

# MIGRATION INFORMATION PROGRAMME



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IOM International Organization for Migration

## **TRAFFICKING AND PROSTITUTION: THE GROWING EXPLOITATION OF MIGRANT WOMEN FROM CENTRAL AND EASTERN EUROPE**

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## FOREWORD

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After completing its first year of operations with the publication of six reports on transit migration, the IOM Migration Information Programme for Central and Eastern Europe and the CIS (MIP) started its second phase in 1995.

The present study on *Trafficking and Prostitution: The Growing Exploitation of Migrant Women from Central and Eastern Europe* is the first in the MIP 1995 series. Others to follow include studies on *Potential Migrants from Albania*; *Transit Migration in Turkey*; *Chinese Migration in Central and Eastern Europe*; *the Attitudes of Nationals of the Former Republic of Yugoslavia towards Return*; and *Russian Ethnic Population and Potential Migratory Flows in Latvia*. These topics have been defined as priorities for study in coordination with governments and in line with IOM's planning and operational needs.

MIP was created to make available to governments and other users current information on migration trends and potential flows of migrants. We hope this study contributes to the project's aim of helping improve understanding of general and specific migration issues, thereby furthering progress toward the definition of comprehensive institutional approaches so that disorderly migration can be dealt with more effectively.

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## EXECUTIVE SUMMARY

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The trafficking of women from East to West is increasing rapidly. This form of exploitation and abuse of human rights is no longer confined to women from developing countries. Increasingly women from Central and Eastern European countries are entering Western Europe where they are forced or trapped into prostitution. The violence and exploitation endured by these women often goes beyond the exploitation suffered by other trafficked migrants. The full scale of the problem remains unknown, however, because few women are prepared or able to report what has happened to them to the police.

Trafficking in women is a subject which receives considerable publicity in the media, but which needs to be investigated in a scientific manner. This preliminary study appears to be the first attempt to examine systematically the ways in which, and the reasons why, a growing number of women from Central and Eastern Europe are trafficked to Western Europe. The Migration Information Programme (MIP) has collected data on 155 cases of women who were trafficked to the Netherlands in 1994. Approximately two-thirds of the trafficked women were from Central and Eastern Europe, and one third from developing countries. MIP also carried out interviews in four countries, with a range of persons and institutions concerned with trafficking, including the police, NGOs, government officials and researchers. The four countries selected were Belgium, Hungary, the Netherlands and Switzerland. These countries were chosen in order to illustrate

different trends and policy responses. As readers will note, however, data is scarce and MIP was forced to shape its analysis of each country to the quantity and quality of relevant data available.

Trafficking in women from East to West is increasing because it is easier and cheaper for traffickers to bring women from Central and Eastern Europe to Western Europe than to recruit women from developing countries. Women do not have to travel so far and legal entry as a tourist is easy, as visa restrictions no longer apply to many (although not all) citizens from Central and Eastern Europe. Huge profits can be made by forcing women into prostitution, since the risks for the traffickers are not great. Sentences against traffickers are light, and there are few successful convictions. Partly this is because many countries deport victims immediately, thereby losing valuable witnesses. Both Belgium and the Netherlands have introduced temporary residence permits for victims in recent years, to give them some time to recover from their ordeal, and to encourage them to testify against traffickers.

Many of the recent victims of trafficking from Central and Eastern Europe in the Netherlands are very young. Most women are under 25, and many are only 15-18 years of age. Victims from developing countries tend to be older on average, are more likely to be married and to have children. A high proportion of all victims were unemployed in their country of origin or have never had a job before. Some women were offered legitimate jobs and then tricked into prostitution, while others knew that they would work as prostitutes. Regardless of the work expected, however, all the women in the sample ultimately found themselves trapped in prostitution.

The recruitment of these women was often informal -- through friends and acquaintances -- but, on arrival in the destination country, many women found themselves indebted to a trafficker or club owner. In many instances, their passports were taken away from them, their freedom was extremely limited (particularly for those forced to live where they worked), and they were threatened with violence. Many received no earnings, especially the very young women. They were forced to work long hours and were often not allowed to refuse clients. Not surprisingly, a high proportion of victims have medical problems. Many, especially the teenagers, contracted sexually transmitted diseases and there is a high incidence of reported mental health problems.

Judging by the evidence available, trafficking in women continues to be a considerably under-reported offence throughout Europe. One reason for that may be states' lack of experience dealing with this issue. This is especially true for countries in Central and Eastern Europe, but few countries in any part of Europe have an explicit or coherent policy to combat trafficking in women. Many governments simply deport victims and little is known about what happens to these women once they return to their country of origin. As yet, no government has introduced any programme to help victims of trafficking prepare for their return, or to assist them once they have returned home.

Greater international co-operation to combat illegal migration and organised crime is necessary in order to reduce trafficking in women. This form of exploitation is an international problem which cannot be dealt with adequately at the national level alone. This study suggests several measures that should be taken to combat trafficking in women, in both countries of origin and countries of destination. These include measures to prevent trafficking, to increase the number of prosecutions against traffickers, and to provide greater assistance to the victims of trafficking.

# INTRODUCTION

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Trafficking in women from the Central and Eastern European Countries (CEECs) to Western Europe is increasing at an alarming rate. For many years, this form of exploitation involved mainly women from developing countries, but now traffickers have found new victims - women from Eastern and Central Europe. In 1994, in the Netherlands alone, nearly 70 per cent of trafficked women were from CEEC countries. This form of trafficking also involves the recruitment of women from the poorer Eastern European countries to Central Europe, making the countries of Central Europe both sending and destination countries for trafficked women. The CEECs are also transit countries for traffickers bringing women from developing countries to Western Europe.

Victims of trafficking are brought to Western Europe and either forced into prostitution or trapped there by traffickers who take away their passports, threaten and abuse them and deprive them of most, if not all, of their earnings. The full scale of the practice remains unknown, because few women are prepared or able to report what has happened to them to the police. Immigration laws and policies that consider trafficked women as ordinary clandestine migrants and, hence, immediately deportable, discourage victims from coming forward to authorities.

Despite the fact that trafficking in women has been the subject of several international conventions and declarations and receives considerable publicity in the mass media, it remains a subject that needs to be investigated in a scientific manner. This study represents the first attempt to examine systematically the way in which a growing number of women from Central and Eastern Europe are trafficked to the West. The Migration Information Programme (MIP) has collected data from the Netherlands on 155 victims of trafficking who were assisted by the Foundation Against Trafficking in Women (STV) in 1994. Most of the women are from the CEECs, but around one third come from developing countries. It is therefore possible to compare the ways in which women are trafficked from the "East" and from the "South". MIP has also carried out interviews with a range of persons and institutions concerned with trafficking in Europe, including the police, non-governmental organisations (NGOs), government officials and academics. The report should be regarded as a preliminary assessment and analysis of the problem. It reveals weaknesses in data collection by local and national authorities as well as at the international level. It also highlights the ongoing confusion about what, exactly, constitutes "trafficking." Despite these obstacles, though, the presence of a vulnerable migrant population cannot be denied. This study clarifies certain characteristics of that population and proposes measures aimed at providing assistance.

The main aims of this study are:

1. To provide an assessment of the scope and methods of trafficking in women from East to West.
2. To consider the reasons for the growth in this form of trafficking.
3. To describe the characteristics and experiences of trafficked women.

4. To examine to what extent the trafficking of women from the CEECs differs from the way in which women are trafficked from the developing countries.
5. To compare policy responses to this problem in four different European countries - Belgium, Hungary, Netherlands, and Switzerland.
6. To make recommendations to policy-makers based on the findings of this study.

MIP chose to focus on the four countries mentioned above for the following reasons: The Netherlands and Belgium were selected, because both of these countries have taken recent initiatives to combat trafficking in women. These two countries are among the few in Europe that have any reliable statistics on the victims of trafficking because, in each country, NGOs provide considerable assistance to trafficked women. Switzerland was chosen because the work permits granted to "artistes de variétés" have been misused to traffic foreign women into the country and force them into prostitution. (Traffickers have exploited this element of immigration policy in other countries as well.) Finally, Hungary was chosen as an example of a Central European country which is both a sending country and a destination country for trafficked women.

