

Local Particularities - International Generalities: Traffic in Women in Central and South Eastern Europe:

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Abstract:

In this paper I attempt to relate my teaching to the research I have undertaken on issues of violence against women in C and SE Europe and on trafficking in women. Teaching feminist thought in a politics department means relating international politics and feminist debates. In considering prostitution and trafficking it is often hard to delineate the different trajectories of thought that colour the debates. There are generally three schools of thought and these have historical antecedents and political repercussions, not least for women in prostitution. The break-up of the former Soviet states in 1989 caused dramatic political and social changes and great movements of peoples. The conflicts arising from the break-up of the former Yugoslavia have further increased displaced persons, mainly refugee women, and have raised complex questions about men's traffic in women and prostitution. Varying feminist perspectives and international human rights mechanisms are each challenged by the changing circumstances of the global sex industry.

Introduction:

In teaching my Feminist Thought and Political Theory course, few issues are viewed to be as divisive for international feminist politics than arguments surrounding pornography and prostitution. Making money from women's bodies is not confined to these two arenas, as much of the cosmetics and dieting industries also make vast profits from putting forward ideal images of how women should be. However, it is issues involving the so-called 'sex industry' that seem to divide feminists most. For some radical feminists the term 'sex industry' is a tautology in that the use of women's bodies/images for profit does not concern sex but power and profit. However, as a short-hand term it is generally understandable. As many analysts have suggested, women's groups, organisations and representative institutions have had to look at different solutions in dealing with problems of trafficking and prostitution in the late 20th century. For feminist campaigners this has caused some major debates.

Trafficking in women and prostitution are generally considered together partly because some prostitutes become trafficked and many trafficked women are put into prostitution. In addition these two are joined given arguments about the 'sex for money' aspects or the 'violence as control' issues that seem to pertain. From the differences between radical and liberal feminist perspectives we see political differences arising from arguments over 'forced' and 'free' prostitution. In radical feminist arguments all prostitution is forced and considered as violence against women. Some of these arguments, of course, hinge on the conceptions of sexual consent. Most social contexts require legal regulations to underline socially constructed demarcations of consent. Consensual agreements need to be considered as constructed through communication in a social context so that the social relations of power, communication and 'freedom' are understood. In arguments concerning sexual harassment in the workplace and prostitution issues arise with regard to

‘consent’ with prostitutes viewed as consenting to sex for money. Radical feminists argue that what many prostitutes do when giving sex for money is to dissociate and separate from their ‘selves’. Sheila Jeffreys has proposed that when women argue that prostituted women consent, they are really saying that they dissociate. As such, prostitution should not be discussed as a separate issue because it constructs the social status of all women through creating the attitudes of men that those women not currently prostituted have to work within.

In between the radical feminist arguments and the other end of the scale of those of sex-radicals who argue that sex work can be a bold form of liberation for women, a way to take control of their lives (Susie Bright and Pat Califia) are those who view certain types of prostitution as sex work. Some authors, such as Wendy Chapkis¹ argue that many things in modern life began as patriarchal institutions, such as marriage, and have been transformed. These debates have echoes for later arguments – many women’s distrust of men in uniform especially in conflict/post conflict situations. Many women fear police men as much as ‘johns’ and fear military personnel even more.

Historical arguments around power, sex and money:

Long ago, in the 1790s, Mary Wollstonecraft argued (my paraphrase!) that wives worked for men for only bread and board and that at least prostitutes got paid and were not expected to bear children². This is a crude reduction of her complex arguments but the *idea* that women’s servility to men had to be challenged within and outside family settings and that such service included giving sexual pleasure to men that was neither satisfying to the women involved nor by choice, have been around for a long time. Wollstonecraft also uses many allusions to slavery in her work on women’s oppression which was a symbolism taken up by later ‘White Slavery’ proponents. Emma Goldman wrote in similar terms in her *The Traffic in Women*: ‘Nowhere is a woman treated according to the merit of her work, but rather as a sex. It is therefore almost inevitable that she should pay for her right to exist, to keep a position in whatever line with favors. Thus it is merely a question of degree whether she sells herself to one man, in or out of marriage, or to many men’³. Goldman’s analysis highlights women’s oppression *as women*, they were oppressed by institutions such as marriage, family, puritan morality in addition to their problems as citizens and workers. Over many centuries women were viewed as the property of men – daughters, sisters and wives – not in their own right. For African peoples during slavery and beyond laws and customs subjugated them as property. By the mid-nineteenth century in Britain, Christian values and virtues and female values and virtues were seen as identical and this ‘morality’ was exported in distorted forms to those colonies under British rule. Yet, also in the Victorian era in Britain, alongside this popular Puritanism, moral hypocrisy and pornography flourished.

