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MEN AGAINST THE TRAFFICKING OF OTHERS

**Decreasing the Supply and Demand of Sex Trafficking in the EU:  
Trafficking Routes that Flow from East to West**

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June 2011

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This study is concerned with the question of why Eastern European women and Roma as well as Asian children are trafficked for the purpose of sexual exploitation to Western European countries. Trafficking in persons (TIP), which can occur through organ, labor or sex trafficking, has a tremendous effect on the global community and should be of great concern to all nations because it is one of the leading forces of today's transnational crimes.<sup>1</sup> In 2008, the United Nation's Inter-Agency Project on Human Trafficking (UNIAP) estimated that traffickers made approximately \$31 billion dollars in profits. TIP also undermines the health and safety of every nation it reaches (US Department of State, 2008: 5). The United Nations (UN) describes TIP as a *crime against humanity* and acknowledges that every nation is affected by trafficking no matter what its status as a destination, source, or transit country.<sup>2</sup>

Global estimates of how many people are trafficked each year do exist, but they range from 4 million (UNHCR 2006) to 27 million people—a common number cited by many organizations and is estimated by Kevin Bales (1999) in his book *Disposable People*. Concrete statistical data are difficult to gather because traffickers that profit from the exploitation of human beings operate within an illicit economy.<sup>3</sup>

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<sup>1</sup> Policy makers are gradually shifting focus in many countries to create public policies that address the negative effect TIP has on their country. Addressing TIP is becoming as important or more important than drug trafficking because organized criminal groups can gain more from reselling human beings rather than drugs, which are sold once and then need to be smuggled in again. The risk is lower in some sense because once you smuggle a human being within a country you do not need to repeat this process.

<sup>2</sup> In destination countries, women are trafficked *to* them and in source countries, women are trafficked *from* them. Some source countries like Romania are also transit countries that traffic women *through* them.

<sup>3</sup> Depending on prosecution laws within a country, evidence is difficult to collect because victims do not usually choose to testify in court (in order to be given protection from the state) due to the fear

Although there are differing forms of trafficking, this study will focus on sex trafficking because sexual exploitation has been found to be the most frequently acknowledged type of TIP (79%) followed by forced labor (18%).<sup>4</sup>

More specifically, this paper will examine the supply and demand of sex trafficking, providing reasons for increasing cases among European Union (EU) Member States. The paper will also demonstrate why the European Council's policy framework, which is purposed to assist Member States with initiating anti-trafficking efforts, should be improved. Using evidence gathered from surveys, reports and current literature, this paper will illustrate why trafficking routes are created and continue to flow from Eastern to Western Europe. Additionally, a case study of a particular trafficking route will be used to demonstrate why state level sex trafficking policies within the EU are failing to address TIP successfully. With this information, policy makers can formulate better responses to decrease the supply of young women from Romania, Moldova, Russia and the Ukraine to *destination* countries in Western Europe. Policy makers can also use this paper to gain more knowledge of why children of Roma and Asian ethnicity are commonly trafficked to *destination* countries in the West as well. The ultimate goal of this research is to critique the framework and argue for a different one.

Although the EU and the UN both oppose TIP, this paper will argue that the approach taken by these two entities should be further developed to include a gender based approach, rather than a human rights (gender neutral) approach. This

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they have of being charged with prostitution (if it is illegal in the country). They may also refuse to testify or take a survey because some traffickers/pimps threaten to hurt their families if they do so. Traffickers may also threaten to report the victims' illegal immigration status to the government of the country they are currently trafficked within.

<sup>4</sup> United Nations Office on Drug and Crime: unodc.com.

study will make a case for why the current EU framework needs improvement and will recommend an alternative approach that may more successfully reduce sex trafficking within Europe. This paper will explain why this alternative approach is needed in five sections. First, the paper will outline general EU trafficking routes that flow from developing countries in Eastern Europe to developed countries in Western Europe and identify the historic, social, economic and legal factors that exacerbate the problem. The second part will examine the European Council's current anti-trafficking framework and explain associated limitations. The third section will transition into a general review of state-level laws and policies that deal with sex trafficking through a demand-based and/or supply-based approach. The fourth section will use a case study to demonstrate why the general flow of routes includes the supply of Eastern European women and Roma/Asian children to Western Europe as well as include an example of successful anti-trafficking legislation. This research will conclude with a recommended set of interrelated policies that should replace the Council of Europe's current anti-trafficking framework.

In 2000, the UN General assemble established a common definition of TIP through the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol)<sup>5</sup>, which has been signed by 117 countries:

'Trafficking in persons' shall mean the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of

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<sup>5</sup> The Palermo Protocol is a protocol to the *Convention against Transnational Organized Crime* and is one of two Palermo Protocols. The other protocol is the *Protocol against the Smuggling of Migrants by Land, Sea and Air*. The UN adopted both of these protocols in Palermo, Italy in 2000.

force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.<sup>6</sup>

The United Nations Office on Drugs and Crime (UNODC) implements the Protocol by assisting the international community with creating anti-trafficking laws, policies and strategies.

## **Methods**

Information used within this paper has been gathered from a variety of sources including surveys, reports, scholarly articles, electronic sources and legal documents. Statistical information was extracted from surveys on the topics of characteristics of purchasers of sexual services and migration patterns of Eastern European women. Surveys were distributed by the following: Sandyford Health Screen, authors Toman Mahmoud and Cristoph Trebesch, and Maria Birsan.

Reports (TIP Reports) from the US Department of State were used to gather both qualitative and quantitative data on the origin and number of sex trafficked victims found in countries discussed below. Information found in a table, which shows characteristics of sex trafficking in Western Europe, was collected from the US Department of State's TIP Report of 2010.

## **Background**

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<sup>6</sup> United Nations. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*. New York : United Nations.

The integrated nature of the global economy has created flows of TIP through nation-states, providing traffickers with opportunities to benefit from the sale of human beings. The collapse of the Soviet Union and the expansion of EU borders to former Soviet bloc countries have resulted in greater economic and political integration. Because of this integration, Eastern Europeans now have the option to pursue opportunities in the West. The formation of these migratory patterns has made women and children living in poverty, mostly in rural areas, most vulnerable to TIP (Mahmoud & Trebesch, 2009). Cases of TIP are rapidly increasing within the EU because Eastern European people can travel more freely, creating trafficking routes between Eastern and Western Member States. Traffickers are taking advantage of increased patterns of migration and inadequate policy responses.

The use of cellular phones, newspapers, Internet-based social media sites and travelling agencies' online advertisements exacerbate these consequences because these forms of media allow traffickers to open a line of communication with individuals that are vulnerable to sex trafficking. Traffickers will use these methods to initiate contact through establishing himself as a romantic interest or by advertising false job postings that victims respond to. Women and children can also be deceived by traffickers' promises of an enhanced lifestyle through marriage or education (Hughes, 2005). Both the methods of communication that have become more available and lax emigration policies have sped up the process and lowered the cost of trafficking victims across borders. Policy makers working with the EU should pay particular attention to the trafficking link found between Romania, Spain and the UK, because Romania is the most significant source, transit and destination

country in Eastern Europe, and traffickers use this country as their gateway to transport victims from East to West.<sup>7</sup>

International efforts to combat trafficking include the development of the TIP definition found in the Palermo Protocol, which is stated in an earlier section of the paper. The UN is dedicated to assisting States with their effort to combat trafficking, and the Palermo Protocol strongly influences the formation of many trafficking policies and laws that are implemented at state and regional levels.<sup>8</sup> For example, the EU complements the opinion of the UN Palermo Protocol. This is evidenced by the Council Framework Decision of 19 July 2002 on combating trafficking in human beings, which condemns all forms of TIP because it abuses human rights and human dignity.