Given the considerable lack of data on the subject of trafficking in women, especially regarding flows in and out of Central and Eastern Europe, MIP prepared a questionnaire, which NGOs could complete based on information obtained from the victims whom they assist. For this preliminary study, data has been collected on victims of trafficking who in 1994 were assisted by the Dutch Foundation Against Trafficking in Women (STV). That data, plus information provided by government officials and NGOs in Belgium, the Netherlands, Hungary and Switzerland, form the basis of the this report.

## **CHAPTER ONE**

### **DEFINITIONS**

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The term "traffic in women" was mentioned as early as the end of the last century, but despite its long history, there seems to be a great deal of confusion about what is precisely meant by the term. This is not just a semantic point. Without a clear understanding and definition of what it is that constitutes trafficking in women, it is not possible to develop a strong legal basis for the prosecution of traffickers, nor to combat trafficking effectively. The lack of clarity in use of terminology is partly because trafficking covers a wide variety of situations, not all of which involve illegal migration or exploitation. In discussions with officials and NGO representatives in the four countries visited, it was found that the term "trafficking in women" was interpreted in different ways. Some officials do not seem to make a clear distinction between the form of exploitation suffered by trafficked women and other forms of trafficking. On the other hand, at least one NGO would prefer to see the term "trafficking" reserved exclusively to describe forced prostitution among migrant women.

Confusion over the use of the term "trafficking" is exacerbated by the fact that it does not necessarily refer to a situation in which the person trafficked has been exploited or can be described as a victim. For example, a person who pays thousands of dollars to be transported

illegally to a Western country may face little exploitation or see it as the price s/he is willing to pay to secure his or her long-term future. "Trafficking in women," however, is usually used to describe extreme cases wherein fundamental human rights and freedoms are violated.

Further confusion arises because trafficked women need not necessarily have entered the destination country illegally. Evidence from Belgium, the Netherlands and Switzerland shows that victims often enter the country legally, at least on paper. Many countries in Europe issue visas or permits for entertainers. Traffickers hire women in their countries of origin to work as dancers or hostesses and secure temporary artists' permits from the countries of destination. Entry into the country of destination is, as such, legal. The deception lies in the fact that the women are not destined for work solely as dancers, but sold to club owners to work as prostitutes. Even women who are not sold outright may find that the economic manipulation and exploitation exercised by traffickers and club owners force them into prostitution in order to survive.

Another source of confusion is the tendency not to make a clear distinction between prostitution in general and trafficking. Not all foreign prostitutes have been trafficked, and not all traffic in migrant women involves prostitution. Other forms include material exploitation, deception, coercion and abuse of migrant women for marriage or domestic work. In practice, most known cases concern women forced into prostitution or severely exploited as prostitutes, and the majority of victims assisted by NGOs in the Netherlands and Belgium fall into this category. In Switzerland, trafficking in women for marriage appears to be a significant problem as well.

How then should trafficking in women be defined? MIP elaborated a definition which, while providing a framework for the present study, remains provisional. The definition used is as follows: Trafficking in women occurs when a woman in a country other than her own is exploited by another person against her will and for financial gain. The trafficking element may - - cumulatively or separately -- consist of: arranging legal or illegal migration from the country of origin to the country of destination; deceiving victims into prostitution once in the country of destination; or enforcing victims' exploitation through violence, threat of violence or other forms of coercion. One trend in trafficking in women, and the focus of this study, is migrant women forced into, or forced to remain in, prostitution.

Further research on trafficking could facilitate the development of a more precise definition. This is particularly true should the subject of study be expanded beyond trafficking in women for purposes of prostitution to include trafficking for other purposes (e.g. brides). It is particularly important to better understand the role of the trafficker(s).

## **CHAPTER TWO**

### **RISING NUMBER OF VICTIMS FROM CENTRAL AND EASTERN EUROPE**

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It is extremely difficult to estimate the true level of trafficking in women that occurs, since victims are probably reluctant for several reasons to report what has happened to them. They may fear threats of violence from traffickers and the humiliation of deportation, especially if

their family should find out that they have been working as a prostitute. They may also believe that as illegal aliens they will not be treated sympathetically by the police.

Many women may simply be deported and their experiences may never be recorded as a trafficking case. Usually it is not possible to identify female victims of trafficking from police deportation figures. The lack of statistics on trafficking in women is not solely explained by poor data collection procedures. It is also due to the fact that for the police and aliens authorities in many countries, combating trafficking in women is not seen as a priority. Victims do not come forward, because they suspect that there is considerable prejudice against prostitutes, against illegal migrants and against women when they report cases of sexual violence. Essentially, trafficking in women remains a hidden problem.

The limited information that is available, however, does suggest that there are signs of a new, fourth, wave of female victims of trafficking coming from Central and Eastern Europe. The first wave was composed of Asian women (basically Thai and Filipinas); the second, of South Americans (Dominicans and Colombians); and the third, of Africans (Ghanaians and Nigerians) (De Stoop, 1994, p.103). Until 1992 there were virtually no known cases of trafficked women from Central and Eastern Europe in Belgium and the Netherlands. During the last three years, however, the number of victims from Central and Eastern Europe has more than doubled in Belgium and tripled in the Netherlands (see Charts 1 and 2).

**CHART 1**  
**NUMBER OF TRAFFICKED WOMEN**  
**IN THE NETHERLANDS WHO SOUGHT ASSISTANCE**  
**BY REGION OF ORIGIN AND BY YEAR**



*Source: STV, 1995*

**CHART 2**  
**NUMBER OF TRAFFICKED WOMEN IN BELGIUM**  
**WHO SOUGHT ASSISTANCE**  
**BY REGION OF ORIGIN AND BY YEAR**



*Source: Payoke, 1994*

The Dutch NGO, STV, reports that in 1994, 69 per cent of the 168 cases that they dealt with concerned women from Central and Eastern Europe. Just over one half of the women from Central and Eastern Europe come from Russia, Ukraine and other former Soviet Republics (see Chart 3). Between 1993 and 1994, the number of victims from these countries more than doubled (see Chart 4). The number of victims from the Czech Republic and Poland is also high, increasing from 7 to 40 between 1993 and 1994.

**CHART 3**  
**NUMBER OF TRAFFICKED CENTRAL AND EASTERN EUROPEAN**

**WOMEN  
IN THE NETHERLANDS WHO SOUGHT ASSISTANCE  
BY COUNTRY OF ORIGIN  
1994**

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*Source: STV, 1995*

**CHART 4  
NUMBER OF TRAFFICKED CENTRAL AND EASTERN EUROPEAN  
WOMEN  
IN THE NETHERLANDS WHO SOUGHT ASSISTANCE  
BY COUNTRY OF ORIGIN  
1993**

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*Source: STV, 1994*

Figures for Belgium show that in 1993, 40 per cent of the victims assisted by the main NGO working with trafficked women, Payoke, were from Central and Eastern Europe. But the countries of origin concerned are different from those encountered in the Netherlands. Most victims in Belgium came from Poland and Hungary and up until 1993, there were very few cases of women from the CIS countries (see Chart 5). The figure for Hungarian women is proportionately particularly high, given that the country only has a population of about 10.5 million.

**CHART 5  
NUMBER OF TRAFFICKED CENTRAL AND EASTERN EUROPEAN  
WOMEN  
IN BELGIUM WHO SOUGHT ASSISTANCE  
BY COUNTRY OF ORIGIN  
1992-1993**

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*Source: Payoke Annual Report, 1993*

Payoke reports that there has not been a marked increase in the number of victims during 1994, which may be due to the fact that during 1993, as we outline below, several efforts were made in Belgium to combat trafficking in women.

Although data on victims of trafficking is difficult to find in Switzerland, statistics on the country of origin of women granted permits as performers ("artistes de variétés") are available. As elsewhere in Europe, the figures for Switzerland indicate the development of a new trend with a high number of women arriving from Central and East Europe, and in particular Russia. Table 1

shows that in 1994 the highest number of permits awarded went to women from the countries of the ex-Soviet Union. Altogether, 424 permits were awarded to women from Russia, Ukraine and the Baltic States. Over a third of the 1,799 permits granted to artists/dancers in 1994 went to women from Central and Eastern Europe (see Table 1).

The majority of women receiving dancer/artists' permits, however, continue to come from developing countries. Table 1 shows that women are recruited mainly from the Dominican Republic, Brazil, Morocco, and Thailand.

