This has led to additional changes being implemented; follow up continues.

Support

In addition to prosecuting the traffickers, the Dutch government has developed a fairly comprehensive support network for victims of trafficking. These measures include specialized social worker teams in selected cities, as well as subsidization of the Dutch Foundation Against Traffic in Women (STV). In addition to offering social support, legal and medical assistance, shelters and psychological counseling, the NGO's (including STV) make recommendations to the government on policies and programs that impact victims of trafficking.

10.2.4 Belgium

The IOM has reported that there are at a minimum 28,000 prostitutes working in Belgium, half of whom are foreign born. Of this number, approximately 10-15% are known to be victims of trafficking.

Belgium does not expressly criminalize the act of prostitution, but procurement/pimping, soliciting and loitering are illegal acts. Belgium does, however, have a specific law on trafficking in human beings.

Additionally, Belgian law distinguishes between trafficking and forced labor and slavery like practices in prostitution. NGO's active in the country report that while implementation of these laws "should be better," the laws are enforced.

Like the Netherlands, Belgium has attempted to address the issue of trafficking in three ways: prevention, prosecution and support of the victim.

Prevention

Fearing abuse of the system, Belgian authorities' main weapon in preventing women from being trafficked into the country is an extremely strict set of regulations covering the issuing of work permits for certain occupations,

especially "artists." Additionally, the government has taken steps to address the issuing of phony marriage licenses, which it believes helps to curtail trafficking.

Prosecution

Like the Dutch government, the Belgian government relies primarily on the incentive of a temporary residence permit to encourage victims of trafficking to press charges and testify at trial. Unique to Belgium, however, is the possibility of an indefinite residence permit as a "reward" for evidence used in a successful prosecution.

Support

In addition to the support system provided to women willing to testify, Belgian authorities have set up a limited number of safe shelters for women to go where they can receive psychological, legal and medical assistance. Unfortunately, this system is under-funded and future activity is seriously endangered by this lack of financial support.

10.2.5 A Plan Of Action For The European Union And Member States

From the previous discussion it is apparent that trafficking of women is a serious issue that impacts the EU at both the MS and Community levels. It is just as apparent that any effective solution will require coordinated and dedicated efforts at the Community and MS levels.

Competency of the European Union and Member States To Act

In deference to the concept of subsidiarity (the desire to conduct programming at the most local level possible), whenever community wide action is proposed, it is necessary to determine who is competent to act--the EU, the MS, both, or neither.

Immigration

Trafficking in women interfaces with three major fields: immigration, law enforcement and social welfare policy. While the right of MS to act within the fields of law enforcement and social policy provides little room to ponder, a right of MS to act without restraint within the field of immigration is not, however, unlimited.

Corollary to the MS' limitation on developing and implementing its own immigration policy, is the right of the EU to function in the area. Article K.1 of the Treaty of the European Union provides for nine matters of common interest between the MS and the EU. One of these interests is "conditions of movement and residency by third-country nationals on the territory of the Member State." In its 1997 proposed Convention, the European Commission noted the need for a "mandatory legal instrument clearly establishing the conditions of admission and the rights of third country nationals admitted to the territory of Member States." It went on to note that "[i]n the areas covered by Title VI the Commission has a right of initiative shared with the Member States (first indent of Article K.3(2)) " Finally, in its decision of July 9, 1987 the ECJ held that immigration policy, *vis-*

à-vis non-member countries comes in its entirety, within the meaning of Article 118. It is, therefore, clear that immigration, as it pertains to TCNs, is primarily within the hands of the EU.(4)

Law Enforcement

Law enforcement at the EU level is addressed by the Europol Convention. This Convention, signed by all MS has as one of its mandates the combating of trafficking in human beings. Action in this area is, naturally, in coordination with the MS's law enforcement activities and should be considered a joint action.

Social Welfare Policy

Finally, there is the issue of the EU or MS' responsibility to act in the field of social welfare policy. Like law enforcement, the competency of the MS to take action within its borders is not questioned. The EU, however, also has rights and responsibilities in this area under Article 118 of the EC Treaty. Under this Article, the Commission "has the task of promoting close cooperation between Member States in the social field."

So, while the EU has primary responsibility in the area of immigration, and the Schengen Agreement binds each MS to the other in reference to issuance of visas, the responsibility of addressing the problem of women being trafficked for the purpose of sexual exploitation is a shared one between the MS and the EU. Any plan to combat this problem, therefore, must be a coordinated effort at all levels.

