

# **Implementing gender equality principles to combat trafficking and to prevent sexual exploitation of women and children**

*European Network Against Trafficking in Women for sexual exploitation*

**ENATW**

[www.aretusa.net](http://www.aretusa.net)



European Commission



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For further information visit [www.aretusa.net](http://www.aretusa.net)



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## EXECUTIVE SUMMARY

The European dimension of ENATW (European Network Against Trafficking in women for sexual exploitation) is expressed not only by the fact that it links many organisations operating in EU Member States but also by the fact that within the network, all members share their competence, exchange experiences and offer their contribution for disseminating and implementing policies as well as legislative and political standards aimed to preventing and combating trafficking and sexual exploitation of women and children .

All member organisations of ENATW have in common their commitment to guarantee an effective promotion and implementation of the principle of equal opportunities between men and women as well as policies and actions aimed to prevent and combat violence against women which is still a reality in the European Union. All members of the network believe that trafficking and sexual exploitation violate human dignity and therefore the principle of gender equality.

The need to provide organisations with a tool for informing and raising awareness on principles and guidelines of the EU for planning and implementing policies for preventing and fighting trafficking resulted in the brochure “European Union plan for combating trafficking in human beings: guidelines”. However, we also felt we needed to carry out a research which not only would “describe” but it would make actors at national and European level reflect on some “problematic” issues.

We have therefore decided, starting from some strategic questions, to open a debate among those actors involved in the promotion and protection of women rights and particularly in the field of trafficking and sexual exploitation.

By presenting the results of the research and an overview on the national legislative frameworks, this report offers:

- suggestions on how to reflect on the relations between prostitution, sexual exploitation and trafficking within the sex industry as well as the impact that those phenomena have on the protection of human rights and the fight against violence on women,
- indications to focus on the issue of demand (client) and sex industry,
- information on the state of implementation of EU policies against the trafficking, focusing on mainstreaming the principle of equality between men and women in national and local policies.

The report intends to support a debate among NGOs, public authorities and law enforcements in order to make these actors’ attention focus on respecting human rights, promoting gender equality and social inclusion. These principles are at the core of the commitment of ENATW against sexual exploitation and trafficking in women.

# INTRODUCTION

## 3.1. ENATW project

The European Network Against Trafficking in Women for sexual exploitation (ENATW) has been working on establishing a network of women's organisations that work in the field of trafficking and gender equality since 2003.

The working programme of the project "ENATW – the European Network Against Trafficking in Women for sexual exploitation, 2006" was supported by the DG Employment and Social Affairs of the European Commission under the call for proposals VP/2005/024 "Initiatives to promote gender equality between women and men, including activities concerning trafficking in women".

The implementation of project activities has been carried out by Associazione IRENE (*Italy*) in cooperation with other two regional coordinators: MONA Foundation for the Women of Hungary (*Hungary*) and A. F. P. del Patronato San Vincenzo (*Italy*).

The leader organisation and the two coordinators cooperated with other national referents of ENATW:

Amicale du Nid (*France*);

Research Centre of Women's Affairs (*Greece*);

BalticFem (*Sweden*);

Women's Issues Information Centre (*Lithuania*);

Dom Zakonny (*Poland*).

The main objective of the network is the promotion of a gender approach to trafficking, especially as far as prevention is concerned, that would also consider social and individual responsibilities that are casually connected to the sexual exploitation and violence against women. As stated in the report of the European Parliament (A6-0400/2005) "*the promotion of gender equality in all EU policies and implementation of national legislation on equal opportunities are essential to counter-act the drivers of trafficking, such as poverty, social exclusion, unemployment, lack of education, corruption, discrimination and violence against women*".

In order to foster "human rights and gender oriented approach" to trafficking, ENATW promotes the integration of European standards in the national and local action plans against trafficking. In the framework of the project activities ENATW published the "European Union plan for combating trafficking in human beings. Guidelines".

Since 2003 ENATW has been maintaining a web portal at [www.aretusa.net](http://www.aretusa.net) in order to disseminate the activities of the network and to facilitate the exchange of information and best practices between women's organisations working to prevent and combat trafficking and to protect women's rights.

## 3.2. Methodology

The program to enlarge ENATW has raised issues concerning the similarities and the differences in the situation and practices of countries represented by the civil organisations that make up the network. Which persons and which groups should be our targets and how should we formulate our program if we want to reach out to the public and the relevant state authorities with our educational materials and awareness raising events?

Within the frames of our modest possibilities our objective was to find out about the attitudes of legislators, politicians and heads of state organisations and senior police officers in the countries represented by the civil organisations in ENATW. We wanted to learn what they know about trafficking and its connection with prostitution. Furthermore, we wanted to know what kind of information they have about prostitution and trafficking in their countries and in Europe, as well as how well they know the local legal and institutional systems concerning prostitution and trafficking, and what they think about these systems. Understanding that these people clearly and almost unanimously condemn trafficking, we focused on whether they accept prostitution or think it a social problem to be combated. If our goal is to compile materials and organise events that are usable and efficient in all of the countries, our standpoint has to be formulated in a way that is clearly understood everywhere.

In order to make research results comparable across countries, a common interview plan has been developed, with the following main topics:

- the notion and main causes of prostitution, child prostitution;
- opinion on local legal regulations;
- opinion on international norms;
- actors in prostitution, data on local and European prostitution, the role and responsibilities of the state;
- the notion of trafficking, local and international data;
- is the amendment of laws necessary, who is responsible for combating prostitution and trafficking, how the victims of trafficking should be treated;
- what kind of services are needed, what kind of local and international services the interviewee knows.

Given the scarcity of resources and tight deadlines, out of the consideration that their knowledge and information and attitudes fundamentally shape the country's policy on prostitution and trafficking, our idea was to interview politicians and central decision makers, senior officers of policing organs involved in combating prostitution and trafficking as well as leaders of civil and professional organisations helping the victims. Some of the selected interviewees, however, were not available. Based on the interviews, member organisations wrote short reports on 5 European countries (Greece, Hungary, Italy, Lithuania, Poland). The rest of the organisations participating in the project (France, and Sweden) prepared their country reports using mainly other resources.

# COUNTRY PROFILES

## 4.1. France

### Introduction

#### *Presentation of the partner organisation*

Founded in March 1946, l'Amicale du Nid is committed to provide shelter and support for prostituted women with the help of its services by offering social and professional alternatives.

Since its establishment, within the framework of conventions with the public powers, the association has developed a series of social initiatives both in the Paris Area and in the large suburban areas.

L'Amicale du Nid is based in Paris, in the departments of Hauts-de-Seine, Seine-Saint-Denis, but also in the cities of Grenoble, Lyon, Marseille, Montpellier and Toulouse.

Services are diversified and include mobile teams of proximity, social specific supports, emergency shelters and social integration initiatives, day shelter centres, training and production centres.

Some services are provided following health and social interventions for preventing prostitution risks for adolescents or for raising awareness.

The services rely on qualified staff, around 200 employees (special trainers, social workers, counsellors on domestic and family issues, psychiatrists, psychologists, and so on) working together in multidisciplinary teams.

In 2005 l'Amicale du Nid provided shelter to around 4700 people. The association is aimed at promoting integration of people involved in prostitution by directing them towards legality, and believes that the human body cannot be the object of trade as that is not compatible with human dignity. The association is therefore against the recognition of prostitution as a profession and is for its abolition and rejects its organisation.

### National Framework

The activity of Amicale du Nid, and its services in particular, is based on a number of national and international texts. According to the French law number 60-1246 of 25<sup>th</sup> November 1960 Chapter VIII:

- article 3: "People coming out from prison, those who are in danger of prostitution or those who are escaping a state of prostitution may be provided shelter in view of their social rehabilitation in public or private facilities agreed upon",
- article 5: "In each province a social service must be created and should be aimed to looking for and providing shelter to people in danger of prostitution and provided them with assistance they may need; providing social and health actions in favour of people escaping from prostitution".

In France, prostitution is not regulated, and prostituted people are not considered offenders, the police can repress the public consequences of prostitution (soliciting is

punished with a fine) and pursue the procurers, the traffickers. In France, since the introduction of the law on Internal Security of March 2003, prostitutes may be inflicted a fine up to 3,500 Euros and detention up to 6 months. Foreign victims of trafficking are encouraged to report their procurers in order to remain in the country or start the process that will take them back to their country of origin.

They can claim public social support in order to start a process of social and professional reintegration.

Since several years, the French State can rely on specialised police enforcements, reinforced after the law of Internal Security in 2003, the central office for repression of trafficking in human beings (OCRETH) and on social services of shelter and support such as l'Amicale du Nid. Coordination of shelters for victims of trafficking is financed by the State through the AC.SE (accueil sécurisant).

At the 60th anniversary of Amicale du Nid, in November 2006, Catherine Vautrin, Ministry of Cohesion and Gender Equality, declared: *“In France, the number of prostituted women are estimated to be 18,000 of which 80% are foreigners and among those at least 80% are victims of trafficking. This form of modern slavery affects women and young girls especially (...)”*

*“The majority of women involved in prostitution are in a situation of marked instability and are subjected to reject and isolation of different kinds (...) Social actions in favour of these women include programmes aimed at fighting exclusion and fostering access to rights, integration, independence, and combating violence against women. In all these areas, the government relies on a volunteering policy.*

*Last summer I sent the Parliament the first report on the demographic, health and social situation of prostituted women. This was part of the obligations we undertook with associations and allowed us to draw the general picture which will be the base of our work. We also hope to reinforce services aimed at supporting prostituted women. Within the budget, we hope to modify the structures of help provided to prostituted women such as introducing permanent and qualified staff and adding shelters and social integration measures (...)”*

The main channels of prostitution coming from abroad have been clearly defined and established since several years. The 2005 figures confirm that. In 2005, 42 international trafficking networks have been dismantled in the country. The national legislation considers soliciting an offence. This allowed to have an overview of prostitution as there are established procedures.

Thereby, in 2005:

- 2859 people have been identified as offenders of soliciting of which 39 were minors,
- 81 % of them were foreigners.

In 2004, 3290 people have been identified in the act of soliciting. It is important to know that the figures on soliciting have been decreasing since the introduction of a law in 2003 . There are less and less prostituted people on the streets and more and more networks moving to other countries thanks to the strike inflicted to trafficking networks by the French legislation.

A trafficking network lives with the money it creates and as soon as the police can hinder their activity they move abroad. They usually move towards countries like Italy or Spain where laws are looser.

### *Support and protection for the victims of trafficking in human beings*

Freedom from their perpetrators through escape or report to police implies security risks for the victim. Officially, article 76 of the law of Internal Security of March 2003 provides for the issue of a residence permit as well as the right to travel, for the victims cooperating with the police and a place in safe conditions in a shelter centre for those who cannot go back to their country. In 2002, the fund of the Direction Générale de l'Action Sociale created a national system for providing accommodation and protecting victims of trafficking and pimping. In addition, specialised associations such as l'Amical du Nid have created solutions for offering shelter and protection at local level, in order to meet the needs of victims and emergency situations which do not entail a geographical transfer. They cooperate and assist shelter centres for Ac.Sé, take part in working meetings and receive information on Ac.Sé.

### *Results in the reduction of violence against women*

Intervention takes place either before or after the exit from the network of the trafficking. Risks evaluation must be the first step. If necessary, the safety of the person must be rapidly ensured. People have the possibility of cooperating with the police and may obtain in exchange protection, social and administrative services (residence permit and working permit) as well as psychological support and help in their basic needs.

## **4.1.3 Findings and recommendations**

The obstacles the organisation have met are in the general framework. If on the one hand the law of internal security favours the support for victims cooperating with judicial authorities, on the other hand it dramatically affects the support they can provide to those who cannot cooperate or cannot go back to their country for security reasons.