Although working as a dancer cannot be equated with prostitution, the precariousness of dancers' living and working conditions makes them vulnerable to the exploitation of traffickers and club owners. In the absence of more precise data on victims of trafficking, the distribution of the national origin of dancers may provide a reasonable indication of trafficking trends.

**TABLE 1**  
**ARTIST VISAS AWARDED TO "DANCERS" IN SWITZERLAND**  
**1994**

Country of origin	Number of visas	In percentage
Russia	300	17 %
Ukraine	61	3 %
Romania	61	3 %
Bulgaria	55	3 %
Poland/Czech Rep./Hungary	76	4 %
Baltic States	63	3.5 %
<b>Central and Eastern Europe</b>	<b>616</b>	<b>34 %</b>
<b>Other European Country</b>	<b>109</b>	<b>6 %</b>
Morocco	214	12 %
Brazil	250	14 %
Dominican Republic	412	23 %
Thailand	117	6.5 %
Other	81	4.5 %
<b>Developing countries</b>	<b>1074</b>	<b>60 %</b>
<b>Total</b>	<b>1799</b>	<b>100 %</b>

*Source: Swiss Federal Aliens Police*

*Note: Percentages have been rounded to nearest half-per cent.*

In Hungary, it is very difficult to estimate the number of female victims of trafficking as there are no NGOs which deal specifically with this problem. According to unofficial estimates, there has been a significant increase since 1990 in the number of foreign prostitutes coming to Hungary from Romania, Ukraine and Russia.

Although the number of known cases of trafficked women has risen in countries like the Netherlands and Belgium in recent years, from the perspective of the police and aliens authorities trafficking in women represents a numerically small problem. The police in Belgium, for example, estimate that there are some 28,000 prostitutes working in the country, about half of whom come from abroad, mainly from Western Europe. Therefore, 100 or so known trafficking victims per year represents less than one half a per cent of the women working in prostitution. The police suggest that it is surprising that given all the publicity about women and trafficking in Belgium during the last two years that there are still so few known cases.

One explanation could be that because of the publicity, traffickers have moved their activities to nearby countries. However, if we calculate the number of known victims as a percentage of the number of foreign prostitutes from developing countries and the CEECs the figures are more alarming. The Belgian police estimate that there are roughly 2,000 foreign prostitutes in Belgium from developing countries and the CEECs. In most of the 100 known cases of trafficking, the victim said she knew of at least 2 or 3 other women whose cases were not known to the police. If this is correct, then a conservative estimate would be that at least 10-15 per cent of the foreign prostitutes in Belgium from poor countries are victims of trafficking.

## **REASONS FOR THE INCREASE IN EAST-WEST TRAFFICKING OF WOMEN**

Many of the well known factors which explain why women are trafficked to the West from Third World countries apply equally to Central and Eastern Europe. The transition to a market economy in Central and Eastern Europe has resulted in huge job losses and an increase in poverty. Women have been particularly affected, as in most CEECs unemployment is higher among women than among men. In the Russian Federation in early 1992, women constituted 52 per cent of the labour force, but 71 per cent of the unemployed (Barr, 1994). A recent World Bank book noted that:

"Because of the transition, poverty is manifesting itself in new ways. Much of the burden falls on women. In Russia, women outnumber men 2:1 among the unemployed and pensioners; and 94 per cent of single-parent households are headed by a woman" (Barr, 1994).

Given this context, it is not surprising that many young women are keen to find employment in the West, and to travel to countries which for years were inaccessible to them. Women from Eastern Europe also have a strong economic incentive to seek employment in Central Europe where living standards are higher than in their own countries. Approximately half of the victims from Hungary who came into contact with the NGO Payoke in Belgium were from Miskolc, which is one of the towns in eastern Hungary that has been hardest hit by rising unemployment and poverty. Our analysis of 155 victims of trafficking who sought the assistance of STV in the Netherlands in 1994 shows a strong association between trafficking and unemployment. At least

50 of the women, 37 of whom came from the CEECs, were unemployed or had never worked before leaving their country of origin. The real figure may be much higher, given that in approximately 70 of the 155 cases no information is available concerning last employment.

Since most Western countries have imposed strict limits on the numbers of legal migrants who can enter their territories, many women are forced to accept the services of traffickers if they wish to migrate. Most forms of labour migration from the CEECs and developing countries to Western Europe are severely restricted. A legal work option available to migrant women is work in the entertainment sector as "artists" or "dancers". In practice this type of work is frequently linked to work in the sex industry.

It is often asserted that trafficking in women is just one part of the growing problem of organised crime in the CEECs, and the growth in alien smuggling in general. General factors such as poverty in the CEECs and tighter Western European immigration controls only provide part of the explanation for the increasing exploitation of women from Central and Eastern Europe. The main facilitating element of trafficking in women is the existence of organised networks of traffickers and criminals who bring women from poorer countries to the West in order to exploit them. These networks have emerged in response to demand for a constantly changing population of cheaper prostitutes.

It is easier and less expensive to bring women from the CEECs to Western Europe than to recruit women from developing countries. Women do not have to travel so far and legal entry as a tourist is easy, as visa restrictions no longer apply to many (although not all) citizens from the CEECs. It is also easier to avoid controls by the police or border guards, because it is more difficult to distinguish between the physical appearance of women from CEECs and Western European women.

Huge profits can be made by forcing women into prostitution since the risks for the traffickers are not great. Alien smuggling is a much less risky activity for criminals than other forms of crime, such as drug smuggling or the smuggling of stolen cars. Drug trafficking laws are getting tougher in the CEECs, and measures to reduce the incidence of smuggling in stolen vehicles have become quite sophisticated (Tass, 1995). On the other hand, penalties against human trafficking in general are fairly light (IGC). For example, the maximum penalty for alien smuggling in the Netherlands and Belgium is only one year, and in Switzerland three years. In Poland, there are no specific laws governing the smuggling of aliens, whilst in the Czech Republic, smuggling in aliens is considered a misdemeanour (Tass, 1995).

Penalties against those caught forcing women into prostitution are more severe than against human smuggling: for example, in Belgium sentences can be up to ten years. However, this crime is very difficult to prove, and few victims are willing to testify. Thus, men who exploit foreign women and force them into prostitution, as we show later, have relatively little to fear. As a consequence, criminals are increasingly dealing in alien smuggling.

According to the Dutch authorities, the traffic in women business is increasingly controlled by East European criminal groups, operating in the recruiting as well as in the destination countries. They are highly organised, extremely violent, and often involved in other criminal activities, such as drug smuggling. There are reports that Western brothel keepers find themselves under increasing pressure from organised gangs based in the CEEC countries to hire Eastern European

women.

Another factor, which has contributed to the growth in trafficking of women from East to West, is that some of the traffickers bringing women to Western Europe before 1989 were themselves migrants from Central and Eastern Europe. It was therefore very easy for such individuals to start recruiting women from countries where they spoke the language and had local connections. Moreover, the domestic sex industry in Central and Eastern Europe has been booming since the fall of communist regimes. This has provided a new source of recruits to the West, and a demand in Central Europe for women from the poorer countries of Eastern Europe. Countries which for years officially ignored the existence of prostitution now accept numerous massage parlours, topless bars, peep shows, etc. In Hungary, in 1993, the law was changed, making it no longer an offence for a woman to work as a prostitute.

## **CHAPTER THREE**

### **CHARACTERISTICS AND EXPERIENCES OF VICTIMS: WHO IS TRAFFICKED AND HOW**

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As noted earlier, the majority of the cases dealt with by STV in 1994 concerned women from the CEECs. This is a remarkable change, since in 1992, most cases concerned women from developing countries. Women are referred to STV, usually by the police when there is a suspicion of trafficking. On investigation, virtually all of the cases dealt with by STV are victims of trafficking. We have excluded from our analysis the handful of cases where it is doubtful that the woman concerned is a victim of trafficking.

MIP obtained information on 155 women assisted by STV in 1994. The data are based on case files, which do not always contain all the information asked for in the questionnaire prepared. There were 44 cases from Central Europe, mainly the Czech Republic and Poland, 64 from Eastern Europe and the CIS, mainly Russia and Ukraine, and 47 from developing countries. Among the developing countries more women come from Latin America (25), than Asia (13) or Africa (9). The majority of women from developing countries come from three countries - Thailand, the Dominican Republic and Morocco. It seems more than a coincidence that a high proportion of women obtaining "artists" permits in Switzerland in 1994 also came from the Dominican Republic and Morocco.