11. THE ROLE OF STATES AND PRELIMINARY RECOMMENDATIONS FOR ACTION

11.1 General;

Trafficking in persons is a growing global problem that touches countries on every continent. The insidious reach of this modern-day form of slavery hurts women, children, and men from all walks of life, and of every age, religion, and culture. Traffickers rob their victims of basic human rights. They exploit and trade in human hopes and dreams to profit from inhuman suffering and misery. Victims are treated as chattel to be bought and sold across international and within national borders. This human tragedy rips the fabric of communities and tears families apart.

The trafficking industry is one of the fastest growing and most lucrative criminal enterprises in the world. Profits are enormous, generating billions of dollars annually and feeding into criminal syndicates' involvement in other illicit and violent activities. Trafficking in persons is considered the third largest source of profits for organized crime, behind only drugs and guns.

Trafficking cases appear in many forms. In some cases, traffickers move victims through transit countries using drugs, violence, and threats to ensure cooperation. In other cases, economically desperate parents sell their child to traffickers. Many

times, trafficked victims begin their journey voluntarily and unwittingly fall into the hands of trafficking schemes.

In Russia and the Ukraine, for example, victims who yearn for economic independence within economies that offer few jobs, are lured by advertisements promising well-paying jobs abroad. However, once victims arrive in countries of destination, they are held captive and forced into bonded labor, domestic servitude or the commercial sex industry through threats, psychological coercion and severe physical brutality, including rape, torture, starvation, imprisonment, and death.

The majority of trafficking victims are girls and women. The reasons for this are linked to the economic and social status of women in many countries. Not all victims are women, however. Boys are frequently trafficked for prostitution, pornography, and in at least one country, used as camel jockeys. Men from a number of countries such as China are trafficked overseas to work in restaurants or in sweatshops in the garment industry. They travel to their destinations in rickety boats or cargo containers before becoming indentured servants to pay their "debts." If they try to leave employment, they risk violence or the extortion of their family members back home.

The underground nature of trafficking makes it difficult to quantify. The most reliable estimates place the level of trafficking at 1 to 2 million persons trafficked annually. As this report documents, trafficking into the commercial sex industry is merely one form of a broader range of trafficking exploited by organized criminal enterprises.

The problem is particularly widespread in South Asia. India and Pakistan are significant countries of origin, transit, and destination. Poor economic conditions in Nepal, Bangladesh, and rural areas of India result in women and children being trafficked into major cities for the sex trade and forced labor. In many cases, girls from poverty-stricken families are sold to traffickers by parents or relatives. Women who seek to return home often face stigmatization. Many are HIV positive. While criminal laws against trafficking exist, inadequate enforcement and lax penalties do little to stem trafficking patterns.

In East Asia, many women are coerced into prostitution under the guise of overseas employment contracts. In Thailand, women from hill tribes and neighboring countries are especially vulnerable to exploitation because of their inability to speak Thai. In Burma, women and children in border areas and from the Shan ethnic minority are particularly susceptible to being forced by traffickers into neighboring countries to work as prostitutes. In the Philippines, some women are lured into entering employment contracts overseas by unethical recruiters. Once they arrive at their destination, the women are subjected to work in the sex entertainment industry or suffer abuse at the hands of foreign employers or husbands.

The range and scope of trafficking in Africa remains largely undocumented. Officials in Europe, however, report an active and growing market from trafficking in women and children from Nigeria. There is evidence that Nigerian crime syndicates may use threats, physical injury, and legal coercion to stop women forced into the sex trade from escaping. Inside Nigeria, there is an active

trade in child laborers, some exported to neighboring countries, from the Niger Delta region.

Trafficking also exists in the Western Hemisphere. Forced prostitution is also a problem in the Dominican Republic, where there are disparities in law enforcement. In Brazil, the sexual exploitation and prostitution of children is a serious problem. Prostitution rings foster a sexual tourism industry that exports children from the Amazon region to large urban centers and major cities. (8)

Trafficking in women is a gross violation of basic and fundamental human rights. It also implicates issues of immigration policy, crime fighting and the responsibility of states to provide social support to women victims. As it concerns the EU, the issue is one that is pervasive, strongly entrenched in politics, economics, cultural relativism and the belief that women are second class citizens.