Debates on sexuality carried the flavour of this hypocrisy into all areas. Female chastity assumed importance and was defined within restricted social and economic boundaries. The horrors imposed with *The Contagious Diseases Acts*⁴ from 1864 set up various dialogues concerning official rights to subjugate into categories (good/bad) and publicly policed women for men's private sexual health and pleasure. A nation-wide campaign began in Britain under the leadership of Josephine Butler who spoke out against the double standard which implied that 'fallen women' had not rights and 'male vice' had no responsibilities. Walkowitz argues that in denouncing regulation as a bodily invasion and a violation of the constitutional rights of working-class women, these feminists argued that it was the regulation system, not prostitution: 'that doomed inscribed women to a life of sin by stigmatizing them and preventing them from finding alternative and respectable employment' (1993:378). However, what Butler and her colleagues advised was self-restraint and rescue work. There was not a challenging of women's lack of freedom – not in the context of *freedom from* state intervention in their lives but in terms of *freedom to* an adult sexual life and sexual pleasure. Bryson sums up the far-reaching implications of these campaigns as: commonality between women, prostitutes and infected wives as victims of male lust; hostility to male sexuality; relating women's sexual exploitation to issues of employment and education and suggestions that a woman's control of her body/person could not be guaranteed without legal and political rights (1992:62).

21st Century debates:

There are many echoes here for twenty-first century debates - I pick up only on two of them as important for the underlying tensions today. Firstly the issue of female sexuality, secondly that women's control of her body/person could not be guaranteed without legal and political rights. Morality has been a key issue when considering women's sexuality. Generally in the nineteenth century sexuality was viewed as something dangerous and morally corrupting, with men's 'natural needs' opposed to (generally conflicting) ideas of women's chastity, 'vile appetites' or 'passionlessness'. The Madonna/Whore imagery spread with colonialism of good women and fallen women are often the same images present in conflict situations – 'our women good/their women bad' so that rape in war against their 'bad' women. This is more difficult to delineate in post-conflict situations such as those in Bosnia and Kosova when peace enforcers (such as UN personnel) continue to 'use' women who have been trafficked. In much debate regarding the trafficking of women concerning the ways in which women are prostituted, the elements of sex and violence seem to get combined in certain accounts, particularly poor newsprint articles, so that it can seem that women who apply for jobs as dancers really 'want' to end up in prostitution. In the same way military or police using prostitutes in Kosova do not enquire as to the women's countries of origin. The majority of women working as prostitutes in Kosova at the moment have been trafficked. If women from Kosova enter prostitution it is generally outside their country.

Of the possible feminist international solutions in this arena many women have looked towards international human rights standards and propose the successful enforcement and monitoring of women's human rights as the most productive way to gender debate and gauge positive changes. Despite the inclusion of women in the 1948 United Nations Universal Declaration of Human Rights as an 'at-risk' population, the reality is that over fifty years later, the human rights of women have only slowly received international recognition. Women's human rights are often viewed as civil rights, which are superseded by cultural and religious family policies, which restrict and undermine women's autonomy. It is clear that any narrow definition of human rights is exclusive. In the Amnesty International report *Human Rights are Women's Right* the key issue of a government's 'right' to interpret human rights is highlighted as posing problems, for the Beijing+5 work and subsequent follow-up plans:

Women's rights are human rights and human rights are not only universal, they are also indivisible. A woman who is arbitrarily detained, tortured, killed, made to 'disappear' or jailed after an unfair trial has no chance of exercising her social, economic and cultural rights Without respect for women's fundamental human rights, the themes of the UN Conference on Women - women's rights to peace, equality and development - are unattainable (AI Report 1995:6)

There is much to be 'unpacked' here for feminists in terms of what is entailed in definitions of 'universality'. Feminist arguments and analyses both broaden and challenge certain widely-held or unproblematized notions regarding universality.

In much the same ways as feminist thinkers are having to accommodate in part new realities in terms of 'the sex industry' so too human rights campaigners are now also recognising international changes in their remits, given that it is non-state actors that are questioning the security of women's persons. As much work in the last few decades has focused on changing state laws and legislative attitudes there is now a perceived need to have to change tack.

Rachel Neild⁵ notes on her work on crime and the transformation of public order that work around issues of citizen security is new to the human rights community – 'The human rights movement developed and matured confronting the egregious violations committed by states. It now faces the reality that social violence is or threatens to become more pervasive than state violence in many countries'. In such situations, of high social violence, public discourse often attacked traditional human rights work as being lenient on criminals, or being unable to work against their crimes⁶.