It is critical to understand the implications that the UN Palermo Protocol has on anti-trafficking efforts on an international scale. According to the UNODC, the adoption of the Protocol is the first *global legally binding instrument with an agreed-upon definition on trafficking in persons*, which is intended to *facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases*.<sup>9</sup> The Protocol provides guidance on creating policies that combat trafficking through recommending that States do the following:

- Prohibit the trafficking of children (under the age of 18) for the purposes of: commercial sexual exploitation, the removal of body parts or exploitative labor practices;

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<sup>7</sup> All three of these countries have signed the UN Palermo Protocol.

<sup>8</sup> United Nations Office on Drugs and Crime: <http://www.unodc.com>.

<sup>9</sup> *United Nations Convention against Transnational Organized Crime and its Protocols*.

- Facilitate the return of children who have been trafficked across borders by highly regarding their safety and acceptance as well as including appropriate legal protection;
- Suspend parental rights of parents or caregivers who have trafficked a child;
- Consider temporary or permanent residence in countries of transit or destination for victims of trafficking in exchange for a testimony against trafficker;
- Ensure that victims of trafficking are protected from deportation, or return *where there are reasonable grounds to suspect that such return would represent a significant security risk to the trafficked person or their family*;
- Provide penalties for traffickers found guilty of aggravated offences, which involve trafficking in children or compliance of state officials.<sup>10</sup>

Because TIP is a global phenomenon, the UN evidently values the implementation of anti-trafficking policies in reference to an international “agreed-upon” definition.

Although the notion of States creating anti-trafficking policies in congruence to one another has importance, there are considerable limitations found with this definition, which negatively impacts the policies’ effectiveness.

Although the UN took a strong initiative in 2000 to create a globally recognized definition of TIP, I argue that it is unlikely that this has had wide implications on the efficacy of anti-trafficking policies and the gathering of statistical data, because it does not clearly define key components of TIP. For example, the terms “trafficking” and “coercion” are not explained in a comprehensive manner and this interferes with the process of accurately gathering concrete statistics.

Recommended and implemented policies that are based on this definition, like the European Council’s Decision Framework, have limited success for the same reason.

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<sup>10</sup> *Ibid.*



It is exceptionally important to understand why certain populations become vulnerable to being trafficked in order to form policies that can tackle TIP more successfully. Common reasons why children (majority being young girls)<sup>11</sup> become vulnerable to being trafficked include domestic abuse or violence within their homes, poor education, high rates of crime, the experience of civil war, ethnic or religious conflicts, and discrimination against their ethnicity. Children that do not have anyone looking after them found in the streets and in refugee camps are especially vulnerable to trafficking because they can be easily overpowered and coerced by adult traffickers (ENACT, 2004). Children of Roma communities are most commonly sex trafficked within the EU (ILO-IPEC, 2003) and some reports have shown that children from Asia are trafficked through Eastern Europe to the UK (US Department of State: TIP Report, 2008). A more detailed explanation of how and why this occurs will be provided in a later section of the paper.

Factors that make women vulnerable to trafficking include: lack of access to jobs, gender inequalities, racism and discrimination toward ethnic minority groups, sex tourism and class discrimination (Galli, Schauer, & Wheaton, 2010). Maria Birsan et al (2008) argue that one of the most important factors—gender inequality—has created job loss for women in Eastern European countries and this pushes them westward. The authors explain that emigration patterns have evolved because Romanian women were employed in all sectors before the collapse of the Soviet Union. The employment of women before 1990 illustrated ‘equality’ with men within a professional context and the traditional role kept women busy with

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<sup>11</sup> United Nations Office on Drugs and Crime: 2006.

additional tasks within the household. The collapse of the bloc in 1989 forced workers, including women, to emigrate and search for jobs elsewhere (p. 100).

Because there has been an influx of Romanian emigration since 1989, some researchers have estimated Romania to be one of the most important sending countries in Europe in terms of migration flow dimensions (Kriger, 2004). According to Mahmoud and Trebesch (2009), high migration areas are more likely to be exposed to trafficking networks when compared to low migration areas. Migrants in areas of high activity are more vulnerable to trafficking because these individuals are often poorer and less educated and are more willing to take risks in order to improve their livelihood. Therefore, it is vital that TIP policies recognize that women living in post-communist countries are economically motivated to emigrate to the West because of the negative effect gender inequalities, not a violation of human rights, has on their livelihood (loss of jobs and low income).

### **1. General EU Trafficking Routes**

Cases of women and children that are sex trafficked in Europe have greatly increased within a particular regional pattern from East to West and involves Romania as a key source and transit country in Eastern Europe as well as Western European countries like the UK and Spain as key destination countries. Statistical data is difficult to collect because women are reluctant to seek assistance from local authorities for fear of prosecution and/or retaliation from their traffickers. This fear can be a result of the manner in which a trafficker recruited a woman or child. There are a number of likely reasons why a victim could be fearful of her trafficker

and/or local authority. These possibilities include threat of causing harm to the victim's family and threat of deportation from the destination country due to the trafficker keeping the victim's legal documents hostage. In many cases, a woman will hesitate to provide evidence due to the relationship she is in or has been with her pimp. Generally, geographical locations that display signs of vulnerability to the sex trafficking business include areas with high rates of poverty, conflict, political instability, and ongoing demand for sex trade. This is especially true of post-Communist countries in Eastern Europe where corruption within government disrupts the process of proper law enforcement against criminal activity.<sup>12</sup>

Countries like Romania, Moldova, Russia and the Ukraine, where economic pressure pushes women and children in poverty out of their home country, become more vulnerable to the recruitment process.

Sex trafficking is fueled by the demand men have for sexual services and the supply of people willing to leave his or her home country in search of better economic opportunities. Specifically, populations that are vulnerable to commercial sex trafficking are Eastern European women and Romani (Roma) children (from Eastern European countries) that are considering migrating to Western Europe to find higher paying jobs and a less discriminating social environment. Because these populations are eager to improve their livelihoods, they are willing to take more risks to find a job, potentially placing them in the hands of traffickers.

Because traffickers are aware of these emigration patterns, criminal networks use this migration flow as an avenue for recruitment. Traffickers look to

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<sup>12</sup> US State Department (August 4, 2010). *Fighting Trafficking in Human Beings - An Integrated Approach and Proposals for an Action Plan*. Brussels. Trafficking in Persons: U.S. Policy and Issues for Congress.

supply women from an Eastern European lower income per capita country like Romania (US \$7, 500)<sup>13</sup> to a destination country based on three key elements: profit potential, increasing demand for sexual services, and the legality of prostitution within the country (Jakobsson & Kotsadam, 2010). Lax prostitution laws and selective law enforcement allow consumers to purchase prostituted women with less difficulty—causing a higher rate of trafficking. Consequently, particular trafficking routes are formed because of the attraction traffickers have to countries that meet at least one of the above stated criteria.

