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## **EU Frontiers and Human Trafficking**

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# EU Frontiers and Human Trafficking\*

Alexandra Bogdanyi and Jonathan Lewis†

## 1 Introduction

The EU's *raison d'être* is the free movement of people, goods and capital within its borders. A key component of the lowering of barriers to the movement of people between European countries is the Schengen Agreement, which was first signed in 1985 by six Western European countries when Europe was still divided by the Cold War. The Schengen Agreement increases the freedom of movement of people between countries that have implemented the agreement by abolishing passport controls; in addition, visitors to the Schengen Area require only one visa that is good for all Schengen countries. This lowering of internal borders, however, is matched by measures to coordinate law enforcement efforts of member states and to strengthen the EU's external border controls. These measures are significant in view of the increasingly restrictive immigration policies adopted by EU member states since the early 1990s.

Since the end of the Cold War we have witnessed an increase in human trafficking into and within the EU from Central and Eastern Europe, the result of a number of economic and social pressures exerted on women in those countries. Much of this trafficking is carried out by organized criminal organizations, which have long been a target of European collaboration in the field of security; substantial parts of the Schengen Agreement, indeed, spell out the protocols for cross-border action to be taken by signatories against narcotics and arms smuggling. While these same gangs now traffic women for purposes of sexual exploitation, however, measures against human trafficking have been hamstrung by the simultaneous strengthening of measures against illegal immigration. In many cases, victims of human trafficking are treated as illegal immigrants who should be returned to their countries of origin rather than as people whose experiences can make a return home virtually impossible and who justifiably fear retribution for themselves or their families if they testify against their abusers.

This paper investigates the impact on human trafficking of European integration and discusses European efforts to combat human trafficking. It argues that European policy has had a negative impact on the victims of human trafficking in two ways: first, the *de facto* abolishment of borders between Schengen

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countries facilitates the movement between countries both of victims and of clients for sexual services; second, restrictions on migration have created an “internal frontier” between legal and non-legal residents which makes it more difficult for many victims to seek help from the authorities. European states’ and regional organizations’ efforts to combat human trafficking face a huge challenge of coordination between different policy areas as well as between nation states. Moreover, these efforts take place in a hostile political context where most victims endure the double stigma of having no legal residence and having worked in the sex industry. States and regional organizations are struggling to reconcile protection and support for victims, the focus of human rights and welfare policies, with the need to have victims testify in court against traffickers, the focus of criminal justice policies.

This paper also argues that the causes of trafficking are to be found at a deeper level than the mere diversification of organized criminals into supplying the EU’s demand for commercial sex—although the EU has done very little about the demand side of trafficking. The fundamental problem is the economic, political and cultural structures that leave so many women with no alternatives but to expose themselves, in whatever degree of awareness, to the abuses of traffickers.

## 2 Trafficking in Persons

Defining trafficking in persons is notoriously difficult. Almost every concerned body, be it an international organization, a national government or an NGO, has introduced its own definition. The definition employed by the UN Protocol to Suppress, Prevent and Punish Trafficking in Persons, especially Women and Children provided the basis for subsequent definitions adopted by both international and national agencies. However, definitions differ on certain points, for example on whether to include consent or trafficking within the borders of a country (internal trafficking). Since these definitions provide the legal framework for organizations to fight trafficking, such slight differences can prove crucial when it comes to the identification of victims of trafficking, as well as the prosecution of traffickers.

The EU adopted a definition of trafficking for the purpose of labor and sexual exploitation on 19 July, 2002. Article 1 of the Council Framework Decision on Combating Trafficking in Human Beings states:

1. Each Member State shall take the necessary measures to ensure that the following acts are punishable:

The recruitment, transportation, transfer, harboring, subsequent reception of a person, including exchange or transfer of control over that person, where:

- (a) use is made of coercion, force or threat, including abduction, or
- (b) use is made of deceit or fraud, or

- (c) there is an abuse of authority or of a position of vulnerability, which is such that the person has no real and acceptable alternative but to submit to the abuse involved, or
  - (d) payments or benefits are given or received to achieve the consent of a person having control over another person,
- for the purpose of exploitation of that person's labour or services, including at least forced or compulsory labour or services, slavery or practices similar to slavery or servitude, or for the purpose of the exploitation of the prostitution of others or other forms of sexual exploitation, including pornography.
2. The consent of a victim of trafficking in human beings to the exploitation, intended or actual, shall be irrelevant where any of the means set forth in paragraph 1 have been used.
  3. When the conduct referred to in paragraph 1 involves a child, it shall be a punishable trafficking offense, even if none of the means set forth in paragraph 1 has been used.
  4. For the purpose of this Framework Decision, "child" shall mean any person below 18 years of age (EU, 2002).

This Framework Decision largely follows the definition set forth by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children adopted in 2000 by the UN General Assembly (United Nations, 2000). An important point is that both the Framework Decision and General Assembly definitions clearly state that consent is not a factor when determining if a person is a victim of trafficking.

