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***Combating the Trafficking of
Women in Eastern Europe***

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Introduction

The collapse of the communist regimes in the Soviet Union and Eastern Europe was greeted with joy by millions of the region's inhabitants, who believed that they were witnessing the dawn of a new era of freedom and prosperity. For some, the promise bore fruit. The institution of a market economy and democratic political system, which improved the lives of many citizens, was deemed sufficient enough in ten political entities formerly under communist rule (Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Slovenia, Bulgaria, Romania) that they were invited to join both NATO and the European Union (EU) between 1999 and 2007. But for untold numbers of individuals in the area, even in these "successful" states, the past two decades have instead brought with them new kinds of exploitation and violations of human rights. The breakdown of the political and socio-economic systems in this region triggered a wave of human trafficking in Europe that continues to grow.

After 1989, the societies of Eastern Europe all experienced an increase in poverty, widespread unemployment and social dislocation, the weak rule of law, pervasive corruption, and the fast growth of organized crime networks. Females have been hit especially hard in the region, due to the sharp drop in maternity and daycare benefits, the rise in female-led households, sexist attitudes, widespread domestic violence, and increased gender discrimination in society, in general, and the workplace, in particular.¹ Women's wages in Russia, for example, which averaged 70 percent of men's during the Soviet period, fell to just 40 percent of men's by 1995; wages in Poland at that time fell lower in sectors dominated by females than in those typically employing males.² Made vulnerable by the profound changes in the social order, many women seek opportunities to better their lives in foreign countries, through work, marriage, or education. Instead, many of them end up in the hands of traffickers, treated as commodities, their human rights gravely abused. Now, twenty-some years after the peoples of Eastern Europe celebrated their new-found freedom from communist control, women from every country of the region find themselves exploited in the commercial sex trade in Western Europe and beyond.

This paper will examine the trafficking of women for sexual exploitation in Eastern Europe—specifically, the twenty countries located between Germany and Russia, the latter included.³ After a brief overview of the nature of the problem of sex trafficking in the region, the article will focus on current efforts to combat it from a human rights-centered approach.

The Development and Nature of Trafficking in Eastern Europe

Trafficking of women for sexual exploitation is not a new phenomenon. Europeans began to worry about the coerced recruitment of women and girls for prostitution, known as "White Slavery," in the late nineteenth century. International agreements were signed to suppress this illegal trade in 1904, 1910, 1921, and 1933.

¹ For information on gender discrimination and violence against women in post-communist Europe, see: Radhika Coomaraswamy, *Integration of the Human Rights of Women and the Gender Perspective: Violence against Women, Addendum 1: International, Regional and National Developments in the Area of Violence Against Women, 1994-2003*, United Nations Economic and Social Council, E/CN.4/2003/75/Add.1 (27 February 2003), pp. 335-92. On the negative economic impact of the transition from communism on women, see Chris Corrin, "Transitional Road for Traffic: Analysing Trafficking in Women From and Through Central and Eastern Europe," *Europe-Asia Studies*, Vol. 57, no. 4 (June 2005): 543-60; Elena Mezentseva, "Gender Inequality in Today [sic] Russia: Who Bear [sic] the Social Costs of Reforms?" <http://www.iub.edu/~reeiweb/events/2005/mezentseva%20paper.pdf>.

² Valentine M. Moghadam, *The 'Feminization of Poverty' and Women's Human Rights*, SHS Papers in Women's Studies/Gender research, No. 2 (Paris: UNESCO, 2005), p. 24, <http://www.unesco.org/new/en/social-and-human-sciences/themes/gender-equality/publications/>.

³ Namely, Albania, Belarus, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, (Former Yugoslav Republic of) Macedonia, Moldova, Montenegro, Poland, Romania, Russian Federation, Serbia, Slovakia, Slovenia, and Ukraine.

The League of Nations took up the issue in the period between the two world wars, issuing reports on the international trade in women in 1927 and 1932. At the time, trafficking mainly involved women from Europe taken to South America and Northern Africa for forced prostitution.⁴ After the Second World War, in 1949, the United Nations (UN) adopted the Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others, which prohibited "the procurement, enticement, or leading away of a person for purposes of prostitution irrespective of consent."⁵

In the second half of the twentieth century the trade in women spread, affecting females first in Southeast Asia, then Africa, and then Latin America. While trafficking from and within these regions has continued, a new wave started in Eastern Europe in the early 1990s, after the downfall of the communist regimes. Unlike previous ones, this wave has mobilized many international organizations, state governments, and grassroots organizations to combat trafficking in persons. Most notably, as will be discussed below, in 2000 the UN adopted a clear definition of human trafficking and provisions to prevent, suppress, and punish the crime in all of its forms.

When the problem was first identified in post-communist Europe it was possible to distinguish between source, transit and destination countries for trafficked women. Generally, the flow was from poorer countries to richer ones, Eastern Europe to the EU; initially women were trafficked mainly from the Baltic states and East Central Europe to Western Europe. But the phenomenon did not remain so straightforward for long. The end of the war in Bosnia-Herzegovina in 1995 and the arrival of international peacekeepers was a catalyst for the creation of a sex industry to serve them. Almost immediately, an illegal trade in women began, with thousands of women brought in under false pretexts, particularly from Moldova, Ukraine, and Romania. Foreign nationals serving in the UN International Police Task Force and on contract with NATO peacekeeping forces (who enjoy immunity from criminal prosecutions) frequented the brothels. Some peacekeepers participated in the illegal transport of women and protection of their "owners," and others even purchased women as personal sex slaves.⁶ Similar developments occurred in Kosovo following the war there in 1999.⁷

In the past ten to twelve years human trafficking has grown and diversified in the region. Other forms of trafficking have also increased—for forced labor and domestic servitude, begging, petty crime, and organ harvesting. In Bulgaria, there have been several convictions for the trafficking of pregnant women to Greece for the purpose of selling their babies.⁸ Still, it appears that most individuals trafficked from and within the

⁴ See Kristiina Kangaspunta, "A Short History of Trafficking in Persons," *Freedom From Fear Magazine* (20 December 2011), http://213.254.5.203/index.php?option=com_content&view=article&id=99:a-short-history-of-trafficking-in-persons&catid=37:issue-1&Itemid=159.

⁵ Anne T. Gallagher, *The International Law of Human Trafficking* (New York: Cambridge University Press), p. 15.

⁶ See Human Rights Watch, *Hopes Betrayed: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution*, Volume 14, no. 9 (D) (November 2002); Sarah E. Mendelson, *Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans* (Washington, D.C.: CSIS, 2005); Kathryn Bolkovac, *The Whistleblower: Sex Trafficking, Military Contractors, and One Woman's Fight for Justice* (NY: Palgrave Macmillan, 2011).

⁷ Amnesty International, *Kosovo (Serbia and Montenegro): "So does it mean that we have the rights?" Protecting the human rights of women and girls trafficked for forced prostitution in Kosovo*, EUR 70/010/2004 (5 May 2004); Amnesty International, *Kosovo (Serbia): The UN in Kosovo - a Legacy of Impunity*, EUR 70/015/2006 (8 November 2006). See also Charles Anthony Smith and Brandon Miller-de la Cuesta, "Human Trafficking in Conflict Zones: The Role of Peacekeepers in the Formation of Networks," *Human Rights Review*, Vol. 12, no. 3 (2011): 287–299.