## **CHARACTERISTICS OF TRAFFICKED WOMEN**

Approximately three-quarters of the victims of trafficking assisted by STV in 1994 were women under the age of 25 (see Table 2). Particularly alarming is the fact that many of the victims are aged between 15 and 18, especially those coming from Central Europe (see Table 2). In fact nearly all of these young women, 13 out of 16, came from the Czech Republic. This is perhaps surprising, given that the country is much wealthier than many of its eastern neighbours. There seems to be a marked difference between the characteristics of women from developing countries and the CEECs. Women from developing countries tend to be older, and are more

likely to be married and to have children. Of the 47 women from developing countries 18 have children, half of whom live in the Netherlands. The fact that so many women have left their children in their country of origin, suggests that they have sought employment abroad in order to send money back to their families.

**TABLE 2**  
**TRAFFICKED WOMEN IN THE NETHERLANDS**  
**BY AGE, MARITAL STATUS, CHILDREN**  
**1994**

	Central Europe	Eastern Europe + CIS	Developing countries
<b>Age</b>			
under 15	0	0	1
15-18	16	8	4
19-24	25	41	10
25-35	2	9	19
36+	0	1	5
Unknown	1	5	8
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>
<b>Married</b>			
Yes	2	3	12
No	35	37	24
Unknown	7	24	11
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>
<b>Have children</b>			
Yes	7	6	18
If yes, children in Netherlands	3	0	9
Unknown	12	29	12

Source: STV, 1995

Note: Central Europe refers to information collected on women from: Poland, the Czech Republic, and Hungary. Eastern Europe and the CIS countries are Russia, Ukraine, Romania, Belarus, Baltic countries, Bulgaria.

Another major difference between women from the CEECs and developing countries is that victims from Africa, Asia and Latin America are more likely to have been living in the Netherlands for several years. Table 3 shows, as one might expect, that nearly all victims from the CEECs arrived in the Netherlands during the previous two years. By contrast 16 of the 47 women from developing countries have been living in the Netherlands for 2-5 years, and 4 women have been resident in the country more than 5 years. It is not clear why this should be the case. It may be that cases of trafficking involving these women are "discovered" after a longer period, or it may be that the women arrive first for other reasons and then are forced or trapped into prostitution. It is known that far more women from developing countries came to the Netherlands because they were promised marriage. None of the victims from the CEECs were "promised marriage", compared to 9 of the 47 women from developing countries.

**TABLE 3  
TRAFFICKED WOMEN BY NUMBER OF MONTHS SINCE ARRIVAL IN  
NETHERLANDS**

<b>Months</b>	<b>Central Europe</b>	<b>Eastern Europe + CIS</b>	<b>Developing countries</b>
0-6	5	1	0
7-12	18	23	9
13-18	7	8	7
19-24	0	2	1
>24 months	0	1	14
over 5 years	0	0	2
over 10 years	0	0	2
unknown	14	29	12
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>

*Source: STV, 1995*

### **THE RECRUITMENT OF WOMEN**

The common stereotype of the trafficked victim is a naive young woman who is tricked into prostitution after being offered a legitimate job or marriage. This image is not entirely correct. Although only 7 women in the sample were known to be prostitutes in their country of origin, many women, especially from the CEECs knew that they were being recruited for prostitution. Table 4 shows that more women (36), said they were promised jobs in prostitution than were promised jobs as "waitresses/cooks" (21). The fact that many women knew that they were being recruited as prostitutes suggests that not all victims were forced into prostitution as such, but that on becoming prostitutes they were unable to escape their situation.

**TABLE 4**

## TYPE OF WORK PROMISED BY TYPE OF ACTUAL WORK

	Central Europe		Eastern Europe + CIS		Developing countries	
	promised	actual	promised	actual	promised	actual
Dancer	0	0	2	0	0	1
Waitress/Cook	10	0	11	0	0	0
Domestic Worker	1	0	3	0	4	0
Prostitution	17	42	10	63	9	43
Other	6	1	13	1	13	3
Unknown	10	1	25	0	21	0
<b>Total</b>	<b>44</b>	<b>44</b>	<b>64</b>	<b>64</b>	<b>47</b>	<b>47</b>

Source: STV, 1995

### How do traffickers recruit women?

A glance at the newspapers in Hungary would suggest that women are recruited quite openly by means of advertisements. In Hungary, a dozen or so advertisements appear every day in a paper called "Expressz". The paper regularly contains information about jobs for women in the West as dancers, waitresses or bar girls in night clubs. A couple of typical examples are :

"I am looking for hostesses and dancers for Swiss night clubs. Work permit, contract. Outstanding pay. Call me !"

"We are looking for young, pretty girls for dancing and dance hostess jobs abroad with excellent pay!"

MIP monitored these types of advertisements for several weeks and made some telephone inquiries to find out more about the type of work that was being offered. Most of the advertisements were placed by agencies and not individuals. Jobs in a wide range of countries were advertised, but the majority were for Austria, Germany and Italy. Interestingly, none of the advertisements mentioned Belgium which, in 1993 took measures, described below, to regulate artists' contracts.

Although the advertisements were largely for "dancers" aged 18-25, most of the agencies were not particularly interested to know whether a woman had previous dancing experience. Nor were they concerned about knowledge of a foreign language. In most cases, accommodation and full board were offered at the premises of the club or bar. Working hours were generally not specified. Usually, it was stated that earnings were linked to hours worked, and that it was possible to earn a very high salary -- one figure quoted was as high as 15,000 schillings (approximately US\$ 1,500) per day.

All the agencies claimed that they would provide a contract and legal papers, even insisting that the person hired would be officially registered at the police station with proper papers and permits. All claimed that the work was legal, although one agent did mention inadvertently that, should the woman be stopped on the street by a police officer and asked for her papers, she should not reveal what her job is. Usually women were given a 3-day trial period, and would then be expected to work for a minimum period of one month. Travel arrangements varied. The club or bar owner would pay for the cost of travel from Hungary to Spain and Greece, and the amount would automatically be deducted from the woman's initial earnings. For Germany and Italy, the woman was expected to pay in advance and would usually be transported by car. There were several indications that the type of work on offer was linked to sex and prostitution, although the latter word was never mentioned explicitly.

Interviews revealed that the Hungarian police are well aware of the existence of such advertisements and know that nearly every week women are transported by bus from outside a well known hotel to work in the Western European sex industry. However, given that the advertisements change all the time, along with the addresses of the agencies, the police report that they do not have sufficient manpower to investigate fully these advertisements. In Hungary, reported crime has doubled in the past four years, while the police budget has dropped by one fifth (Economist, 11 March 1995). Moreover, it is not illegal for a woman to work as a prostitute in Hungary, or for her to travel to a Western country as a tourist.

Newspaper advertisements soliciting "hostesses" can also be found in Swiss newspapers. Those published in the French-speaking portion of the country are written in French, though a phrase in a foreign language is sometimes added to the text. This seems to indicate club owners' interest in attracting employees from within immigrant communities already in the country, perhaps as a way to avoid the logistical and financial implications of hiring women from abroad

**TABLE 5**  
**HOW WAS WOMAN RECRUITED?**

	Central Europe	Eastern Europe + CIS	Developing countries
By expected husband	0	0	10
By impresario/agent	0	0	0
By travel agency	0	1	0
By advertisement	1	3	1
By family	1	0	5
By friends	18	15	11
By acquaintances of family/friends	8	4	3
By people they met at street/disco, etc.	2	12	0

Unknown	14	29	17
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>

Source: STV, 1995

Evidence from the Netherlands suggests that methods of recruiting the growing number of women arriving from the CEECs are much more informal than is commonly thought. Very few victims (4) stated that they were recruited in response to an advertisement (see Table 5). Most simply stated that they were recruited by friends and acquaintances of friends. It is possible that some women are too afraid to reveal more than this. But nevertheless it is surprising to find that none of the women were recruited by an "impresario or agent".