However, social services may develop trustworthy relationships with authorities. With complete files and a number of interviews with the police, it is possible to provide administrative regularisation to a victim regardless of the specific norms concerning trafficking.

To obtain the permanent residence permit it is necessary to wait until the trafficker has been condemned. Investigations may take a long time and may prove a difficult time for the victims as retaliations against their families may occur and the trafficker may not be condemned. Victims may abandon the proceedings due to the influence of their families or practices of their community such as witchcraft (Nigerians for example).

Due to the different language, way of living and habits, it is necessary to work with cultural mediators or ethnopsychiatrists or compatriots of the victims who can help to understand specific situations, allow to establish a contact with the victim and can explain to the victim the kind of support they are going to receive.

Most of the time victims have been subjected to extreme violence and suffer from post-traumatic disorders. They therefore need specific and professional help.

In order to be able to explain what they have suffered they need time and need to feel safe. The time given by the police or administrative authorities are not always adapted to these specific situations and sometimes may cause further sufferance.

*Principles of equality, changes in prevention policies and fight against trafficking for sexual exploitation*

Militant associations, such as MAPP have taken a specific stance in favour of criminalisation of clients and have launched a petition against sexual exploitation in occasion of the football world's cup. It received the support of social action associations as well as feminist associations.

Contact with political representatives have been established, such as mayors, for the creation of advertising posters aimed to raise public awareness of violence against women.

## 4.2. Greece

### 4.2.1 Introduction

#### *Presentation of the partner organisation*

The Research Centre of Women's Affairs (RCWA) is a non-profit and non-governmental organisation, established on 22nd October 1987. Its scopes are to:

- promote and present political issues concerning women, their theoretical and practical aspects;
- organise lectures, conferences, cultural seminars and educational meetings in Greece and abroad, related to women;
- collect, study and present documents related to women, aiming at the foundation of a Women Documents Centre of Information;
- cooperate with other women and feminist NGOs in cross-national and international level.

In the Head Office, certain activities are in operation:

- documentation Centre of women's activities;
- library of 800 books;
- newspapers and magazines related to women since 1980, as well articles in press for women issues per category from different sources, newspapers, magazines, internet;
- archive with meetings and conferences organised by other women's unions, organisations and groups (documentation of speeches, minutes of meetings, etc);
- the publication of a newspaper under the title "Non-Aligned Women's Movement";
- the publication of a three monthly bulletin "Telessilla" - Greek Feminist Network.

In order to raise awareness on prostitution and trafficking issues, the RCWA:

- has conducted an extensive research, regarding the Greek rate of prostitution, and presented the results in Amsterdam, during the pan-European Congress (June 1991): Publication of the results and conclusions in magazines and newspapers,
- has participated in the UN Convention in Beijing, on the occasion of the Woman's Decade. The issue "Trafficking in Women in Greece" was presented during workshops (1995),
- is a member of the European Sector of MAPP of "Coalition against trafficking in Women", focusing on the problems of refugees: participation in the campaign against trafficking and prostitution during the World Cup Games in Berlin in 2006,
- participates in the European Network against Trafficking ENATW-ARETUSA since 2003: denouncement and awareness campaign concerning the illegal import of women immigrants in Greece before and during the Olympic Games in Athens in 2004,
- Participation in European projects: Daphne Initiatives as coordinator concerning the issue "Women Refugees - Stop Women's Sexual Exploitation and Trafficking" (1998); Social shield for the protection of children against paedophilia, sexual exploitation and abduction" (2003); STOP II programmes under the project "I.W.I.:

Immigrated Women Integration” and “Best practice study of inter-agency cooperation in combating trafficking in women” 2001.

*Research background*

In Greece, while a law legalizing and regulating prostitution is active and “theoretically” creates a protective framework for prostitutes, the exactly opposite occurs. Legalizing prostitution is a way of concealing true numbers of women forced into prostitution. International and national factors of organized crime, procurers, global industry of sexual slavery have the ultimate legal covering to procure and trade women and girls, as the victims of trafficking are legalized through prostitution. A woman is imported in Greece and directly is legalized through proceeding of the existing status in prostitution. Many NGOs dealing exclusively with the issue of the protection of victims of trafficking faced many problems due to forementioned reasons, as they found difficult to trace and shelter women victims of trafficking, as the majority of them were legalized in prostitution and they were unable to help them. Many of those NGOs redefined their roles and started to talk about violence in prostitution knowing that many victims of trafficking are conducted into prostitution. Therefore, it is clear evidence that a twofold legislation status - of an easy changeover from illegal trafficking into legal prostitution - does not take into account but eliminates the fact of exploitation of human by human. The competent state authorities gained an alibi in putting into force even the existing legislation provisions for the protection of victims. Only few victims are characterized as victims of trafficking. Thus authorities are unable to clarify the real extent of the phenomenon, while Greece is a country of both destination and transfer of women and girls especially from the Balkans and the Eastern European countries.

A policy based on disconnecting prostitution from trafficking is impassible towards the victims and ineffective for the confrontation of trafficking in human beings, and therefore the legislation on prostitution must be abolished.

The 13 interviews took place in Athens and other major cities such as Larissa, Alexandroupoli, Komotini, and Kilkis. We had answers from the Official Ministry of Public Order - Department for Anti-trafficking Issues both from Athens and Larissa, the only interviewees whose names and position wanted to be published. All the other interviewees wanted to keep their anonymity. The sectors visited were the Health sector, both doctors in Hospitals and Health Centers and administrative services of the Ministry of Health, Supporting services of Prefectures of North Greece, and the General Secretariat of the Equality Department of Legal Issues. Those sectors, according to the Legislation Framework (See doc on Legislation Analysis), are the most pertinent and relevant for the issue of trafficking. The names of the interviewees and their answers are available in the offices of the RCWA, but will not be published. Here we have to state that the Ministry of Public Order refused to answer to questions that expressed personal views, and only gave input concerning trafficking, mainly on legislation, supporting services and statistical data.

## 4.2.2 National framework

By some people, the legislation in force is considered positive in general. However, although it is considered a first step towards a positive direction, a lack in supporting mechanisms is obvious.

A constant updating and upgrading is required, since sex industry is evolved and finds new paths to sustain its existence and profits. The majority of the answers admit that they do not have concrete knowledge of the existing legislation, however they criticized it as inactive, and quite loose and flexible towards the perpetrators (pimps and buyers) or even inexistent, judging from the results and from the punishment of the perpetrators. According to the law, the protection of the victims depends on their cooperation with the police something that is negative, but this provision will be abrogated, once the Convention of the European Council will be ratified by Greece. Only one answer refers to the Law on prostitution, which on the dimension of sex is judged as unacceptable, as it considers prostitution a profession and not a form of violence against women. The majority does not have any experience of how the legislation is put into practice. Only two answers testify that the supporting structures (private and public) are inadequate. One that indicated the lack of official realistic data and the small amount of beneficiaries of the supporting services for victims. The other is referred to her experience as translator in courts in cases of trafficking, with the presence of pimps and procurers outside the court.

### *International Regulations for trafficking*

Some are aware of international standards and regulations; they judge them positively, underlining the hard work on a long-term basis that needs to be done. As the profits are rising, not only destination countries, but also countries of origin need to confront problems of corruption, organized crime, poverty, unemployment. United Nations Conventions, EU norms are known and referred standards, but many doubt about their effectiveness (some countries do not adopt them). The interviewees state that political and administrative authorities must or should have knowledge of the above provisions, thus others doubt their political will to adopt, apply them, while others state lack or ignorance of international standards that are applied in Greece. Countries adopt EU norms to their national legislation, but Greece still has not adopted the Protocol of Palermo and the Convention of the Council of 2005.

The interviewees are not aware of official statistical data of prostitution; they estimate the number of prostitutes between 150,000 and 160,000 (legal and illegal). Clients are estimated between 600,000 and 960,000, while others say 1-2 millions. The number of pimps is smaller since every pimp “owns” more than one women. However, the number of people involved in sex industry does not include only prostitutes, clients and procurers, but also the police authorities, owners of hotels, bars, sex shops, hotlines, filmmakers, model agencies, etc. That is why it is considered very difficult to eliminate trafficking by tracking those who get rich by selling human bodies. Especially trained police officers and social services, but mainly strong political will are required. The cost of combating trafficking is high and is estimated only for Greece 70,000,000 Euros per year, however the positive effects for the society of the elimination of trafficking are more and in all levels. The support of the victims is an issue of social care, and in this field Greece has got many gaps. The cost for combating of trafficking rises due to the phenomenon of corruption.

The most suitable bodies acting against trafficking and prostitution are the state authorities (police, prefectures and municipalities, social services, judicial authorities, hospitals, health centers and shelters), non governmental organizations (services for victims), the

church, the mass media (to raise awareness concerning the real condition of the victims, acknowledging of prostitution and trafficking as modern slavery and to suppress the current social stereotypes and life style, which increase the demand for sexual services), the educational system and European projects.

Those organizations and bodies that provide the above services need a clear legal framework, financial support, support in human recourses and experts, social services.

### **4.2.3. Findings and recommendations**

Due to trafficking, the phenomenon of sex slavery appears again in modern societies, having as a result the increase of all criminal acts that are connected to it. The majority of the victims of trafficking and sex slavery are forced into prostitution and sexual exploitation. People's consent or not, exploitation of labour and embezzlement of travel and legal documents are factors that differentiate trafficking from human smuggling. Human trafficking of women, for the purpose of sexual exploitation through prostitution is considered the most disgraceful form of human smuggling, because it is actualized within an illegal and criminal framework under "dark" conditions, and we cannot examine the victim's consent nor the conditions that forced them into trafficking. In human smuggling most of the illegal immigrants choose to pay in order to enter illegally in a country in order to find a better life, while knowing in most cases the dangers, that they act illegally, etc, while in trafficking the victims are deceived.

Sex slavery has brought changes into prostitution as well, things have become more violent, the age of the victims has changed (the victims became younger and younger); the "price" of a human body is cheaper, so available to almost all. Clients and pimps in the past had concrete profiles and belonged to certain minorities, often to criminal groups. The prostitutes were also women of a certain profile (age, education, class, family status, and family background). Nowadays, clients and pimps in Greece belong to all social and economical levels (Executive Managers, businessman, workers, Greeks and immigrants, students, etc). More bodies with less money for all tastes.

#### *Child Prostitution*

According to the interviewees child prostitution does exist in Greece, but to their knowledge in only a small percentage. This phenomenon is considered the worst form of sexual exploitation since due to their age the victims are more vulnerable both physically and psychologically. They are unprotected victims, easily manipulated and deceived. An inhuman phenomenon, which stigmatizes not only the children for the rest of their lives, but also the societies in which it appears. The majority of interviewees are not aware of official data, but their main knowledge is from incidents revealed in mass media. According to the law, a child is considered a minor, therefore under the age of 18. Child prostitution is a crime (Penal Code 351A) and the punishment becomes more severe as the age of the victim decreases. However, child prostitution is often referred up to the age of 12-13 years.

Recently cases of child prostitution involved victims of less than 8 years old, something that shows that in a consuming society, even babies and children are considered commodities in sex market, so the youngest the better. The prices are low, therefore affordable to anyone.

#### *Prostitution and sexual exploitation*

The main cause of prostitution is poverty, as all interviewees agree. Additional reasons are the low educational level of the women, their low self-esteem and their false belief that

this is a way to “*earn easy money fast*”. The ingenuousness and naiveness of young women that originate from poor countries or from countries which suffer from political instabilities, their hope for a better life contributes to their exploitation from the sexual industry and organized crime. The huge and “untaxed” profits of sexual industry and the involvement of many factors in prostitution and trafficking help its continuing. However, many support that the underlying reasons for the existence of prostitution is the downgrading, depreciation and industrialization of human life, the structural and fundamental inequalities of class and sex of nowadays’ societies. The increased demand for sex services in a society that breeds and reproduces sexual neurosis of aliened and isolated people. Those disparities - social and economical - produce the phenomenon of exploitation of human by human. Furthermore, the social stereotypes that determine the position and roles of women, which bind the development of equal relationships, also contribute to the rise of prostitution and trafficking. To conclude the lack of awareness and lack of services in the destination countries, also breeds the trafficking industry.