Any effort to effectively combat trafficking of women into the EU must be one that involves both the MS and the EU at the Community level. While concrete programs that provide for aggressive prosecution of traffickers and support of the victim are necessary, the one over-riding theme must be that trafficking violates human rights and that women are no longer going to be allowed to be used and manipulated for the economic and sexual gratification of others. Until this belief is as strongly entrenched as the practice of trafficking, trafficking will continue and women will continue to be used, abused and left as human garbage in the brothels of EU cities. (9)

11.2 Recommendations for Action

Individually and collectively, the States of the OSCE bear primary responsibility for implementation of measures to combat trafficking. While international institutions and NGOs have an important role to play, only governments have the authority and means to significantly limit the scope of trafficking. Real progress will require changes in national legislation and policies, increased enforcement of laws against traffickers, measures to end official corruption and collusion, long and short term prevention strategies, "fair treatment" of, and assistance to trafficked persons, and greater co-ordination and co-operation at the national, regional, and international level. The States should intensify their efforts to address this problem and treat trafficking in human beings as an issue requiring national and international priority.

Within the framework of the OSCE, the States also have a responsibility to each other to comply with their human dimension commitments and to assist each other in achieving compliance. The States should engage in a frank and ongoing dialogue about their progress in implementing anti-trafficking strategies and the challenges they face in doing so. Dialogue, co-operation, and joint action between countries of origin and known destination countries are particularly needed, and could be accomplished bilaterally or under the auspices of the OSCE. After the OSCE conference which held in september 1999, the following recommendations were taken.(13)

In particular, the States should:

- Take steps to develop a national strategy to combat trafficking, including

measures to prevent trafficking, prosecute offenders, and protect the rights of trafficked persons. States should draw on the experience and expertise of NGOs, the ODIHR, and other States in developing effective anti-trafficking measures;

- Institute a co-ordinating mechanism on a national level to ensure effective co-ordination between different government authorities and to allow for a multi-disciplinary approach. Take steps to ensure that information, strategies and procedures reach the authorities at the local level who are most likely to come in contact with trafficking situations and victims of trafficking;
- Establish social policies and programmes to prevent trafficking in human beings, including economic and legal measures in origin countries aimed specifically at improving the economic and social conditions of women and girls;
- Undertake, in co-operation with civil society and NGOs, information campaigns to generate public awareness about trafficking in its different forms, including the methods employed by traffickers and the risks to victims;
- In conjunction with NGOs in countries of both origin and destination, support the development of information "hotlines" and other information resources for at-risk groups, trafficked persons and their families;
- Increase awareness about trafficking among police, judicial, immigration, and consular/embassy authorities, including the human rights aspects of trafficking and the obligation of State authorities to assist and protect trafficking victims. Train police and immigration authorities to identify trafficking situations and likely victims of trafficking;
- Develop co-ordinated strategies and procedures for responding when trafficked persons (or potentially trafficked persons) are identified at any point in the trafficking chain. Increase collaboration between immigration and law enforcement authorities to ensure that States do not lose potential witnesses. Involve NGOs in identifying possible victims of trafficking and allow them reasonable access to detention centers;
- Adopt policies and protocols to treat trafficked persons as victims of crime and potential witnesses, rather than as criminals;
- Establish a mechanism to alert and involve NGOs or social agencies at an early stage to provide assistance and protection to trafficked persons. Special procedures should be developed for minors consistent with the Convention on the Rights of the Child and other applicable law;
- Consider developing specialized police and prosecutor units for dealing with suspected trafficking cases. Special training and techniques for identifying and questioning potential victims, investigating and prosecuting criminal networks,

and confiscating criminal proceeds should be developed and utilized;