This is contrary to the findings from Belgium, based on a study of victims assisted by Payoke between 1990 and 1993, which showed that the majority of women were recruited by an "impresario" (BPCT, 1994). One explanation could be that the terms "impresario" and "agent" are not easy to define and victims may not always be aware of such terms. Table 6 suggests that in fact the recruitment of women was organised and that a trafficker and an agent were involved in many cases. Although most women do not have to pay a fee to a trafficker in advance, on arrival a high proportion of women find themselves in debt to the person or network that has recruited them. Table 7 shows that, in most cases, the trafficker is someone from the same region of origin as the victim, although several traffickers from the Netherlands and other Western European countries are also involved.

To sum up, it is likely that women are recruited in at least two different ways. Some are knowingly recruited to work in prostitution. Others are offered what they think will be jobs outside the sex industry. If in both cases women are recruited mainly through informal channels, then an important policy implication is that greater regulation of advertisements for jobs in the sex industry or for domestic work may not have much effect on combating trafficking.

**TABLE 6**  
**DID WOMAN HAVE TO PAY TRAFFICKER TO COME TO THE**  
**NETHERLANDS?**

	Central Europe	Eastern Europe + CIS	Developing countries
<b>In advance</b>	<b>0</b>	<b>8</b>	<b>6</b>
made debt to recruiter to repay	0	7	4
made debt to family/others to repay	0	1	2
<b>On arrival</b>	<b>17</b>	<b>13</b>	<b>6</b>
to recruiting network	3	5	1
to club owner/the one(s) who bought her from the recruiting network (new owners)	14	8	5

<b>Unknown</b>	<b>22</b>	<b>34</b>	<b>13</b>
<b>Did not have to pay</b>	<b>5</b>	<b>9</b>	<b>22</b>
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>

*Source: STV, 1995*

**TABLE 7**  
**NATIONALITY OF PERSONS IN TRAFFICKING NETWORK**

<b>Nationality of persons in network</b>	<b>Nationality of woman contacting STV</b>		
	<b>Central Europe</b>	<b>Eastern Europe + CIS</b>	<b>Developing countries</b>
Dutch	6	6	2
Other Western European	3	1	0
Central European	11	4	0
East European and CIS	3	11	0
Developing countries	2	3	5

*Source: STV, 1995*

## **METHODS USED TO TRAFFIC WOMEN**

By far the majority of women assisted by STV in 1994, coming from the CEECs arrived in the Netherlands by the cheapest means of transport - private car or bus, (see Table 8). The fact that so many women came by car suggests that they did not travel alone, and that their trip was organised. As might be expected most women from developing countries arrive by plane. Contrary to what is often suggested in other studies, only a few women spent more than one month in another country en route to the Netherlands.

Other studies have suggested that traffickers exploit the fact that European countries have different immigration policies (De Stoop, 1994). It has been argued that women from developing and Central and Eastern European countries arrive in the West with temporary working permits for artists. When their visas or permits expire, they are often moved to a different Western European country on another short-term permit to ensure that they do not stay illegally in any one country.

The situation in the Netherlands appears to be somewhat different. None of the victims assisted by STV in 1994 obtained a work permit as an "artist/dancer" (see Table 9). As might be expected, most women from Central Europe were able to enter the Netherlands legally as tourists, enabling them to remain legally (though not work) in the country for up to three months. By contrast, the majority of Eastern European women, and women from Russia and Ukraine, entered the Netherlands illegally. Women from developing countries were more evenly divided between those entering legally and those entering illegally.

**TABLE 8**  
**WHAT MEANS OF TRANSPORT WAS USED TO COME TO THE NETHERLANDS?**

	Central Europe	Eastern Europe + CIS	Developing countries
Car	29	20	0
Bus	3	11	0
Train	2	4	0
Plane	0	4	35
Ship	0	0	0
Unknown	10	29	12
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>
Spent more than one month in another country en route to Netherlands	1	4	4
Unknown	7	21	0

*Source: STV, 1995*

*Note: More than one means of transport was used by some women.*

Even if some women are able to enter the West legally, they soon become illegal when they remain in the country for longer than permitted or obtain work without a labour permit. Tables 9 and 10 show that although most women from Central Europe entered the Netherlands legally, their status when they first made contact with STV was illegal.

**TABLE 9**  
**DID WOMAN ENTER THE NETHERLANDS LEGALLY?**

Status at entering Holland	Central Europe	Eastern Europe + CIS	Developing countries
<b>Legal</b>	<b>28</b>	<b>6</b>	<b>16</b>
3 month free-term (no visa required as tourist)	27	0	0
Tourist visa	0	6	10
Work permit/visa as artist/dancer	0	0	0
Permit/visa for fiancée/spouse	1	0	6
<b>Illegal</b>	<b>16</b>	<b>58</b>	<b>31</b>

Illegal entry with false papers/passport	6	24	10
Other illegal entry	2	13	3
Unknown	8	21	18
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>

Source: STV, 1995

**TABLE 10  
STATUS OF VICTIM AT FIRST CONTACT WITH STV**

	Central Europe	Eastern Europe + CIS	Developing countries
Legal	2	5	17
Illegal	41	59	29
Unknown	1	0	1
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>

Source: STV, 1995

## **THE EXPERIENCES OF TRAFFICKED WOMEN**

In the hierarchy of prostitution, trafficked women are said to receive the lowest salary and work the longest hours. Data from the MIP survey of STV victims shows that the majority were able to keep no more than 25 per cent of their earnings from prostitution, and many women received no earnings at all. Young women from Central Europe were most likely to report that they were made to prostitute themselves without payment.

**TABLE 11  
TRAFFICKED WOMEN'S CONDITIONS OF WORK**

	Central Europe	Eastern Europe + CIS	Developing countries
Passport taken away	15	27	11
Restriction of movement/movement controlled	20	22	8
Working hours: 9-12	5	10	3
Working hours: 13-18	3	3	1
No freedom to refuse clients	16	6	24

Forced to work without a condom	0	1	1
Physical violence used against victim	13	10	9
Victim threatened with violence	13	5	9
Victim's family threatened	0	1	2
Regular circumstances	2	1	1
Unknown	16	28	14

Source: STV, 1995

Trafficked women are frequently forced into a situation of extreme dependency which is comparable to that of being a hostage. Table 11 shows that many were deprived of their papers and their movement was controlled or restricted. The table also shows that, in many instances, violence or the threat of violence was used to control the women. Again, young women from Central Europe seem to be especially vulnerable with a high proportion of them reporting the most difficult working conditions.

Trafficked women are easily controlled because they are often forced to live on the premises where they work. The majority of women from the CEECs, though not those from developing countries, report that their accommodation was in the same place as their work premises (see Table 12). This suggests that policies which prohibit living in such workplaces may help weaken traffickers' control over their victims.

**TABLE 12**  
**WAS ACCOMMODATION IN SAME PLACE AS WORK PREMISES?**

	<b>Central Europe</b>	<b>Eastern Europe + CIS</b>	<b>Developing countries</b>
Yes	29	26	11
No	7	13	23
Unknown	8	25	13
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>

Source: STV, 1995

# CHAPTER FOUR

## COMBATING TRAFFICKING IN WOMEN: PREVENTION, PROSECUTION, AND SOCIAL SUPPORT

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Trafficking in women continues to be a considerably under-reported crime, judging by the experiences of trafficked women and the individuals and groups which offer them assistance. The majority of European countries therefore have little in the way of an explicit or coherent policy to deal with the problem. Measures often consist only of the deportation of victims. However, some countries, most notably Belgium and the Netherlands, have begun to develop new measures to combat trafficking in women. Below, we outline some aspects of Belgian and Dutch policies, before discussing policy in the CEEC countries. In 1985 the Dutch Ministry of Social Affairs commissioned an investigation into the channels through which women are trafficked to the Netherlands. The report (Buijs & Verbraken, 1985) based on the study signified an important political recognition of the problem of trafficking in women. In 1987 the Foundation Against Trafficking in Women was established with financial support from the Dutch Ministry of Social Affairs. In Belgium, awareness of the seriousness of the problem of women and trafficking grew substantially following the publication of several articles and a book on the subject by the journalist Chris De Stoop in 1991 and 1992. The King of Belgium at the time met with some of the victims of trafficking, and a Parliamentary Commission was established which published a report in 1994 on human trafficking.