Prostitution according to the interviewees produces additional social problems, with all its extensions and consequences in economical and social life of the country. The state plays the most important role in the fight against prostitution or in maintaining prostitution according to the legislation it imposes, whether policies are put in practice or not. The Greek state accepts the existence of prostitution and tries to regulate it. It tries to hide the problem due to ethical reasons; it does not develop repressive mechanisms. It acts hypocritically, since from one way promotes legal prostitution (collecting taxes, protecting sex industry) and at the same time acts against trafficking and traffickers. While the official state tries to confront trafficking, often its officers tolerate situations, disregarding the victims.

Concerning if prostitution is beneficial or harmful for the society opinions diverge. Some say that provided that it is harmful for the women, it is harmful for the society, and that we cannot take into account speculations of what would happen if it was truly a decision of “free choice” as many people say. Prostitution promotes the model of sexuality and women bodies as commodities, thus this model affects negatively equal relationships between women and men. Prostitution and trafficking have also affected the level of domestic violence. While this part of the society (prostitutes, pimps, traffickers) could be involved in other markets and sector of employment useful for the development of societies. Prostitution and trafficking are connected to money laundering, third market, and organized crime affecting the economy and society in general. However others support that prostitution is more harmful than beneficial implying that it has a positive effect also, and others considered it as a necessary and unavoidable part of society’s puzzle, provided that some regulations stand.

### *Prostitutes profile*

Women from poor countries, young and desperate under psychological and physical coercion, with low self-esteem, uneducated, insecure victims, they are tired and reluctant to react. But some interviewees differentiate victims from those that have voluntarily chosen to be prostitutes. Those are characterized as professionals and greedy. The interviewees believe that prostitutes need psychological and financial support, secure environment, social integration, educational training, work, medical support. This help must be given in an organized but also discreet way, so as to respect their human and personal rights.

### *Profile of buyers*

Prostitution surpasses all economical and social classes, educational levels, social status. Some are violent, distorted, that need to humiliate and exploit women and children.

Nowadays in the market of sexual services all men are possible buyers. Some (even female interviewees) consider natural for some men to buy sexual services, if they feel lonely, if due to psychological and social reasons they cannot have relationships, to satisfy their sexual needs, or even to have a variety in their sex life. So, it is obvious that in Greece the purchase of women for sexual pleasure is morally and socially accepted, while the prostitutes themselves are not. The more this perception continues to exist, the more the demand for women will increase. The client need psychological support, social education, change of beliefs about the role of women and campaigns oriented in the violent, humiliating act of buying sexual services.

The majority of interviewees demand the penalization of clients, but in combination with measures that will change current perceptions and attitudes towards prostitution, which “ethically” and socially legalize those behaviors. Others consider the existing laws satisfying, but their enforcement (punishment and conviction of perpetrators) must be ensured. Some find the legislation inadequate and insufficient and quite flexible toward the perpetrators therefore needs updating and upgrading. Only one supports the legalization of prostitution and its acknowledgement as a profession, but in no way the legalization of procurers.

Others request penalization of clients, however some interviewees differentiate polite buyers from those who maltreat prostitutes.

#### *Profile of traffickers and pimps*

People of all ages, educational and social status with main goal to earn easy money fast, but without working. Violent and brutal behaviour and perception towards women, most of them work for organised crime, but due to the legal framework of prostitution they are also involved in legal activities as owners of nightclubs, strip clubs, brothels, etc.

## 4.3. Hungary

### 4.3.1. Introduction

#### *Presentation of the organisation*

Foundation for the Women of Hungary (MONA) has been active in dealing with gender equality and women's rights issues since 1992. MONA has initiated, coordinated and taken part in several international projects on equal opportunities of women and men so far, in projects that facilitated or educated women or women's organizations on social, economic and policy empowerment strategies.

MONA is one of the founders of IGPN (International Gender Policy Network) which is an association of women's organizations working in the CEE/FSU region on gender-oriented policy issues, including trafficking in women. It has contacts to countries where trafficking in women is a key issue (Romania, Bulgaria, Slovenia, Russia, Ukraine, Serbia-Montenegro, Albania, etc).

MONA has working relations with the project called STOPVAW (Stop Violence against Women, an international website on violence against women). The site collects and disseminates information by monitoring national legislation and practice on violence against women. Presently approx. 30 countries from the CEE and FSU region maintain the site ([www.stopvaw.org](http://www.stopvaw.org)).

#### *Research background*

In Hungary, the issues of prostitution and trafficking in human beings were publicly debated between 1996 and 2003. The results of the debate were incorporated in Act LXXV of 1999 on fighting organized crime (focusing mainly on regulating street prostitution) as well as in law enforcement regulations. This debate, which was scarcely covered by the media and by a few „professional” fora, amounted to nothing really more than to amply repeating the commonplaces about prostitution and trafficking in women such as “*the most ancient trade*”; “*it has always existed and will always exist*”; “*easily earned money*”; „as long as there is supply there will be a demand for it”.

In Hungary, up to now no professionally well-founded research has been conducted either on the prostitutes, including their past, family background, “career” in prostitution, and fate, or on the buyers of prostitution. Furthermore, no information on trafficking in human beings has been systematically collected and recorded. There are no criminal statistics on prostitutes and their organizations either.

The interviewees in Hungary were parliamentary representatives, central and local government leaders, police heads as well as police officers directly involved in handling problems related to prostitution and trafficking in human beings. 5 parliamentary representatives, 2 state secretaries, 6 police officers (including the national chief of police, INTERPOL, district special officer, National Investigation Bureau, Department of Trafficking in Individuals, Budapest special officer), and 1 mayor of a district of Budapest.

Not all of the persons contacted agreed to be interviewed. Some kept hesitating so long that the interviewers were beyond schedule, while some refused to take part in an interview straight away.

The limited number of interviews does not allow for any statistical analysis. However, given the relatively long and detailed interviews and the key role the interviewees play in this area, it appears right to draw some general conclusions as to what the prominent persons in the Hungarian state powers – parliamentary parties, public administration and criminal law enforcement – know and think about prostitution and trafficking in women.

#### 4.3.2. National framework

The Hungarian legislation of Trafficking in Persons (TIP) seems to comply with international requirements at the first glance. Hungary is a signatory to most relevant international treaties, protocols, declarations etc. However, the mere formulation of the perpetrator of TIP in the law currently in force (*any person who sells, purchases, conveys or receives another person or exchanges a person for another person, in addition to any person who recruits others for the above purpose, or transports, hides or appropriates a person for another party*) provides enough reasons for the failure of the police in persecuting TIP: it is only a negligible part of the actual trafficking cases that they explore successfully. In order to convict traffickers the prosecution would have to prove the event of ‘trafficking’ (i.e. buying and selling somebody). In lack of the testimony of the victim this is extremely difficult if not impossible.

The legal description of TIP does not deal with phenomena such as prostitution or sexual exploitation, either in its basic description in the first section or among the aggravated cases. By its legal definition it seems as if TIP was committed as an autotelic act, or perhaps for the reason of trafficking with organs, sexual intercourse (but not to prostitute or sexually exploit someone). Consequently, the Hungarian legal definition of TIP cannot play a decisive role in urging law enforcement to find connections between TIP and prostitution. The nearly thirty year old Hungarian Penal Code classified prostitution within crimes against sexual morals. Even though the act carried out by the prostitute got decriminalized in 1993 (as a consequence of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others), all three crimes effectively realizing prostitution (Promoting prostitution, Pandering, Living on the earnings of Prostitution – i.e. pimping) have remained classified in the chapter of crimes against sexual morals. Furthermore, a declaratory statute of this chapter continues to insinuate that the main actor of prostitution is the prostitute: “*prostitution is pursued by the person, who has sexual intercourse or fornicates striving to make regular profit.*” (210/A§)

The law against organized crime (that came into force in 1999) deal only with one specific form of prostitution. Its primary goal was to protect public order in towns affected by street prostitution and crack down on prostitution on a mass scale. Pursuant to this law local governments had to assign so-called *tolerance zones* as the only permitted venues of street prostitution. Due to the dissatisfaction of people from these neighbourhoods tolerance zones were finally not assigned. Two attempts can be mentioned though: in one of the towns the order had got withdrawn before the zone was opened; in the other one they assigned an unsuitable – for both parties – place for it. As a consequence of the lack of tolerance zones together with the determined counter-prostitute stance of the police, prostitution withdrew to apartments and illegal salons. In line with the above phenomenon public order got restored in bigger towns, and people could live in peace again. Consequently, the systematic tracking down of cases of illegal prostitution was not in the interest of the police anymore, which inevitably led to a small number of revealed

trafficking cases. In short: the law could not solve the problem of prostitution. It has only succeeded in concealing the victims of prostitution from our eyes.

### 4.3.3. Findings and recommendations

#### *Obstacles to combating trafficking and sexual exploitation*

When we started the research among the professional and political leaders in charge of managing the problems of prostitution and trafficking in women, we suspected that the resulting picture of Hungary would not be too rosy. We knew the criminal statistics as well as the possibilities offered to civil organizations by grant programs. Clearly, fighting trafficking in human beings and prostitution is not a priority of state organs. It seems that Hungarian public officials and experts are entirely ignorant of these issues. Also lawyers keep defining prostitution as a “crime without victim” (implying that it is the prostitute who commits the crime).

Neither relevant legal regulations nor the authorities in charge (the police and public administration) or the political parties place the issue of prostitution and trafficking in human beings in the context of violence against women. While a few non-governmental organizations working in the area of women’s rights are well aware of this relationship, they cannot ensure the provision of aid to prostitutes and victims of trafficking in any organized or regular way<sup>1</sup>.

The interviews revealed to us that senior officials in state administration, politics or the police have no clear ideas about the character, size and gender basis of prostitution, sexual exploitation and trafficking. In their view, violence against women occurs as individual cases rather than as a social problem. Currently in Hungary the causes and consequences of violence against women are not considered when designing ways of combating trafficking and sexual exploitation – if any combating takes place at all.

#### *Status of implementation of gender equality principles*

As the majority of interviewees regarded prostitution and trafficking as two separate problems, and did not necessarily recognize the connection between these and sexual exploitation, it is out of the question whether gender equality principles are implemented in the measures taken by the state to combat and prevent trafficking, which is anyway missing except in some sporadic criminal prosecution cases.

Our interviewees did not appear to know about programs, plans, services or campaigns (all of which are mostly missing in Hungary) designed to prevent and combat prostitution, sexual exploitation and trafficking in women and girls and to aid and rescue victims (true, such efforts can also hardly be found in Hungary). They usually had not heard of examples from other countries. None of them thought that providing professional and financial support for organizations and institutions working in the area of prevention, care giving, informing, rescuing and rehabilitating prostitutes and victims of trafficking should be a state responsibility.

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<sup>1</sup>-- With support from IOM, for some time a non-governmental organisation for the victims of violence against women maintained a telephone line available twice a week to provide information on trafficking and the risks of employment/taking up jobs abroad.

Similarly, for some time a mobile station (a bus) in Budapest provided health care services and administered medical tests for street prostitutes.

-- In Budapest, a non-governmental organisation provides personal, mental/psychological support for prostitutes living in one neighborhood. In rural cities, there are a couple of street working organizations providing social support to street prostitutes if they can get the cooperation of their pimps (!).

### *Gender equality*

None of our interviewees identified the lack of gender equality as one of the causes of prostitution. During the interviews, each taking an hour to one hour and a half, it was never mentioned that prostitution, sexual exploitation and trafficking was a social and gender problem. Nevertheless, interviewed professionals and politicians usually linked prostitution to *some* social problem, such as poverty, low education or declining moral standards.