The UK is an example of a destination country where a trafficker has a high profit potential because it has great purchasing power. With a total population of 61,838,154 (2009) and a GNI per capita of \$41, 370 (2009, current US\$), and an unemployment rate of 5.6% (2008, % of total labor force), the UK is considered a high-income country.<sup>14</sup> Traffickers are also attracted to supplying to this country because studies have shown that the percent of UK men paying for sex has continuously increased since 1990.<sup>15</sup> Also, the enforcement of prostitution laws is not geared toward the elimination of the sexual exploitation of women and children but rather toward decreasing the presence of prostitution in the community. Therefore, traffickers choose to supply women and children to the UK because there is an increasing demand for sexual services, prostitution policies are aimed to protect neighborhoods rather than trafficked individuals and the UK's high purchasing power shows promising signs for profit potential.

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<sup>13</sup> World Bank, World Development Indicators, 2009.

<sup>14</sup> World Bank, Country Profile: United Kingdom, 2009.

<sup>15</sup> National Survey of Sexual Attitudes and Lifestyles (NATSAL), 2006.

Traffickers choose to supply women and children to Spain for similar reasons. Demand for indoor sexual services (brothels and clubs) is very high and because this country has a notorious reputation for being a hotspot for child sex tourism, it is considered one of the worst places for child abuse in Europe.<sup>16</sup> Because Spain lacks effective prostitution laws and demand for adult and child sex is high, traffickers use this to their advantage and supply women and children to this country to increase profits.

## **2. The EU Council Framework**

A decision made by the EU Council on July 19, 2002, which is legally binding on EU Member States, recommends that TIP should be combated by criminalizing trafficking, outlining penalties for punishing trafficking offenses, mandating protective measures, invoking preventative action and establishing reporting requirements for Member States. This decision was supplemented by a secondary document and is provided in the Commission Communication on “Fighting trafficking in human beings – an integrated approach and proposals for an action plan” (October, 2005).<sup>17</sup> The key areas that are highlighted in this document include the protection of human rights, the dimension of organized crime, implications of illegal migration, vulnerable groups (especially women and children), the need for both reliable data and improved coordination and cooperation among Member States. Romania was one of the first ten countries to ratify the Convention in 2005, followed by fourteen other Member States including Spain and the UK in 2009.

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<sup>16</sup> Canadian Center for Child Protection, *An Analysis of Websites Canadian Center for Child Protection*. (n.d.). Retrieved from [http://www.cyberaide.ca/pdfs/Cybertip\\_summaryreport.pdf](http://www.cyberaide.ca/pdfs/Cybertip_summaryreport.pdf).

<sup>17</sup> Commission of the European Communities, 2005.

It is evident that the fundamental concern that is underlined is the *protection of human rights* and this is at the center of the Council's recommended policy framework, which is intended to tackle TIP. Article 5(3) of the Charter of Fundamental Rights of the EU prohibits TIP in the context of inviolable human dignity, which binds Member States through international human rights instruments. Although the current decision is binding on all EU members, individual Member States demonstrate a variety of approaches to counter human trafficking because the Council's framework needs further development.

### **3. Common Trafficking Policies at the State Level**

In order to understand why there are various approaches taken by Member States, it is important to note that state level law and policy formation and implementation pertaining to trafficking is usually addressed through the issues of prostitution, organized crime and immigration. This paper will examine prostitution law and policy because this is most closely related to efforts that address the issue of *sex* trafficking. Most policy responses are framed in gender-neutral manners (like human rights based responses) with regard to public health and ethics—an approach that pushes vulnerable populations (primarily women and girls) into the trafficking world. Experts of international child and women abuse studies (Kelly, Coy, & Davenport, 2010) argue that this is ironic because gender-neutral responses “ignore the inequalities which determine the gendered contours of prostitution, and are arguably reproduced through it” (p. 9).

Deep-seated inequalities in source countries motivate victims' decisions to accept risky job offers and agree to migrate to destination countries. These

inequalities also allow traffickers to use lax prostitution policies to oppress women and young girls by selling them for purposes of sexual exploitation. Martha Chamallas (2003), a highly regarded author of feminist legal theory, argues that gender patterns of prostitution are “similar to those found in rape and sexual harassment—while commercial sex workers are both male and female (although predominately women and girls), the purchasers of commercial sex are virtually always men” (p. 269). Therefore, it is essential that policy makers understand trafficking within a gendered context because victims are especially at risk of experiencing violence from men; including rape, abuse and in some cases, murder.

An important counter argument to a female focused approach is found with R. Charli Carpenter’s (2006) claim that addressing gender-based violence (GBV) must also recognize that men and young boys are also vulnerable to sex selective massacre, forced recruitment and sexual violence.<sup>18</sup> Carpenter argues that most literature on GBV fails to recognize that males in armed conflict are victims of rape and sexual mutilation. The author also claims that the psychological torture males in armed conflict endure when they are either forced to rape a woman or young girl in their family or are coerced to witness the sexual torture of their female relatives is also overlooked within the global GBV discussion. The key point that this author stresses is that defining GBV as a crime against women (only) ignores the reality that men are affected by these acts as well. Although Carpenter’s argument adds great value to the broader discussion of GBV, the author’s key points are most

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<sup>18</sup> Carpenter, R. C. (2006). Recognizing Gender-Based Violence Against Civilian Men and Boys in Conflict Situations. *Security Dialogue*, 37 (1), 83-103.

applicable to sexual violence and forced recruitment during armed conflict, not in the context of forced prostitution or sex trafficking.

There is great diversity among prostitution laws and policies across countries, attributable to recent political and economic histories, size of population and current government. Common legal regulation can target the selling or buying of sex, pimping, procurement, public solicitation and brothel keeping. Legislation concerning this issue can approach prostitution in four ways: completely legal, completely illegal, illegal for categories of persons (such as minors or illegal residents), or illegal in certain circumstances (such as street prostitution or unregistered brothels). The effectiveness of policy responses can also vary across countries because enforcement can either be strong, selective or weak (Kelly, Coy & Davenport, 2010).

Governments implement laws and policies that are either supply based or demand based, but rarely create a combination of both. Supply-based policies aim to reduce the supply of women involved within the commercial sex industry. Demand-based policies are intended to reduce the demand for sexual services. The UN Palermo Protocol places accountability on state parties to develop anti-trafficking efforts through law and policy that focuses on demand.

Demand-based policies usually target the consumer who purchases sexual services. This includes criminalizing the purchase of sex and/or activities surrounding this (solicitation and 'curb crawling'). Prevention policies that target the demand side of commercial sexual exploitation educate consumers on trafficking and its victims. Demand-based policies in some countries like Sweden



consider the sex trafficking of a woman as gender violence, while others take a human rights based approach.<sup>19</sup>

Policies that aim to reduce supply include options that target the traffickers by criminalizing pimping, procuring or brothel keeping. Supply-based policies can also target the women involved in the commercial sex industry by criminalizing the selling of sex. Decreasing the stem of the supply involves prevention efforts that raise awareness, generate political will and build capacity of states to tackle sex trafficking, and provide legal options for migration. These efforts also include approaches that strive to improve conditions that make women and children vulnerable to trafficking. These long-term strategies include reducing poverty levels, improving gender inequalities and promoting higher education.