In a recent article on women and prostitution, Ann Lucas⁷ proposes that both the right not to be forced into prostitution and the right of prostitutes to have

their human rights protected are equally central to a full and fair consideration of appropriate prostitution policy. Lucas argues that analysts much recognise that prostitutes can be both victims and agents. This is a key aspect often overlooked by the far end of the radical/liberal feminist arguments. In analysing the two legal regimes of criminalization and regulation the question is raised as to whether advocating for protection of human rights for prostitutes implies that women have the right to be prostitutes.

Conflicts regarding relationships between migration, trafficking and prostitution lie at the core of debates concerning trafficking in women. It can be argued that there are three current feminist schools of thought on this:

1. Distinctions between ‘free’ prostitution from trafficking and ‘forced’ prostitution. This position is now prominent in international human rights discourse and is proposed by *the Global Alliance Against Trafficking in Women (GAATW)* and *the Dutch Foundation Against Trafficking in Women (STV)*.
2. The abolitionist position opposes all prostitution (as lacking in realistic ‘choices’). This is supported by the *Coalition Against Trafficking in Women (CATW)*.
3. The third position views debates on trafficking in women as diverting attention from the issues of the human rights of sex workers. This is supported by the *Network of Sex Work Projects (NSWP)* and *Anti-Slavery International (ASI)*.

The first position is the most commonly supported currently. This perspective aims to defend the human rights of sex workers and to combat trafficking in women. Discussion of trafficking is separated from prostitution which is dealt with as sex work and so in terms of labour issues. STV distinguish between two strategies to combat trafficking:

- Repressive strategies including restrictive immigration policies, penalising and prosecuting offenders (which has problems for women witnesses etc.)
- Strengthening the rights of women involved including their rights to self-determination.

There are commonalities here with the earlier beliefs that self-determination is based on women’s rights to control their own bodies, lives and work - and to decide where they live.

In the second proposal argues that the practices used to force women into prostitution are the same whether women are forcibly moved across borders or to different parts of a city. Here to arguments about the tautologies of women being able to sell their bodies as these are part of their selves and as such cannot actually be sold without giving up one’s freedom and alienating from one’s self. In this argument the perpetrators of all violence against women need

to be addressed. Kathleen Barry explains that the Convention on Sexual Exploitation demands a synthetic approach:

to punish all perpetrators of sexual exploitation and to redress the wrongs due to the victims through penal, civil, labor, and administrative sanctions. In defining sexual exploitation, states must consider that it is an aggravating circumstance and not a defense of sexual exploitation that the perpetrator is the husband, father, other relative, or employer of the victim (Barry 1995:325)

It is in this argument that the proponents argue that prostitution is not like other work as it involves sex which is associated with 'consent' In terms of migration, Sheila Jeffreys argues that migration of sex workers can become trafficking because: 'men use women in sex tourism in different countries they then demand these women to be trafficked into their country' (Jeffreys 1995). There is some evidence from military bases that the soldiers expect women to be brought in for them and that if local women are not easily available then transporting women from further afield will do very well. The basic argument that states encourage prostitution by legitimising it as 'free' and this in turn fuels trafficking.

The third perspective argues that the human rights of sex workers are not being protected. International treaties and organisations tend to focus on the coercive nature of trafficking as the threat to human rights of the victims. In this way, argue pro-prostitution groups, a new Madonna/Whore dichotomy arises with the 'innocent victims' of trafficking being pitted against the migrant whores who choose to sell sex. These arguments centre on coercion and of course there is evidence that some women from Central and Eastern Europe who migrate into prostitution do know that this is what they are being recruited for. There are arguments that the distinctions are racist - between rich, knowledgeable Western women can know their own minds and poor Eastern women who are solely victims. That the ASI originally worked within the abolitionist Josephine Butler Society to have trafficking in women denoted as slavery, changed its mind in this regard arguing that the most effective way to combat trafficking is to recognise prostitution as sex work and use labour analyses on the sex industry.