### PREVENTION OF TRAFFICKING IN WOMEN

In November 1992, the Belgian authorities decided to set up one of Western Europe's few law enforcement units dedicated to combating immigrant smuggling. One of the objectives of "The Central Unit Network on Illegal Immigration and Illegal Employment", is to co-ordinate the efforts of various organisations in Belgium which are concerned with migrant trafficking. Trafficking networks in several countries from Central and Eastern Europe are being investigated.

Until the end of 1992, special "artists" contracts were used as a means to bring foreign women into Belgium. In 1990, nearly 2,000 temporary work permits were issued. Often, the permits were issued for only three months per region of Belgium. Thus, the women had to be moved around the country or abroad when their permits expired. Since 1993, the following changes in policy have been made, in order to prevent the forced prostitution of women working under "artists" contracts (similar measures have also been taken in the Netherlands and, in Switzerland, early steps in this direction have been taken in at least one canton):

1. The performer must go in person to the relevant authorities to obtain her work permit. Previously, the employer obtained the permit and retained it in order to control the women who worked for him or her. In the past, some employers threatened to expose women as illegal workers in order to exploit them.

2. Women are given a booklet, published in several foreign languages, about their rights and the conditions of employment that they may expect. Women are informed that:

- her employer has to offer her a decent residence. This residence may not be in the same building in which she works.
- she is at least entitled to the salary stated in her employment contract.
- her employer can only ask for performances which are summed up in her employment contract, such as singing, dancing or doing a striptease act.
- when she is put under pressure or forced to perform sexual acts, her employer is violating the employment contract.
- when her contract expires, her employer has to pay for the return trip to her home country.

3. Women are also given the names and addresses of NGOs that they can turn to for help.

The result of this change of policy is that the issuing of artists permits has more or less ceased. Some commentators argue, however, that this is not necessarily a positive development and that trafficking has simply been forced underground and become more difficult to regulate (Nys, 1994, p.5). There are also some signs that the business has simply been displaced to neighbouring countries such as Luxembourg (BPCT, 1994).

The revision of Swiss nationality law in 1992 was aimed, in part, at preventing the practice of organising bogus marriages to traffic women into Switzerland. Rather than seeking dancers' permits, traffickers could secure Swiss nationality immediately for foreign women by arranging marriages to Swiss men. Once in the country, the women were forced into prostitution. The new law made the acquisition of nationality a longer and more complicated process. However, such legislation is controversial on a number of grounds. For example, the new law can be used to send home trafficked women who are detained; before the law was changed, the victims' Swiss nationality prevented deportations. Deportation of trafficked women, by targeting the victim rather than the perpetrator, will not prevent future trafficking.

## **POLICY TO ASSIST VICTIMS**

A number of commentators have argued that the immediate deportation of victims of trafficking helps to perpetuate this crime by increasing women's dependency on traffickers and creating the conditions under which trafficking can flourish. It has even been suggested that deportation is advantageous for some club owners, as it is a cheap way to send women home at the expense of the State (De Stoop, 1994). Moreover, by expelling women who are potential witnesses, it becomes more difficult to prosecute traffickers. For these reasons, both Belgium and the Netherlands have introduced measures to prevent victims from being immediately deported. Both allow temporary residence to give women time to recover from their ordeal, and to encourage more victims to report cases of trafficking to the police.

### *Netherlands*

The Netherlands was the first country to introduce a temporary residence permit for victims of

trafficking. In August 1988, special ruling "paragraph B22" was added to the Dutch Aliens Law stating that:

"In the presence of the least suspicion of trafficking, a woman should be allowed time to consider pressing charges. When she has done so she should be allowed to stay in the Netherlands until the whole juridical process has been completed." A residence permit is granted to victims for the duration of the investigation, the prosecution and trial. In 1993, this provision was extended to witnesses who were willing to testify for the prosecution in cases of trafficking.

### ***Belgium***

1. Women are granted a "rest period" for 45 days. During this period they may receive assistance from an NGO with experience in dealing with victims of trafficking. The victim can use this time to decide whether she wishes to return to her country of origin or to make a statement against the traffickers. The 45-day period enables the woman concerned to decide without time pressure whether or not she is willing to file charges.

2. If a woman decides to make a statement or prosecute the trafficker, she is entitled to a new residence permit for 3 months. During this period she will receive help from an NGO and if she wants to and can find work, she can even obtain a temporary work permit. If she cannot find work, she is entitled to receive social assistance cash payments. Some NGOs which work with victims, such as Payoke, report that some women do return to prostitution and this is not regarded as a problem. Other NGOs, such as Le Nid in Brussels, only provide assistance to victims on condition that they do not work as prostitutes.

3. If after a further 3 months, legal proceedings are still continuing, a woman can obtain a new, renewable, 6-month residence permit.

4. Finally an indefinite residence permit can be obtained by the victim either as a reward for evidence used in the successful prosecution against a trafficker or on humanitarian grounds. (The latter option is also possible in the Netherlands.)

### ***Switzerland***

No specific policy exists to protect victims of trafficking nor to encourage them to come forward to authorities or to testify against traffickers and club owners involved. A working group, composed of government and NGO representatives, was created in 1990 to examine trafficking in women and sex tourism. The group has prepared information pamphlets for the public on these issues, introduced discussion of the exploitation of foreign women into the foreign diplomatic training programme, and called for the national association of travel agents to adopt a pledge to combat sex tourism.

## **IMPLEMENTATION OF THE POLICY**

### ***Belgium***

In 1995, two new NGOs will be established in Belgium which will have the specific task of providing shelters for trafficked women. NGOs have been given key responsibility for implementing the care for victims policy in Belgium. However, in order to fulfil their

responsibilities, they need the active co-operation of various agencies, including the police force, the aliens office and social services. The option of a temporary residence permit for victims was first introduced in Belgium in 1991, but until 1993 it was rare for the Aliens Office to give women this permit. Only 33 women were awarded the permit between 1991 and 1993. After May 1993, greater efforts were made to change the practices of the Aliens Office by appointing two members of staff specifically to deal with cases of trafficking in women. Since May 1993, 60 women have been granted temporary residence permits.

The Belgian Parliamentary Commission on Trafficking (BPCT) reports, however, that problems continue to exist, because the police do not always follow the correct procedures. Payoke's 1993 Annual Report notes, for example, that some women are still being immediately deported within 5 days of arrest whilst others are caught and simply put in jail (Payoke, 1993, p. 18). Payoke also notes that as extensions to residence permits are often given for one month at a time only, victims experience a great deal of uncertainty. Furthermore, despite the fact that more and more women are able to obtain a temporary residence permit from the Aliens Office, there are still problems:

"...every service tends to make its own interpretation of the exceptional measures taken for victims" (Payoke, 1993, p.13).

There have also been some problems with social services. Since June 1993, female victims of trafficking have been entitled to cash social assistance. But many social services offices were initially reluctant to make such payments to women who did not have a known address. This often occurred because the women were being protected in a shelter at a secret location. Now Payoke has been given the authority, by special Royal Decree, to claim this benefit on behalf of the women that it assists. Another problem is that although in theory victims are allowed to obtain a work permit for a temporary period, in practice, few employers want to hire women who only have a temporary residence permit.

### *Netherlands*

In the Netherlands, there are also many problems associated with the support for victims policy. Before victims can be assisted, they usually have to be referred to the NGO concerned by the police. Table 13 shows that in 1994, nearly all women referred to STV were referred by the police. Many have argued that more victims might be identified if police intervention were made more effective.

Research carried out in 1992 by de Boer (1994), provides an evaluation of the effect of directives drawn up by the Dutch procurators-general for the tracing of, and legal proceedings taken against, trafficking in women. Approximately half of the police officers interviewed in the study, were found to be suspicious toward victims of traffic in women. Generally, there was a feeling among police officers that regulation B17 concerning the issuing of temporary residence permits is abused. One reason for this is because the women are said, in many cases, to return to prostitution. Although Dutch law draws a sharp distinction between voluntary and forced prostitution, in practice the police often do not make the distinction.

**TABLE 13**  
**WHO REFERRED WOMAN TO STV?**

	Central Europe	Eastern Europe + CIS	Developing countries
Own initiative	0	0	0
Friends/Colleagues	0	0	1
Police	42	56	25
Client	0	2	0
Other STV client	0	1	0
Social/Health services	0	1	4
Lawyer	0	2	3
Other	2	2	14
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>

*Source: STV, 1995*

According to STV, between 1988 and the end of 1992, only 17 temporary residence permits were issued to victims. The majority of women were simply sent back to their country of origin.