⁸ Antoneta Vassileva, "Combating Trafficking of Human Beings: The Bulgarian Model," Paper presented at the conference Trafficking of Women in Post-Communist Europe, Stanford University, Stanford, CA, 17-18 April 2008, p. 7; European Commission, Fight Against Trafficking in Human Beings, National Information Pages, Bulgaria, at <http://ec.europa.eu/anti-trafficking/showNIPsection.action?sectionId=0ab962c1-339e-4489-bb0e-59f247a562dd>.

region are women and girls for sexual exploitation.⁹ This predominance may be due to record-keeping biases; many countries are only beginning to gather data and address the issue of trafficking for other purposes.

Current data show that all twenty states of Eastern Europe are *source* countries for women trafficked for forced prostitution, with only Slovenia registering a low incidence in this regard. Eighteen countries—all except Albania and Latvia—function as *transit* countries.¹⁰ Depending on the source of information, eighteen or nineteen countries also serve today as *destinations* for foreign women trafficked for sexual exploitation; only Albania and Latvia are not usually included in this category.¹¹ Typically, women move from east to west, though they are also trafficked to the Middle East, Asia, and North America. The women most commonly trafficked outside of Europe seem to come from Bulgaria, Moldova, Russia, and Ukraine; their most frequent destinations include Israel, Lebanon, Turkey, United Arab Emirates, and the United States.¹²

Individual governments, international organizations (IOs) and non-governmental organizations (NGOs) all now report the occurrence of domestic or internal trafficking, recorded in all twenty countries.¹³ In other words, women need not be taken across international borders to be trafficked. Increasingly, native as well as foreign women are trafficked to regions popular with tourists: for example, the Black Sea coast in Bulgaria, the Adriatic coast in Croatia and Montenegro, and Russia's St. Petersburg. Sex tourism is a growing business also in Riga, Tallin, Kiev, Prague, Krakow and Budapest. Domestic victims tend to be moved from poorer, rural areas to resort areas and the largest cities, where local men, as well as foreigners, provide a market for cheap and unrestricted sex.

Throughout the region women are generally held and exploited today in more isolated places than in the brazen brothels and clubs (and on the street corners) of the 1990s. Instead, they are kept in private apartments and hotels; reportedly in Bosnia, also in gas stations.¹⁴ Clients increasingly utilize technology to access trafficked women, setting up appointments via mobile phones and email. They use the internet to shop for

⁹ Analyzing global data gathered in 2007-08, the United Nations Office on Drugs and Crime (UNODC) found that 79% of trafficking victims were female (61 countries identified the gender of victims). When the type of exploitation was specified (by 52 reporting countries) 79% of the cases were for sexual exploitation. UNODC, *Global Report on Trafficking in Persons* (February 2009), p. 8. In 2009, only Romania and Russia reported identifying more victims of labor trafficking than sex trafficking. U.S. Department of State, *Trafficking in Persons Report 2010*, 10th ed. (Washington, D.C., June 2010), pp. 277, 279. Europol's most recent analysis of THB in the EU concludes that the majority of trafficked persons are women and children, and that trafficking for sexual exploitation is the most common form. Europol, *Trafficking in Human Beings in the European Union*, File no.: 2565-84 (The Hague, 1 September 2011), pp. 4, 7.

¹⁰ In the 1990s and early 2000s Albania was a major transit country for women trafficked to Western Europe for sexual exploitation. The U.S. Department of State noted in its 2005 TIP report that Albania had "significantly decreased as a transit country for trafficking in Western Europe." U.S. Department of State, *Trafficking in Persons Report 2005*, 5th ed. (Washington, D.C., June 2005), p. 52. Since then, Albania has not been termed a transit country in the yearly U.S. TIP reports. Latvia, too, had been a transit country in the past. European NGOs Observatory on Trafficking, Exploitation and Slavery, *E-Notes: Report on the Implementation of Anti-Trafficking Policies and Intervention in the 27 EU Member States from a Human Rights Perspective (2008 and 2009)* (Martinsciuro, Italy: Associazione On the Road, October 2010), p. 168.

¹¹ The discrepancy in destination countries regards Estonia. The most recent U.S. TIP report considers it a destination for trafficked victims. U.S. Department of State, *Trafficking in Persons Report 2011*, 11th ed. (Washington, D.C., June 2011), p. 156. Two other sources do not: European NGOs Observatory, *E-Notes*, p. 134; European Commission, National Information Pages, Estonia, at <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Estonia>.

¹² U.S., *TIP 2011*, passim.

¹³ Only Latvia reports a low incidence of internal trafficking of women and girls for forced prostitution.

¹⁴ U.S., *TIP 2010*, p. 86. See also: Europol, *Trafficking in Human Beings*; OSCE and UN.GIFT, *Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime* (Vienna, May 2010), pp. 41-44; UN.GIFT, *Profiling the Traffickers*, Background paper, UN.GIFT B.P.: 016 (Vienna, February 2008).

certain kinds of women or services, set up meetings, consume pornography, and complete financial transactions. Technology makes it easier, cheaper, and even less risky for both the customers and the traffickers to conduct business.

Technology also provides criminals with varied opportunities for recruitment. The newspapers and magazines used to place false job advertisements and notices in the early post-communist period have largely been replaced. Instead, traffickers increasingly utilize social networking sites, chat rooms, web sites for false marriage agencies, advertisements for job and educational opportunities, tourist offers, and dating clubs. These internet services are unregulated and interactions through them often untraceable.¹⁵ Another change noted in the recruitment of women and girls has been the greater reliance on informal networks. Interviews with trafficking victims have revealed several common practices. A woman who has paid off her supposed debt is given her freedom on the condition that she replace herself; frequently such women recruit relatives and friends. Male traffickers court unsuspecting young women, and when they have gained their trust, they sell them. Or relatives promise help to obtain new opportunities for employment or training, only to sell their kin to traffickers. In other cases, parents force their children to engage in illegal activity in order to contribute to the family budget.

We still have no reliable figures of the number of women who are trafficked. The International Labour Organization (ILO) has conservatively estimated that, globally, there are a minimum of 2.4 million trafficked individuals at any given time. Of these, 43% were trafficked for sexual exploitation, and another 25% for a combination of forced sex and labor. Most of the individuals trafficked for sexual exploitation—98%—are female.¹⁶ According to Siddharth Kara, Asian countries have the highest total number of sex slaves, but on a per capita basis, Europe has the highest levels of sex slavery in the world.¹⁷ The ILO calculated that half of the global profits from sex trafficking are made from women trafficked into and within the industrial countries, amounting to \$13.3 billion annually. If we add the profits generated in what the study classifies as the transition economies, the total reaches \$16.6 billion, or 60% of the global profits.¹⁸ Unlike illegal drugs, women and girls can be sold and exploited again and again, making the trade extremely lucrative.