Central and South Eastern European situations:

It is the case that great movements of peoples have taken place within CEE during the past decade. In his considerations regarding aspects of regime transition and population movements Claus Offe points out that:

Following the breakdown of the Communist regimes in Central East Europe all four of the ethno-territorial moves that were largely unknown in the other transitions dominate the scene:

- (1) erecting new borders through secession or demanding local and regional autonomy for minorities;

- (2) negating the legitimacy of existing borders;
- (3) moving people across borders ranging from 'voluntary' mass exodus to 'ethnic cleansing'; and
- (4) negating previously recognized ethnic differences through forced assimilation. (1996:31-2)

Alongside these processes have developed new discourses regarding 'Non-Western Others'. The economic-political discourses have centred on notions of social cohesion and economic convergences whilst the cultural discourses focus on identity politics which construct ideas of 'Europeans' and 'Non-Europeans'. Within this, the specific definition of Yugoslavia as it was breaking up was about 'the Balkans', rather than South-Eastern Europe. This resonates with images of 'Otherness'. This is clear with regard to ideas concerning 'European' values and to those proposed within the context of European Union citizenship expectations. Definition of what it is to be a refugee have gained great political currency across 'Europe' and individual EU member states debate about 'economic refugees' (without asylum rights). Only those who cross country borders fleeing persecution based on specific factors are refugees, those who do not are 'displaced people'. Excluded from refugee status under the 1951 UN Refugee Convention are all who cannot prove that they face persecution as individuals as well as those fleeing economic conditions and political upheavals. In such contexts official refugee status is vital for many to survive, yet the conditions within which such status can be gained are restrictive and exclusionary.

Having spent a couple of decades working with women and women's groups internationally on women's political issues⁸, and the last fifteen with women in Central and South Eastern Europe, one subject that recurs in many discussions and debates is that of violence against women. It is generally not the one that first comes forward as most women have difficulty relating in workshops to a theme that is often so close a part of their own lives. In considering violence it is useful to mention how violence is perceived differently in various cultures but also how sex and violence come together in the imagination. In some cultures still, men showing violence with regard to women (either fighting with other men 'over' women or 'chastising' their women) is still viewed as legitimate. In some countries male violence against women has only relatively recently been made illegal and culturally it is still accepted⁹. In other ways, television programmes create imagery such that women used for sex and their bodies sold for sex are combined in ways that can support moralistic presumptions or ideas in terms of 'that wouldn't happen to 'decent' women or in 'real life'.

Many Central and South Eastern countries have become transit routes for trafficking in women and some have become destinations. During the early 1990s former Yugoslav republics such as Croatia and Bosnia became destined for traffic in women. Wars generally entail mass groups of soldiers. Cynthia

Enloe has written much on the symbiotic relations between military bases and prostitution. Soldiers stationed en masse develop certain expectations of local conditions such as particular foods to be available or particular women to be available for their use. In Croatia – women from Ukraine were trafficked for use of NATO soldiers and Amnesty International was able to take up their case. There have been instances of women trafficked into Bosnia and Kosova, as a small part of what was once Yugoslavia, became a transit route for traffickers. In the 21st century it has now become a destination. This has been the case since mid-1999 when international forces arrived in very large numbers. Women's groups spoke out when a small girl (aged 11) was raped and killed by a Kosova Force (KFOR) soldier. With over 40 thousand men in uniform this again is just the tip of a very large iceberg.

Kosova is unique in that there are no visa restrictions on entry (or exit) and the whole basis of the legislative and judicial processes have been undermined. In this situation various practices thrive not least the use of the area as a route for traffickers taking women from poorer countries into well-paying Western countries. James Pringle refers to Kosova as 'the newest market for sex traders' and links the market to the presence of international troops. His article refers to the case of 12 women picked up near the Headquarters of the Russian forces, who were 'used' by Russian KFOR, American KFOR and Albanian clients. It seems also that some of the male international aid workers are likely to use prostitutes on week-end breaks especially in Bulgaria¹⁰.

A group working with prostitutes in Hungary *Salamon Alapitvany* explains that: 'Part of the pull to Kosova is that many nationalities do not require visas to enter Yugoslavia. Once in Kosova it is no longer so easy to transit via Albania to Italy as local interests now want to keep the women for work in Kosova. Many women could be diverted from Kosova if other routes to travel in the EU were available. However because of a reported reduction in 'entertainer' visas for Belgium and Switzerland intended to prevent trafficking many women now have to use far more hazardous routes of entry in Western Europe.

Mostly women appear to be entering Kosova from Macedonia and - 'if you are good you go to Italy or if you are bad you go to Albania.'¹¹ From Kosova women can then be sent up to Montenegro and then to Albania, and Italy. Or up through Serbia to Hungary and then to southern and western Europe. One route for women entering Kosova is down to Greece where there are rumoured to be over 30,000 prostitutes working. This would be a small city in many part of the world. By the very nature of trafficking the everyday existence of trafficked women is one of isolation, lack of community and lack of freedom

As has been seen, tightening legal loopholes or increased surveillance by authorities of known prostitution venues can also drive the trade underground at increased cost to women's security. Because bars, clubs and brothels in

Prishtina and other towns are being raided, owners of girls in Kosova are now increasingly using private apartments, where the girl is imprisoned until the owner asks for her back. In the meantime the holder of the apartment can do what he likes to her, including 'rent her out'.