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<sup>19</sup> Shinkle, W. (2007, August). Preventing Human Trafficking: An Evaluation of Current Efforts. *Transatlantic Perspectives on Migration* .

## Sex Trafficking in Western Europe in 2010

Country	Status	Legal	Illegal	Origin of Victims	# of Victims
<b>Belgium</b>	Destination, source and transit	Prostitution	Brothel keeping; pimping	<b>Women</b> and <b>children</b> from Eastern Europe, Africa, East Asia, Brazil and India	Government identified 7 women and 8 children
<b>France</b>	Destination	Prostitution	Brothel keeping, pimping and public solicitation (attempt to sell)	<b>Women</b> and <b>children</b> from Eastern Europe, West Africa, Asia, Caribbean and Brazil	French government estimated 18,000
<b>Germany</b>	Destination, source and transit	Prostitution (regulated)		90% from Europe: Romania (28%), Germany (20%), Bulgaria (18%)	Government identified ¼ of victims as <b>children</b>
<b>Ireland</b>	Destination and transit (lesser extent)	Prostitution	Brothel keeping, pimping and public solicitation (attempt to sell)	Majority of <b>women</b> from Nigeria	No specific # reported
<b>Italy</b>	Destination and transit	Prostitution	Brothel keeping; pimping	<b>Women</b> from Romania and <b>children</b> from Eastern Europe	No specific # reported
<b>Latvia</b>	Source	Prostitution (regulated)		N/A	N/A
<b>Netherlands</b>	Destination and source	Prostitution (regulated)		<b>Women</b> from Netherlands, Nigeria, Romania, Hungary, Bulgaria, and Guinea	No specific # reported
<b>Portugal</b>	Destination, transit and source	Prostitution	Brothel keeping; pimping	<b>Women</b> from Brazil, Eastern Europe, and Africa	No specific # reported
<b>Spain</b>	Destination and transit	Prostitution	Pimping and procurement of prostitution	<b>Women</b> from Romania, Russia, Ukraine, Brazil, Colombia, Dominican Republic, Ecuador, Paraguay, Venezuela, Nigeria; <b>children</b> of Roma ethnicity	Spanish government estimates that 90% of those engaged in prostitution are victims of sex trafficking
<b>Sweden</b>	Destination and transit (lesser extent)	Prostitution	Purchase of indoor and outdoor sex	<b>Women</b> from Romania, Russia, Nigeria, Albania, Tanzania, Thailand, and Estonia	Government estimated 400-600 victims; 16 were identified as children
<b>Switzerland</b>	Destination and transit (lesser extent)	Prostitution (regulated)		<b>Women</b> from Eastern Europe, Latin America, Asia and Africa; <b>children</b> of Roma ethnicity	No specific # reported
<b>United Kingdom</b>	Destination	Prostitution	Loitering, curb crawling, soliciting a person for sex, brothel keeping	<b>Women</b> from Eastern Europe, Africa, Asia; <b>children</b> from UK, Vietnam and China	No specific # reported

**Information regarding “Status”, “Origin of victims” and “# of victims” derived from Department of State: TIP Report, 2010**

\* Supply-based responses

\* Demand-based responses

This table demonstrates that prostitution in most Western European countries is legal and does not target the seller (supply) of sex. Policy responses do vary among Member States included in this table and can either target the trafficker (supply), brothel keeper (supply) and/or the purchaser (demand). France and Ireland are the only countries that prohibit the solicitation (offer) of sex by the seller in a street or public place.

Differences in supply-based responses are found with these countries choosing to criminalize one or a combination of the following: public solicitation (attempting to purchase sex), pimping, procurement and/or brothel keeping.

Differences in demand-based responses among these countries are found with choosing to target the purchaser by one of two ways: criminalizing activities surrounding the purchase of sex or criminalizing the purchase of sex entirely. The UK prohibits loitering, curb crawling and soliciting a person for sex (activities surrounding the selling of sex), while Sweden has criminalized the purchase of indoor (brothel) and outdoor (street) sex.

Three countries uniquely stand out in this table. The UK is the only country that aims to reduce demand by prohibiting activities surrounding the selling of sex and the only country to implement both a demand-based and supply-based approach. Spain is the only country included in this table that does not target indoor prostitution because it does not prohibit brothel keeping and Sweden is the only country that criminalizes the purchase of sex in all settings.

#### 4. Case Study: Romania, Spain and the UK

Recent media attention has been given to the demand Spain and the UK both have for the supply of Eastern European women and Roma children.<sup>20</sup> This paper pays particular attention to the innovative approach of identifying the policy failures associated with the supply and demand of this specific trafficking route because it provides a general explanation for the flow of trafficking from East to West in the EU.

Romania is a **source**, **transit** and to a lesser extent, a **destination** country for women and children trafficked for the purpose of sexual exploitation. Romania's *source* status makes this country a significant supplier of Romanian women and Roma children to Western European countries. Romania is a *transit* country because women from the Ukraine, Moldova and Russia, along with children of Roma populations in these three countries are supplied to destination countries *through* Romania by organized criminal networks (US Department of State: TIP Report, 2008, 2009 & 2010). Children from China and Vietnam are also trafficked through Romania into the UK (US Department of State: TIP Report, 2008). Romanian women living in poverty stricken areas that search for better economic opportunities in Western Europe create a specific migratory pattern that traffickers can target. The effect the breakup of the Soviet Union had on women is a major contributing factor to these patterns, because the bloc encouraged men and women to work in order to promote gender equal roles. Because traffickers are aware which populations typically look to emigrate to the West makes Romanian women under the age of 40

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<sup>20</sup> CNN Freedom Project: 2011.

in search of jobs in Spain or the UK vulnerable to the recruitment process. Children within Roma communities are at a high risk of being trafficked because the ethnic discrimination they experience keeps them from acquiring jobs and drives them to search for enhanced economic opportunities and social acceptance in the West.<sup>21</sup> Romania is a major supplier of victims because of correlated migratory patterns, poor economic and social conditions that put women and children at high risk of being trafficked and a lack of supply based policies.

Spain is a major **destination** and **transit** country for women and children that are subjected to sex trafficking. Victims originate from **Eastern Europe** (Romania, Russia, and the Ukraine) East Asia (China), Latin America (Brazil Columbia, Dominican Republic, Ecuador, Paraguay, Venezuela), and sub-Saharan Africa (Nigeria).<sup>22</sup> In 2003, the police identified 323<sup>23</sup> cases of sexual exploitation, with almost all of them involving Roma children that were trafficked from Romania—showing a direct link to Romania’s source status.<sup>24</sup> Spain is one of the worst places for child sexual abuse in the EU. In early 2010, the Spanish government determined that 95% of the 1,301 identified victims of trafficking in 2009 were female.<sup>25</sup> Young girls can also make up part of this number of identified victims, but this is impossible to know for sure because the Spanish government does not always disaggregate sex trafficking cases that involve children from those that involve female adults.