The Organization for Security and Co-operation in Europe (OSCE) has also provided a common framework in order to discuss the problem of trafficking. OSCE (1993) defines trafficking in persons as:

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

The OSCE definition does not mention the problem of consent. On the other hand it clearly states that the act of trafficking does not necessarily involve the crossing of state borders but can happen within the borders of a country. The OSCE definition's inclusion of transport within borders differs from

legal definitions in some EU member states, for example Austria, where trafficking is defined as moving “women across international borders for the purposes of prostitution” (Council of Europe, 2004, p. 214). Nevertheless, it is clear that under either the Framework Decision or the OSCE definition the creation under the Schengen Agreement of a vast territory with formally existing but effectively open borders between different states, does nothing to alter the fact that moving victims from one EU member state to another constitutes trafficking.

The presence of physical, psychological and financial coercion is the essential distinction between human trafficking and immigrant smuggling. While smuggling also involves the illegal moving of people across international borders for labour purposes, it does not have the distinct exploitative features of trafficking. However, it is important to note that smuggling and trafficking are often intertwined and that victims of trafficking often consent to being smuggled to their destination country, but end up being victimized and exploited along the way or at their destination. The lack of a clear cut distinction between trafficking and immigrant smuggling makes it hard to identify victims of trafficking, especially in an environment that is strongly biased against illegal immigrants. Moreover, the introduction of additional requirements to qualify as a victim of trafficking can lead to the construction of a category of “deserving victims” (Kelly, 2002), especially amongst women trafficked for the purpose of sexual exploitation.

### **3 Recent Changes in Human Trafficking to and in Europe**

Global trafficking flows echo the patterns of migration for labour purposes. Traditional routes of trafficking into the EU included Asia and South America. However, the strongest flows are now taking place within Europe. The sex industry in the West continues to expand, and is increasingly diverse with a small top end where financial gains are substantial, and a wide middle and bottom end where conditions vary greatly (Bindel and Kelly, 2003). In the face of increasing demand, recruiting locally has become difficult.

The first wave of trafficking to Europe in recent times occurred in the 1970s, and its victims were women from Southeast Asia, particularly from Thailand and the Philippines. While Thailand became an increasingly popular destination for tourists looking for sexual services, a counter flow also started with women coming to those developed countries where men were able and willing to pay for their services. They were followed by women from different African countries such as Nigeria and Ghana. In the late 1980s, Latin American countries, especially Colombia, Brazil and the Dominican Republic became major source countries of women trafficked into the EU. The routes and methods involved in trafficking in persons followed those that were already in place for the purpose of drug trafficking, and

many of the traffickers involved in drug trafficking realized the potential of trafficking as a lucrative business with relatively small risks.

From the early 1990s, following the collapse of the Soviet Union, the former communist countries of Central and Eastern Europe became the primary source countries in the so-called “fourth wave”. It would be a great oversimplification of the problem to blame this solely on poverty. A combination of social and economic difficulties made women vulnerable to the deceits of traffickers. The twin transitions from a planned economy to a market economy and from communism to democracy left most of these countries without safety nets and with crumbling economies, and unemployment rates amongst women grew to almost 80 per cent. The extensive black markets that already existed under communist rule flourished, and organized crime rushed to exploit the opening of borders to the West. Women, many of them highly educated (Siron et al., 1999) and expected to care for their families, were desperate to find jobs and willing to accept the risks of leaving their countries and looking for employment abroad.

Apart from these obvious economic motivations rendering women vulnerable to trafficking, social factors such as growing rates of alcoholism, domestic violence and discrimination against women and the growing number of abandoned children are also reasons behind the rapid growth in the number of women trafficked to the West from Central and Eastern Europe. It is estimated that over 70% of trafficked women from the former Soviet countries end up in Western Europe, with the main destination countries being Austria, France, Germany, Greece, Italy, the Netherlands, Switzerland and the UK (Hughes, 2002).

Local conflicts and wars have also acted as catalysts for expanding sex markets and trafficking in women. The Kosovo conflict and the demand generated by the peacekeepers stationed in the area after the war increased the number of women trafficked to and through Kosovo. However, the highest estimate for demand by international forces is around 50%, with some researchers putting it closer to 30% (Kelly, 2002). It is necessary to understand the factors that explain the increase of local demand and the emergence of sex markets in certain areas.

Estimates of the scale of trafficking into the EU vary greatly. The International Organization for Migration published a much-quoted figure of 500 000 women having been trafficked into the EU in the early 1990s from Central and Eastern Europe alone. Surveys such as that by Okólski (1999, p. 27) suggest that while trafficked and smuggled migrants in Eastern Europe are overwhelmingly male, they are outnumbered by trafficked and smuggled women in Western Europe.

The German police (Bundeskriminalamt) and the Dutch Rapporteur’s Office on Trafficking produce regular situation reports on the extent of the problem in their respective countries. However, there is a wide gap between the global estimates of the problem and the official statistics provided by national governments (Goodey, 2005). In 1999, the Bundeskriminalamt reported 801 official cases of trafficking, a very low figure compared with global estimates of several thousand per country.