To our question on the typical way of becoming a prostitute, interviewees pointed out the dire economic situation of women and their wanting a way out of poverty as well as their willingness and propensity. Several of them said that the bad influence of mothers, elder sisters and girl friends (all women!) had to be taken into account.

It was a widely shared opinion, and all police officers said so too, that an increasing number of young women with secondary or higher education, speaking several foreign languages choose prostitution voluntarily and consciously as a good opportunity to earn a good living. One interviewee, a police officer, even said that he had specific information from prostitutes that these women find sexual satisfaction in their work, which together with high incomes makes this activity a good choice for them. It is, however, important to emphasize that in Hungary no research has so far been conducted on the pre-prostitution lives and motivations of prostitute women.<sup>2</sup>

### *Violence against women*

None of our interviewees connected prostitution and trafficking to the phenomenon of violence against women. While some of them knew that violence may occur in the prostitution's career, none of the interviewees seemed to understand that the permanent submission, humiliation and sale of women as sexual goods are by default (per se) acts of violence against women.

The majority of our interviewees identified the existence of demand and supply as the main cause of prostitution. Those who stressed the demand side said that the main cause of prostitution is men's psychological or sexual psychological problems. In their opinion, the buyers of prostitution are men who are unable to engage in normal relationships or are sexually perverted.

Those who emphasized the supply side singled out the moral standards or the financial situation of prostitute women. They think that women choose this work because of their financial constraints and in the hope of easily earning a lot of money.

Some of our interviewees knew that violence against women occurs when they are in prostitution. Only one stated that prostitution is never voluntary but is always forced. The same interviewee knew that maintaining prostitution is the economic interest of the prostitutes (and not of the prostituted women). Only one police officer working directly in this area said the women and girls are always drawn in prostitution by violence but it is hardly an issue in criminal prosecution cases and can never be evidenced.

The rest of the interviewees, including police officers, did not mention violence or denied it altogether. They failed to identify deception, confinement, threatening, withholding

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<sup>2</sup> One police officer told us that in criminal cases related to prostitution and trafficking the prostitutes are witnesses so their motivations are not a central issue and no one checks the truthfulness of what they say. Also we were told that recently prostitutes hauled in to police stations are asked to fill in a questionnaire anonymously, which has been compiled by the staff of the Police Academy. The information from the questionnaires, however, has not been analyzed yet. Furthermore, we do not know whether all police stations do this routine or only a few of them, and what kind of information is sought.

passports and commanding (“you stay here and you work for me”) as violence even when specifically asked.

### *Crime*

Very few of our interviewees identified that it is the profit produced by the prostitution industry that is the main drive of prostitution. Similarly, few said that it is organized crime that runs the prostitution and sex industry.

Some of our interviewees, primarily local politicians, went as far as stating that it is because of the international convention<sup>3</sup> that prohibits legalization and also the related domestic legal regulations that prostitution and trafficking are in alliance with organized crime. They think the convention is unnecessary, stupid and should be circumvented, just as other countries do it. In their opinion, legalizing prostitution would decriminalize a series of criminal acts and perpetrators, while it would make the persecution of other criminal acts and perpetrators easier.

One police officer with an insight into the organization of trafficking in women and girls said that the income from prostitution and trafficking is clearly invested in organized crime, and even with prostitution legalized, the income from it could not be spent on lawful economic activities.

In contrast, another interviewee involved in local politics thought that legalization would help spend the huge incomes currently pocketed by a small group on publicly controlled goals.

### *Voluntary choice, work, entrepreneurship*

Police officers working in the area of prostitution and trafficking and politicians think that prostitutes constitute several classes of hierarchy. The most helpless are the prostitutes in the streets and along roads because they live under the control of their pimps. However, a law that came in effect in 1999 cleared street prostitution out<sup>4</sup>, at least from downtown Budapest. Currently prostitutes advertise in newspapers and on the Internet and receive buyers in flats.

While not researched so far, this course of events was interpreted by our interviewees in a way that the law helped the least protected street prostitutes: they either gave up prostitution or now can do it under better conditions in flats, to their own benefit, uncontrolled by pimps.

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<sup>3</sup> UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

<sup>4</sup> The law requires cities and towns afflicted with mass scale prostitution to designate a tolerance zone where and only where street prostitution is possible. Furthermore, the law defines the term „protected zones”: these are areas in cities and along roads where prostitutes are not allowed to solicit buyers. After the law came into effect, tolerance zones were designated in two cities in the countryside. However, upon protests from residents, in one of the cities the regulation had to be immediately repealed, while in the other the designated area was so far away from the centre and was so derelict that no prostitute used it. In response to the pressure due to a legal procedure launched by a so-called interest protection organization of prostitutes, a „non-protected” zone was designated in Budapest after years of wrangling. Until the capital city reaches an agreement with its districts about a tolerance zone, prostitutes may solicit business in this area, which is on the outskirts of the city behind a waste dumping site.

According to the new law, solicitation in prohibited areas is a transgression (petty crime). Since 1999, transgression procedures have been started by the police against street and road prostitutes on a mass scale. Many of them have been hauled in on a weekly or monthly basis and have been fined. In the early years after the new law came into effect, many prostitutes were sentenced to long-term imprisonment (unlawfully) because they could not pay the fines.

The mounting of cameras in public areas in Budapest to curb street crimes and prostitution has created a special situation. The harassment of prostitutes soliciting in prohibited areas by the police and the increasing insecurity of buyers has eliminated street prostitution from neighborhoods where it had gone on for centuries. In rural cities and along roads, however, large numbers of prostitutes are still hauled in by the police every day and are fined or sentenced to confinement.

What interviewees also liked to discuss with pleasure was the lucky situation of elite prostitutes, the so called call-girls or escort girls, who do their job voluntarily and happily, can be choosy about selecting their buyers and make very good money.

### *Prostitution, sexual exploitation and trafficking*

Except for police officers directly working in this field, our interviewees clearly separated prostitution from trafficking in women and girls. In Hungary, police officers, senior officials of public administration and politicians apparently do not know that the victims of trafficking are primarily women and children, the overwhelming majority of whom are sold by traffickers for sexual exploitation – mainly prostitution – and pornography. Our interviewees did not appear to know that a great amount of trafficking takes place in Hungary too, and that prostitutes are trafficked within the country, from abroad to here and from here to somewhere else, or via Hungary as a transit country. Most of our interviewees thought that in Hungary the extent of trafficking is negligible. As far as they knew, there is trafficking in some countries, but Hungary is not one of them.

This opinion is underpinned by police and prosecution statistics, according to which there are annually only 20 to 30 cases of trafficking investigated in Hungary. It was from the police officers working in anti-trafficking departments that we learned that in addition to this there are several hundreds of cases annually that would qualify as trafficking in the legal systems of other European countries but are categorized as pandering in Hungary.

Those few interviewees who read the US Reports on Trafficking thought that it is exaggerating the Hungarian situation. While earlier reports stated that there were several tens of thousands of victims of trafficking from Hungary or via Hungary, recently they only say that the majority of victims of sexual exploitation in Hungary are minors (children). Our interviewees did not understand the urging of the report that a separate state organ be set up for combating trafficking. None of our interviewees had reliable data on prostitutes living in Hungary and on the actual number of victims of trafficking, be them Hungarians or foreigners; and no data about the number of victims of trafficking in Europe or in the world. Those venturing an estimate (police officers) said that there are around ten thousand prostitutes in Hungary (though some said much fewer and some a few more). However, as we have seen the number of prostitutes is not the same as the number of victims of trafficking, which is about 20 to 40 annually.

Almost all of our interviewees had only hearsay information about child prostitution in Hungary. Only one police officer knew about a specific case in which young children were used by carefully selected buyers in a high security and secret brothel. Almost each of the interviewees seemed to know that many of the prostitutes in the streets, advertised on the Internet or working in brothels disguised as massage parlors are minors, but did not regard them as prostituted children. The significant majority of interviewees thought that to qualify as a child, the prostitute she should be biologically immature.

The majority of the interviewees could not remember the international norms on prostitution and trafficking ratified by Hungary too. Except for police officers and politicians working in this area, most of the interviewees did not know the relevant Hungarian laws either. Those who tried to answer our questions on legal provisions and international norms said that prostitution is what the prostitute does. As prostitution (the act performed by a prostitute) is not included in the penal code any longer, many concluded that prostitution is legal in Hungary. Many failed to realize that the Hungarian law regulates prostitution by the sections of the penal code sanctioning pandering, pimping, running brothels and trafficking in women and girls.

Several of our interviewees pointed out (while others only hinted) that prostitution may protect non-prostitute women from being raped. A police officer went as far as to saying that international literature says that where prostitution exists raping is curbed.

#### *Prevention and assisting the victims*

Our interviewees thought that prostitutes would primarily need health care services as well as training and assistance in finding jobs. Some added legal aid, mostly as a tool to inform prostitutes about when it is legal or illegal what they do.

By health care they of course meant testing for and treating sexually transmitted diseases. It did not occur to them that sexual, physical and psychological abuses suffered in prostitution cause grave bodily and mental harm that would require special treatment and services.

Interviewees said that the necessary services could be provided by non-governmental organizations, churches and local government institutions. However, neither politicians nor state agency heads (nor police officers) realized that this would require the training of professional staff, adequate grant systems and a lot of state money.

None of them mentioned that well-organized and safe shelters are needed for the victims wanting to get out of prostitution and the hands of traffickers.

Most of our interviewees had never heard about campaigns against prostitution and trafficking, and had no knowledge of international models of caring for the victims.

They mostly could name one single non-governmental organization that calls itself an interest organization for the prostitutes which advocates for the legalization of prostitution in the streets and in brothels.

#### *Recommendations*

There is a confusion of notions, thus it should be clarified what exactly we mean by prostitution and trafficking, and it should be explained how these notions relate to each other. After the clarification of notions laws should be redrafted: the laws on prostitution should be removed from “crimes against sexual morals”. Accordingly, the law on trafficking in human beings should also be redrafted and re-conciled.

It must be achieved that the conviction/punishment of a prostitute should not be smuggled back into Hungarian law under the name of “protection of the public order”.

Much more attention should be paid to prevention in general. The tasks of the relevant institutions serving the protection of victims of trafficking and prostitution should be clarified, and the responsibilities of the state should also be assigned.

The standards of the institutions meant to be serving the protection of victims of trafficking and prostitution should be established (for example: how many shelters should be founded in a region taking into account the size of the population, the GDP, etc.).

The framework of the cooperation of the different actors and institutions meant to be serving the protection of victims of trafficking and prostitution should be regulated.

The special knowledge of psychological and social provision of victims of prostitution and trafficking should be part of the general education of psychologists, healthcare and social workers and that of the police.

Segregated data should be collected and published on prostitution, trafficking, based on the type of crime and infringement of law, on gender, age, geographical regions and locations, and on the provisions that were taken.

## 4.4. Italy

### 4.4.1 Introduction

#### *Presentation of the organisation*

Since 1991, IRENE is a no-profit organisation committed to the promotion of human rights and to the democratisation, in particular of equal opportunities between men and women.

IRENE promotes equal opportunities by carrying out activities of research, study, training and information within the directions and recommendations of the European Union in cooperation with institutional partners and other non-profit organisations.

Scope of intervention are:

#### *- Fundamental human rights and social inclusion*

IRENE promotes actions aimed at preventing and combating the trafficking in human beings for sexual exploitation, actions aimed at favouring the social and employment integration of immigrated women as well as anti-discrimination actions.

#### *- Equal opportunities and equal representation*

IRENE carries out its projects in compliance with the European concept of promotion of the principle of gender equality in all policies having a direct or indirect impact on life of men and women (gender mainstreaming).