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<sup>21</sup> STOP Sex Trafficking of Children & Young People. (2010). *Spain: Country Progress Card*. ECPAT Espana and The Body Shop.

<sup>22</sup> *Ibid.*

<sup>23</sup> *U.S. Department of State: TIP Report, 2007.*

<sup>24</sup> It is important to remember that this number is assumed much higher because of under reporting.

<sup>25</sup> *U.S. Department of State: TIP Report, 2010.*

The UK is a significant **destination** country for women and children trafficked for the purpose of sexual exploitation. In 2008, the London police estimated that 70% of the 88,000 women involved in prostitution were under the control of traffickers and were primarily trafficked from **Eastern Europe** and Africa. Unaccompanied foreign children that were trafficked for the purpose of sexual exploitation were generally found to be from Asia (PRC and Vietnam) in 2008, and some reported cases included UK children in 2009. The UK has a direct link to Romania's transit status because most Asian children are first trafficked through Russia, then through the Ukraine and finally through Romania and into the UK.<sup>26</sup> The Eastern European women that are trafficked in the UK and are also trafficked from or through Romania. Many UK men are also found to travel to Spain for sex, showing a link to Spain's destination status.

This paper will examine policy failures by comparing the supply of sex trafficking to Romania's *transit* and *source* status, and demand to Spain's destination and transit status and the United Kingdom's *destination* status. Although the EU framework is binding, single Member States show a variety of anti-trafficking approaches that are exercised within these parameters. State level policy failures greatly contribute to the profits international criminal enterprises gain from the exploitation of sex trafficked victims. These state-level policy failures will be highlighted in order to provide the EU with evidence to improve its current policy framework.

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<sup>26</sup> *Ibid.*

This case study provides explanation for the broader flow of trafficking that shows a pattern of occurring from East to West within the EU. Specifically, this case study demonstrates that the Council's anti-trafficking framework needs to implement supply based strategies (awareness campaigns) that target countries like Romania that act as a gateway for victims to be trafficked from East to West through its source and transit status.

A recent study has shown that there is connections between the awareness Eastern European households have of the phenomenon of human trafficking (sex and labor) and the incidence of trafficking in a region. Through quantitative research done by Mahmoud and Trebesch (2009) on economic drivers of trafficking, these two authors found that migration pressure, informal migration and incomplete information are key determinants of trafficking. Data was collected through survey distribution to 5513 randomly selected households from Belarus, Bulgaria, Moldova, Romania and Ukraine. Human trafficking was defined as “a situation in which an individual travelling abroad was locked and forced to work for no or little pay via means of coercion”. Approximately 7% of migrant families (108 of 1563 household) reported having at least one trafficked victim among their family. These results include sex and labor trafficking but excludes child trafficking. The empirical study also resulted in two key findings: households of migrant families in high migrant areas are more likely to have a member of their family trafficked and areas where awareness of human trafficking is high shows a lower prevalence of trafficking.<sup>27</sup> Households that reported using TV as a source of

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<sup>27</sup> Areas of high awareness were *less likely* to report a trafficked family member.

becoming informed on current political and social issues were also less likely to report trafficked individuals in their family. Because recent research (Mahmoud & Trebesch, 2009) shows a positive correlation between high public awareness of TIP (through various forms of media) and low prevalence of trafficking among Eastern European households, it is important that supply-based strategies that raise awareness be implemented in rural parts of Romania. In order to better understand what types of supply-based strategies should be implemented according to the characteristics of this trafficking route, it is critical to first examine each country individually.

#### **4.1 Romania**

The following characteristics show why Romania has a dynamic role as a supplier in this route. Romania is the only country that is a source, destination and transit country in Eastern Europe. A high level of government corruption supports Romania's transit status and the minimal effort (lack of funds, training, protection and enforcement) the government dedicates to combat sex trafficking allows for traffickers to use this country as a gateway to Western Europe. Countries like Spain and the UK serve examples of typical destination countries in Western Europe. This case study also demonstrates how the borderless nature of the EU has allowed women and Roma children from the Ukraine, Moldova and Russia to easily travel through this country since Romania's accession in 2007. Porous borders have also made it less difficult for traffickers to bring Asian children through these Eastern European countries and exploit them in the UK. Many Roma children are trafficked from and through Romania because of the country's large number of Roma



communities and the high population of Roma minority in the Ukraine, Russia and Moldova. This occurs because the Roma minority suffers from high unemployment and discrimination, which pushes them out of their community in search of an improved livelihood elsewhere. The European Commission's Regular Report on Romania estimates that 1.8 to 2 million Roma people make up this country's second largest ethnic minority.

Migration patterns of Romanians going to Western Europe serve as avenues for recruitment. Comprehending the flow of these patterns will show how the recruitment process is connected to the creation and maintenance of this trafficking route. This will be further discussed by introducing historical implications of this migration process.

After the breakup of the Soviet Bloc in 1989, most European countries including Romania were greatly affected by poor macroeconomic policies that were implemented within the political transition period of the 1990's. Specifically, the World Bank describes Romania's policies in the 1990's, as "dominated by entrenched interest groups, which were embedded in state owned enterprises (SOEs), and exhibited a pervasive lack of discipline in relations with the financial sector". The World Bank has also outlined factors that contributed to the economic instability that these countries experienced during that time-period as, "deep economic distortions, major trade disruptions, and the absence of market-oriented institutions" (2004, p.2).<sup>28</sup> During the transition period, dramatic changes with the employment structure occurred in this country. The unemployment rate in 1991

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<sup>28</sup> World Bank Country Profile: Romania.

was 3%, but within three years, this rate more than tripled to 10.9% in 1994. In the year 2000, this rate peaked even higher at 11.8%, and was estimated to be at 4.45% in 2009.<sup>29</sup> Although this unemployment rate is quite low, Romanians chose to leave because they search for higher paying jobs in the West. Even though the World Bank considers this country upper middle income, the poverty head count ratio at national poverty line<sup>30</sup> is currently at 29%.<sup>31</sup>

Understanding Romania's history is crucial to comprehending reasons for emigration. Migratory behaviors formed in response to drastic political and economical transformations. Since the end of the Cold War, many Romanians have been migrating to Western Europe. During the first few years of the transition period, many people had trouble adapting to the new economic, political and social structure and began to leave Romania.<sup>32</sup> In the first part of this transition, people were also greatly attracted to emigration because their newly gained political freedom allowed them to move more freely to and from their country without fearing possible political consequences.

Although the current unemployment rate (4.45%) in Romania is quite low, there are other economical factors that "push" many Romanians to migrate to Western Europe. This includes low paying jobs, underemployment in rural areas, and difficulties faced by medium skilled workers and young graduates in search of jobs. Thirty-five percent out of the total active population works in the agricultural

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<sup>29</sup> *Ibid.*

<sup>30</sup> The World Bank describes the national poverty rate as the percentage of the population living below the national poverty line. National estimates are based on population-weighted subgroup estimates from household surveys.