- Adopt such legislative measures as may be necessary to establish trafficking as a criminal offence. Ensure that the scope of legislation is sufficient to reach all forms of trafficking and attempted trafficking and all actors involved in the trafficking chain. Enact "conspiracy" or "aiding and abetting" legislation, if necessary, to reach trafficking accomplices;
- Enact and enforce legislation aimed at regulating the activities of employment and marriage brokers, including those advertising over the internet. Take steps to prosecute recruiters using these services as fronts for trafficking operations;
- Enact and enforce anti-corruption measures, including by linking investigations and prosecution of trafficking cases with investigation of possible bribery/corruption;
- Aggressively prosecute traffickers under all applicable laws, including rape, assault, extortion, deception, unlawful confinement, worker exploitation, peonage, smuggling, immigration fraud, slavery and servitude. Enact and apply measures to increase the costs of engaging in trafficking, including closure of business establishments and seizure and confiscation of criminal proceeds and/or property used in the commission of the crime;
- Ensure that criminal sanctions available for trafficking offences are commensurate with the gravity of the crimes;
- Provide a temporary residence permit or stay of deportation (in destination or transit countries) to all victims of trafficking to enable victims to receive appropriate care and legal assistance. Permits should be extended if the trafficked person cooperates with law enforcement or if she would be endangered by returning home;
- Enact or strengthen laws or policies to protect trafficked persons, consistent with international human rights standards. Such measures should include shelter, physical protection, appropriate medical and legal assistance, procedural protections in criminal proceedings, access to legal redress and compensation, and return and reintegration assistance. States should co-operate closely with NGOs and with each other to provide this assistance;
- Provide resources to NGOs and social agencies providing services to trafficked persons. Take steps to identify and develop alternative sources of assistance where specialized trafficking NGOs or public funds are not available;
- If necessary, eliminate legal or administrative barriers that would prohibit public assistance to trafficked persons or deny them access to civil or administrative remedies by virtue of their immigration or other status;
- Take steps to ensure the safety of trafficked persons and prevent reprisals against the victim and her family;

- Consider increasing opportunities for persons to migrate legally for work and/or training in destination countries, particularly women and girls.

In addition:

- EU member States should take immediate steps to implement the Joint Action of 24 February 1997 concerning action to combat trafficking in human beings and sexual exploitation of children ("1997 Joint Action") and the European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation ("Hague Declaration"). To the extent appropriate, the recommendations outlined in the Hague Declaration should be applied to all forms of trafficking in human beings.
- Member States of the Council of Europe should take due consideration of the forthcoming recommendations to the Council of Ministers and the member States relating to trafficking, and support the regional harmonization of laws and policies relating to trafficking in human beings. While States should support measures aimed specifically at combating trafficking in women and forced prostitution, legislation and policies should be drafted broadly enough to encompass all forms of human trafficking.
- Participating States should support the inclusion of human rights protections in the draft UN Trafficking Protocol, and ensure that new regional or international standards do not contradict or undermine existing human rights standards.
- Participating States should integrate broader anti-trafficking language into future OSCE documents in order to provide a framework for addressing this complex and changing phenomenon in its various forms.
- Participating States should co-operate more fully with other States, NGOs and international organizations, in order to enhance anti-trafficking efforts region-wide.(13)

11.3 Recommendations for a European Union Campaign Against Trafficking in women

When discussing how to go about combating trafficking in women it is easier to speak in terms of MS and EU initiatives. While this is, to some extent, a false dichotomy, for the purposes of ease of reading, recommendations will be made here under the heading of MS Action and EU Action.

Despite the convenience of separating these recommendations, there are over-riding themes that are applicable to both levels. The most over-riding of these themes is the need for the political will to address this issue as a human rights violation. "Trafficking implicates civil and political rights, equality rights and the right to be free from slavery and slavery-like practices." The members of the EU and each MS should strive to fully implement the ICCPR. Doing so would assure that the issue of trafficking would not be viewed "just as a women's issue" and thus subject to marginalization. Women must be seen and talked about as being worthy of protection and afforded that protection.

Another over-riding theme is that the funding for these programs and prosecution must be adequate and consistent. It must be a dedicated budget line, not subject to "availability." Fighting fundamental human rights violations cannot be based on "left-over" money.

Next, the definition of trafficking in women must be consistent throughout the Community. While it is not possible to completely harmonize MS legislation in this area, the issue of a basic definition must be consistent throughout. Failure to do this would lead to inconsistent prosecution and services. Women would "fall through the cracks" in some MS, while the same woman would be entitled to protection in others.

Finally, all services provided in this area, from legal, to medical and police, should be conducted by specially trained personnel who are sensitive to the special needs of victims of trafficking. This will encourage women to avail themselves of services available to them if the word gets out that the "system" will not victimize them. Additionally, all services should be available in linguistically and culturally appropriate contexts. (9)

11.3.1 Member State Action

When considering what actions should be taken regarding this issue, it simplifies things to look at the actions as falling into one of three categories: prevention, prosecution and support. For this reason, recommendations will be discussed under each specific heading.