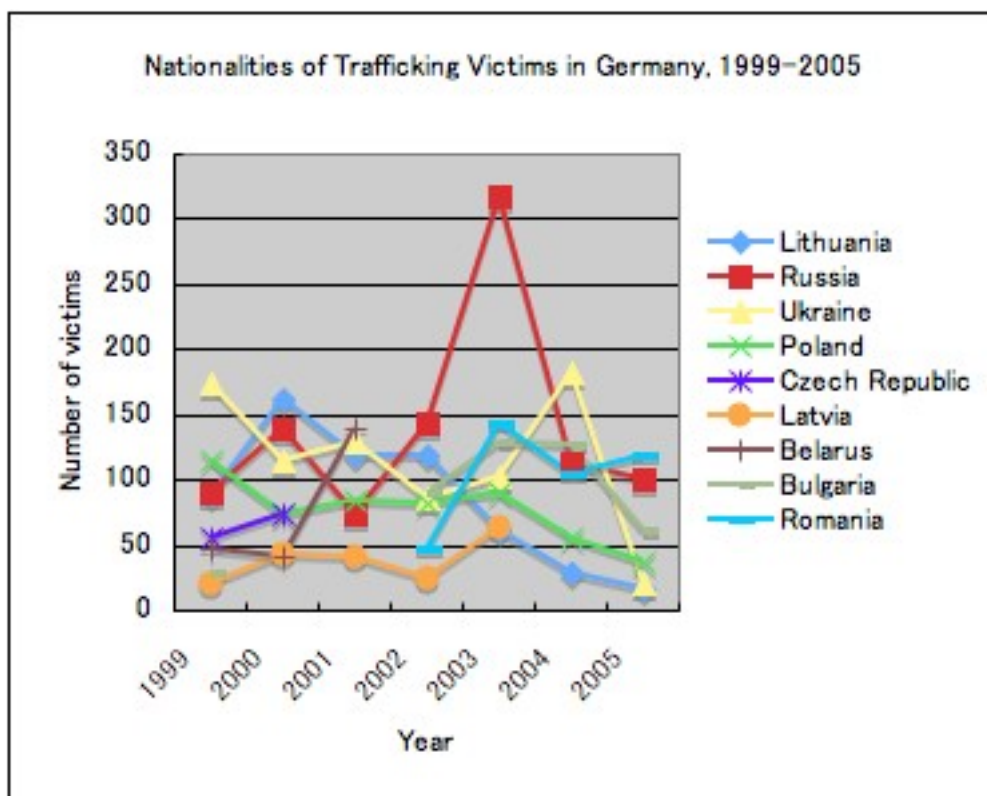


Figure 1: Nationalities of trafficking victims coming to the attention of German authorities, 1999-2005. Source: Bundeskriminalamt

Producing reliable data on the real extent of trafficking is very difficult. Apart from trafficking being an elusive crime problem, official statistics put forward by national police forces are based on known cases which only account for a portion of the problem, while numbers from NGOs and other international organizations are “guesstimates” which might often seem exaggerated. However, available data show that Southeast and Eastern Europe have become the most important sources of prostitutes in Western Europe, trafficked or otherwise, while a significant number of women are still being trafficked from Southeast Asia and Africa. Interpol has estimated that there are around 300 000 women from Southeast European countries engaged in prostitution in Western Europe.<sup>1</sup> In Germany, 75% of the women engaged in prostitution are originally from Southeast Europe or the countries of the former Soviet Union. Lithuanian, Ukrainian and Russian women constitute the largest groups of victims of trafficking in Germany. In Italy, 10-20% of the 20 000 to 30 000 illegal female immigrants who enter the sex industry each year are victims of trafficking (IOM, 2001, p. 6).

The lack of reliable data makes it hard to assess the impact on human trafficking of the accession to the EU of ten states in May 2004, and of Romania and Bulgaria in January 2007. Reported cases are relatively few, so a yearly peak or trough can be due to the rise, demise or change in tactics of a

<sup>1</sup>Parliamentary Assembly of the Council of Europe, DOC.9795, 25 April 2003

particular gang, or to the amount of police resources devoted to trafficking in a given year. The German Justice Ministry's 2004 report states that cause-and-effect relationships are impossible to establish due to the lack of sufficient sociological data (Bundeskriminalamt, 2005, p. 10). Nevertheless the available data do perhaps suggest some trends. Figure 1 shows the nationalities of trafficking victims who came to the attention of the German authorities between 1999 and 2005. Countries appear on and disappear from the graph because the reports only list the top six or seven source countries from 2000 onwards. The numbers of victims from Lithuania and Poland decline over time, while those from Russia and Romania remain high. Whether the fall in Ukrainian victims in 2005 represents a trend or a blip remains to be seen. In the context of an article on the EU's frontiers, it is tempting to conclude that as Central European states have joined the EU their women have become less vulnerable to human trafficking; but it could be the case that having become able to move legally within the EU's borders, these women have simply become even less visible to the authorities.