<sup>31</sup> World Bank, Country Profiles: Romania, 2009.

<sup>32</sup> Stanek, M. (2009). Patterns of Romanian and Bulgarian Migration to Spain. *Europe-Asia Studies*, 61 (9), 1627-1644.

sector, which does not allow for high productivity or a higher income. Job formation in other sectors is occurring at a slow rate and families in rural areas tend to have one family member that is working abroad.<sup>33</sup> Additionally, migration from Romania continues because of Western Europe's demand for cheap labor and the supply of workers willing to leave post-communist countries in search of better economic opportunities. Furthermore, Romania's accession into the EU has greatly increased this flow—causing a greater influx of Romanian migrants to Western Europe since 2007.

Although examining the general migration flows from Romania allows for a broader understanding of this trend, it is particularly/also crucial to recognize motives of female emigration patterns. In order to better understand the implications gender specific flows have on sex trafficking, it is vital to highlight general characteristics of Romanian women in the Western country they have migrated to. This shows what populations become most vulnerable to this trafficking route. Supply-based policies in Romania can then be targeted toward this group of women and children.

Based on a questionnaire that was distributed to Romanian women in four Western European countries, Birsan et al were able to assess the profile of this female immigrant group.<sup>34</sup> This research found particular characteristics that

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<sup>33</sup> Birsan, M., Cramarencu, R., Campbell, W., & Savulescu-Voudouri, M. (2008). Women's Migration From An Eastern European Perspective. The Case of Romanian Women Migrants In Northern (The Netherlands, Denmark), And Southern Countries (Greece, Spain). *Studia Universitatis Babeş-Bolyai - Studia Europaea* (1), 91-115.

<sup>34</sup> The empirical questionnaire was used to interview persons that were randomly selected in The Netherlands (50 total persons, out of whom 37 are women), Denmark (30 persons, out of whom 17 are women), Spain (80 persons, out of whom 48 are women), and Greece (50 persons, out of whom 11 are women).

reveal what group of Romanian women chose to migrate to Northern countries including the Netherlands and Denmark, and Southern countries—Spain and Greece. Some of the characteristics identified of the persons were age and gender, marital status and children, level of education reasons for emigration from Romania, ways of finding a job, and reunification with members of the family in the host country.

This questionnaire discovered that Romanian women in Northern countries are found to have a higher level of education than in Southern countries. Economic reasons for migration were reported for Spain and Denmark and family reunification was reported for Greece and the Netherlands. This questionnaire found that an overwhelming majority (90%) of the women migrating to Spain are young. A high percentage of women are single and have their children with them in Spain, which also places these children at high risk of being trafficked in Spain because they are more likely to be under minimal adult supervision. Most of the women reported having a high school diploma as their highest level of achieved education. Main reasons for emigrating from Romania to Spain include family reunification and the inability to find a high paying job back home. In the case of Spain, family reunification means that the women that marked this category left Romania in order to be with a male figure in their life like a boyfriend or a husband. Although some of these women reported leaving Romania for reunification purposes, the majority claimed that it was due to unemployment and low salaries in

Romania. Most women reported using Spanish agencies or social networks in host countries as the most common ways of finding a job.<sup>35</sup>

Traffickers use various forms of media to target populations that are vulnerable to sex trafficking in Eastern European countries by posting false job opportunities that attract women to work in Spain. Due to some women's desire to better their economic conditions, accepting job opportunities drives women into the recruitment process. Children of Roma populations are also found traveling Romania in this way because the discrimination toward their ethnicity drives them abroad.

In the case of Romania, the lack of effective supply-based policies that focus on prevention contributes to the country's source status. Documented emigration patterns should guide the European Council and the Romanian government to implement supply-based policies and strategies to decrease the supply of women and children to destination countries. These policies should raise public awareness on the vulnerability women and children are subjected to if they choose to leave the country in search of improved social and economic conditions.

In 2008, the Romanian government, in conjunction with various NGOs, made an effort to raise awareness through two prevention campaigns, which were aimed to reduce domestic demand, rather than supply.<sup>36</sup> Prevention strategies that target the client will not reduce the supply of women and children to other countries because the number of purchases of sex within Romania is minor when compared to the number of women and children that are supplied to destination countries.

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<sup>35</sup> Birsan et al, 2008.

<sup>36</sup> U.S. Department of State: 2009.

The European Council should build an awareness of why women and children travel on these migratory patterns and should recommend supply-based strategies (informational campaigns that build awareness) that warn of the high risk emigrating populations have to being sex trafficked in a country they are looking to travel to. This is politically feasible because the Romanian government has shown the desire to invest in prevention strategies that involve raising public awareness in the past, but this was not adopted with an effective approach.<sup>37</sup> It is also advisable to implement these strategies based on evidence (Mahmoud & Trebesch, 2009) previously discussed, which shows a positive correlation between a high awareness of TIP and low reported rates of trafficked family members in Eastern European households.

## 4.2 United Kingdom

Examining this country's laws and policies on prostitution is critical to understanding its link to Spain and Romania. The UK's current legal position on prostitution aims to reduce the demand for sex services by criminalizing activities **surrounding** the selling of sex, which is directed predominantly through policy rather than statute. The legal position considers exchanging money or other benefits for sex as legal, but deems loitering, curb crawling<sup>38</sup>, soliciting a person for

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<sup>37</sup> In June 2009, the Romanian government launched an awareness campaign within the classroom, which reached approximately 30,000 school children and 530 teachers.

<sup>38</sup> The UK considers curb crawling—*soliciting a women for the purpose of prostitution from a motor vehicle while it is in a street or public place*—a criminal offense under the *1985 Sexual Offences Act*. Retrieved: <http://www.legislation.uk.gov>.

sex, and keeping or managing a brothel used for prostitution as illegal.<sup>39</sup> The Criminal Justice and Police Act of 2001, declared ‘curb crawling’ as an offence for which a purchaser can be arrested. Although this was originally passed through legislation as a mechanism to deter buyers of sex, enforcement of this law is found to be inconsistent. Kelly et al believe that this could be occurring because of the government’s prioritization of its national security agenda over other issues like sex trafficking—detering policing away from prostitution enforcement.<sup>40</sup> Although this could be partially why poor enforcement occurs, the main reason why this is happening is because these laws aim to protect communities rather than victims.

These prostitution policies are demand based because they target the consumer. It is important to note that these policies were implemented with the focus of protecting neighborhoods from the negative effect prostitution can have on communities. Policies are not concerned with the exploited women and children that are victims of sex trafficking within the UK. This drives exploitation indoors into locations like massage parlors, spas that hold “sauna sessions’, brothels and clubs. Because these laws are focused on protecting the community, enforcement is usually based on rate of community complaints to police from members in a neighborhood.

#### **4.2a Enforcement Failure**

Sex trafficking occurs within the UK because prostitution laws are not properly enforced. Unfortunately, it usually takes a high rate of community

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<sup>39</sup> *Sexual Offences Act 1993*: Section 55—It is an offence for a person to keep, or to manage, or act or assist in the management of, a brothel to which people resort for practices involving prostitution (whether or not also for other practices).