When considering the brutality of how women are snatched, transported and enslaved, Rachel Wareham notes that:

The tales girls trafficked into Kosova tell are very similar: girls are usually raped either by one or many men, as soon as they are captured, this breaks morale immediately. They are then sold repeatedly, sometimes within countries, sometimes across borders. One woman told how she had been kidnapped in Moldova, taken to Romania, then to Serbia then to Montenegro then to Albania. This seems to be normal rather than unusual. Sometimes women are drugged when they are being taken across legal borders to prevent attempts to escape. Other times women are taken across the 'green border'. Each owner forces the girl either to have sex with other men, or keeps her for his own use. The money the men pay for the sex, does not usually go to the girl, but to her owner/controller. Many of the prostitutes police discover in Kosova have been forcibly enslaved. In Kosova many of the girls picked up by the international police (usually in bar-raids) as undocumented immigrants have turned out to have been kidnapped or tricked into prostitution'.
(R. Wareham forthcoming UNIFEM Report)

In Kosova the police have discovered women from Ukraine, Moldova, Bulgaria, Romania and Hungary. Often they have been told that they would work as waitresses or bar staff in Italy, but are immediately raped by the traffickers and then sold. Over twenty girls have told harrowing tales of kidnapping and deception. Some are being sold to the Serbian police. Those who come to the attention of the authorities have been repatriated through the assistance of International Office for Migration.

As we have seen the large migration of refugees since the collapse of communism in the Soviet-type societies has meant many migrants in second or third countries and displaced internally and returnees without homes. The first reports of trafficking of Kosovar women came from refugee camps in Macedonia and Albania during the time over 500,000 Kosovars had been forced out to these countries by Serbian military. Some of these mentioned girls being tricked to leave from camps, others of girls abducted at gun point. Later reports appeared by journalists who had discovered girls in cities such as London: the girls told how they had been tricked into prostitution. This was described by a detective as 'virtual enslavement' as women have no freedom to move, shop, or to keep their earnings

The challenges posed by trafficking in women¹² for human rights activists especially in terms of the traffickers being non-state actors and much human rights activities are focused on state abuse of power over citizens or against international actors. That traffickers are criminals, who filter their traffic both through social systems in individual countries (sex industrial work) and within shifting international communities (army bases, international ‘missions’) sets new challenges for the international human rights communities.

If trafficked women cannot return to their countries and are forced into continuing in prostitution elsewhere arguments arise as to ‘choice’ for women. This highlights the major clash between pro-prostitution groups and those who view all prostitution as violence against women. Activists concerned about violence against women generally operate on international issues so that violence within the home is linked with enforced sterilization of women, enforced abortion, female infanticide, female genital mutilation, violence against lesbians, and other issues viewing these on a continuum of violences perpetrated against women. It certainly strikes me forcibly in the work I do with women in post-conflict situations that there are strong linkages between women suffering violence in their own home and women being raped in war. After the war often guns are used to pistol whip women rather than fists and men’s war traumas are actively given state support in some healthcare systems whilst women’s voluntary groups are often expected to ‘look after’ women’s needs. In conflict situations arguments arise concerning brutalisation. With mass killings and mass graves often life becomes brutalised by death, some lives are viewed as cheaper than others. The trade in women’s bodies can become routinised.

Planning political strategies for the future does generally entail having to differentiate between certain aspects of violence in the short-term campaigns. Here local particularities can also have important bearing on international generalities. The situation in Kosova is such currently that local particularities are encompassed into a whirlwind of global change with the UN presence in this region.

research on trafficking in women

There is clear evidence that trafficking in women is increasing across Europe, yet the nature and extent of the phenomenon is difficult one on which to gain evidence and statistical and experiential data from women involved. Recent political and economic changes across Europe, especially within Central and South Eastern Europe have made the circumstances of trafficking in women from East to West in Europe easier and cheaper. Places such as Bosnia and Herzogovina, and Kosova which were once trafficking routes have now become destinations. The movement of certain people across Europe has become less restricted in terms of legal entry on tourist visas or in the case of Kosova no visas and no legal systems. In the past decade women from Central

and Eastern European countries have been increasingly trafficked to Western Europe into prostitution.

The term 'traffic in women' has been current since the end of the last century yet there is still confusion about the meaning of this term¹³ In many instances women are hired as dancers, waitresses or hostesses in their countries of origin and secure temporary permits from the countries of destination. Their entry into the country of destination is legal. The deception lies in the fact that many of the women are on arrival forced into prostitution against their will. Whilst some women are actually 'sold outright', others are so manipulated and exploited by traffickers that only entry into prostitution enables them to survive. Not all traffic in migrant women involves prostitution and not all foreign prostitutes in any country have been trafficked. There are many forms of exploitation of migrant women that do not involve prostitution. These include coercion, deception, material exploitation and abuse of migrant women for marriage or in domestic work.