The methods and organization of trafficking are fluid. In the immediate post-Cold War period, advertisements seeking pretty, single women as nannies, domestic workers or waitresses appeared almost everywhere in Central and Eastern Europe, offering desperately sought opportunities to make a living wage. More recently, a shift in recruiting methods can be observed. This is mainly due to a growing awareness of the risks women face when choosing to migrate in search of jobs. Befriending by the traffickers or by women who are former victims is becoming a more favored way to gain the trust of women. In some cases family members or caretakers are also involved in the selling of women to traffickers.

## 4 Migration, Trafficking and Gender

EU policy regarding the trafficking of women for the purposes of sexual exploitation has addressed the problem in two ways: as a law enforcement issue to be dealt with through measures against organized crime; and as a migration issue to be dealt with by the prevention of entry into the EU territory of those without permission and by the repatriation of those inside the EU without legal status. Both approaches neglect the structural disadvantages faced by women in many non-EU countries, disadvantages which deprive them of safe means of earning a living and supporting their families and drive them into the clutches of the traffickers, whatever the risks.

Migration has traditionally been viewed as a male territory with women only migrating as dependents. Contemporary studies have noted, however, the increasing feminization of global migratory patterns (Castles and Miller, 1993). It is now estimated that women make up at least half of the world's migrant population, with particular migratory flows consisting almost entirely of women. Figures from Italy show



that migrants from the Philippines and Somalia are almost exclusively female (Andall, 2000), and Oso (2003) has pointed out the same about migratory flows from Latin American countries to Spain.

The feminization of poverty and gender inequality have been highlighted as push factors for women to migrate. Women might also be seeking greater personal freedom or trying to escape discriminative practices in their countries. Trafficking-like practices such as forced marriage, bride price, kidnapping and exchanging women as a way of settling tribal disputes, most of them already introduced as harmful traditional practices within the UN definition of gender-based violence, also encourage women to migrate in order to escape the consequences of these practices.

While women experience increasing pressure to migrate, they are also faced with restrictive immigration and asylum policies in many European countries. Although contrary to some models, women have always been involved in labor migration, an underlying assumption that their role will be a domestic one has ignored their very real presence in the labour market. This assumption has led to increasing insecurity for migrant women who entered their destination countries on the basis of family reunification as the only legal means of entry. They frequently find themselves dependent on a male relative for their legal status and are prevented from working legally. This forces them into positions of dependency and vulnerability, since not only are they dependent on male relatives economically, but also for their legal status as residents in the EU.

They are often forced to stay in abusive relationships in order to secure their legal status as residents. According to German Foreigner Law, the residence status of foreign women who arrive in Germany married to a German or with the intention of marrying a German citizen is dependent on their marriage for two years, which results in an unequal relationship with the husband having disproportionate power over his foreign wife (Joo-Schauen and Najafi, 2002). The same problem occurred in France where women's attempts to leave their abusive husbands were blocked by threats to have their right to stay in France withdrawn (Freedman and Tarr, 2000).

The labour market participation of migrant women is often invisible. Nevertheless it is clear that they play a growing part in certain sectors in many European countries. Their participation in the domestic service and sex industries has been pointed out in numerous researches. European women have moved to the paid labour market in greater and greater numbers, but are still expected to perform the tasks thrust upon them by the traditional division of labour. They increasingly rely on the work force of immigrant women to perform those tasks, such as domestic work and care for the young and the elderly (Freedman, 2003).

However, the types of jobs migrant women occupy are often unskilled and low paid, and tend to be temporary or part-time, which adds to their economic insecurity. The fact that many of these women lack proper working permits and legal residency status only makes their situation even more insecure.

Europe has also been criticized for its policy on asylum, which can have a disproportionately negative impact on women. Many gendered forms of persecution such as genital mutilation or forced marriage are not considered as grounds for granting asylum. In 1984 the European Parliament adopted a resolution which called upon states to consider women who had been victims of persecution because of their sex as a particular social group under the terms of the Geneva Convention. While it has been debated if women asylum seekers would benefit from being classified as a distinct social group, the negative impact of the non-recognition of women as a social group in this context are obvious. Salt (2000, p. 34) reports that some researchers have called for a separate definition of trafficking of women on the grounds that particular abuses of human rights are involved and that victims have particular needs.

## 5 European Integration and Human Trafficking

Article 17 of the Schengen Agreement states that the signatories "shall endeavour to abolish the controls at the common frontiers and transfer them to their external frontiers." The Schengen Agreement has established a massive territory without traditional borders between countries, and it has had a profound effect on what Europe regards as its borders. It has become clear that borders no longer equal the actual geographical borders of states, but instead are constructed around the frontiers of the EU and between people of different statuses inside these borders (Calloni and Lutz, 2000).