Prevention

Because every woman who attempts to enter MS legally must apply for a visa, the first line of prevention should be in the embassies located in originating countries. These personnel should be trained in the issue and knowledgeable as to who are particularly vulnerable to being trafficked. These personnel should take necessary steps to counsel women on the dangers of trafficking and should be able to provide necessary referrals to services available to the women in their home country.

The regulations surrounding the issuing of visas for suspect occupations, particularly "artist," "dancer," "hostess" and "au pair," should be extremely strict and require verification of actual legitimate employment in the MS, as far as possible. Article 5 of the Schengen Agreement lays out the requirements for entry visas into the MS and personnel should be diligent in using them to their fullest potential.

MS should also undertake the systematic and regular collection of data concerning the instances of trafficking within their country. This information should be used to develop new and better programs that directly target the origins of trafficking in the first place.

Finally, MS should pass specific laws expressly criminalizing the act of trafficking. These laws should provide for effective enforcement mechanisms and

carry extremely lengthy sentences. Additionally, while it should protect the identity and dignity of any victim, the MS should aggressively publicize the prosecution and conviction of all traffickers. The message must be sent that trafficking will not be tolerated.(4)

Prosecution

Once MS pass effective laws, these laws must be aggressively enforced. The prosecution of traffickers must be considered a priority and adequate resources, along with properly trained personnel, must be assigned.

In conjunction with the criminal penalties for trafficking, MS should pass legislation that would allow for the confiscation of earnings from traffickers. This is regularly imposed on drug traffickers and should be imposed on individuals trafficking in people. The connection between organized crime and trafficking provides an even stronger incentive for this type of action.

Finally, each MS should maintain a coordinated effort with Europol and utilize the computerized data banks and intelligence available to Europol to fight traffickers and go after their routes and other sources of income. Trafficking in the EU is an extremely transient crime and information gathered by MS should be shared with the rest, as it is just a matter of time before that trafficker impacts every other MS.

Support

First and foremost, women who are victims of trafficking should not be victimized by the system that is designed to assist them. All services should be available in linguistically and culturally appropriate context. This may include specially trained female social workers, prosecutors and police available to work with women from cultures that would prevent her from speaking to a man. Social support must be comprehensive and a coordinated effort between government and NGO groups working in the area. Duplication of services should be avoided as well as serious gaps in services.

A victim's basic needs must be addressed initially. These include medical, psychological, legal and welfare assistance. The woman must be made aware of her rights and the services that are available to her. She must be provided with safe shelter, away from the possibility of retaliation by her trafficker or pimp. The MS government should recognize the fact that private NGO's or other groups are sometimes more able to provide necessary services and the government should support these efforts by grants or other financial support.

The use of residency permits should be continued. Currently several MS use this temporary permit as an incentive to a woman to bring charges and testify against her trafficker. While the policy of encouraging victims to bring charges and testify should be encouraged, the practice of providing residency permits to only those women who testify at successful prosecutions must be stopped. This practice reinforces the idea that the only victim in cases of trafficking is the state. By doing this, the woman victim is again being manipulated, this time for the benefit of the state. The better policy is to issue residency permits to any woman who desires one. This is especially important in cases where returning to the home country

would subject the woman to social ridicule, or worse, and would leave the woman unable to provide for herself, either through a family, or on her own.

Additionally, the practice of automatic deportation on the grounds of prostitution or illegal stay within the MS must also stop. While MS have a legitimate concern for internal security, each victim of trafficking should be provided with a "respite" period in which she receives basic services as listed above. The government could use this time to assess whether or not there are other grounds that would warrant deportation. If, however, these other grounds do not exist, the woman should be offered a residency permit to stay in the country.(9)

11.3.2. European Union Action

The main focus of the EU in this area should be in the fields of immigration, law enforcement and budgetary assistance to MS and NGO's working to combat trafficking.

Prevention

Within the area of prevention, the EU should provide specialized training to all immigration officials, as noted above. Additionally, the EU should start including in all bi-lateral or multi-lateral agreements with known origin countries clauses that deal with the active prevention of trafficking from the third country.

Prosecution

In the area of law enforcement, Europol should actively pursue its mandate to combat the trafficking of human beings. It should develop a specially trained unit dedicated to the program. This unit should, in turn, develop strong connections with the law enforcement unit within each MS also dedicated to combating trafficking. Sharing of information and intelligence should be automatic and continuous.