#### *- Cooperation to the process of adhesion to the European Union and integration of the member and candidate countries*

IRENE is committed to the promotion of the European laws and of the European Union visibility so that the integration process is based on equality of rights and opportunities for all.

#### *- Access to the knowledge society*

The use of the new information and communication technologies can be a tool in equal access to education and information within the society of knowledge. IRENE has carried out studies and research on that matter.

IRENE has been implementing, as applicant, several transnational projects in the framework of European programmes in connection with trafficking in women and promotion of equal opportunities, such as DAPHNE, STOP II, VP/2001/014 preparatory actions to combat and prevent social exclusion. At international level IRENE participated in the “EU forum on Organised Crime Prevention” and at the “European Conference on Preventing and Combating trafficking in Human Beings. Global Challenge for the 21st Century” (September, 2002).

Since 2003 IRENE leads ENATW “the European Network Against Trafficking in Women for sexual exploitation”, a network of women's organisations that are committed to prevent trafficking and to assist women victims of this serious crime within Europe.

#### *Research background*

The areas involved in the research are the main urban areas of Lombardy, particularly that of Milan and its suburbs.

Compared to other parts of the country, this area is extremely developed from an economic point of view with a high density of population. The strong economic, industrial and financial activities, the diversity of social models, the degradation and

isolation of suburban metropolitan areas, the meeting of different nationalities and cultures of people arriving here to get access to the labour market make Lombardy a sort of magnifying glass emphasising all social discrepancies and a fertile ground for illegal activities connected to the trafficking in human beings and to the exploitation of prostitution.

In the prostitution market in industrial Lombardy, human beings are subjected to different kinds of trading such as prostitution of women, men, transsexuals and minors. This phenomenon takes place on the streets, in apartments, in illegal brothels, through advertisements in newspapers or on the internet, in suburban areas as well as in the centre, on the trains or in the hotels near the stations. This form of exploitation is coupled with the trade of escort ladies, masseuses and assistants of all work.

It has been necessary to investigate the opinions of people that know and live in the reality of the city and the region, of people that through their work come in contact with the problems related to equal opportunities, women's rights, violence and exploitation.

It has therefore been decided to interview people operating in women's organisations or in local service associations (associations committed to fighting against trafficking and prostitution as well as agencies dealing with women's rights generally); policy makers, such as the government of Lombardy Region, people working for the enforcement of the law such as the police.

The resulting framework is difficult to define. It describes a phenomenon which is at the same time explicit and hidden, of which citizens are sometimes "silent accomplices".

#### 4.4.2. National Framework

The Italian model for fighting trafficking in human beings starts from the previous experience made regarding slavery and exploitation of prostitution of others, as Italy introduced a specific crime of trafficking only on August 2003 (Law 228/2003 measures against trafficking in persons).

Article 601 of the criminal code (new offence added by the law 228/03) criminalizes trafficking in human beings. As for the definition of trafficking, Italy had implemented the UN protocol and the EU framework decision on trafficking in human beings.

The new law keeps a *close link between slavery and trafficking*:

- the position of the article within the criminal code: 600 slavery – 601 trafficking. This clearly shows that trafficking is a crime against the person and a serious violation of fundamental human rights (right to life, liberty and security of person);
- the penalty provided by the law is the imprisonment from 8 to 20 years like in the case of the crime of slavery.

The article 600 of the criminal code (as emended by the law 228/03) criminalizes the fact of *reducing or holding a person in conditions of slavery or servitude*. Before the amendment made on 2003 the article 600 has been used to punish trafficking involving minors and women exploited into prostitution or begging when traffickers have a complete control of the exploited person. In order to punish those situations of subjection, not covered by the concept of slavery, the Italian legislator amended the article 600 by introducing into the criminal code the *concept of servitude*. This is quite innovative because at international level there is not a clear definition of servitude. The article 600 punish "anyone who reduces or hold another in a situation of permanent subjection with the aim of coercing that person into forced labor or sexual exploitation or other forms of exploitation". Traffickers may reduce a person into a situation of servitude – situation of permanent subjection – by abusing of the situation of vulnerability of the victim, without using physical coercion or violence against victims. So through the crime of servitude we

can prosecute traffickers or pimps even if the victim in theory could appear to be able to do what he/she want and in fact the person has no real and acceptable alternative to the situation of exploitation and violation of human rights. The vulnerability may be of any kind physical, psychological, social or economic.

As for the approach to prostitution, the law 75/1958 “for the abolition of the regulations concerning prostitution”, adopting the abolitionist model, considers prostitution incompatible with the dignity, freedom and equality of women prostituted. The Italian law states the abolition of the regulation of prostitution, considers prostitution as a private issue and prosecutes the exploitation of prostitution (the activity of recruitment, of facilitating prostitution). The law considers exploitation of prostitution as a crime against public order or public morality rather than a crime against the individual.

There is no provision against the clients of prostitutes: in fact some public prosecutors tried to recognize the offence of facilitating prostitution in the conduct of a client who accompanied the prostitute after the sexual act to her place in the street, but this interpretation has been refused by the Court. Some city mayors, with the intention of combating the visibility of prostitution have imposed administrative penalties against clients for parking or obstructing traffic while they’re buying sex. At the moment the public debate is open on the approach to prostitution.

A different approach has been taken against child prostitution punished by art. 600 bis of the criminal code: in this case prostitution is recognized as a form of modern slavery and a serious crime against the person so that even the client can be prosecuted.

As for *protecting victim of trafficking* the Italian legislation can give useful suggestions for the implementation of a model of intervention: the key point of the Italian model is the fact that it provides measures to protect and promote the rights of victim of trafficking and not only of those who cooperate with public authorities against traffickers. The Italian model design a comprehensive framework for the protection and assistance of victims and witnesses:

- since 1998 under the article 18 of the immigration law 286/98 third country citizens have the right to get temporary residence and access to a social assistance programme;
- the article 13 of the law 228/03 introduced a special temporary programme for victims of slavery, servitude or trafficking.

Through the articles 18 and 13 the Italian legislation adopts provisions more favourable than those of the EU Directive 2004/81 and is close to the provisions of the Council of Europe Convention on Action against Trafficking in Human beings (May 2005):

- persons who can receive assistance are all those who have been identified as victims of trafficking. Such persons and not only witness and collaborators with the judicial authorities are entitled to all assistance measures;
- the aim of the provided assistance is assisting victims in their physical, psychological and social recovery;
- the assistance is provided by public authorities in cooperation with non-governmental organizations.

### 4.4.3 Findings and recommendations

#### *Obstacles to combating trafficking and sexual exploitation*

As far as the Italian legislation aimed at combating the trafficking is concerned, interviewees have shown that there is a certain awareness of the new measures introduced and of the possibility of considering the new Italian legislative framework as a best practice at European level. They do not report legislative gaps but rather a lack of political will and above all a poor culture of women's dignity and gender equality. The implementation of the law therefore presents serious shortcomings related to the will and to more general cultural issues. *"The law is only written on a piece of paper then there is human greed, the culture of exploitation of women (...) violence is accepted at cultural level (...)"* What has clearly emerged from the interviews is that national legislation on prostitution is lagging behind the evolution of the phenomenon on the Italian context. *"The limits of the current law on prostitution are due to the fact that it was defined in a completely different context."*<sup>5</sup> A certain confusion seems to emerge between the need of revising the law on prostitution, which is considered "civil" but unsuitable, and the need to combat trafficking in women. There often seems to arise the opinion that a different discipline as far as prostitution is concerned, legalization or regulation, may be effective in drastically reducing the trafficking for sexual exploitation. On the contrary, there is evidence that in European countries where a regulation system has recently been introduced, not only has there not been a meaningful reduction of cases of trafficking but also prostitution, even if regularised as *"any other economic activity"*, has become a means for money laundering by criminal organisations and has exposed women to threats, violence and conditions of exploitation in general.

#### *Key actions, best practices*

Article 18 of immigration law (Legislative Decree 286/88, known as "Turco" law) for the victims of trafficking is reported to have taken a further step ahead by considering trafficking as strictly connected to the conditions of exploitation and violence related to prostitution. Particularly, social workers highlight that it cannot be required from victims of the trafficking the immediate cooperation with police against the exploiter as condition for assistance. *"Police cooperation is a process, a final result and not a prerequisite (...) in order to make the phenomenon emerge, the battle we carried out was assisting women without the obligation of reporting the exploiter."*

It is, however, fundamental to protect victims and give social rehabilitation by offering tangible alternatives through a process of social integration.

Among initiatives aimed at combating violence against women, article 18 is the most popular one at national level, whereas other minor initiatives taken at local level by organisations working on specific projects have had less publicity. The help line against trafficking and violence, projects carried out by antiviolence associations, shelter houses for victims of trafficking, the aid agency against rape, Caritas projects are among them. However, it is highlighted the need to increase a better insight into these initiatives in order to better understand their effectiveness and their impact: *"The services are objects of trade, it has become a sort of business."*

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<sup>5</sup> law 75 of 1958 known as Merlin law, that was conceived to address the phenomenon of prostitution of Italian women in brothels

### *Prostitution, sexual exploitation and trafficking*

The debate resulting from the issues posed to the interviewees have highlighted the idea that prostitution is connected to the denial of women's rights. Prostitution and "*the choice of selling the only resource available*" originates from the absence of equal opportunities allowing women to have a real possibility of accessing necessary resources (educational, cultural and economic resources) in order to be able to choose differently.

The greatest risk that seems to emerge from the interviews is considering trafficking as a problem on its own that needs to be addressed by specialised services that provide a reparatory or assisting solution. It would therefore be necessary to tackle the issue of trafficking from a perspective of more general policies such as immigration, employment, prevention and social rehabilitation by considering that preventive, repressive and assisting measures need to be integrated and closely connected.

At the same time, cultural aspects perpetuating the absence of equality between men and women and legitimating prostitution are highlighted. "*The existence of prostitution is not only the result of social and economic conditions but it also reflects a certain way of considering the relationship between men and women and their roles.*" It is therefore essential to address the issue from a cultural point of view, considering our context, the culture of consumerism and possession in which the trading of human beings takes root.

The acceptance of gender inequality fosters a situation in which women are abused, have a poor awareness of themselves and of their rights and are socially isolated. "*The impossibility of accessing information and cultural resources (...). it is a cultural context in which the role of women, their subordination and closed family and social structures prevent women from acquiring the necessary awareness to rebel.*" This inequality and subordination is even more remarkable in the trafficking supported by cultural and family systems than consider women an inferior being that should be totally subjected to men in which "*if you are a second class human being you have second class choices and you have no right to make first class choices.*" The role of women's organisations is therefore crucial. The debate on trafficking should not only be carried out by those providing assistance but it must be developed and supported by women in order to increase awareness of equal dignity and to make civil society aware of these issues.

The current debate on prostitution should also take into consideration the phenomenon of trafficking as a factor that modified the pre-existing situation of prostitution in Italy. As a matter of fact, the development of trafficking in Italy has had a huge impact on conditions and the extent of the phenomenon of prostitution. If before the feminist movement strongly debated on the use of one's own body and on the freedom "to work" in brothels, the violence and sexual exploitation of trafficking no longer allow to address this issue in terms of choices. "*The women and feminist movement debated on the limits of individual freedom of choice, on the use of one's body and life. However, besides the legislation, from an ethical and secular point of view, the question is the limit of non judgement*". And also "*(...) when prostitution is coupled with trafficking, it produces humiliation and total subordination together with the payment.*"

In designing policies against prostitution it is essential to plan interventions addressing clients (consumers). "*Anyone can be a client. We are all consumers of goods and the desire to own supports the market.*" Women's organisations report a "*consumerist tendency*" of prostitution together with a simplification of the problem and an almost fatalist acceptance of sex consumption. The issues of the education of new generations

and the role of women's organizations in this field are essential, especially the connection between education and the respect of human rights, and education and equality between men and women.