The Schengen Agreement was first signed by France, Germany and the Benelux Countries in 1985, and was implemented in 1995. It was subsequently joined by Spain, Italy, Greece, Austria, Denmark, Finland, Iceland, Norway, Portugal and Sweden by 2001. Those Eastern and Central European countries that signed the Schengen Agreement on 1 May 2004, are set to implement it on 31 December 2007 for their overland and sea borders, and on 29 March 2008 for their airports. Bulgaria, Cyprus and Romania are also signatories yet to implement the Agreement, while Switzerland, which like Norway and Iceland is not the member of the EU, signed the Schengen Agreement in 2004, but has not yet implemented it. The United Kingdom and the Republic of Ireland only take part in the police cooperation but not in the common border control and visa provisions.

Two parts of the Schengen Agreement bear directly on human trafficking. In Title II, the section dealing with the abolition of checks at internal borders and the movement of persons, Article 27 requires participating countries (Contracting Parties) "to impose appropriate penalties on any person who, for financial gain, assists or tries to assist an alien to enter or reside within the territory of one of the Contracting Parties in breach of that Contracting Party's laws on the entry and residence of aliens." (Chapter 6, Article 27) In Title III, which focuses on policy and security, Article 40 lists trafficking in persons as one of the criminal offences in the investigation of which officers are permitted to cross internal

borders in order to carry out surveillance on suspects.

From the perspective of this article, the remarkable point about the Schengen Agreement is its lack of specific detail regarding trafficking in human beings. This is in stark contrast to illegal narcotics and firearms and ammunition, each of which merits an entire chapter of seven and fifteen articles respectively. Both chapters lay down clear definitions of the items and offenses covered and the information that is to be shared between authorities in different countries. Given that human trafficking is said to be carried out by many of the same international criminal organizations that smuggle drugs and firearms, and that it is clearly necessary both to define what is meant by trafficking in persons and to share information on suspected perpetrators and victims, this omission might seem surprising. The reason for the omission, of course, is that the Schengen Agreement was written in 1985, between the first (Southeast Asian) and second (Latin American) waves of trafficking to Europe and well before the post-Cold War increase in human trafficking from the countries on the EU's eastern borders. The text of the Schengen Agreement is thus an eloquent reminder that coordinated measures to combat human trafficking into Europe are much more recent than actions against the other core activities of organized crime. It also provides support for the argument that the trafficking of women for the purposes of sexual exploitation has been excessively framed as a law enforcement and immigration issue. In other words, as human trafficking emerged as an urgent policy issue during the 1990s, the EU's existing institutional orientation predisposed it to view human trafficking as primarily another kind of organized crime, with the contraband happening to be women rather than drugs or guns.

Today, border police not only operate along the EU's external borders, but are also entitled to search and arrest suspicious persons in public places, especially at ones which are regarded as border spaces or dangerous places such as airports and harbours (Lutz, 2002). The strengthening of external borders and the control of non-EU citizens entering the territory of the EU are viewed as means to protect the security of the EU and its citizens. The creation of "Fortress Europe" has not only meant the implementation of stricter control of the external borders of the EU, but also had a profound effect on immigration and refugee policy and asylum-seeking. Immigration has been increasingly viewed in terms of security, and while demand for a migrant work force in sectors which are no longer competitive such as agriculture, construction, domestic or sex work is growing, the countries of the EU are introducing more and more restrictive immigration policies. Apart from the security implications, this can also be explained by the perceived electoral appeal of reducing immigration (Geddes, 2000).

Article 17 of the Schengen Agreement also calls for the harmonization and strengthening of the laws and provisions of the signatory countries in order to "safeguard security and combat illegal immigration by nationals of States that are not members of the European Communities." This effectively creates a new dimension of borders in the EU, namely a border constructed inside the member states between EU

citizens and non-EU citizens. While the Schengen Visa provides non-EU citizens who enter the Schengen area legally with the opportunity to travel from one member state to another relatively freely, in reality it has also meant the implementation of stricter visa policies and restrictions on the conditions under which they can enter the territory of the EU.

The Schengen Agreement has thus had a negative effect on human trafficking. The strengthening of the external borders is not the point here; neither is the debate about whether stricter border controls increase illegal migration more than lax border controls. After all, given the seemingly enormous demand in Western Europe for commercial sex, traffickers can be expected to pass any extra costs incurred on to the victims of trafficking as well as to the consumers of sexual services. The point is that, once inside the EU, it is easy for traffickers to move women from one country to another, reselling them multiple times following the patterns of demand. To give one clear example observed in Sweden by Alalehto (2002, p. 105): after 23 March 2001, when the Schengen agreement came into effect between Finland and Sweden, an increase of traffic into Sweden was observed by the Swedish police, including the appearance of buses transporting Russian women for prostitution, which was, until then, a practice restricted to the Finnish side of the border. In this case, the opening of borders clearly resulted in an “expanded market” for criminal organizations.