Also, within the area of prosecution, the Ministers of Justice for Home Affairs should adopt regulations specifically concerning immigration and deportation. Deportation should be avoided, as noted above, and the EU should mandate the policy of accepting women in risk of persecution based on sex into the MS.

Support

Finally, within the area of support of female victims of trafficking, the EU should provide necessary funding for community-wide campaigns that publicize trafficking, the laws against it, and services available to victims. The EU should also strongly encourage each MS to fulfil its responsibilities under relevant international human rights instruments. It should also look to utilize the wording within its own Treaties to require MS to support and protect basic and fundamental human rights for all persons within their jurisdictions. (9)

11.3.3

In addition to these general measures, the OSCE is uniquely well-positioned to play a leading role in addressing the problem of trafficking in particular regional areas. These include:

South Eastern Europe

The OSCE intends to place a high priority on the promotion and protection of women's rights in Kosovo and South Eastern Europe as part of its regional strategy under the Stability Pact. As part of this effort, trafficking in women could be specifically addressed through a wide range of OSCE field activities, including civil society assistance (support for women's NGOs), police training (particularly in Kosovo), anti-corruption and anti-crime initiatives, human rights monitoring, judicial reform, and legislative assistance. The root causes of trafficking could also be addressed through programmes designed to empower women politically and economically.

Given its strong field presence, the OSCE could play a leading role in developing and implementing a coherent regional programme to address the rights and needs of women, including the problem of trafficking. To this end, it would be helpful to designate a mission member in each of the Balkan field missions to help mainstream women's rights activities and to co-ordinate with the ODIHR and other international organizations. In order to maximize results and avoid duplication, the OSCE should work closely with local NGOs, the OHCHR, the Council of Europe, UNICEF, and others to develop a co-ordinated, multidimensional approach. The ODIHR Adviser on Trafficking Issues should continue to work closely with her counterparts in these other organizations and with OSCE mission members to explore opportunities for co-operation and joint action.

As a first step, OSCE mission members in the Balkans should receive basic training on the phenomenon of trafficking in conjunction with broader human rights or gender training. Mission members working on human rights, police training, and rule of law issues should receive additional training to enable them to recognize, report, and respond more effectively to trafficking in their field area. Training should be conducted with the participation of local NGOs, wherever possible, and co-ordinated, as appropriate, with training conducted by other international organizations.

Training for OSCE staff should also include a discussion of the ways in which the international presence in South Eastern Europe and elsewhere may actually contribute to the problem of trafficking by increasing demand for sex workers. At minimum, OSCE personnel should be trained to recognize trafficking and forced prostitution and receive guidance on how to report such situations should they become aware of them.(13)

Finally, the OSCE should explore further what role it might play in combating corruption and organized crime in the Balkans region. Many international organizations and participating States have programmes related to organized crime (including the Council of Europe, the UN, the Southeast European Cooperative Initiative, etc.), however, there does not appear to be an integrated or co-ordinated

strategy. The OSCE should consider whether joint initiatives aimed at controlling trafficking could be undertaken regionally. Suspected collaboration of local police or officials in trafficking could be monitored by missions, and organized crime and anti-corruption strategies included in the OSCE police training for Kosovo.

Central Asia

While information on the scope or extent of the phenomenon is still very limited, several sources indicate that trafficking may be increasing in several of the Central Asian countries. Without overemphasizing this issue, the OSCE can take steps to begin addressing trafficking – and the root causes of trafficking – within the context of its broader mandate. In particular, the OSCE should consider further ways to support NGOs working on such issues as domestic violence and women's equality. Training and other support should be provided to NGOs providing direct services to trafficking victims or other at-risk groups. The OSCE should also specifically address trafficking issues when it becomes involved in CEDAW training or reviews.