For almost all interviewees, criminalization of clients is not considered as an effective method for promoting a real change, whereas the importance of a strict punishment of exploiters and of not criminalizing prostitutes is stressed. The non-criminalization of clients should however take into consideration the following aspects. The freedom of choice of women in the sex industry is reduced or completely absent and the clients are actors of the market and therefore support illegal activity.

None of the interviewees have stressed that, as far as prostitution of minors is concerned (14 to 16 years of age), the Italian legislation considers prostitution a form of slavery and provides for the criminalization of the client with detention or a fine.

On the one hand the importance of understanding the dynamics of the need to possess and to dominate is highlighted, and on the other hand there are suggestions to carry out interventions at educational and cultural level through prevention campaigns. *"If we do not start to discuss the concept of possession within the relationship of men and women, we cannot discuss equal opportunities."*

### *Recommendations*

The cultural issue is extensively debated as the main obstacle in implementing measures against trafficking. The phenomenon of sexual exploitation is accepted as are accepted others forms of exploitation. *"The cultural aspect, the silent complicity everyone contribute to, starting from our families, our husbands, our sons (...)."*

There are discrepancies in the modalities of enforcement of laws within the country. Particularly, for the issue of permit of residence to women in casa that do not cooperate with police there is an interpretation of the law that could be defined as *"almost personal, depending on the individual sensitivity and on the existing networks (for example between police and NGOs managing shelter for victims). There is a lack of coordination at central level."*

It is necessary to have a stronger approach toward sexual exploitation as a denial of human rights. *"Combating prostitution means first of all developing women's rights, strengthening their role within society, guaranteeing their presence at institutional level and defining policies to fight against all forms of human rights denial. This does not happen yet or it happens discontinuously as integrated policies aimed at increasing opportunities for women in conditions of social and economic hardships are lacking. Employment policies do not provide an effective control of the illegal labour market in which trading of human beings - and not only that connected to trafficking for sexual exploitation but also for the market of caring, cleaning or farming jobs - is the symptom of a sick market, which is supported by uncontrolled migratory phenomena, as more comprehensive policies on immigration and employment are lacking."*

## 4.5 Lithuania

### 4.5.1. Introduction

#### *Presentation of the organisation*

The Women's Issues Information Centre (WIIC) was established in April 1996, after the completion of activities by the Secretariat of the Lithuanian Preparatory Committee for the UN Fourth World Conference on Women.

The Centre assisted in implementing the Action Plan of the Advancement of Women of Lithuania, registered as non-governmental organisation and was supported by the United Nations Development Programme in Lithuania.

The need for WIIC arose out of responses that there was no single organisation to act as an umbrella organisation to collate and represent women's issues in a coordinated and sustained manner. The Centre works in partnership with other women's NGOs, the government sector and international agencies to develop a gender perspective on all aspects of women's lives and ensure that women's perspective is represented in developmental programmes, as well as in the policies and legislative social and welfare reforms.

Goals of the Women's Issues Information Centre:

- Seek equal rights and opportunities for women and men in Lithuania
- Improve women's position in social and private lives
- Develop gender equality environment

Main streamlines of WIIC activities:

- Gender mainstreaming
- Violence against women
- Trafficking in women
- Gender budgeting initiatives
- Women & ICT

Women's Issues Information Centre started to work with trafficking issues already since 1995:

- in 1995 WIIC supported the establishment of Missing Persons' Families Support Center;
- it was the first to release the leaflet of missing girls with photos in English in 1997;
- published a reminder for women and girls on working abroad in Lithuanian in 1997;
- today WIIC has information on 21 organisations in Lithuania working with the target group, there are 8 such organisations in Vilnius.

In 2005-2006 the WIIC implemented these projects tackling trafficking in women and girls issues:

- prevention campaign against trafficking in human beings supported by Ministry of Social Security and Labour;
- Nordic-Baltic pilot project Support, protection, safe return, and rehabilitation of women victims of trafficking for sexual exploitation;
- Stop trafficking in women and children;
- Baltic Network to Challenge the Legalization and Decriminalization of Prostitution Industries and Focus on the Demand supported by CATAW

### *Research background*

The research was carried out by Women's Issues Information Center during 2007 January - February 2007. 25 respondents were reached, interviews were done during personal meetings and by telephone. 4 women and 21 men were interviewed: 10 mayors of different Lithuanian cities (where street poster campaign "It is shameful to buy a woman" was exposed), 10 members of Lithuanian Parliament representing 4 committees, 4 high police representatives and one representative from Vilnius Municipality.

### **4.5.2. National Framework**

Lithuania is an origin, transit, and destination country for trafficking in persons. Destinations of women and children trafficked from Lithuania include Europe (Austria, Belgium, the Czech Republic, France, Germany, Greece, Ireland, Italy, the Netherlands, the Nordic countries, Poland, Russia, Spain, Turkey, and the United Kingdom) and other countries such as Israel and the United Arab Emirates (UAE). It has been asserted that trafficking flows from Lithuania have shifted from countries such as Greece, Israel, and the UAE to European countries such as Denmark, France, Germany, the Netherlands, Spain, Sweden, and the United Kingdom.<sup>6</sup>

Women from Russia may be trafficked to Lithuania, and women from Kaliningrad oblast, Belarus, Latvia, and Ukraine, as well as from rural areas of Lithuania, are brought to larger cities in Lithuania to be prostituted or to continue on to Western Europe.<sup>7</sup> There were no research done on the numbers of people involved in criminal business of trafficking, nor women in prostitution was examined thoroughly. There are figures provided by local specialists and international experts:

- 1,000 – 3,000 street prostitutes work in Vilnius (according to HIV Centre). Foreign experts provide numbers 3,000 -10,000.
- 15% of them arrived from neighbour countries (Russia, Belaruss, Ukraine etc.)
- In the region of Vilnius railway and bus stations more than 130 women are involved in street prostitution (according to "Demetra" centre)
- About 30-40 advertisements on sexual services appear in the newspapers daily
- Approx. 6-8 women are exploited in one agency
- There are about 15-20 working agencies in Vilnius
- Agencies make about 1,5 million profit (official data)
- Agencies make about 5 million profit (non-official data)

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<sup>6</sup> Audra Sipaviciene and Danute Tureikyte, "Trafficking in Women in Lithuania: Magnitude, Mechanism, and Actors," in *Trafficking in Women in the Baltic States: The Extent of the Challenge and Search for Effective Remedies—Report* (Vilnius: International Organization for Migration, 2001), pp. 113.

<sup>7</sup> "1/7 of All Sex Slaves in Germany Come from Lithuania—German Police," *Baltic News Service*, 11 August 2003. See also Donna M. Hughes and Tatyana A. Denisova, "The Transnational Political Criminal Nexus of Trafficking in Women from Ukraine: Trends in Organized Crime," 6, no. 3–4 (2001): 11, <http://www.uri.edu/artsci/wms/hughes/tpcnexus>.

*Number of cases in court on trafficking increases in Lithuania*

While in 1999 there was only one case that passed the court, in 2005 the registered number of the cases was 32 out of which 20 persons were sentenced.

The National Program against the Commercial Sexual Exploitation and Sexual Abuse of Children, which was approved by Resolution No. 29 of the Lithuanian government in January 2000, provides for the protection of children from commercial sexual abuse. The strategic goal of the National Program is to establish a prevention system for children experiencing sexual assault and commercial sexual abuse. The program provides training and the legal, social, medical, organizational, and informational means for achieving its strategic goal; it also provides officials with the appropriate environment and methods for combating commercial exploitation and sexual abuse of children<sup>8</sup>.

In January 2002, the government adopted the Trafficking in Human Beings and Prostitution Control and Prevention Program. It's continuation is Programme 2005-2008. It is financed from the State and municipal budgets. The programme is implemented and coordinated by Interdepartmental working group under the Ministry of Internal Affairs of Lithuania.

Nordic-Baltic Task Force against Trafficking in human Beings is active since 2003 in Lithuania.

In October 2005 started pilot project for the support, protection, safe return, and rehabilitation of women victims of trafficking for sexual exploitation - a regional sustainable Nordic-Baltic network of public agencies and NGOs, responsible for safe return and rehabilitation of victims with national focal points, reception facility, information system, trained staff (conferences/training seminars and a manual with best practices on rehabilitation).

In Lithuania, a new Criminal Code criminalizing trafficking in human beings came into effect in May 2003. The Criminal Code defines trafficking in human beings as selling, acquiring, or in any other way alienating a person for the purpose of receiving any material or personal gain. Punishment is imprisonment for up to 8 years<sup>9</sup>.

The administrative law prohibits "engagement in prostitution."<sup>10</sup> The offense is punishable by a fine. A subsequent offense is punishable by detention for up to 30 days<sup>11</sup>. Article 182-1 (amendment of 16/06/2005, in force 07/07/2005-07-07). It claims the same responsibility for rendering prostitution services and for purchase of such services and no responsibility if the person has been involved in prostitution:

- being dependent
- under physical/psychical violation or by deceit,
- minor
- victim of THB recognized in the criminal process

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<sup>8</sup> Ruta Pabedinskiene, "Current Situation and Problems of Child Sexual Abuse and Other Forms of Violence against Child in Lithuania," Child Development Centre of Vilnius University, Karmaza Evaldas, Lithuania, 13 September 2001, [http://www.childcentre.info/news/lithuania/situation\\_in\\_lithuania.doc](http://www.childcentre.info/news/lithuania/situation_in_lithuania.doc)

<sup>9</sup> Article 149. In addition, the new Criminal Code imposes imprisonment for up to 4 years for profiting monetarily from prostitution or pimping; imprisonment for 2 to 8 years for profiting monetarily from prostitution or pimping of a minor or for engaging, organizing, or heading prostitution activities involving a minor; imprisonment for up to 6 years for organizing or heading prostitution rings or transporting a person for the purpose of prostitution; imprisonment for 3 years for engaging in prostitution; imprisonment for 2 to 7 years for forcing individuals into prostitution by coercion or fraud or for engaging a minor in prostitution; and imprisonment for 2 to 10 years for engaging in the trade in children.

<sup>10</sup> Article 182.1

<sup>11</sup> Article 182.1.

The National Program against the Commercial Sexual Exploitation and Sexual Abuse of Children, which was approved by Resolution No. 29 of the Lithuanian government in January 2000, provides for the protection of children from commercial sexual abuse. The strategic goal of the National Program is to establish a prevention system for children experiencing sexual assault and commercial sexual abuse. The program provides training and the legal, social, medical, organizational, and informational means for achieving its strategic goal; it also provides officials with the appropriate environment and methods for combating commercial exploitation and sexual abuse of children.<sup>12</sup>

According to the Women's Issues Information Center data updated in September 2007, there are 29 organizations and institutions providing help for victims of trafficking in Lithuania. Those vary from few bed shelters for maximum 3 nights for stay to Municipal institutions as Vilnius Pension of Mother and Child, which can provide shelter and some financial support for victims till 6 months. Several major projects are open for trafficking problem, women groups are involved in all mayor international campaigns against violence and trafficking in women and girls: 16 days, V- Day, petitions during World Cup Game In general Lithuanian laws are sufficient but there is a big gap between the law and its implementation into practice.

#### **4.5.3. Findings and recommendations**

Results of the research were quite predictable - neither high knowledge of trafficking issues nor importance of gender equality implementation was discovered during the interviews. Although all the respondents agreed that there must be common effort from society, politicians, police and specialists to fight the trafficking phenomenon but neither strict measures nor concrete tools were named.

These are main findings of the research:

Almost 100 percent of respondents agreed that prostitution and trafficking are linked, that girl's fall into prostitution by circumstances caused by poverty, stupidity or by attraction of easy money. All agreed that women and girls involved in prostitution come from very different society layers but most are from poor or socially rejected groups. None of the cases of involvement into prostitution were assessed as humiliation of human rights.