This pattern of sale and resale of trafficking victims is increasingly common in Europe, especially amongst women trafficked into the sex industry, and it ensures maximum exploitation through ever increasing debts and constant control over the victims’ movements. The opening of borders between Western Europe and the former communist countries of Eastern Europe meant that areas already notorious for their flourishing sex-markets, such as the Czech-German border area or the E-55 highway from Prague to Dresden and on to Berlin, became easily accessible not only to criminals practicing trafficking in women and children for sexual exploitation or immigrant smuggling to the west, but also to customers. The European integration process created locations where sexual practices which are illegal or not accessible in most states are not only legal, but also provide the basis for an entire industry. Borneman and Fowler (1997) call these places “Eurogenous zones”. From the point of view of organized crime organizations, of course, this new operating environment offers new opportunities to expand markets, but also more competition. While the usual caveats about lack of data apply, this increased competition seems to have given rise to violent turf wars and to collaboration in trafficking between organizations inside and outside the EU (ICMPD, 1999, p. 30-31).

This negative effect of integration is amplified by the strengthening of measures against illegal immigrants. This makes the status of trafficked women—who are very frequently without legal status—even more severe, and enables traffickers to exercise greater control over them. The legal vulnerability of illegal immigrants gives those controlling them expanded opportunities to exploit their labor, and can

increase their perceived utility relative to workers with legal status. In an example from agriculture, Portuguese working on a UK farm were found to be pretending to be illegal immigrants from Brazil in order to make themselves more attractive to their employer (UK Parliament, 2006, p. 34). Control over sex workers can even be a selling point from the point of view of those marketing sexual services: one sauna in Glasgow advertised the fact that its workers were “bonded” i.e. in debt to the management, which it claimed ensured confidentiality for clients (UK Parliament, 2006, p. 32). Women trafficked into forced prostitution generally have the status of illegal immigrants because they lack proper residency and working permits. As a result they fear being discovered by the local police and tend not to seek help even when they are clearly the victims of trafficking and sexual exploitation.

Moreover, trafficking victims are subjected to discrimination because of their experience as sex workers. Apart from extreme cases, where the victims of trafficking are outright abducted in their country of origin and subsequently abused, tortured and forced into prostitution, there is a general indifference towards victims of trafficking who migrated in the naive expectation of a job in entertainment, catering or domestic service, who consented to being smuggled or who had previously worked as prostitutes in their home country. The stigma attached to prostitution, even where it is not illegal, adds to the pressure already felt by women because of their status as illegal immigrants and puts further control over them in the hands of their traffickers.

The risk of being re-trafficked is also serious for women from certain countries. Illegal immigrants working in the sex industries of Western European countries are often deported back to their countries of origin without adequate protection, and end up being re-trafficked into the sex market or choosing to migrate again despite the risks due to being ostracized because of their experiences in the sex industry or because of threats to their or to their families’ lives from traffickers.

## **6 Anti-trafficking Measures in Europe**

Trafficking in persons has been addressed at several organizations on the supranational level in Europe. Apart from the European Union, the Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE) have also undertaken significant efforts to combat trafficking in persons. All of these bodies regard trafficking as a serious crime and violation of the human rights of victims, and as such, they treat this as a problem that needs to be addressed forcefully on both the national and the supranational level. While the focuses of the efforts these organizations support differ based on the specific nature of the organizations, they all rely on similar measures, including awareness raising campaigns, support for local governments and NGOs dealing with trafficking, and the encouragement of cooperation between states. The following summary of measures focuses on efforts taken by the European

Union, but in order to understand the different approaches to tackling the problem of trafficking, the work of the CoE and the OSCE will also be introduced briefly.

The CoE, the body responsible for the rule of law and human rights issues in Europe, focuses on legal responses to trafficking, including legal reform, law enforcement and victim support. Within the frameworks of its Steering Committee for Equality Between Men and Women (CDEG), the CoE prepared a Plan of Action against Trafficking in Women and Forced Prostitution (EG (96) 2), and supported seminars and workshops on trafficking in several countries of origin. In May 2005, the Committee of Ministers adopted the Council of Europe Convention on Actions against Trafficking in Human Beings, which was opened for signing the same month. The Convention emphasizes the protection of victims and their human rights, as well as prosecution of traffickers. The Convention has so far been signed by 36 countries, but ratified by only seven. Since the Convention has to be ratified by at least ten countries including eight Member States of the Council, it has not yet taken effect. The CoE also launched a campaign under the slogan “Human being—not for sale” in 2006 to raise awareness of the problem of trafficking, with special emphasis on preventative measures, and on how to protect the human rights of victims.

The OSCE, with its 55 member countries, has a far wider reach than the EU and takes several different measures to combat trafficking. In 2001, in response to the recognition that trafficking in human beings is a problem that is expanding rapidly in the OSCE region, it adopted Anti-Trafficking Guidelines and encouraged its members to support the enforcement of anti-trafficking legislation, investigations and crime prevention related to trafficking. The OSCE is also taking specific actions, such as training for NGOs, awareness-raising campaigns and the development of regional cooperation regarding anti-trafficking efforts. As a security body, the OSCE includes improving the security of travel documents as one of its priorities in fighting trafficking. Ensuring victim support has also become a priority on the agenda of the OSCE, and it has supported the implementation of legislation that not only ensures the prosecution of traffickers, but also protects victims.