In one International Organisation of Migration study data was collected on 155 cases of women who were trafficked to the Netherlands in 1994.² Interviews were carried out with people and institutions concerned with trafficking, including the police, NGOs, government officials and researchers. Four countries - Belgium, Hungary, the Netherlands and Switzerland - were chosen to illustrate different trends and policy responses. The traffic does not just flow across to Western Europe as it also involves the recruitment of women from the poorer Eastern European countries to Central Europe. In this context some of the countries of Central Europe are both sending and destination countries for trafficked women. These countries can also become transit countries for traffickers bringing women from developing countries to Western Europe. It was found that the majority of migrant women assisted by NGOs in the Netherlands and Belgium were forced into prostitution or severely exploited as prostitutes. In Switzerland, trafficking in women for marriage also appears as a significant problem. As we know, however, when laws are changed in one country – such as Switzerland's restrictions on entry visas to cut down trafficking – it means that aspects of this international business is forced underground or that other destination countries are chosen. Something of a vicious circle arises in terms of how national state legislation cannot tackle the nature of this problems.

risks and prosecutions

The risks for the traffickers remain low. There are few successful convictions against traffickers and sentences are light. Often this is the case because many countries choose to deport 'victims' immediately, so valuable witnesses are no longer available. This situation has also arisen for Bosnian women witnesses to the war crimes Tribunal in the Hague with women not being given a legal status to remain so that they have to weigh up the costs of staying to give evidence. (Rachel) Immigration laws and policies that consider trafficked

women as clandestine migrants and therefore immediately deportable discourage women in these situations from coming forward to the authorities. Both in Belgium and the Netherlands temporary residence permits for trafficked women have been introduced to give the women some initial time to recover and to encourage them to testify against traffickers. As yet, few government programmes have been introduced to help women ensnared into trafficking remain in the country of destination, to prepare for their voluntary return home or to assist them when they return.

There is evidence that many of the women caught up in trafficking from Central and Eastern Europe in the Netherlands during the early 1990s were very young - mainly under 25 and many only 15-18 years of age. Informal recruitment of these women, through friends and acquaintances often led to women finding themselves indebted to a trafficker or club owner on arrival in the destination country. In many instances their passports were taken, their freedom was extremely limited and they were threatened with violence. Given the dreadful circumstances in which these women and girls have to live, working long hours, not being allowed to refuse clients, and living in fear of, or with the reality of violence against them, many of these women experienced health problems. As Natalia Khodyreva has pointed out regarding prostitution in Russia, such health issues generally include sexually transmitted diseases (especially amongst the teenagers) and high incidence of reported mental health problems¹⁴. Given that many governments simply deport women trapped in trafficking, little is known about what happens to these women once they return to their countries of origin.

Some trafficked women receive less than 25 per cent of their earnings and many no earnings at all. The table below shows that trafficked women are often forced into situations of extreme dependency comparable to being held hostage.

Trafficked Women's Conditions of Work

	C Eur.	E Eur.+ CIS	developing countries
Passport taken away	15	27	11
Restriction of movement/controlled	20	22	8
Working hrs. 9-12	5	10	3
Working hrs. 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
Total interviewed:	44	64	47

* These circumstances are not fully explained within the study.

Source: *IOM Study 1995:22*

The above data shows that, in many cases, violence or the threat of violence was used to control women's movement and take away their freedom. The high frequency of women being forced to live on the premises in which they work exacerbates the dangers for women. A much higher proportion of women from 'developing' countries were in situations in which they had no freedom to refuse clients. Whilst the scale of the problem of trafficking in women remains largely 'hidden' and under-reported, the measures suggested to combat such trafficking are often double-edged in terms of their consequences. As Stella Jegher has pointed out, the revision of the Swiss nationality law in 1992 was in part aimed at preventing the practice of organising false marriage to traffic women who were then forced into prostitution. However, as the new law made the acquisition of nationality a longer and more complicated process this legislation remains controversial.

The new law can be used to send home trafficked women who are detained. Before these legal changes, the women's acquired Swiss nationality prevented deportations. This law also affects women migrants who live with violent husbands.¹⁵ Swiss men who 'purchased' women as wives were able to do this and exercise violence towards their wives without her gaining escape. In such

situations women have little recourse to protective legislation and risk deportation if they seek intervention because they are being beaten and/or abused in other ways. Deporting trafficked women serves only to perpetuate their problems and neither prevents nor curtails trafficking, making prosecutions almost impossible. It has even been suggested that deportation is advantageous for some club owners, being a cheap way to send women home (De Stoop 1994).