The governments in Eastern Europe are only beginning to collect data systematically on the numbers of trafficking victims. The U.S. Department of State gathers these statistics, along with other information about governments' anti-trafficking efforts, in annual global surveys called the Trafficking in Persons Reports (hereafter TIP).¹⁹ According to data in the 2010 TIP, in 2009 the governments of the region identified a total

¹⁵ See UN.GIFT, *Technology and Human Trafficking*, Background paper, UN.GIFT B.P.:017 (Vienna, February 2008); Mark Latonero, *Human Trafficking Online: The Role of Social Networking Sites and Online Classifieds*, USC Annenberg School for Communication and Journalism, Center on Communication Leadership & Policy, Research Series (September 2011).

¹⁶ International Labor Organization, *ILO Action Against Trafficking in Human Beings* (Geneva, 2008), pp. 1, 3, http://www.ilo.org/sapfl/Informationresources/ILOPublications/WCMS_090356/lang--en/index.htm.

¹⁷ Siddharth Kara, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2009), p. 17.

¹⁸ Patrick Belser, *Forced Labour and Human Trafficking: Estimating the Profits*, Declaration/WP/42/2005 (Geneva: International Labour Organization, 2005), p. 15, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1838403.

¹⁹ Aiming to increase awareness about the issue of trafficking and promote more aggressive government responses, the U.S. State Department rates each country according to its compliance with minimum standards set by the Trafficking Victims Protection Act of 2000 (reauthorized in 2003, 2005, and 2008). Based on the State Department's evaluation, countries are placed in one of three tiers; those in the lowest (tier three) are deemed neither to comply with the minimal standards nor to be making efforts to do so. These countries are then subject to economic sanctions by the U.S., including the withholding of non-humanitarian and non-trade related aid. See Amy G. Friedrich, Anna N. Meyer, and Deborah G. Perlman, *The Trafficking in Persons Report: Strengthening a Diplomatic Tool* (8 May 2006), www.spa.ucla.edu/ps/research/J-Traffic06.pdf.

of 2,928 trafficking victims. In 2010, a total of 3,641 victims were identified by state agencies, the majority of them trafficked for sexual exploitation.²⁰ These numbers are not assumed to reflect the real scope of the problem. To begin with, local NGOs typically identify additional victims in these countries, who do not show up in government statistics. Even more problematic, untold numbers of exploited women do not come in contact with law enforcement or providers of aid. The International Organization for Migration (IOM), for example, estimates that 5,500 Ukrainian citizens are trafficked each year; its Mission in Ukraine has identified or assisted only 7 percent of them.²¹ Some researchers estimate that 20,000 to 60,000 Russian women are trafficked for sexual exploitation each year; IOs and NGOs reported assisting 143 victims in 2009.²² Among the myriad problems associated with the statistics are confusion about the definition of trafficking, misidentification, a lack of commitment to tackle the crime, the reluctance of victims to come forward, and underreporting. According to the Organization for Security and Co-operation in Europe (OSCE), the rate of victim identification is extremely low compared to the estimated massive scale of trafficking.²³ At present, no individual or agency can reliably estimate the true numbers of women trafficked from and within Eastern Europe.

Studies of the perpetrators reveal significant diversity and a range of operations. Traffickers can be individuals working alone, members of loose networks, or parts of transnational organized criminal organizations. According to researchers for the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), traffickers in the Balkans tend to follow a “violent entrepreneur model”: they maintain tight control over their victims, often brutalizing them physically and psychologically. In the rest of Eastern Europe traffickers reportedly operate according to a “natural resource model,” in which “women are sold like a readily available natural resource.”²⁴ In each case, maximization of profit drives the traffickers. In the words of Louise Shelley, who studies human trafficking and organized crime, what distinguishes this enterprise from business is the innate violence and corruption in trafficking.²⁵

Anti-Trafficking Commitments

The governments of East European states have all acknowledged the problem of trafficking in human beings (THB) in their societies. Most of them have subscribed to the important international agreements that have been developed in the past dozen years.

All but one of these twenty countries (Czech Republic) have ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.²⁶ Known commonly as the Palermo Protocol, or the Trafficking Protocol, it was signed in Italy in 2000, and went into effect in late 2003. It defines trafficking as: the recruitment, transportation, transfer, harboring or receipt of individuals, by means

²⁰ U.S., *TIP 2010*, passim; U.S., *TIP 2011*, passim.

²¹ International Organization for Migration (IOM) Mission in Ukraine, *Migration in Ukraine: Facts and Figures* (September 2011), p. 4, http://iom.org.ua/en/pdf/Facts&Figures_b5_en_f.pdf.

²² Mary Buckley, “Human Trafficking in the Twenty-first Century: Implications for Russia, Europe, and the World,” in *Gender Politics in Post-Communist Eurasia*, ed. by Linda Racioppi and Katherine O’Sullivan (East Lansing: Michigan State University Press, 2009), pp. 120-21; UN/IOM Working Group on Trafficking in Human Beings, *Human Trafficking in the Russian Federation: Inventory and Analysis of the Current Situation and Responses* (UNICEF, ILO, CIDA, March 2006), p. 13; U.S., *TIP 2010*, p. 281.

²³ OSCE, *Combating Trafficking as Modern-Day Slavery: A Matter of Rights, Freedoms and Security. 2010 Annual Report of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings* (Vienna, 2010), p. 21.

²⁴ See UN.GIFT, *Profiling the Traffickers*; OSCE and UN.GIFT, *Analysing the Business Model*.

²⁵ Louise Shelley, *Human Trafficking: A Global Perspective* (Cambridge, UK: Cambridge University Press, 2010), p. 112.

²⁶ United Nations Treaty Collection, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en.

of the threat or use of force, abduction, fraud, deception, abuse of power or position of vulnerability, or of the giving or receiving of payments—for the purpose of sexual exploitation, forced labor, servitude, or the removal of organs. More and more, the governments in the region have adopted the definition of trafficking established by this protocol in their legislation. Poland, for example, amended its penal law in May 2010 to incorporate the UN definition of trafficking; before that there was no clear definition in use.²⁷

Today, all countries in Eastern Europe but one (Estonia) have specific legislation against THB in their legal codes.²⁸ Estonia does have, and applies, several articles in its criminal code prohibiting activities that are linked to trafficking. However, it remains the sole country in the EU without a comprehensive anti-trafficking law.²⁹

Fourteen of the twenty East European states have ratified the Council of Europe (CoE) Convention on Action against Trafficking in Human Beings, which went into effect on 1 February 2008.³⁰ Three other countries (Estonia, Hungary, Lithuania) have signed the Convention but not yet ratified it.³¹ This treaty uses the definition of trafficking set forth in the Palermo Protocol and moves beyond it. A legally binding instrument, it provides governments with frameworks for combating THB and increasing international cooperation in this effort. Most significantly, the treaty obligates its adherents to implement provisions to protect the human rights of trafficked persons.

The CoE Convention places important obligations on its signatories:

1. The coordination of policies to combat and prevent trafficking at the national level.
2. A national mechanism to accurately identify trafficked persons and refer them to available assistance (National Referral Mechanism).
3. Compulsory assistance for trafficked individuals, including: the provision of appropriate and secure accommodation; access to emergency medical treatment; translation and interpretation services; counseling and information on legal rights; and legal assistance.
4. A “reflection and recovery” period of at least thirty days for all trafficked persons, whether or not they agree to act as witnesses in a trial.
5. Repatriation of foreign victims only after a risk assessment of the consequences of return deems it safe.
6. The possibility of granting residency permits to foreign victims.
7. Non-punishment clauses for crimes committed by trafficked individuals as a direct result of their being trafficked.
8. Access for trafficked persons to redress, including compensation.