#### *Switzerland*

There is no official agency responsible for providing assistance to trafficked women. NGOs are not providing such services at the national level either. In certain cantons, however, NGOs which provide services and assistance to foreign women and/or to prostitutes generally, do offer assistance to victims of trafficking.

## **PROSECUTIONS**

When women are trafficked, several different laws may be broken. There are crimes the victim may be guilty of, particularly living or working in the country of destination without the necessary permits. The trafficker may be guilty of smuggling migrants, falsifying documents, kidnapping, living off the earnings of a prostitute, extortion, and so on. The owner of the establishment where the victim works (who is sometimes not the trafficker) may be guilty of many of these same crimes.

Many countries, including both sending and destination countries, prohibit forced prostitution, e.g. Switzerland, the Dominican Republic, Thailand and Brazil (van der Vleuten, 1991). The problem, however, is that many authorities have found it difficult to make a distinction between prostitution and traffic in women, and to set criteria which determine coercion (van der Vleuten, 1991). As a result, such laws are rarely enforced. In order to facilitate the prosecution of traffickers, the Dutch Attorney-General's office formulated a new definition of trafficking which

states that a person is guilty of traffic in persons "who induces another into prostitution by violence or an act of violence or by threatening violence or an act of violence, or by using his ascendancy ensuing from an actual relationship or by misrepresentation, or who undertakes any action which he or she knows or could reasonably suspect, may bring the other into prostitution".

Despite this even in the Netherlands few traffickers are successfully prosecuted. MIP's study of victims from the Netherlands shows that just over half of victims from the CEECs pressed charges against the persons who had abused or exploited them in 1994 (see Table 14). By contrast, only 8 of the 47 women from developing countries pressed charges. While these findings suggest that the policy of allowing women to remain in the country for a temporary period in order to give evidence against persons involved in the crime of trafficking may be having some positive impact, many women probably remain too afraid to give evidence against traffickers

**TABLE 14  
DID WOMAN PRESS CHARGES?**

	Central Europe	Eastern Europe + CIS	Developing countries
Yes	25	32	8
No	19	32	39
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>
<b>Outcome:</b>			
Still under investigation	23	19	2
To court	4	4	4
<b>If case went to court:</b>			
Conviction	0	2	2
Acquittal	0	0	0
Still pending	4	0	0
Unknown	0	2	2

*Source: STV, 1995*

Women have good reasons to be fearful about testifying against traffickers, since very few cases go to court, and even fewer result in a successful conviction, as Table 14 indicates. Only 12 of the 155 cases went to court, and only 4 resulted in convictions, although many cases are still under investigation. Even where traffickers are convicted, the sentences are not especially harsh.

Women usually know about only part of the trafficking network, and often only come into contact with one person. Table 15, shows that it is uncommon for a woman to know of more than

5 persons belonging to a trafficking network. Some 20 women report that they are aware that other women, usually between 1-3 persons, have been trafficked by the same network

**TABLE 15**  
**TRAFFICKING NETWORK KNOWN TO VICTIM**

Number of known persons involved in trafficking	Nationality of woman contacting STV		
	Central Europe	Eastern Europe + CIS	Developing countries
1	7	6	12
2-5	5	6	1
6-10	0	1	0
Unknown	32	51	34
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>
<b>Do you know other women trafficked by the same network?</b>			
Yes	6	12	4
No	2	2	1
Unknown	36	50	42
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>

Source: STV, 1995

### RETURN TO COUNTRY OF ORIGIN

Most female victims of trafficking eventually return to their country of origin. Table 16 shows that by March 1995, 31 of the 44 women from Central Europe, and 35 of the 64 women from Eastern Europe and the CIS, who contacted STV in 1994 had already returned to their country of origin. Women from developing countries, however, are much less likely to have returned to their country of origin. Of the 47 women from developing countries, only seven were known to have returned to their country of origin, and three had moved to a third country. It is not clear what is the explanation for this difference. It could reflect the greater difficulty women from developing countries may have in returning to their country of origin.

**TABLE 16**  
**WOMEN WHO RETURNED TO COUNTRY OF ORIGIN**  
**OR MOVED TO A THIRD COUNTRY**

	Central Europe	Eastern Europe +	Developing countries
--	----------------	------------------	----------------------

		<b>CIS</b>	
Women who returned to country of origin	31	35	7
Women in third country	0	1	3
Women still in Netherlands	13	14	26
Unknown	0	14	11
<b>Total</b>	<b>44</b>	<b>64</b>	<b>47</b>

Source: STV, 1995

Few women are granted permanent residence status on humanitarian grounds. Of the 155 STV cases that MIP studied, only two women have been granted a residence permit on humanitarian grounds. Women from developing countries are more likely to apply for a permit to remain in the Netherlands because of marriage. However, those who find local husbands, should they divorce within three years, are liable to be expelled, which again creates a risk that women have to accept a violent relationship so as to remain in the country.

Despite the fact that many women do return to their country of origin, most female victims of trafficking receive hardly any assistance to prepare them for their departure, or to ease their re-integration into their country of origin. Moreover, little is known about the circumstances of the women who have returned. It was difficult to find any evidence about the situation of women who had returned to their country of origin from the 155 STV cases that MIP studied. NGOs argue that many women are still in serious danger from traffickers when they do return home. Nonetheless, the welfare of victims appears to be of little interest to destination countries, once the women have been sent back home.

NGOs in Belgium and the Netherlands provide some assistance to victims, i.e. helping them to obtain the right travel documents and even buying plane tickets for women. Both Payoke in Belgium and STV in the Netherlands report that they do occasionally refer cases to IOM (although Payoke was not aware of the details of the IOM programme). In each country, IOM operates a voluntary return programme for certain categories of irregular migrants through which migrants receive their plane ticket and a small cash allowance of about US\$ 200. Table 17 shows that, in most of the STV cases from 1994, the return of women to their country of origin was arranged by the police. Some women (12) arranged their return themselves, and in 2 cases return was arranged by IOM. According to STV, just over half of all returns (44) were voluntary, and the rest were involuntary (33).

**TABLE 17**  
**RETURNING WOMEN BY WHETHER DEPARTURE VOLUNTARY**  
**AND METHOD OF RETURN**

	<b>Central Europe</b>	<b>Eastern Europe + CIS</b>	<b>Developing countries</b>
--	-----------------------	-----------------------------	-----------------------------

Voluntary	20	16	8
Involuntary	11	20	2
<b>Total</b>	<b>31</b>	<b>36</b>	<b>10</b>
Return arranged through police	29	29	5
Return arranged by victim herself	2	6	4
Return arranged by IOM	0	1	1

*Source: STV, 1995*

NGOs argue that in the interests of the welfare of victims, more women should be allowed to remain in the Netherlands and Belgium or assisted to return to their country of origin. They are joined by the Swiss NGOs in arguing that the many women who do wish to return to their country of origin should receive much greater assistance than they do at present. For example, they would like to see women who are given temporary residence permits being offered training and educational opportunities in order to increase their chances of finding work on their return. They would also like to see organisations, like IOM and the governments and NGOs of sending countries, develop programmes in these countries to promote the reintegration of victims of trafficking.

The types of measures proposed include counselling, housing assistance, job placement and training. But these programmes should be designed in such a way that the women concerned are not immediately identifiable as ex-prostitutes. Several NGOs felt very strongly that, if more attractive voluntary return programmes were to operate successfully, there should be no stigma associated with participation in such programmes. This implies that the staff managing such programmes should be sensitive to the needs of the women concerned and that the programmes should not be openly identified as being for trafficked women only. It was also suggested that such women could be involved in information programmes which are intended to warn other women about the dangers of trafficking in women in the sending countries.

One member of the Belgian Parliamentary Commission on Trafficking whom we interviewed, agreed that the Commission should have perhaps devoted more attention to the question of assisted return. But given the emphasis on encouraging victims to testify against traffickers, it was felt that perhaps an attractive voluntary return programme might undermine this objective. On the other hand, it could be argued that victims might have a greater incentive to testify, if they knew that they were also going to be offered some support to prepare for their return home, rather than simply being sent back home at the end of their trial. It has also been suggested that an attractive return programme for trafficked women would encourage many fraudulent claims among foreign prostitutes. But this is doubtful, since cases of trafficking in women are checked carefully by NGOs to establish their authenticity.