<sup>40</sup> Kelly, Coy, & Davenport, 2010.

complaints to the local police station to get local authority to react to prostitution in a particular area. There has also been strong evidence (Gangoli & Westermarland, 2006) suggesting that at times police units will create an unauthorized “tolerance” zone in varying areas for women in prostitution to work in—allowing for curb crawling and the solicitation of sex to unofficially occur, so long as communities are sheltered from “negative influences” of prostitution.

Some studies have shown that prosecuting men of curb crawling is rare and police almost never stop most men who engage in this activity. If they do stop a curb crawler, the man will often explain that all he was doing was asking for directions because it is hard to prove whether the curb crawler was ‘persistently’ asking an individual for sex.<sup>41</sup>

Due to the above stated failures, demand for sexual services continues to increase in the UK each year. A number of surveys that were distributed by T.M. Groom and R. Nandwani (2006) to learn more of the health of UK consumers who purchase sexual services through prostitution, both domestically and abroad, showed that the percent of men in the general UK population paying for sex doubled from 1990 (2.0%) to 2000 (4.2%), and continues to increase.<sup>42</sup> More specifically, a particular survey found that out of the 2,665 men completing a health-screening questionnaire between 2002 and 2004, 10% (267) of the men reported paying women for sex, while 4.3% reported paying other men for sex. The gathering of this statistical data found that of the 267 men reporting their purchase of sex, 51%

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<sup>41</sup> Gangoli, G., & Westermarland, N. (2006). *International Approaches To Prostitution*. Bristol, Great Britain: The Policy Press: University of Bristol.

<sup>42</sup> The National surveys of sexual attitudes and lifestyles (NATSAL) show that in 1990 2.0% men of the general UK population reported paying for sex, while in 2000 it was 4.2%.



reported paying abroad and 40% within the UK. This questionnaire recorded that the most common European locations of paid sex outside of the UK of 232 cases included the Netherlands (Amsterdam), Spain and Germany. Other characteristics gathered of UK consumers driving the demand of this market includes a mean age of 34.7 years and that their purchase of sex was either made domestically or abroad—not both.

## **5. Spain**

Some UK men, as well as other foreign men, travel to Spain to purchase sexual services because this country's prostitution laws do not target the purchaser or supplier of indoor prostitution. Spain's prostitution law (Organic Law 10/1995) repealed all offences associated to the selling of sex based on the assumption that selling sex can be voluntary but that it most commonly arises from coercion. Spanish prostitution policy differs from the policies in the UK because there are no legal measures taken in relation to the selling or purchase of sex. Rather, legal measures are taken through a supply-based approach that focuses on addressing the exploitation of prostitution. This includes taking legal action against the pimping and procurement of prostitution. Offences are related to encouraging, promoting, facilitating, or profiting from the prostitution of another person. These laws pertain to street prostitution only, which does not address trafficking that occurs within brothels and clubs. A penalty of imprisonment of one to four years is associated with facilitating the prostitution of a minor or disabled person. Because it is impossible to identify whether a woman or child is "facilitated" into prostitution, this policy fails to address the fear victims have of their pimps and

existing gender inequalities Eastern European women and young girls experience through forced prostitution.

### **Example of a Successful Demand-Based Legislation**

In 1998, the Swedish government passed legislation (The Act Prohibiting the Purchase of Sexual Services) that decriminalized the sale of sex, and criminalized the purchase of sex—considering prostitution as violence against women. This was the first prostitution law to decriminalize the sale of sex and shift the burden of criminality upon consumers purchasing sex. Sweden’s prostitution policies are gender focused and embrace Chamallas’ (feminist legal theorist) view of this social practice: “prostitution is thus closely linked to male acquisition of female sexuality and disproportionately affects women through the application of criminal laws that target the seller rather than the purchaser” (269). These laws have been applied across all contexts and settings, allowing women to seek support to exit prostitution regardless of where they are selling sex (street, brothel, or other indoor settings). In 2007, the government specifically aimed to reduce the sexual exploitation of children through a revised action plan, which outlined legal measures that address child sex tourism and the need for prevention. Policies were implemented and passed through legislation in 1998 with the goals to:

- Encourage gender equality
- Protect women from men’s violence
- Facilitate public support for an approach that views prostitution as a way to oppress women

It is evident that the Swedish government recognizes the implications gender inequalities have on the trafficking of women and children (mostly young girls) for

the purposes of sexual exploitation. Swedish politicians greatly value and firmly believe in taking a gender-focused approach to tackle TIP:

*We must have a vision, like we do in Sweden, that it will, in fact, be possible to eliminate prostitution and instead create a society based on gender equality, a society in which prostitution and trafficking in women is seen as incompatible with the dignity and worth of the human person and the equal rights of men and women.* (Lise Bergh, State Secretary for Gender Inequality, Sweden, 2005)

Policies recognize that women and children are victimized by traffickers, and offer these populations support to leave prostitution. This approach differs from that of the UK's because Sweden is concerned with protecting victims rather than its communities. This country has also drafted laws that criminalize the pimping and procuring of a person in order to address the issue of exploitation and policy this policy is more successful than Spain's because the Swedish government define these terms because the UN and the EU do not. Legal measures are taken against anyone who "promotes or improperly exploits 'casual sexual relations for payment'" (Kelly et al, 2010: 31). Additionally, unlike Spain's laws that tackle street prostitution only, Sweden's laws aim to combat sex trafficking in all settings—both indoor and outdoor.

Sweden was the first country to implement a demand-based approach driven by the long-term goal to abolish prostitution, and is the only country that can validate implementation of the section in the Palermo Protocol that tackles demand. The U.S. Department of State recognizes the Swedish government as "a leader in targeting demand for sexual exploitation with laws prosecuting sex buyers and protecting victims" (U.S. Department of State: 2005). Sweden has furthered its anti-trafficking efforts beyond the Protocol's recommendations by taking an approach

that strives to improve gender equality rather than human rights. This is a key component to Sweden's success in creating anti-trafficking policies that are effective. Taking a gender-focused approach is vital to the abolishment of sex trafficking because a human rights approach is gender neutral and ignores the implications gendered inequalities have on the victimization of vulnerable populations.

In 1999, Sweden reported only 94 cases of purchasing sexual services and in 2001, this number declined to 81.<sup>43</sup> The government released a report in 2010, which concluded that the number of sex trafficking cases (mostly women) has been reduced by 50% since the demand-based policy was implemented in 1999.<sup>44</sup> The Swedish government, law enforcement agencies and NGOs attest that prostitution has significantly decreased and that there are far less foreign women selling sex outdoors. Critics of this law argue that this legal response has simply decreased street prostitution and has increased indoor prostitution—making the purchase of sex less visible. Although it is logical for critics to make this assumption, national reports show that an obvious increase in prostitution has only been found in pornography magazines, advertisements of escort services and via a network of taxi drivers (SoS 2004). Because prostitution does not necessarily occur in these spaces, this criticism lacks strong evidence and has not stopped Finland (2004), Iceland (2008) and Norway (2008) from implementing similar legislation, prohibiting the purchase of sexual services in these countries.