²⁷ European Commission, National Information Pages, Poland, <http://ec.europa.eu/anti-trafficking/showNIPsection.action?sectionId=7ff7f8e1-11b0-421a-a7e8-000f64613a2b>.

²⁸ Information from UNODC, *Global Report*, 2009.

²⁹ U.S., *TIP 2011*, p. 156.

³⁰ This convention was agreed upon in Warsaw in May 2005. Council of Europe Action Against Trafficking in Human Beings, http://www.coe.int/t/dghl/monitoring/trafficking/Flags-sos_en.asp.

³¹ These are: Estonia, Hungary, and Lithuania. The remaining states (Belarus, Czech Republic, and Russia) have not signed the Convention.

In 2009 the European Commission invited member states to create National Rapporteurs, or equivalent mechanisms, responsible for assessing trends in human trafficking, collecting data, monitoring the implementation of anti-trafficking policy at the national level, and publishing reports. These National Rapporteurs should participate in an “informal and flexible EU network” to share data and exchange information on policies and strategies to better understand, combat, and prevent THB.³² A new directive of the European Parliament and Council was announced in April 2011, replacing the Framework Decision of 2002 on combating trafficking in human beings.³³ This recent document *requires* member states to establish a National Rapporteur or equivalent body. At least half of the countries in Eastern Europe (including several non-EU members) have created National Rapporteurs or National Coordinators. However, they are all based in the Interior or Justice Ministries of their respective countries. None of them, therefore, have independent status from their governments, and it remains unclear how critical and effective they can be.³⁴

Anti-Trafficking Implementation

All of the East European states have pledged to combat THB. The CoE Convention, ratified by fourteen states in Eastern Europe and signed by another three, currently provides the basis for these states’ anti-trafficking policies. How well are the governments in Eastern Europe fulfilling their obligations?

At present, seventeen states in Eastern Europe have developed national action plans to address the issue of THB.³⁵ From the available information, it seems that eleven countries have established a National Referral Mechanism (NRM), which ideally is “a co-operative framework through which state actors fulfill their obligations to protect and promote the human rights of trafficked persons, coordinating their efforts in a strategic partnership with civil society.”³⁶ The NRM should ensure the proper identification of victims and channel them to the appropriate services, ensuring that their human rights are respected and upheld. According to the 2011 U.S. TIP, the Moldovan NRM has been lauded by NGOs as a “model for the region.”³⁷ However, a consortium of anti-trafficking NGOs, working as the European NGOs Observatory on Trafficking, Exploitation and Slavery, criticizes many of the other regional NRMs as being incompletely or

³² Council of the European Union, “Council Conclusions on Establishing an Informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings,” 2946th Justice and Home Affairs Council meeting (Luxembourg, 4 June 2009), http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/108312.pdf.

³³ Directive of the European Parliament and of the Council on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, and Replacing Council Framework Decision 2002/629/JHA, 2010/0065 (COD) PE-CONS 69/10 (Brussels, 9 March 2011), p. 17 http://www.ungift.org/doc/knowledgehub/resource-centre/Governments/DIRECTIVE_OF_THE_EUROPEAN_PARLIAMENT_AND_OF_THE_COUNCIL.pdf.

³⁴ Information from European Commission, National Information Pages, <http://ec.europa.eu/anti-trafficking/section.action?sectionId=e2d56481-cca9-47e0-ba9f-914d36e9b161§ionType=MAP&page=1&breadCrumbReset=true>; U.S., *TIP 2010*. The following countries have not created equivalents of the National Rapporteur: Albania, Bosnia, Moldova, Poland, Russia, Slovakia, and Ukraine. It is difficult to ascertain this information with certainty, as some countries have created National Anti-Trafficking Coordinators, but their duties may not coincide with the EU’s mandate.

³⁵ The countries without national action plans are: Czech Republic, Hungary, Russia, and Ukraine. UNODC, *Global Report*, 2009; U.S., *TIP 2011*.

³⁶ OSCE Office for Democratic Institutions and Human Rights (ODIHR), *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook* (Warsaw, 2004), p. 15, <http://www.osce.org/odih/44346>. States with NRMs include: Albania, Bosnia, Bulgaria, Croatia, Czech Republic, Macedonia, Moldova, Montenegro, Romania, Slovakia, and Ukraine. See European Commission, National Information Pages, at <http://ec.europa.eu/anti-trafficking/section.action?sectionId=ad69879c-aeab-4f2e-abc4-bb51b9635aac§ionType=NIP&page=1&breadCrumbReset=true>; U.S., *TIP 2011*; OSCE, *Combating Trafficking as Modern-Day Slavery*, pp. 33-37; European NGOs Observatory, *E-Notes*, pp. 128-29.

³⁷ U.S., *TIP 2011*, p. 260.

incorrectly implemented, contradictory, or misunderstood by law enforcement officials.³⁸ Identification and referral of victims remains uncoordinated and unsatisfactory throughout Eastern Europe.

The most significant aspect of the CoE Convention is that it lays out for its signatories a mandatory human rights-based approach to counter trafficking. The following sections examine the efforts of these states to protect the rights and wellbeing of trafficking victims, to prosecute traffickers, and to prevent THB.

Protection

Comprehensive information on the provision of assistance to trafficked persons is difficult to obtain. While government documents proclaim the forms of assistance they offer, NGOs in the individual countries often bemoan the lack of availability of such aid in practice. The needed social services are typically insufficient, especially outside the capital cities.

The record on the provision of shelter, medical and psychological care, and counseling to trafficked individuals in the region is mixed. For example, the U.S. State Department lauded the Czech Republic and Estonia for providing significant assistance in 2009, and Slovenia for increasing funding for victim services.³⁹ The 2011 U.S. TIP continued to praise the commitment of the Czech government to providing victim assistance, as it gave \$397,000 to NGOs for this work in 2010.⁴⁰ The Polish government also received praise in this report.

However, some states (Albania, Belarus, Romania, Russia, Ukraine) currently grant no funds at all to the NGOs that provide shelter and services for trafficking victims; these organizations receive all of their support from international donors.⁴¹ The shelter and rehabilitation center for trafficking victims in Moscow, run by the International Organization for Migration (IOM), closed its doors in 2009 due to the lack of funding. Most governments provide inadequate amounts of funding. In 2011 Serbia “remedied a long-standing deficiency by securing yearly flexible funding for victim assistance;” the amount totals \$50,000.⁴² In the last year several countries (Bosnia, Croatia, Moldova) decreased their funding. The Hungarian government provides no funding for victim assistance, only a shelter for *Hungarian* victims, excluding non-nationals.⁴³ Though Macedonian law promises free health care for trafficking victims, this measure has not been put into practice. In the last two years Romania granted no government funding to NGOs providing victim assistance; as a result, 30 NGOs were forced to cease their anti-trafficking work there.⁴⁴ According to Alexandra Mitroi, from the NGO Adpare in Bucharest: “Despite the protocols that are signed, the rights of trafficked persons to access free of charge the sanitary, legal and psychological protection on the state’s behalf, these rights are not available de facto.”⁴⁵

Nine of the twenty East European states officially offer trafficking victims the mandated “reflection period” of at least thirty days, during which the individual should receive shelter and other assistance, while deciding whether or not to assist law enforcement and testify against their traffickers. Four of these states have extended this period to ninety days (Croatia, Poland, Romania, Slovenia); three grant up to sixty days (Czech

³⁸ European NGOs Observatory, *E-Notes*. See also U.S., *TIP 2011*; OSCE, *Combating Trafficking as Modern-Day Slavery*.