#### *Central and Eastern Europe*

In the sending countries of Central and Eastern Europe, few measures have yet been taken by governments to combat trafficking in women, although there is increasing concern about the

problem of trafficking in general. For example, in December 1993, the "Budapest Group", with representatives from most European governments, held its first meeting. The Group is a forum for the exchange of information on uncontrolled migration and one of its current objectives is the implementation of recommendations on the criminalization of smuggling of illegal migrants.

As far as trafficked women are concerned, a number of NGOs from the CEEC countries have recently drawn attention to the growth of this problem. In December 1994, the first East-West Conference on "Trafficking in Women" was held in Prague. The 50 participants came from the Czech Republic, Slovakia, the Federal Republic of Yugoslavia, Poland, Italy, Germany, Switzerland, the Netherlands and Austria. The conference highlighted the lack of social, medical, legal and psychological assistance available to trafficked women in the CEECs. Independent NGOs in these countries have only recently re-emerged, and they have insufficient funds to provide an adequate range of services for trafficked women. The conference particularly noted the absence of shelters for returning trafficked women. The conference participants have decided to compile a handbook to inform women who are considering emigrating, about the legal situation concerning prostitution and the immigration laws in Western countries.

## **CHAPTER FIVE**

### **POLICY RECOMMENDATIONS**

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Within the space of only a few years, there has been a fundamental shift in the geographical regions from which women are trafficked. This form of exploitation no longer solely concerns the movement of women from developing countries to the West. Very young women are increasingly being recruited from Central and Eastern European countries. There is an urgent need to develop strategies to prevent this trade from growing further. If action is taken quickly, and if emphasis is placed on prevention, then there is a chance that governments can combat trafficking in women more successfully and at the least cost.

If trafficked women and their advocates are correct in their estimates, the number of *known* victims represents only the tip of the iceberg. Hardly any statistics are available on the extent of trafficking in women, partly because it is an illegal activity and, hence, difficult to assess, and partly because those agencies which might compile statistics do not regard the practice as important enough to warrant collecting data. Trafficking in women receives considerable media publicity, not so much because of concern for the welfare of victims, but because journalists know that stories about sex and prostitution attract attention.

At present, many governments simply deport victims and little is known about what happens to them once they return to their countries of origin. In some countries, victims obtain temporary residence permits, but eventually the majority -- especially women from Central and Eastern Europe -- return home. As yet, no government has developed any programme to help the victims of trafficking to prepare for return or to assist them once they have returned to their country of origin.

Trafficking in women is an international problem which cannot be dealt with adequately at the national level alone. Women are being trafficked to Western Europe from all over the world, and

especially in recent years from Central and Eastern Europe. The evidence presented in this report suggests that the following measures to combat trafficking in women should be considered.

## **INTERNATIONAL LEVEL**

Many have suggested that poverty and the marginalization of women are the root causes of trafficking. Women from rich countries are not trafficked to poor countries to work as prostitutes. It is often argued that trafficking in women is a long-term problem which can only be resolved when the inequalities between East and West, and North and South have substantially diminished. Measures to combat poverty and the marginalization of women are very much needed, but poverty alone does not explain why trafficking in women is increasing. Women from certain poor countries are much more likely to be trafficked to the West than women from other poor countries.

Greater international co-operation to combat illegal migration and organised crime, including police work to dismantle trafficking networks, is necessary in order to reduce trafficking in women and the violence associated with it. Trafficking often involves persons of several nationalities working in different European countries who are able to shift their activities from one country to the next at short notice.

Measures taken in one country to combat trafficking may simply have a "displacement effect" pushing traffickers to a nearby country where they can operate more freely. Governments therefore need to co-ordinate their policies against trafficking, and exchange information on a regular basis. Greater East-West co-operation in the fight against trafficking is especially important given the very sharp increase in the number of women coming to the West from the CEECs.

A clearer international definition of trafficking in women is required in order to facilitate the prosecution of traffickers and to permit the extradition and prosecution of traffickers in third countries. Many commentators have suggested the need for a stronger international legal instrument in order to combat trafficking in women specifically.

At the bilateral level, countries of origin and destination should work to establish programmes to facilitate the voluntary return of victims of trafficking. These programmes should include a re-integration component which enables the women concerned to receive counselling, training, job placement assistance or even a job itself. Monitoring by the donor and NGOs in both the country of origin and of destination should be carried out while the programme is underway. The migrant herself should participate in this and other evaluation processes. Assisting trafficked women to return home with improved prospects for their future can reduce the risk that they will be trafficked again.

## **COUNTRIES OF ORIGIN**

There is a considerable lack of information about trafficking in women, especially in the CEECs where the problem is a very new one. Migration officials should devote more attention to studying trafficking and identifying viable solutions. Information campaigns which warn about the nature of trafficking should be established, targeting young women and the general public.

Staff working in embassies abroad should be alerted about the potential dangers that women from their country may face when they migrate.

An adequate definition of the crime of trafficking in women and clear sanctions against this form of trafficking should be incorporated into national law, especially in the CEEC countries which have little experience of this problem.

Governments in countries of origin should support emerging NGOs which campaign against trafficking in women and provide assistance to victims. In particular, there is a need to work with international partners to implement special programmes to promote the re-integration of trafficked women.

## **COUNTRIES OF DESTINATION**

Information campaigns should alert the general public and officials coming into contact with migrant women about the nature of the crime of trafficking. At present, the police are almost solely responsible for identifying victims of trafficking. More effort should be made to encourage others, such as clients, doctors, lawyers, social workers and the women themselves to report trafficking. Victims are less likely to come forward whilst they fear an unsympathetic response from the police.

The only legal way in which many women from poor countries can migrate to the West is by obtaining a work permit as a "dancer" or "artist". It is well established that these types of contracts are frequently used to force women into prostitution. In Belgium and the Netherlands such contracts are closely regulated and have effectively been abolished. No data is available on how this has increased underground prostitution. Other countries should consider reviewing their policies regarding the issuing of permits for foreign "dancers"/ "artists" and ensure compliance with the provisions of such contracts.

Staff working at embassies abroad should be aware of trafficking dynamics between their host and home countries and provide complete, correct information about legal migration opportunities.

However, such measures are insufficient alone to combat trafficking in women. Traffickers will simply find other ways of exploiting young women, until greater efforts are made to deter them from doing so. Tougher penalties are needed to deter traffickers. The crime of trafficking in women needs to be more clearly defined in national law to facilitate prosecutions.

Victims should be given temporary residence permits to encourage them to give evidence against traffickers. The immediate deportation of victims makes it more difficult to combat trafficking.

Victims need support, especially during the first few weeks after their ordeal. They may require counselling, a safe place to stay, and many women need medical attention. NGOs should be supported in their work to provide these and other services.

Some women may never be able to return home for fear of reprisals. These women should be allowed to settle in the destination country if it can be established that there are humanitarian reasons why the woman cannot return to her country of origin.

In general, countries should examine their national laws regarding prostitution to determine how to discourage trafficking in women for purposes of prostitution. At the same time, social service and labour officials ought to improve surveillance of workplaces to ensure compliance with national laws governing living and working conditions.

## FURTHER RESEARCH

More research on trafficking in women is needed as so little information is available on this subject. In several countries the scale of the problem is virtually unknown. In other countries there has been little evaluation of the effectiveness of policy measures which have been introduced to combat trafficking. As this is an international phenomenon, further research should be cross-national in focus. A great deal of information could be collected from those bodies and organisations, such as NGOs, the police, immigration officials and social workers who deal with the problem of trafficking in women on a regular basis. There is also a need for research which is based on interviews with trafficked women themselves, so that their views can be represented.

Research on the circumstances of trafficked women on their return to their country of origin should be a priority, since virtually no information is available on what happens to victims when they return home. More research is also needed on prevention strategies and the factors which contribute to the growth of trafficking in some poor countries and not in others.

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- Number of Trafficked Women in Belgium Who Sought Assistance, by Region of Origin and by Year
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