The knowledge of National and International legislation on trafficking was quite neutral and very general. Most were aware that we have appropriate or very good laws but the lack of their implementation is the problem causing the trafficking issues in Lithuania. Child prostitution was a very sensitive issue for all the respondents assessing the childhood age limit minimum till 16 maximum till 18 years. But lack of strict measures to fight child trafficking were not named at all.

Responsibilities to solve all the problems of trafficking in Lithuania were clearly delegated to the specialist of the field. Although all had general knowledge about good laws in Lithuania- none had clear picture how these laws are put into practice.

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<sup>12</sup> Ruta Pabedinskiene, "Current Situation and Problems of Child Sexual Abuse and Other Forms of Violence against Child in Lithuania," Child Development Centre of Vilnius University, Karmaza Evaldas, Lithuania, 13 September 2001, [http://www.childcentre.info/news/lithuania/situation\\_in\\_lithuania.doc](http://www.childcentre.info/news/lithuania/situation_in_lithuania.doc).

Separate services (police, medical institutions, social services) that are responsible for providing help for the victims of prostitution are functioning in Lithuania. However, their work is not coordinated or related– all these institutions execute their narrow functions, are not client (victim) - oriented and are not able to provide complex help for victims of prostitution and trafficking.

Articles in the newspapers about easy and rich life do the damage.

Women NGOs movement in Lithuania demands that women in prostitution should not be punished.

## 4.6. Poland

### 4.6.1. Introduction

#### *Presentation of the organisation*

Dom Zakonny Zgromadzenia Siostr Urszulanek N.M.P.z Gandino has been operating at Nurzec Stacja, in Poland, since July 1995. The shelter was renewed during the last ten years, thanks to Italian volunteers among others. The organisation wanted to be close to people since the beginning, especially to women and girls in a receptive way. It is important to underline that a large familiar net started to cooperate, giving them great help.

Its activities are offered to the school support for girls, in particular when they have to go to big cities in order to complete their studies. In these situations the organisation is able to pay the various costs (food, school stationery, cloths, etc).

Moreover they provide hosting for lonely women, pregnant or with a child, who are experiencing difficult situations. Many of them try to find a job in the big towns but they fall in the terrible experience of prostitution.

Since the organisation tries to anticipate the moment when common problems become cases of deviation, they are going to build a house in Varsavia to be offered to mothers, above all the lonely ones, food and lodging, help to find work, and accommodation until the mother's independence. Moreover they want to offer social support that might substitute the lack of a family and is useful to regain women's autonomy, responsibility.

#### *Research background*

In the course of the research, the following organisations and institutions were involved as well as their representatives and operators:

- the Council of Legionowo, Department of Public Health and Social Affairs, which cooperates with the Congregation of Orsolina nuns within the initiatives of assistance and support for social problems, particularly of poor and lonely women;
- the local Health Authority of Warsaw;
- the Criminal Department of the police of Legionowo;
- teachers and social workers for family support working with young people coming from families of disadvantaged families;
- the public agency for Health and Social Assistance.

According to the interviewees, it is difficult to define at national level the entity of trafficking and sexual exploitation that in most of the cases concerns women coming from other countries (Belarus, Latvia, Lithuania, Ukrain and Bulgaria). Even though there are no figures concerning trafficking and prostitution, there is a concern on those phenomena that they are increasing and are considered detrimental.

There are different forms of prostitution in the area. The most common are prostitution on the streets and in brothels.

#### **4.6.2. National framework**

According to the interviewees, national legislation on trafficking in human beings addresses the problem but needs to be strictly enforced with a greater support of police officers and judicial authorities. Norms for preventing prostitution exist but often they are not respected. *“It is difficult to make laws be respected and the victim is often left without a suitable assistance.”*

There is a poor knowledge of international legislation but it is considered effective: *“International norms are suitable, though poorly known. However, knowledge of legal aspects is improving.”*

Regardless of poor knowledge of legislation, prostitution and exploitation are considered illegal activities managed by criminal organisations.

In most of the interviewees, the idea that helping prostitutes is difficult is emerging. *“(…) as in most of the cases it is a personal choice or even a style of life.”* In this case *“help is only possible if mentality and vision of life change”*. Poverty and the possibility of earning easy money are seen as main reasons for prostitution: *“those who become prostitutes do not see any other way of earning and are tempted by the possibility of earning much more money than legal jobs. In this situation, prostitution can be seen as an economic necessity.”* Besides poverty, other causes leading to prostitution are mentioned: social subjection of women, traditions, poor relationships, low cultural level. This has particularly emerged from interviewees that do not operate directly in the area of prostitution and trafficking. Some of them mentioned the desire of earning and the woman’s “free choice”, others believe that poverty and unemployment lead to “social pathologies.”

In defining initiatives that can be taken, two main issues concerning the assistance to victims of sexual exploitation emerge, notably employment and education. Employment is seen as a possibility to escape prostitution. *“We should intervene with education and job opportunities (…) and help women to find a job.”* Other suggestions include assisting women and teaching them other ways of living also through support groups, particularly as far as children protection is concerned.

Moreover, assistance to victims of trafficking is needed in order to enable them to go back to a normal life. *“As far as victims of trafficking are concerned, the state should provide social assistance, the possibility of finding a legal job, the residence permit, if the victims wish to remain in the country and work. In this case the Church could play a crucial role by offering support for initiatives aimed at reintegration, also from a financial point of view.”*

Interviewees do not know many initiatives and projects implemented. They mention some of the activities of services associations in the area (NGOs such as La Strada and Itaca) and the national plan for prevention and fight against trafficking 2005-2006.

Almost all interviewees acknowledged the role of trafficking in fuelling the sex industry even if they have no detailed knowledge of the relation. However, many of them believe that prostitution in this country is not always connected to trafficking and consider it as a

possible result of a choice even if it is connected by disadvantaged conditions and not the result of violence or trafficking.

For part of the interviewees, prostitution can be the result of a condition of vulnerability. *“It is favoured by the social context and family, it is due to a poor education even, if to some extent some women may start as a result of impositions.”*

As for trafficking, a clear distinction between trade of human beings and illegal immigration emerges. *“The main difference between these two phenomena is the impossibility of deciding your future.”*

The moral aspect is highlighted given to the strong religiousness of the country. *“Prostitution creates negative consequences for society. Low morality, increasing number of abortions, bad habits, young people expect an easy life and want to get rich by exploiting other people, different forms of criminality are more and more common, degradation of human beings and deviation from God and finally the fall of the nation.”* The client is seen as someone with “no moral level” and maybe that is the reason why many interviewees consider criminalisation of the client a positive measure.

#### **4.6.3. Findings and recommendations**

One of the obstacles of the fight against sexual exploitation is obviously linked to the logic of the market and is rooted in the demand. The client, according to the interviewees, can be every man. *“Prostitution is very common and favoured by the so-called good fellows that in most of the cases are believers, good fathers and husbands. Generally, everybody can be a client, regardless of age and social level.”*

The increase of the phenomenon is bound to have cultural consequences: *“A phenomenon which becomes more and more common is bound to be considered normal as well as the idea that it needn’t be combated.”*

The “moral renewal of society” is seen as one of the necessary elements for reducing sexual exploitation of women and children. Moreover, a reduction of these situations can result in an economic improvement. *“On the one hand, there are children that, with prostitution, can find the money for the expenses their parents can afford to pay, on the other hand there adults that take advantage of their situation of superiority.”*

From the interviews, the idea that sexual exploitation and trafficking in human beings are connected to a violation of human rights and equal opportunities does not emerge. However, some of the interviewees refer to social subordination of women. Suggestions and initiatives favouring principles of gender equality and of equal access to resources are not put forward. The status of implementation of those principles is not described either.

Interviewees did not mention the issue of women’s rights and on how these rights can remain at the core of policies to prevent and contrast trafficking and exploitation of women and girls.

## 4.7. Sweden

### 4.7.1. Introduction

#### *Presentation of the organisation*

BalticFem is a non-governmental interregional organisation, based in Norrtälje, Sweden. The organisation was founded in the fall of 2002 by a group of experienced and committed people who has worked in the field of gender equality for quite some time.

The main aims of BalticFem are:

- Our commitment to gender equality - we believe that a just and prospering society is only achieved if all members in it, both women and men, have the same rights, obligations and possibilities.
- Our interest in employment and entrepreneurship - only if people can support themselves through a legal income of their own, can we achieve a truly sustainable development that benefits all citizens.
- Our knowledge of the Baltic Sea Region and the specific challenges and advantages (such as for example trafficking and integration issues) of this, our home region.

Balticfem has the knowledge, resources and possibilities to manage projects of many different sizes. During 2002 they managed a project called "Women's participation in the European Dialogue on Employment Strategies", Dialoguefem for short, funded by the European Commission, DG Employment and Social affairs. The overall purpose of the project was to increase the knowledge about the European Employment Strategy as a tool for promoting women's participation on the labour market. Balticfem then worked with organisations in nine different European countries. Since then they have worked further with different projects, which have been generated through the new experiences they and their partners had gained and will gain.

BalticFem aims to use modern and innovative technologies, such as the Internet, in order to be able to utilize the allocated resources for each project and activity in the best and most efficient way. One understanding they have, that they have confirmed working with project Dialoguefem, is the importance of using a process oriented way with their projects. This in order to benefit from the experiences of all actors involved and the Internet can indeed be a useful tool there.

BalticFem participated in several projects aiming at combating trafficking, both on local, national and transnational level. Their prime focus is to develop strong networks of NGOs, to increase knowledge and raise awareness around this issue. An ongoing project they participate in is for example "EQUAL – Cooperation against trafficking" which is a unique cooperation where authorities, churches, museums, universities and non-governmental organisations, among them BalticFem participate. The co-operation will continue during three years. The development partnership's work is organised in three thematic areas:

- Authorities working together against human trafficking,
- Action Worthy Life (network of non governmental organisations),
- Awareness raising and advocacy,

Co-operation against trafficking is funded by the European Union / European Social Funds.

*Research background*

Sources were: documents from the former Swedish Government; short interviews with Civil Servants within the new Ministry for Integration and Gender Equality and a short briefing by the new Government's political adviser on Gender Equality Affairs.

#### **4.7.2. National framework**

In accordance with the 1997 joint declaration of the European Union (The Hague Declaration), the National Criminal Investigation Department (NCID) of the National Police has been appointed the Swedish National Reporter on trafficking in human beings.

The NCID annually compiles and analyses information on the scale of trafficking in human beings in Sweden as well as between Sweden and other countries and gives recommendations on how trafficking in human beings can be prevented and counteracted. It reports regularly to the Swedish Government.

According to the NCID, between 400 and 600 women who are victims of trafficking in human beings for purposes of sexual exploitation arrive in Sweden every year. Most of them come from the Baltic countries, Eastern Europe or Russia. Traffickers often recruit women with phone offers of employment as waitresses, dancers or domestic workers. When the women or girls arrive to the country of destination, the pimps usually take their passports and papers. They are frequently sexually abused and raped by the traffickers as a way of 'initiation' and then prostituted in brothels and sex clubs where they are isolated from the rest of the community.

They are guarded by pimps who often pocket most of their earnings and whose control over them – stranded as they are in a strange country, unable to speak the language and without a permit to stay – is virtually absolute. Traffickers and pimps also deliver women to Swedish border towns and villages where local men buy and sexually exploit them before they are sent back to their countries of origin.

On July 1, 2002, legislation that imposed criminal liability for trafficking in human beings for sexual purposes entered into force in Sweden. On July 1, 2004, amendments were made to the Swedish legislation, extending criminalization to all forms of trafficking in persons, including trafficking within national borders and for the purpose of, for example, forced labour or exploitation for removal of organs. According to the Swedish Penal Code, Ch. 4, s.1a, criminal liability for trafficking in human beings applies to anyone who through the use of unlawful coercion or deception, by exploiting a person's vulnerability or by any other similar improper means recruits, transports, harbours, receives or takes other similar actions towards a person and thereby gains control over that person, in order for that person to be:

- subjected to sexual offences as stated in the Penal Code, chapter 6, sections 1, 2, 3, 4, 5 or 6, casual sexual relations or other forms of exploitation for sexual purposes,
- subjected to active service or forced labour or other similar forced conditions,
- exploited for the removal of organs, or
- in other ways exploited in ways that cause distress for that person.