³⁹ U.S., *TIP 2010*, pp. 130, 143, 296.

⁴⁰ U.S., *TIP 2011*, p. 143.

⁴¹ U.S., *TIP 2011*, pp. 65, 85, 304, 367.

⁴² U.S., *TIP 2011*, p. 316.

⁴³ U.S., *TIP 2010*, p. 169. In Russia, some local governments do provide in-kind assistance to anti-trafficking NGOs. U.S., *TIP 2010*, p. 281.

⁴⁴ U.S., *TIP 2010*, pp. 219, 278; U.S., *TIP 2011*, p. 304.

⁴⁵ European NGOs Observatory, *E-Notes*, pp. 193-94.

Republic, Estonia, Macedonia), while one offers forty days (Slovakia).⁴⁶ Two countries (Hungary and Romania) offer the reflection period only to *foreign* victims, excluding their own citizens.⁴⁷ NGOs in some countries in the region report that few people actually receive this period for reflection and recovery. In Moldova, according to local NGOs, the police sometimes subject victims to several days of interrogation before delivering them to shelters, violating the provision for protection. And regarding Poland, the most recent U.S. TIP report notes that, “international organizations raised concerns that foreign victims who declined to participate in law enforcement investigations were not classified as trafficking victims or offered the reflection period and attendant services.”⁴⁸ Many experts fear that this practice is common in many countries.

Foreign nationals who choose not to cooperate in the prosecution of their traffickers typically face deportation to their home countries. The CoE convention stipulates that repatriation should only occur after a risk assessment determines that the individual would not face harm or retribution in her country of origin. If repatriation is deemed unsafe, the government should offer legal alternatives to deportation. At least five states have no such provisions in their laws (Czech Republic, Montenegro, Romania, Russia, Ukraine). Six states (Albania, Bosnia, Croatia, Macedonia, Moldova, Slovakia) officially offer legal alternatives.⁴⁹ In reality, though, the required risk assessments are not always undertaken before repatriation. There have been reports from Slovakia and Russia of foreign trafficking victims being held in detention centers and deported, without receiving any assistance from NGOs.⁵⁰ In 2010, Bosnian prosecutors reportedly initiated deportation procedures for trafficked women whose testimony they deemed unnecessary, without ensuring the safety of returning them to their home countries.⁵¹

Fourteen countries officially offer temporary residency permits to foreign victims who agree to cooperate with law enforcement authorities in investigating and prosecuting their traffickers. These permits tend to be for six months or the duration of the investigation and trial; Estonia alone offers a one-year permit.⁵² However, such permits are granted in low numbers, if at all. In 2009 Slovenia granted one temporary residency permit, Poland two, and Bosnia six; in 2010 only Bosnia reported granting any—a total of five. Seven countries declared that no applications were made for temporary residency in 2009, and nine reported the same for 2010. Estonia and Macedonia, whose laws providing for temporary residency for foreign victims went into effect in 2007, have never given any such permits.⁵³ We cannot conclude that foreign trafficking victims do not desire these permits. Representatives from local NGOs explain that often women are unaware of their rights or the procedures in this regard. Many trafficked women are fearful of dealing with law enforcement officials, who sometimes treat them harshly; even more, victims are often too afraid of their traffickers to testify. They cannot, therefore, apply for residency permits. Finally, some women are reluctant to identify themselves as trafficking victims, preferring instead the status of asylum seekers.⁵⁴

⁴⁶ The states granting 30 days are: Bulgaria, Hungary, and Latvia. European Commission, National Information Pages, at <http://ec.europa.eu/anti-trafficking/section.action?sectionId=e2d56481-cca9-47e0-ba9f-914d36e9b161§ionType=MAP&page=1&breadCrumbReset=true>.

⁴⁷ And in the same reporting period, no foreign trafficking victims requested the reflection period in either state. U.S., *TIP 2010*, pp. 171, 279.

⁴⁸ European NGOs Observatory, *E-Notes*, p. 121; U.S., *TIP 2011*, pp. 261, 298-99.

⁴⁹ U.S., *TIP 2011*, passim.

⁵⁰ U.S., *TIP 2010*, pp. 281, 295-96.

⁵¹ U.S., *TIP 2011*, p. 94.

⁵² Applying for a temporary residency permit is possible in: Belarus, Bosnia, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Macedonia, Montenegro, Poland, Romania, Slovakia, and Slovenia.

⁵³ The following countries reported receiving no applications for residency permits in 2009: Belarus, Bulgaria, Estonia, Latvia, Macedonia, Montenegro, and Romania. See European Commission, National Information Pages; U.S., *TIP 2010*.

⁵⁴ European NGOs Observatory, *E-Notes*, pp. 121, 137, 157, 170.

Officially, none of the countries in Eastern Europe hold trafficked individuals responsible for crimes they committed as a direct result of being trafficked. The overall record of late seems positive in this regard. However, in 2009 Bulgaria prosecuted two identified trafficking victims for unlawful acts they committed as a consequence of being trafficked.⁵⁵ A 2011 report produced by the IO European Roma Rights Centre and the NGO People in Need disclosed that, according to a public prosecutor in Bucharest, charges are sometimes filed against trafficking victims in attempt to get them to agree to testify. "In addition," the document continues, "victims can be, and are, prosecuted for perjury and false testimony in the Czech Republic, Hungary, Romania and Slovakia."⁵⁶

Prosecution and Justice

Before discussing recent statistics on the judicial record regarding THB, a word of caution is necessary. It is difficult to judge the accuracy and credibility of statistics gathered by reporting agencies, which rely on the individual governments to provide them. The same state sometimes provides different prosecution or conviction figures to different organizations, making it impossible to know the real number.⁵⁷ In practice, varying definitions of trafficking are still used by those charged with monitoring and combating THB in the individual countries. Prosecutors often find it easier to convict offenders on related charges, rather than trafficking per se, so they may not end up in the statistics. On the other hand, states sometimes include data on criminal cases in other countries that involve their citizens, leading to double counting.

The annual U.S. TIP reports, perhaps the most-cited resource for information on global trafficking today, include data on investigations, prosecutions, convictions, and sentencing, but do not explain their sources.⁵⁸ Given the political nature of the TIP reports, which evaluate countries according to standards set by the U.S. government and can result in economic sanctions against those not in compliance, some governments may have a reason to exaggerate the numbers of prosecutions and convictions. Further problems arise when trying to compare national statistics. The individual country narratives in the TIP reports are not uniform: some supply the number of *cases* investigated or prosecuted, others the number of *individuals*, while still others leave it ambiguous. Some states specify the *types* of trafficking prosecuted (i.e., sex or labor), most do not. In other words, it is hard to have complete confidence in the TIP figures, or to know with certainty what they convey. We must keep these caveats in mind when working with all of the available data.