Since the mid-1990s, the EU has been engaged actively in anti-trafficking initiatives. However, it has responded to the problem within the general framework of action concerning immigration and asylum control. Until very recently, the protection and welfare of the victims has been secondary on the EU’s agenda. According to a study conducted by the International Organization for Migration in 2002 in selected EU member countries, candidate and third countries, protection schemes often give priority to the needs of law enforcement over the needs and human rights of victims, and provide protection and assistance mostly to witnesses or potential witnesses (Apap and Medved, 2003). A scheme introduced by the EU in 2004 to give victims temporary residence and protection has been strongly criticized by Askola (2007, p. 212) on the grounds that it views trafficking victims with suspicion and offers them help only

insofar as they provide the authorities with information useful to their pursuit of criminal organizations, after which they are discarded.

Four resolutions adopted by the European Parliament are concerned with the issue of trafficking. The Resolution on the Exploitation of Prostitution and the Traffic of Human Beings, the first one of the four, was adopted in 1989, and was followed by the Resolution on Trade in Women in 1993, and the Resolution on Trafficking in Human Beings in 1996. The 1996 European Conference on Trafficking in Women for the Purpose of Sexual Exploitation, jointly held in Vienna by the European Commission and the IOM, resulted in the Communication of the Commission to the Council and the European Parliament on the subject. It was the basis for the fourth resolution passed by the European Parliament, the Resolution on the Communication from the Commission to the Council and the European Parliament on the Trafficking in Women for the Purpose of Sexual Exploitation (1997).

Declarations adopted by the EU concerning trafficking in persons include the Hague and Brussels Declarations. The former contains guidelines on effective measures on combating trafficking in women for the purpose of sexual exploitation, while the latter aims to strengthen European and international cooperation and sharing measures, standards and best practices.

The European Commission introduced several programs as part of the Justice and Home Affairs to handle the question of borders, immigration, visa and asylum policies and to combat violence against children and women, including trafficking for sexual exploitation. These programs tackle the problem of trafficking from different vantage points, often focusing on a certain aspect of trafficking.

In the fields of external borders, asylum, visas and immigration, the European Commission implemented ARGO, a program for administrative cooperation at European Union level. The program supports, amongst others, training, staff exchange, data exchange and Member States' cooperative activities in third countries. Its main task is to build a common European asylum system, harmonization of rules on visa and immigration policies and increase the effectiveness of the control of the EU's external borders. In January, 2007, the Commission adopted the list of projects that were accepted for financing in 2006 under the ARGO program. While none of these projects deals specifically with trafficking, at least one focuses on irregular migration and the smuggling of migrants linked to cross-border organized crime.

The European Commission has also implemented the STOP and Daphne programs that, in one form or another, targeted trafficking in persons and violence against children and women. These programs aim to prevent and combating trafficking in EU member states, applicant and third countries, to improve the status of victims of trafficking and to provide suitable care and support for victims of sexual exploitation. The two programs ran in parallel at first, but after 2002, the STOP program was closed and its responsibilities were taken over by Daphne.

The STOP program, which ran from 1996 to 2000, aimed to improve international cooperation through training criminal justice personnel in matters such as the trafficking and the sexual exploitation of children. STOP II, from 2001-2002, made funding available to applicant EU countries as well. The STOP programs were specifically aimed at preventing and combating trade in human beings and sexual exploitation of children, with funding available for any public or private organization or institution in the Member States of the European Union that is preventing and combating human trafficking or assisting victims of trafficking. In certain cases, funding was also available for applicant and third countries. The funding for STOP II for the period of 2001-2002 was EUR 4 million, but support received from the Commission under this program could not exceed 70% of the cost of the project.

In 1997, the Commission approved the Daphne initiative, which focused mainly on combating all forms of violence against, and sexual exploitation of, children, although it aimed to widen its scope to include young people and women, mainly in anticipation of the planned European Campaign against Violence against Women in 1999. The immediate spurs for the creation of this initiative were the public outcry over the Marc Dutroux case in Belgium, in which six girls were abducted and sexually abused, and four of them murdered under the noses of the police, and the first World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in August 1996 (European Commission, 2005, p. 5). The Initiative run until 1999, when it was replaced by the Daphne Program. Based on the success of the Daphne initiative, and the very obvious need for such a program, the Commission approved the establishment of the Daphne program in 2000, which made funding available for NGOs to combat violence against children, young people and women (European Commission, 2004). The follow-on Daphne II program, running from 2004 until 2008 with a budget of EUR 50 million, encourages NGOs and other voluntary organizations to cooperate at the EU level and establish networks and exchange good practices in order to combat all types of violence against children and women, including trafficking for the purpose of sexual exploitation, and to protect the victims and groups at risk. A Decision of the European Parliament and of the Council establishing Daphne III for the period from 2007 until 2013 is currently under way.