Ukraine

As part of its joint project with the IOM and the National Ombudsperson of Ukraine, the ODIHR should try to promote better bilateral co-operation on trafficking problems between Ukraine and the participating States constituting the main destination countries for Ukrainian women and girls. The ODIHR should also work closely with the OSCE Project Co-ordination Office in Ukraine to ensure that it has adequate substantive information and other resources to support the joint project. As the project is implemented, the OSCE should explore other ways to support the Ukrainian effort to combat trafficking, particularly through local NGOs. (13)

12. CONCLUSION

12.1 The Problem

- Trafficking in women and girls has become one of the fastest growing criminal enterprises in the world. This increasingly serious problem is having an impact nations, including the United States. An estimated one to two million women and girls are trafficked annually around the world, generally for the purpose of forced labor, domestic servitude or sexual exploitation. Ten thousand to 100.000 trafficked for the purpose of sexual exploitation.
- Traffickers in women, much like narcotic traffickers, operate boldly across international borders, using modern means of communication and trade, they are lure victims with advertisements and false promises of jobs as nannies, waitresses, sales, clerks, and models. This modern form of slavery frequently involves and coercion.

- Victims of trafficking often reach international borders with faulty documents. Sometimes they travel with valid tourist visas; however, these visas are obtained misrepresenting the purposes of their travel.
- Well-established criminal organizations traffic in women and girls, often on rising unemployment and disintegrating social networks in developing Central Europe, and the former Soviet Union. North America is a growing destination point for trafficking victims.

At its core, the international trade in women and children is about abduction, coercion, violence and exploitation in the most reprehensible ways.

A trafficking scheme involves a continuum of actors and actions. It includes recruitment, abduction, transport, harboring, transfer, sale or receipt of persons through various types of coercion, force, fraud or deception for the purpose of placing persons in situations of slavery or slavery-like conditions, servitude, forced labor or services. Examples include, but are not limited to, the sexual servitude, coerced prostitution, domestic servitude, bonded domestic labor or other debt bondage.

12.2 Trafficking in Women and Children: Human Rights Issue

- 1-2 million women and children are trafficked annually around the world
- Approx. 50-100,000 women and children are trafficked into the U.S. each year, primarily from S.E. Asia and the former Soviet Union
- Trafficking victims suffer extreme physical and mental abuse, including rape, torture, starvation, imprisonment, death threats and physical brutality.
- Women and children trafficked into the sex industry are exposed to deadly diseases, including HIV and AIDS

12.3 Trafficking in Women and Children: Economics and Migration Issue

- Traffickers capitalize on rising unemployment, disintegrating social networks, the low status of women worldwide and corrupt government and law enforcement officials in developing countries, Central Europe and the former Soviet Union;
- Victims are lured into trafficking networks through false promises of good working conditions at high pay as domestic workers, factory workers, sex workers, nannies, waitresses, sales clerks or models

12.4 Trafficking in Women and Children: Transnational Crime Issue

- One of the fastest growing criminal enterprises in the world
- Well established criminal syndicates dominate the industry
- Profits feed into other illicit activities, such as drug and arms trafficking
- Corrupt officials facilitate the industry and undermine law enforcement and rule of law

12.5 Key Source Countries by Region

Key Source Countries by Region, The Subjects Regions are; New Independent States, Europe, Southeast Asia, South Asia, Latin America and Africa
The Key Source Countries are; Russia, Ukraine, Poland, Czech Republic, Thailand, Burma, Nepal, Bangladesh, Brazil, Mexico, Dominican R, Nigeria and Benin.
Flow of trafficked women and children is toward industrialized nations, including the U.S., or toward neighboring countries with marginally higher standards of living.(23)

12.6 Trafficking Industry's Rapid Expansion: Contributing Factors are;

For Victims:

- lack of viable economic opportunities at home
- some cultural practices
- women's low status in all societies
- lack of preventive information

For Traffickers:

- globalization of trade
- low risk of prosecution
- enormous profit potential
- improved international transportation infrastructures
- official corruption
- weak visa and border controls (23)

13. ANNEXES :

1. Hillary Rodham Clinton Remarks at OSCE's combating Human Trafficking signing, İstanbul, Turkey-November 18, 1999
2. Statement of Theresa Loar, at Testimony on Trafficking in Women and Children-September 14, 1999
3. Statement Harold HongjuKoh, at Testimony before the House Committee on International Relations. September 14, 1999
4. Statement Erin McCormick and Jim Herron Zamora of "the Examines Staff". Slare trade still alive in U.S., February 14, 2000.
5. ARIAT Regional Action Plan
6. Country Plan of the United States.
7. Memorandum for the secretary of State (The White House)
8. Transcript of the concluding Press conference on ARIAT. (March 31, 2000)
9. Profile of Dr.Louise I.Shelley
10. Profile of Arzu Kilercioğlu

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