In 2009, the United Nations Office of Drugs and Crime (UNODC) and the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) released a global study of human trafficking. Data from this report show that in the years 2004-06, the number of arrests per year for trafficking offenses in Eastern Europe ranged from a low of zero in Estonia (all three years) to a reported high of 214 in Belarus in 2005.⁵⁹ Notably, no other state registered such a high number of arrests; the next highest was 97 in Bulgaria in 2006. The yearly average number of arrests for the whole region was 37.7. The number of convictions per year for the

⁵⁵ They were prosecuted for illegally crossing the border. U.S., *TIP 2010*, p. 95.

⁵⁶ *Breaking the Silence: Trafficking in Romani Communities* (Budapest: European Roma Rights Centre and People in Need, March 2011), p. 24, <http://lastradainternational.org/?main=documentation&document=2751>. Another recent NGO report also states that in Hungary, trafficked persons are often charged with crimes. European NGOs Observatory, *E-Notes*, p. 157.

⁵⁷ For example, the U.S. TIP 2010 states that the government of Bulgaria convicted 83 individuals for trafficking in 2009. Bulgaria's Country Page on the EU Anti-Trafficking website, however, states that in 2009, 108 persons were convicted for trafficking. U.S., *TIP 2010*, p. 94; European Commission, National Information Pages, Bulgaria, <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Bulgaria>.

⁵⁸ For a discussion of the evolution, promise, and problems with the U.S. TIP, see Anne T. Gallagher, "Improving the Effectiveness of the International Law of Human Trafficking: A Vision for the Future of the US Trafficking in Persons Reports," *Human Rights Review*, Vol. 12, no. 3 (2011): 381-400.

⁵⁹ UNODC, *Global Report*, passim. The U.S. TIP reports do not contain statistics on arrests for trafficking.

same period (2004-06) ranged from a low of zero in Bosnia and Estonia, to 187 in Romania in 2006. The yearly average number of convictions for the whole region was 45.2.⁶⁰

More recent data, contained in the U.S. TIP reports, register a drop in convictions; no one suggests, however, that the incidence of trafficking has decreased. In fact, most experts believe that trafficking has increased with the economic downturn that began in 2008. In 2009, the average number of trafficking convictions fell to 41.5. That year Romania had the highest number at 183, and only Macedonia recorded no convictions. The total number of convictions in the region was 876. In 2010, the number fell even more. A total of 1148 persons were prosecuted for trafficking in the region, and 769 convicted—an average of 38.5 per state. Romania led the way, with 203 convictions, while Croatia registered the lowest number, three.⁶¹

Given that we have no reliable estimates of the number of women and girls trafficked for sexual exploitation each year, or how many traffickers are involved in each case, it is hard to judge these conviction rates. For the sake of a broad comparison, we can look at the numbers of convictions for drug trafficking. Not every country in Eastern Europe makes these statistics available; the most recently published (2010) compilation of figures only covers the years 2003 through 2007. In that period, the highest number of convictions for drug trafficking occurred in Russia, in 2006: 74,035—nearly 5700 times the number of convictions for human trafficking there the same year.⁶² The yearly average for the thirteen countries in Eastern Europe reporting drug trafficking conviction statistics was 53,263;⁶³ that is 1300 times the yearly average number of convictions for *human* trafficking in the region, which has hovered near forty. Certainly, there are differences in the crimes and rates of trafficking in humans and in drugs; however, the numbers do suggest a sharp disparity in the amount of resources devoted to fighting these two crimes. We must question the governments' overall commitment to punish human traffickers in the region. We should also wonder about the norms set by governments and international organizations that wage a robust war on drugs but not on human trafficking.

The sentences stipulated for convicted traffickers in the region range from several months to twenty-five years of incarceration (only Hungarian law provides for a maximum of life imprisonment). Most commonly, the East European states prescribe a maximum of ten to fifteen years imprisonment for human traffickers. These penalties, in the words of the U.S. State Department, “are sufficiently stringent and commensurate for those prescribed for other serious offenses.”

It seems clear, though, that despite the provisions in the criminal codes for meaningful sentences, few convicted traffickers receive them. Many offenders are simply fined or receive sentences of several months of imprisonment. With shocking frequency, jail sentences are suspended or overturned on appeal. For example, in Poland in 2008, 30 of 57 convicted traffickers received suspended sentences; thus, at least 53 percent of the offenders served no prison time. In Romania in 2009, 183 traffickers were convicted; 111 of them received no

⁶⁰ UNODC, *Global Report*, passim.

⁶¹ Calculations from data in U.S., *TIP 2010* and U.S., *TIP 2011*.

⁶² The 2007 U.S. TIP Report could confirm only 13 trafficking convictions in Russia in 2006. U.S. Department of State, *Trafficking in Persons Report 2007*, 7th ed. (Washington, D.C., June 2007), p. 175.

⁶³ My calculations were made with data contained in the *European Sourcebook of Crime and Criminal Justice Statistics - 2010*, 4th ed., Den Haag: Boom Juridische uitgevers, Onderzoek en beleid series, no. 285, Ministry of Justice, Research and Documentation Centre (WODC, 2010), p. 192. It contains conviction data from: Albania, Bulgaria, Croatia, Czech Republic, Estonia, Latvia, Lithuania, Poland, Romania, Russia, Slovakia, Slovenia, and Ukraine.

jail time. In the same year, 80 percent of those convicted for human trafficking in Slovakia got suspended sentences.⁶⁴ And Ukraine convicted 100 traffickers, but only 33 of them received prison sentences.⁶⁵

The data are similar for 2010. Latvian courts gave jail terms to only 24 percent of the traffickers they convicted. Bulgaria found 112 persons guilty of THB; only 43, or 38 percent of them, received prison sentences. Similarly, only 41 percent of convicted traffickers went to prison in the Czech Republic. Fifty percent of the traffickers convicted in 2010 in Poland received suspended sentences.⁶⁶

Further troubling is the fact that in some places convicted traffickers remain free during their appeal (Serbia, Kosovo, Ukraine). In Bosnia and Montenegro, even those offenders serving sentences are eligible for weekend furloughs.⁶⁷ Defendants in trafficking cases in Moldova are not always held in custody during the investigation and trial of their cases.⁶⁸ These practices pose obvious dangers both for the traffickers' victims and prosecution witnesses. And they show a lack of regard on the part of the judicial system for the security and human rights of the trafficked individuals. Law enforcement and judicial authorities, so often dismissive of trafficking and other gender-based violence, are in urgent need of reeducation.