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<sup>43</sup> SoS (Socialstyrelsen). 2004. *Prostitution in Sweden 2003*. Stockholm: SoS.

<sup>44</sup> En utvärdering. Förbud mot köp av sexuell tjänst (SOU 2010:49) (1999-2008). [regeringen.se/sb/d/108/a/149142](http://regeringen.se/sb/d/108/a/149142). [Summary in English: Government Offices of Sweden. Evaluation of the ban on purchase of sexual services, Retrieved 2011: [www.sweden.gov.se/sb/d/13358/a/149231](http://www.sweden.gov.se/sb/d/13358/a/149231)]

The success of Sweden's unique implementation of demand-based policies—criminalizing all purchases of sexual services—including both outdoor (street) and indoor (brothels, saunas and massage parlors) prostitution through a gender focused approach should serve as an example for the Council's framework. The recommended EU model framework should follow this example with implementing demand-based policies in destination countries and include a supply-based prevention approach that targets source and transit countries like Romania. It is critical that the European Council's policy framework outlines what populations and geographical areas are vulnerable to sex trafficking. This is vital to raising public awareness by educating target vulnerable populations, which includes impoverished women of Romanian, Ukrainian, Moldovan and Russian ethnicity, as well as children of Roma communities found in these four countries, and Asian (Chinese and Vietnamese) children that pass through Romania. These campaigns should especially target vulnerable populations in rural areas, because women and young girls are more likely to consider migration to urban areas in Western Europe.

## **Conclusion**

The Council recommends policies based on the UN created definition of trafficking, which places more emphasis on reducing demand and less importance on supply-based prevention strategies. The Council's initiative to combat trafficking also focuses on protecting human rights, rather than addressing the issue through a gender focused approach. If the European Council were to improve key areas of the Convention, this policy framework could reduce the flow of TIP from Eastern to Western Europe more successfully.

In order for a Member State to fully implement the Council's policy framework, it must be able to fundamentally understand the meaning of terms like "coercion", "vulnerability", and "exploitation". Because these terms are not clearly defined in the UN protocol, it is nearly impossible to know who meets the criteria of being a "trafficked" person.<sup>45</sup> On the other hand, it is extremely difficult to illustrate what "coercion" entails of in the process of recruiting and exploiting a "trafficked" individual. Furthermore, it is challenging to develop a tool that would have the ability to assess whether or not trafficked individuals are exploited through coercion or force. Knowledge of the extent of sex trafficking is limited because statistics on all existing trafficking cases are difficult to collect because there is no simple way to describe a type of "trafficker" or a type of "coercive" behavior. Therefore, Member States cannot rely on implementing policies that are currently recommended by the European Council because of the ambiguity of the description of trafficking and the emphasis it places on demand, rather than on both supply and demand.

The UN definition is insufficient because one cannot prove whether a woman or young girl is coerced into prostitution. This is the main reason why criminalizing pimping or procuring (as Spain does) only is ineffective. Similar to arguments found in feminist theory, some authors argue that all females participating in prostitution are oppressed, and others believe that it is a valid trade as long as coercion is not involved.<sup>46</sup> Specifically, radical feminists claim that prostitution would not exist in a

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<sup>45</sup> Anderson B, O. C. (2003). *Is trafficking in human beings demand driven? A multi-country pilot study*. International Organization for Migration, Migration Research Series (7).

<sup>46</sup> Chamallas, 2003.

gender equal environment because it is an example of how men take advantage of women's sexuality. Liberal feminists argue that some women are involved in prostitution by choice and that it is unacceptable to assume that their assent does not reflect their own desires simply because they are women.<sup>47</sup>

I argue that it is impossible to prove whether a person is coerced or forced to participate in prostitution, and that deep-seated gender inequalities greatly contribute to the sexual exploitation of women and children. Therefore, it is advisable that policies assume that all immigrant women and young girls involved in the sex industry are exploited, just as Sweden has.

This policy framework is inadequate because it is generally demand-based, fails to recognize gender inequalities that underlie TIP, and does not clearly define how to assess cases that involve trafficking, coercion and force. Other approaches that Member States take through national legislation include policies that vary across countries and are generally either supply-based or demand-based strategies, but rarely both.

### **Policy Recommendations**

Future anti-trafficking initiatives drafted by the European Council should look to shift away from a human rights based approach toward a more gender-focused approach. The Council should form an improved policy framework through several interrelated policies that target both demand and supply. Demand based policies should be implemented by all Member States of destination status and

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<sup>47</sup> Bertone, A. M. (2004). Transnational Activism to Combat Trafficking in Persons. *Brown Journal of World Affairs*, X (2).

should criminalize the buying of sex in accordance to Sweden's Act Prohibiting the Purchase of Sexual Services (1998). Supply-based strategies should educate vulnerable populations (women and children in rural areas that are at risk of recruitment during migration to a Western European country) through informational campaigns that raise awareness and should be implemented in Eastern European source and transit countries.

### **Recommendations for demand-based policies.**

The following recommendations are suggested means of improving the Council's demand-based efforts. In order to reduce the demand men have for sex services more effectively, policies should:

- Assume that all women and children involved in sex trafficking are coerced into prostitution by their traffickers because genuine consent is not possible given the lack of physical safety and the lack of equal power victims have when they are with a purchaser
- Criminalize the purchase of sexual services from women and children, including indoor and outdoor prostitution,
- Recognize the social and economic hardships gender inequalities place on women and young girls and view sex trafficking as a form of sexual violence
- Facilitate gender equality and strive to eradicate gendered exploitation

### **Recommendations for supply-based policies.**

The following strategies are recommended for developing the Council's supply-based approach. In order to reduce the supply of Eastern European women to destination countries in Western Europe, policies should:

- Develop prevention campaigns that aim to reduce the supply of Eastern European women and young girls of Roma and Asian ethnicities to



destination countries by raising awareness in rural areas through appropriate forms of media distributed in health clinics, bus stops, airports, public restrooms and playgrounds in source and transit countries,

- Target young girls in Roma communities and young Romanian, Ukrainian, Moldovan and Russian women,
- Recognize that ethnic discrimination of Roma communities pushes children out of Romania, Russia, Moldova and the Ukraine, which makes young girls vulnerable to recruitment process,
- Inform vulnerable populations of geographic locations they are at risk of being trafficked to in the languages of Romanian, Ukrainian, Russian, Chinese and Vietnamese.

Drawing upon two countries from the case study used in this research, the Council can learn how to implement this recommended approach in relation to each Member States' trafficking status. For example, because Spain is a significant destination and (to a lesser extent) transit country, the following changes would occur with implementation of this recommended approach:

- Policies would move away from targeting supply toward targeting demand by moving away from criminalizing procuring of prostitution and pimping in one setting to criminalizing the purchase of sex in all settings,
- Focus would be placed on protecting victims of sex trafficking from sexual violence.

If the framework were implemented according to the UK's significant destination status, the following changes would occur:

- Policies would continue to target demand, but would move away from criminalizing activities that surround the purchase of sex toward criminalizing the purchase of sex in all settings,
- Enforcement of laws would occur because policies would shift focus from sheltering neighborhoods from prostitution toward protecting trafficked women and children from sexual violence.

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