In Kosova currently the UN police are approaching the issue from an almost zero tolerance attitude. This zero tolerance relates to the owners of women and the users. They say that they consider the girls 'victims unless we see the same girl appearing in front of us repeatedly'. Their actions have included bar raids, where owners and girls are taken into custody. The girls are then taken to a safe house if they have been forced into prostitution and wish to return to their home country. If girls wish to remain in Kosova they are released. 20 girls have been repatriated after medical and counseling support since June, most of the girls appear to be from Moldova. Average age of 20 years. How this approach relates to reality is not clear - police see themselves limited by lack of detention space, and by the extreme slowness of the criminal procedures.

As can be seen one of the outcomes of the bar raids in Kosova was that pimps realised that having their girls in relatively public places, risked losing them in a raid. So they adjusted their working practices so that women are 'given' to one man, who keeps her in his apartment. During this time he can do as he likes with her. This is his return for protecting the pimp's property from the police. It is not clear if clients come to this apartment or if the girl has to go elsewhere. She is effectively enslaved, until the time she is passed onto a new temporary guard or a new owner.

Feminist Responses and resolutions:

It is clear that the number of known women trapped in trafficking across 'Europe' is very much the tip of the iceberg. Statistics on trafficking remain patchy, yet media attention is high, focusing on the 'sex/scandal' aspects of trafficking in women. Whilst poverty and the marginalisation of women are root causes of trafficking, so that measures to combat poverty and women's marginalisation are still very much needed, poverty alone does not explain the increases in trafficking. Women from some poor countries are more likely to be trafficked to the West than women from other poor countries. The multinational aspect to trafficking, in which people from several countries are involved, also enables them to move their operations at short notice. As we have seen, national legislation may just 'displace' the problem, both in terms of changing immigration laws which moves activities further 'underground' or by implementing restrictions which result in a shift of activities to another country.

A case can be made stronger international legal instruments to combat trafficking in women, and certainly the Proposed Convention on Sexual

Exploitation became important for some feminists working in this area internationally. For others greater human rights legislation, implementation and monitoring are viewed as primary means to move forward in this area. In the European context there are many United Nations and Council of Europe instruments in existence and feminist arguments centre clearly on enforcement. Much legislation is not enforced as intended. Programmes initiated to either ease the women's stay in the country of destination or their return to the country of origin highlight the care needed in acknowledging different women's needs. It has to be remembered that given the circumstances of her departure (to become a singer, to marry) the idea of returning 'home' may not be a healthy option for many women. Rejection by friends or family could be one aspect, as could the knowledge that another mouth to feed could push people back home into further poverty. Some such factors are being highlighted by feminist activist research that is campaigning for inclusion of such considerations within the current national or international conventions and legislation. Clarity in analysis and response is what feminist campaigns are demanding from politicians and policy-makers at national and international levels.

As has been shown the most commonly cited remedies such as increasing legalisation, and increasing border controls, do not necessarily help in solving the problem in fact they are regarded by many commentators as exacerbating the problem. This is because clamping down on immigration actually increases demand for use of illegal channels as ways to enter a country to find work, and this in particular makes women more vulnerable to being tricked into sexual slavery like situations. Passing legislation does not help if the legislation targets the victims, or if it is used in such a way that sex-workers end up being harassed more. Evidence suggests that remedies offering more protection to victims are those which address the economic factors leading to desire for migration, and those which allow sex-workers (whether trafficked or not) full rights, especially protection under labour laws.

In some countries prosecuting for acts such as prostitution, trafficking, and domestic violence rely very much on the individual judge's interpretation of the law. The law might be filtered through the judges experience or lack of understanding. Thus there appears to be a need to actually specify in detail what actions are considered criminal under specially titled statutes. Only judges with extensive training, can undertake the complex array of combination offences that cases of traffickers expose. If they are not conversant with cases of trafficking in women they may fail to understand the ways in which several charges such as forced incarceration, bodily harm, kidnapping and so on, can be applied.

There are still remnants of the historical measures more concerned with protecting women's 'purity' in some anti-trafficking proposals, than with ensuring the human rights of women. Such approaches limit the protection

afforded by these instruments to those who can prove that they did not 'consent' to become involved in prostitution . As we have seen the question of consent is an extremely thorny one. These measures also ignore the abusive conditions within 'sex industries', often facilitated by national laws that place (migrant) sex workers outside the range of rights granted to other citizens. Anti-trafficking education is one way forward that a lot of international organisations, such as IOM, are arguing should be targeting everyone. This is the obligation of democratic organisations. And the onus should be on major international organisations to put down regulations. Even basic rules about international staff not paying prostitutes for sex would entail some discussion and public awareness campaigns such as those proposed by IOM would entail more consciousness of the issues for different groups of women and men and of the gendered relations of power present.