Some states in Eastern Europe, including Bulgaria, Estonia, Moldova, Poland, and Slovenia, have established policies to protect victims who agree to testify in court. Local NGOs report that in Bulgaria, Estonia and Slovenia, these practices are not applied in trafficking cases: "According to practitioners, this is due to lack of awareness of the sensitivity of such cases among criminal justice authorities."⁶⁹ Furthermore, the latest U.S. TIP report notes that, according to experts in Estonia, "criminal justice actors did not protect victims of trafficking from threats or intimidation during trial."⁷⁰ Hungarian and Romanian authorities have reportedly forced some victims to testify.⁷¹ Witness protection is absent or deemed inadequate by the U.S. State Department in Albania, Bosnia, Croatia, Latvia, Lithuania, Serbia, and Ukraine.⁷² One indicator of the weakness of witness protection is the lack of victims in some countries who agree to testify against their traffickers. For example, in 2010 no one chose to cooperate in prosecutions in Estonia; experts there relate that women are too traumatized by police interrogations to render assistance.⁷³ Only Bulgaria reported that all victims aided by the government agreed to cooperate in investigations in 2010. However, the same source, the U.S. TIP report, explains that individuals who chose not to cooperate with legal authorities were not formally identified as victims.⁷⁴

Paying compensation to trafficking victims is a phenomenon in its infancy. Three possible ways of receiving compensation exist, at least in theory: through state compensation schemes, claims in civil or criminal courts, or the seizure of the assets of convicted traffickers. In 2009 for the first time in Croatia, a trafficker was ordered to pay compensation to his victim (\$28,500). In 2010, Bulgarian courts seized the assets (\$575,000) of a convicted trafficker for the first time; it is unclear if the victim received compensation.⁷⁵ Russian law

⁶⁴ European Commission, National Information Pages, Poland and Romania, <http://ec.europa.eu/anti-trafficking/section.action?sectionId=ad69879c-aeab-4f2e-abc4-bb51b9635aac§ionType=NIP&page=1&breadCrumbReset=true>.

⁶⁵ U.S., *TIP 2010*, p. 333.

⁶⁶ Calculations from data in U.S., *TIP 2011*.

⁶⁷ U.S., *TIP 2010*, pp. 202, 290, 333, 87, 240; U.S., *TIP 2011*, p. 367.

⁶⁸ U.S., *TIP 2011*, p. 261.

⁶⁹ European NGOs Observatory, *E-Notes*, pp. 138; 122, 200.

⁷⁰ U.S., *TIP 2011*, p. 157.

⁷¹ U.S., *TIP 2011*, p. 186, 304.

⁷² U.S., *TIP 2010*, pp. 59, 87, 125, 203, 290, 333.

⁷³ U.S., *TIP 2011*, p. 156.

⁷⁴ U.S., *TIP 2011*, p. 102.

⁷⁵ U.S., *TIP 2010*, p. 125; U.S., *TIP 2011*, p. 102.

provides for the confiscation of assets from convicted offenders to compensate victims, but it has yet to be utilized in trafficking cases; the same is true for Albania and Moldova.⁷⁶ In the latter country, courts have awarded damages to trafficked persons: in 2004-05, thirty-eight victims filed claims and nine of them received damages, averaging \$940. The weak enforcement of such decisions and the lack of follow-up information, though, leave doubt as to whether the victims in Moldova actually received the money. A similar situation exists in Ukraine. Researchers for the OSCE concluded in 2007 that only 20 percent of the women trafficked for sexual exploitation who participated in criminal cases filed claims for compensation. Though each of them won a partial award, none of the victims seem to have actually received their compensation.⁷⁷

No trafficking victims have filed claims for damages in Albanian courts, though such claims are possible in criminal or civil proceedings. According to the Tirana-based Center for Legal Civil Initiatives, the reasons women do not seek compensation include: a lack of awareness of their legal rights, fear of revenge or re-trafficking, the lack of free legal aid, and the failure of lawyers to advise clients properly.⁷⁸ Other reasons cited in the region are the length and complexity of the trials and a lack of confidence in the judicial system. Albania, like most states in the region, does not offer a government-funded compensation plan. Laws in eight countries (Bulgaria, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania) do entitle trafficking victims to apply for a compensation payment from the state; so far, these remain theoretical possibilities. In Latvia, for example, “The lawyers of NGO R[esource] C[enter for] W[omen] Marta find that there is a significant discrepancy between theory and practice also in this regard.”⁷⁹

The fact that THB is a crime of high profit and low risk has been widely noted. The low risk aspect is greatly facilitated by corruption among public officials who are bribed or otherwise profit either by taking actions facilitating THB or by failing to report, stop, or punish traffickers.⁸⁰ Complicity occurs among border guards, embassy officials, police officers, prosecutors, judges, and ministers. Seventeen of the twenty countries of Eastern Europe rank below the fiftieth percentile in Transparency International’s Corruption Perception Index for 2010.⁸¹ Five of them receive a ranking of 3.0 on a ten-point scale (with 10.0 being “very clean” and 0.0 “highly corrupt”). Reports and anecdotes of official complicity in THB abound throughout Eastern Europe, but in general, little has been done to arrest and convict corrupt officials. In 2010, only three countries (Macedonia, Montenegro, Slovenia) reported prosecuting any officials for complicity in sex trafficking; all three cases involved policemen (one, three, and one, respectively). Three anti-trafficking officers were convicted in Ukraine early in 2011. The Russian government convicted a military officer and ten others for complicity in sex trafficking in 2011, and began a new investigation of another military official. However, the investigations of officials for complicity initiated in Russia during the years 2008-2010 have yet to be concluded.⁸²

The other fifteen countries in the region did not press charges—and in most cases, even investigate—official complicity in THB. The U.S. State Department’s assessment of the problem in Albania during 2010 could easily describe many countries in the region: “Pervasive corruption in all levels and sectors of Albanian

⁷⁶ U.S., *TIP 2010*, p. 280; OSCE/ODIHR, *Compensation for Trafficked and Exploited Persons in the OSCE Region* (Warsaw: OSCE/ODIHR, 2008), pp. 56, 81, <http://www.osce.org/node/32023>.

⁷⁷ OSCE/ODIHR, *Compensation*, pp. 80, 83, 102, 104.

⁷⁸ OSCE/ODIHR, *Compensation*, pp. 56; 53-61, 102.

⁷⁹ European NGOs Observatory, *E-Notes*, pp. 171; 122, 138, 158, 175, 187. See also OSCE/ODIHR, *Compensation*, pp. 76, 86.

⁸⁰ See Shelley, *Human Trafficking*; Transparency International, *Corruption and Human Trafficking*, Working Paper #03/2011 (Berlin: Transparency International, 2011), http://www.transparency.org/whatwedo/pub/working_paper_corruption_and_human_trafficking.

⁸¹ Transparency International, *Corruption Perceptions Index 2010* (Berlin: Transparency International, 2010), p. 3.

⁸² U.S., *TIP 2011*, pp. 238, 264, 325, 367, 306.

society continued to seriously affect the government's ability to address its human trafficking problem."⁸³ Considering the issue of government complicity in THB, the 2010 annual report of the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings concludes, "The risks for corrupt officials are still nearly non-existent."⁸⁴

Clearly law enforcement and judicial authorities in the region need to increase their efforts both to prosecute human traffickers and their accomplices, and provide adequate justice to victims. The crime of THB has not yet become the priority that it needs to be.