Criminal liability also extends to anyone who, for those purposes, takes control over another person or hands control over a person to someone else as well as to anyone who commits the acts mentioned in the first section against a person who has not yet turned 18 years of age, even if no improper means have been used. A person found guilty of the crime of trafficking in human beings is sentenced to jail for a minimum of two years and at most ten years.

On October 1, 2004, amendments were made to the penal provisions in the Aliens Act. When investigating transnational, as well as domestic crimes, the police and prosecutors have previously experienced problems because there have been no legal grounds for a victim or a witness, who unlawfully resides in Sweden, to remain here while the judicial process runs its course. Taking into account the importance of the work against trafficking in human beings, a new provision regarding the possibility to issue a time-limited residence permit has been inserted in the Aliens Act.

The time-limited residence permit may be issued to a victim or witness if this is deemed necessary in order to conclude a preliminary investigation or the main proceedings in a criminal case. Depending on the complexity of the investigation or if the judgment is appealed, the time limited residence permit may be extended upon application by the prosecutor. During their stay in Sweden, the victims will be entitled to health care and medical attention as well as social welfare. According to the Social Services Act, the municipal authorities carry the ultimate responsibility for ensuring that all its residents receive the support and assistance they require. Accordingly, the municipalities as well as regional health care authorities will be reimbursed by the state for the actual costs incurred.

The former Swedish Government (the Social Democratic Party) started the work on a National Action Program for combating of trafficking in human beings. The National Action Program was divided into two action plans:

1. A National Action Plan for the continued work against prostitution and trafficking in human beings for sexual purposes, especially women and children.
2. A National Action Plan for combating trafficking in human beings for the purpose of forced labour, removal of organs and other forms of exploitation.

Since the elections in September 2006, Sweden has a new Government, it is an alliance between four rightwing-parties. They have now started to work with their "National Action Program for Combating Trafficking in Human Beings". It will be presented in May or June 2007.

### **4.7.3 Findings and recommendations**

#### *Prostitution, sexual exploitation and trafficking*

In Sweden, prostitution is regarded as an aspect of male violence against women and children. It is officially acknowledged as a form of exploitation of women and children that constitutes a significant social problem, which is harmful not only to the individual prostituted woman or child, but also to society at large. Gender equality will remain

unattainable as long as men buy, sell and exploit women and children by prostituting them.

In the legislation on gross violation of a woman's integrity, the Swedish Government and the Parliament defined prostitution as a form of male violence against women and children. Since January 1, 1999, purchasing or attempting to purchase – sexual services has constituted a criminal offence punishable by fines or up to six months imprisonment. The women and children who are victims of prostitution and trafficking do not risk any legal repercussions.

On April 1, 2005, the legislation prohibiting the purchase of a sexual service was extended to include cases where the payment has been promised or made by some one else.

Since the law came into force, there has been a dramatic drop in the number of women in street prostitution, according to information provided by the police and social services. The number of men who buy sexual services has decreased, as has the recruitment of women into prostitution. According to The National Criminal Investigation Department the law deters traffickers from establishing in Sweden.

*Swedish Penal Code, chapter 6, section 11:*

A person who, in other cases than previously stated in this chapter, obtains a casual sexual relation in exchange for payment shall be sentenced for the purchase of a sexual service to a fine or imprisonment for at most six months.

That which is stated in the first section also applies if the payment has been promised or made by someone else.

As stated in the Government bill "Violence Against Women" (prop. 1997/98:55) the Swedish National Board of Health and Welfare is charged to continuously monitor and compile knowledge of the extent of prostitution in Sweden and of the measures taken within the social services agencies as well as to monitor the international development.

On April 1, 2005, a new section was added to the Swedish Penal Code (Ch. 6, s. 9), criminalizing the purchase of a sexual act of a child. The crime is punishable by a fine or imprisonment for a maximum of two years.

*Gender equality, prostitution and trafficking*

As with other forms of violence committed by men against women, prostitution is a gender specific phenomenon; the overwhelming majority of victims are women and girls, while the perpetrators are invariably men.

Prostitution and trafficking in human beings requires a demand among men for women and children, mainly girls. If men did not regard it as their self-evident right to buy and sexually exploit women and children, prostitution and trafficking in human beings for sexual purposes would not exist. Human traffickers and pimps profit from women's and girls' economic, social, political and legal subordination. The fact that women who suffer additional oppression, such as racism, are strongly over-represented in the global prostitution industry is clear evidence of this.

Because it is traditionally assumed that men who buy and exploit prostituted women and girls act out of a 'natural' male sexual need, their underlying motives have seldom been studied or even questioned. Instead, attention has been focused on the prostituted women and girls, despite the fact that prostitution is sustained entirely by men's sexual desires and

behaviour. So who are these men who see it as their right to buy women and children and subject them to humiliating and painful sexual assaults and violations?

According to the most recent studies, conducted by the National Institute of Public Health (NIPH 2000:17), one man in eight in Sweden buys sex at least once in his life. These individuals represent a cross section of Swedish men of all ages and from all social classes. Many are married or cohabiting and have children. The image of the typical buyer as a lonely deviant is not borne out by the facts. He is much more likely to be a well-dressed, well-paid middle-class father on a business trip. Buyers have money, stability, education and power; in marked contrast to the women and children they buy. A study conducted in Stockholm in 2002, found that of boys aged 16 to 25, almost 10 % had at some time "paid for a sexual service".

## 5. COMMON FINDINGS AND RECOMMENDATIONS

Both our own experiences and international research suggest that the term of trafficking in human beings is interpreted differently in the countries of the EU, and the various countries have incorporated international norms (conventions and requirements) in their respective domestic legal and institutional systems highly differently. Furthermore, significant differences have been found in the application of international norms and domestic laws.

Some of the countries approve or at least tolerate approaching the issue of prostitution and trafficking as a women's right or gender problem while others ridicule it. These differences are reflected also in what support and recognition civil organisations advocating women's rights and helping the victims of trafficking receive in the given country.

Furthermore, it is widely known that old member states, which are in a much better economic and social situation than the newly joined countries, have very different solutions to trafficking. Suffice to mention that some countries have joined UN conventions on combating trafficking while others have not. According to the standpoint of some countries and organisations, prostitution and trafficking are two independent phenomena while some say that the two are two aspects of the same social problem. In some countries prostitution is a legal income earning activity and employing prostitutes in brothels are lawful businesses; in other countries both the person gaining profit from prostitution and the user are criminally punishable.

More differences are found in the more or less poor newly joined countries. The collapse of the one time Soviet block and of the Soviet interest sphere as a whole over the past fifteen years has brought about fundamental changes in trafficking, enhanced by new technology (Internet, mobile communication etc). We have to face the fact that almost all of these countries have become the sources of Western European sex markets.

This makes the problem more complicated: the problems are very different in a country, where the majority of women and children in local prostitution are foreign nationalities (and a great part of the criminal organisations „trading” with them is made up of foreigners too) than in countries, where local organisations involve local women and children in prostitution for use at home or abroad.

Developed countries in Western Europe have been making serious efforts to ensure that their citizens, including women, have their rightful share of the benefits of the welfare society and to wrap the net of social solidarity around the worst-off. Parallel with this, the domestic supply of prostitutes has been declining as the number of oppressed, rightless and helpless women and children has been shrinking too.

As a consequence of the growing well-being, however, trends in demand are just the opposite. After the social transition in Central and Eastern Europe, sex tourism from the West to the East has caused a boom in local prostitution, activating and generating local resources of trafficking. The continuous supply of prostitutes is ensured from a growing number of poor and destitute groups of society.

The absorption capacity of the Western European prostitution market is estimated by international organisations (UN, IOM) to be as big as several hundreds of thousands of freshly imported prostitutes annually.

Western Europe is regularly shocked by reports about the brutality, violence, exploitation and rightlessness that go in tandem with trafficking. Nevertheless, it should be no surprise: prostitution is essentially abuse, exploitation and rightlessness. The only difference is that prostitutes coming from another culture, other religion and not speaking the language are even more exposed to these deprivations.

In addition to their natural treasures, poor countries export prostitution to the West – and at a dumping price. As long as there is paying demand, the interested parties will find a way to get the purchase to the consumer, regardless of prostitution being viewed as trafficking in human beings to be persecuted or a legal job agency.

The responsibility of European governments and citizens is enormous. One should see the sharp contrast between the emancipating women in Western European societies and their fellow women from Central and Eastern Europe and other parts of the world pushed into slavery.

On the basis of these results and of the on-going dialogue with NGOs, law enforcements and public authorities, ENATW would like to encourage a further debate and initiate direct European level actions on the following topics:

### **Gender mainstreaming to tackle the root causes of women’s “disposability to be employed” in the sex industry**

In most of the EU countries there have been new policy initiatives in the recent years to tackle the issue of trafficking: legal reform, new services for victim’s protection, public awareness-raising, police coordination at national and international level. The EU and national legal frameworks addressing trafficking and sexual exploitation fail to make a linkage among these policy areas and reduce gender inequalities and the promotion of women’s rights. Legal and political measures to combat trafficking and sexual exploitation need to be further supported by an impact analysis on the promotion and implementation of gender equality principles in order to increase the perspective of social inclusion process of women at risk of social isolation.

Segregated data should be collected and published on prostitution, trafficking, based on the type of crime and infringement of law, gender, age, geographical regions and locations, and on the provisions that were taken.

### **Sex industry and protection of women’s rights**

Women’s exploitation and gender violence within the sex industry are largely seen issues relating to economic migration or public order only, whereas the gender perspective is often absent from policy debate and rarely tackled directly.

Promoting prostitution and sex business as the possible answer of European Member States to feminisation of poverty is a serious violation of human rights and gender equality principles. Policies that legalise prostitution and support sex business do not create a protective framework for women’s rights, do not help the position of women who are in prostitution:

- abuse, violence and exploitation caused by prostitution and sex industry are not considered policy priorities in the political and social agenda;

- where measures have been taken to legalise/regulate the activities of sex industry, women exploited by prostitution and trafficking are not able to report violence experienced;
- there are no interventions against conditions in which traffickers and “sexual entrepreneurs” can easily and effectively target women and children.

The link between the legal approach to prostitution and trafficking should be further studied and analysed.

### **Addressing demand**

Although much of violence and sexual abuse in the sex sector is committed by men against women, the client is not considered part of the chain of sexual exploitation. The demand side of sexual services as well as “sexual entrepreneurs” must be addressed as active participants of the sex industry. Preventive actions on the cultural perspective and public awareness-raising are needed in order to face the current risk of tolerance towards gender discrimination, abuse, violence and exploitation within the lawful sex business.

On the basis of studies carried out in Sweden and Italy research methodology should be developed and transferred to other EU countries.

### **Training on EU standards on trafficking and gender equality**

In order to foster the implementation of European legal and policy measures to prevent and contrast trafficking it is necessary to mainstream these topics within university education and professional training for civil servants, police enforcements, and social workers.

Educational packages for young people (students) on gender equality principles should be designed as key action to prevent trafficking and sexual exploitation.

## **Organisations promoting ENATW**

Associazione IRENE, *Italy*

MONA Foundation for the Women of Hungary, *Hungary*

A. F. P. Patronato San Vincenzo, *Italy*

L'Amicale du Nid, *France*

The Research Centre of Women's Affairs, *Greece*

The BalticFem, *Sweden*

Women's Issues Information Centre, *Lithuania*

Dom Zakonny, *Poland*

Visit our website:

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