Various legal remedies have been tried and tested around the world with regards to trying to control prostitution: this either reflect criminalisation, regulation, or abolition approaches. Criminalisation can be seen to entrench rather than reduce prostitution. It can create a situation where perennial confrontations between the politically influential and prostitutes is inevitable. Acting locally while thinking globally about trying to rescue trafficked women can be very dangerous for local women's groups unless they work closely with the police. In most instances either mafia connections, military connections or multinational business links are such that the money to be made across any borders is so much that there is often much official complicity.

Regulation is often viewed as ineffective in protecting the rights of women working in prostitution because there is evidence that regulation is never extensive enough as there is still likely to be large underground forms of illegal prostitution. Nor does such partial legalisation effectively challenge the conditions that cause women to enter prostitution or the societal norms which encourage men to patronise them.

[In Kosova currently with over 40,000 men in uniform there is much attention now being paid to the use of women's bodies by internationals. As US police cannot leave base, so have their comfort women – very young cleaners that work odd hours and get paid for extras. Senior official at UNDP did not want to discuss mainstreaming gender analysis within policy-making but was keen to talk about traffic in women (March 2000). This is a situation to be watched as it develops]

Endnotes and references:

- ¹ In *Live Sex Acts: Women Performing Erotic Labor* (Routledge 1997) Chapkis argues that just because prostitution can be lousy work this does not mean that it has to be stamped out.
- ² *Vindication of the Rights of Woman* (1792)
- ³ Emma Goldman 'The Traffic in Women' in *Red Emma Speaks* (Shulman 1996)
- ⁴ These acts can be viewed as the supreme instance of the double standards. Ostensibly to reduce the high rate of STDs in the armed forces, they enabled police in certain areas of Southern England power to stop any women they suspected of being prostitutes and compel them to semi-public medical examinations. These were likened to 'medical rapes' involving often brutal and semi-public internal examinations.
- ⁵ Rachel Neild 'Crime and the transformation of public order' at www.ichrdd.ca
- ⁶ Neild explains in this context that: As the human rights movement, civil society groups and policymakers tackle the challenges of enhancing citizen security, the international community must consider how best to support the development, implementation and consolidation of citizen security reforms. International actors can condemn ongoing human rights abuse, assist genuine efforts to reform police, support crime prevention programs and aid the development of civilian analytical and policymaking capabilities in the police, government and civil society.
- ⁷ Ann Lucas 'Women and Prostitution' in *Women and Human Rights Law: vol 1 683-726 1999*.
- ⁸ By this term many areas are encompassed, principally I mean feminist politics (whether participants claim the name) in terms of seeing things from women's perspectives and considering women as key political actors in their own lives and internationally.
- ⁹ See Chris Corrin (ed) *Women in a Violent World* (Edinburgh University Press 1996) and Urszula Nowakowska 'Violence Against Women: Polish Standards, International Reality' in Chris Corrin (ed) *Gender and Identity in Central and Eastern Europe* (Frank Cass 1999) pp. 41-63
- ¹⁰ Ref Times article James Pringle *The Times* February 2000
- ¹¹ Many of the women who reach Albania, including through Kosova, are eventually are sold on to Italy. There is evidence that Albanian groups are increasingly involved in this trade. From 1993 – to 1996, figures for Italians charged for prostitution related offences remained in the six to seven hundreds, whilst for Albanians in Italy the number went from 19 in 1993 to 410 in 1996. Numbers arrested also increased: in 1993 only 32 Albanians were arrested for such offences, in 1996 there were 246 arrests. Numbers of Italians arrested remained in the low three hundreds.
- ¹² The traffic in children and that in women and men for body parts is not part of this consideration at present..
- ¹³ The provisional definition of the IOM:
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 or origin to the country of destination; deceiving victims into prostitution once in the country of destination; or enforcing victims into prostitution once in the country of destination; or enforcing victims' exploitation through violence, threat of violence or other forms of coercion (IOM Study 1995:7)
- ¹⁴ See Khodyreva 'Sexism and Sexual Abuse in Russia' in Corrin *Women in a Violent World* op cit pp.27-40
- ¹⁵ Similar instance to the 'One Year' rule in Britain which groups such as Southall Black Sisters fought as it meant that women suffering violence/abuse in a marriage would be deported if they left in the first year.