Prevention

Many countries in the region have and continue to sponsor public awareness campaigns about THB. According to the U.S. TIP report for 2011, most of the governments (with the exception of Belarus, Czech Republic, Hungary, Russia, Ukraine) have adopted some significant measures to try to prevent trafficking, usually in conjunction with NGOs and IOs.⁸⁵ These include: hotlines for potential victims, public awareness campaigns, educational programs in schools, and the distribution of anti-trafficking information at border crossings and airports. Such efforts typically target potential victims, through radio announcements, billboards, cell phone alerts, and educational programs in schools and universities. Romania has conducted specific campaigns targeting potential *users* of women trafficked for forced prostitution, and a few states (Bosnia, Slovakia, Ukraine) give counter-trafficking seminars for their troops about to be deployed on international peacekeeping missions.⁸⁶

Typically, however, prevention efforts do not aim at reducing the demand for commercial sex. The Russian government, for example, sponsors no public awareness campaigns on the issue; this may be cause for increasing concern as we approach the 2014 Winter Olympics, which will take place in Sochi on the Black Sea.⁸⁷ Large-scale sporting events raise fears—as of yet unproven—about an increase in the trafficking of women for forced prostitution, as organized criminal groups seem able to move wherever they anticipate a market.⁸⁸ Sex tourism is increasing in the region, drawing foreign men in particular to Bulgaria, Croatia, Hungary, Moldova, Montenegro, Lithuania, Russia, and Ukraine to buy cheap sex, often without regard for

⁸³ U.S., *TIP 2011*, p. 64.

⁸⁴ OSCE, *Combating Trafficking*, p. 25.

⁸⁵ U.S., *TIP 2011*, passim.

⁸⁶ European NGOs Observatory, *E-Notes*, pp. 158-59; U.S., *TIP 2010*, pp. 170, 279; 86, 88, 296, 333.

⁸⁷ U.S., *TIP 2010*, p. 282.

⁸⁸ The 2006 World Cup soccer tournament in Germany raised great fears that many women would be trafficked there for sexual exploitation. The German government subsequently submitted a report to the Council of the European Union concluding that, "The increase in forced prostitution and human trafficking for the purpose of sexual exploitation during the 2006 World Cup in Germany which was feared by some did not materialise." The report attributed this outcome to the significant awareness and security efforts made by the government, police, media, and NGOs before and during the event. *Experience Report on Human Trafficking for the Purpose of Sexual Exploitation and Forced Prostitution in Connection with the 2006 Football World Cup in Germany*, Council of the European Union Doc 5006/1/07 REV 1 (Brussels, 19 January 2007), p. 6,

http://register.consilium.europa.eu/servlet/driver?page=Result&ssf=DATE_DOCUMENT+DESC&srm=25&md=400&typ=Simple&cmsid=638&ff_SOUS_COTE_MATIERE=&lang=EN&fc=REGAISEN&ff_COTE_DOCUMENT=&ff_TITRE=2006%20Football%20World%20Cup%20in%20Germany&ff_FT_TEXT=&dd_DATE_REUNION=&single_comparator=&single_date=&from_date=&to_date=. The entire issue of a link between large-scale sporting events and increased human trafficking is contested, however, and several recent reports deny its existence. See Global Alliance Against Traffic in Women, *What's the Cost of a Rumor? A guide to sorting out the myths and the facts about sporting events and trafficking* (GAATW, 2011); Kathleen N. Deering, et al., "Sex work and the public health impacts of the 2010 Olympic Games," *Sexually Transmitted Infections*, 88 (2012); 301-03, <http://sti.bmj.com/content/88/4/301.abstract>.

the volition of the women.⁸⁹ In 2010 Bulgaria reportedly convicted seven persons for exploiting victims of sex trafficking.⁹⁰ Yet very few countries, the U.S. 2011 TIP report concludes, have made any attempt to decrease the demand for commercial sex or to discourage sex tourism.

Deeper prevention efforts would aim to change cultural notions in the region about women that lead to the prevalence and tolerance of gender discrimination, sexual harassment, domestic violence, rape, and other forms of sexual abuse. Just as importantly, women need to be assured equal access to employment, justice, and safe migration opportunities. Such efforts have not seriously been undertaken in post-communist Europe.

Conclusion

In the 1990s, when trafficking for sexual exploitation emerged as a common plague in Eastern Europe, the public and government officials alike ignored, tolerated, or abetted it. Traffickers operated with complete impunity, brutalizing women and girls, and violating their basic human rights. In the past twelve years, the international community has taken notice of the issue, and has begun to develop obligations and standards for combating THB. In Europe, the United Nations, the European Union, and the Council of Europe have been particularly important in establishing cooperation and good practices for dealing with human trafficking; most of the former communist countries participate in these frameworks.

Considerable progress has been made in the region regarding the understanding of human trafficking. The governments in Eastern Europe have almost unanimously adopted recent international definitions and anti-trafficking protocols. They are making efforts to improve their collection of data and engaging in partnerships with international and regional anti-trafficking organizations to share information and develop collective strategies. Nearly all of the states in Eastern Europe have changed their criminal codes to outlaw human trafficking and have instituted meaningful penalties for offenders. Although the numbers of convictions are low, most states are making efforts to prosecute traffickers; they also undertake some measures aimed at preventing THB. Significantly, the region's governments have articulated a commitment to the human rights of trafficked individuals. This represents an important step forward in a region where the protection of human rights is a relatively new matter.

The commitment, however, needs to run deeper in these governments and societies in order to achieve real progress. State-sponsored assistance to trafficked individuals is spotty and chronically underfunded. Local NGOs, which have developed effective practices for assisting trafficked women, provide most of the available social services; they receive the bulk of their funds from short-term international grants, not the governments. State agencies could improve the overall impact of anti-trafficking efforts by funding and cooperating more with these NGOs. Throughout the region, governments must make the fight against trafficking more of a priority, and devote more resources to it—which, one researcher argues, states manage to do when they perceive the issue to be important to exclusive international organizations, such as the EU.⁹¹ Individual governments still need to create uniform standards and mechanisms for identifying trafficking victims, and ensure that they are used consistently. Police officers, prosecutors, judges, and immigration officials must be trained to recognize and competently deal with trafficking cases. Determined efforts are

⁸⁹ See, for example, Cathrin Schauer, *Kinder auf dem Strich - Bericht von der deutsch-tschechischen Grenze* (UNICEF Deutschland, ECPAT Deutschland, Horlemann-Verlag, Bad Honnef, 2003); Alexis Veller, director, *Riga: Europe's Sex Tourism Capital* (Java Films, 2008); David L. Stern, "'Sex Pats' Discover Ukraine's Alluring Women: Foreigners Flock to Kiev in Search of Wives, Girlfriends or Just Plain Sex," *Global Post* (9 June 2009), <http://www.globalpost.com/dispatch/russia-and-its-neighbors/090608/sex-tourism>.

⁹⁰ U.S., *TIP 2011*, p. 103.

⁹¹ Olga A. Avdeyeva, "Does Reputation Matter for States' Compliance with International Treaties? States [sic] Enforcement of Anti-trafficking Norms," *The International Journal of Human Rights* Vol. 16, no. 2 (February 2012): 312.

required to combat organized crime and prosecute corrupt and complicit officials. In sum, a process of norm-changing needs to occur in the region.

State authorities have worked with NGOs to raise public awareness about sex trafficking, even reaching down to the elementary school level, to educate girls and women about the possible perils involved with accepting job, travel, and marriage offers abroad. The demand side of the equation—potential and active clients of women and girls trafficked for forced prostitution—should be unambiguously addressed. Certainly real efforts to provide both social services and opportunities to the disadvantaged elements of society, including women, will help lessen the prevalence of human trafficking. But until individuals and institutions truly value the lives of women and pledge to uphold their basic human rights, females will continue to be treated as sexual commodities, to be bought, sold, and exploited.