The Daphne II program funded 58 projects in 2004, of which four projects focused on matters related to trafficking. One of those projects, submitted by La Strada, a network of NGOs working to prevent trafficking in women and help the victims of trafficking in countries including Poland, the Czech Republic, Ukraine, Bulgaria, Belarus, Bosnia-Herzegovina, Moldova and Macedonia, focused on prevention of trafficking within Roma communities in three new member states of the EU, Poland, the Czech Republic and Slovakia. The “Safe Return to Mother Land in the Enlarged Europe” project submitted by the youth organization “Genders” of Latvia, focused on addressing new forms of trafficking problems that have resulted from the enlargement of the EU. The project aimed to produce a manual



of best practices based on the experiences of Latvia, Italy, Germany and Norway. The third project of five collaborating NGOs and the London School of Hygiene and Tropical Medicine focused on the health implications of trafficking, and aimed to develop “good practice recommendations” to respond to the health needs of trafficked women. The fourth project, from the Institute for International Research on Criminal Policy of Ghent University, took up the task of developing a collection plan that would allow for standardized and integrated statistical information and strategic analysis of violence and related data collection on missing and sexually exploited children and trafficking in human beings at both national and EU level.

The following year, 2005, the Daphne II program supported the same number of trafficking related projects. Two of these programs focused on child victims of trafficking. The “Baltic Sea Region Comprehensive Assistance to Children Victims of Trafficking” project aimed to document child trafficking cases in the Baltic region and to provide training for experts dealing with child victims of trafficking. The “Creating a European Identity for Child Helplines in the Region” project aimed to provide a platform for child helplines in the EU to share good practices and raise awareness, which it was hoped would benefit trafficked children. La Strada was granted funding for a project that aimed to create and implement a prevention campaign among young people living in institutional care in the Czech Republic and Slovakia. Finally, a project called “Human Rights and Trafficking in Women and Young People—An Educational Toolkit for Teachers and Students” aimed to develop an educational package for schools to raise awareness among teachers and students of trafficking in persons for the purpose of sexual exploitation.

The connection between trafficking in persons and the sexual exploitation of children and women is undeniable. However, it is questionable if the termination of a program specifically designed to target trafficking in human beings is in the best interests of victims of trafficking and states fighting traffickers. While the Daphne programs receive significant funding, these resources are divided between projects with a much wider focus. As the above analysis showed, the number of projects related to trafficking supported by the program is small.

These programs also rely heavily on NGOs and other non-state actors in fighting trafficking and helping victims. Most of the supported projects related to trafficking under the Daphne II program were in fact proposed by NGOs such as La Strada. NGOs and grassroots organizations have the capability of reaching victims who are otherwise outside the scope of the authorities, largely due to their illegal status and their fear of being deported. It would be a mistake, however, to rely solely on the work of NGOs in supporting victims of trafficking, and even more so in fighting traffickers. Therefore it is necessary to encourage cooperation between the authorities and grassroots-based organizations. This suggests that a future research project could usefully investigate policy-making and implementation on trafficking in women as a case study in multilevel governance encompassing the EU, member states, non-member

states and NGOs.

Another problem confronting EU- and OSCE-wide efforts to fight trafficking is formed by the discrepancies between European countries' laws and policies regarding organized crime, immigration, prostitution and other relevant areas. Given the difficulty of agreeing EU measures that go further in protecting victims than the policies of the least protective member state, there is a danger that the creation of EU rules triggers a "race to the bottom" in which more supportive policies become watered down (Askola, 2007, p. 212). It is clear that governments lack political incentives to do more for women who are both without legal status and who have worked in the sex industry. However, the neglect of victims' human rights and long-term welfare works against the law enforcement goals of the EU: if victims fear repatriation, they will be less likely to testify against traffickers, and if they are repatriated they are more likely to be trafficked again.

Furthermore, policies designed to crack down on certain illegal activities can have the opposite effect. For example, Alalehto (2002, p. 102) argues that the ban on street prostitution in Finland has led to stronger controls and the subsequent deportation of independently working foreign prostitutes, not only placing power in the hands of pimps, but also forcing women to turn to organized criminal groups in order to enter, or in some cases re-enter, Finland.

The wider criticism of the EU's policies is that they take place within a framing of human trafficking as an issue of law enforcement and of illegal immigration that ignores the root causes of the problem, which are the structural vulnerability of women in many non-EU countries, plus a strong demand for commercial sex among male EU citizens. Discussions of reducing the demand for services rendered by trafficking victims tend to avoid the topic of the sex industry because the debate quickly becomes mired in the question of what legal status should be accorded to prostitution (Alliance Expert Coordination Team, 2006). There are no quick solutions, but despite the many well-meaning initiatives of recent years aimed at holding back the supply of trafficked sex workers, there is little to suggest that the EU is seriously pursuing even slow solutions to these deeper problems.

## 7 Conclusion

This paper has argued that the process of European integration, twinned with restrictive immigration policies, have created an environment in which women are trafficked across the EU's borders in increasing numbers, and subjected to extreme abuses of their human rights within the EU. The EU's growing awareness of the problem and the succession of policy announcements and initiatives since the 1990s, while often worthwhile in themselves, have had little impact on the overall problem due to differences between Member States that hinder the implementation of far-reaching policies, and to a failure to

confront the fundamental causes of trafficking.

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