



Fondation SCELLES

Under the Direction of Yves Charpenel  
*Deputy General Prosecutor of the Supreme Court of France  
President of the Fondation Scelles*

# Sexual Exploitation

*Prostitution and Organized Crime*

ECONOMICA

49, rue Héricart, 75015 Paris



# **Fondation SCELLES**

Under the Direction of Yves Charpenel  
*Deputy General Prosecutor of the Supreme Court of France*  
*President of the Fondation Scelles*

## **Sexual Exploitation** *Prostitution and Organized Crime*



**ECONOMICA**

49, rue Héricart, 75015 Paris

« The proceeds from the sale of this book will be given directly  
to the Fondation Scelles »

Translated from the original French Edition  
Exploitation sexuelle – Prostitution et crime organisé © Ed. Economica 2012

Translation copyright © Ed. ECONOMICA, 2012  
All reproduction, translation, execution and adaptation rights are reserved for all countries

Excerpt from the Dictionary of the French Academy

**PROSTITUTION** n. 13<sup>th</sup> century, meaning of "debauchery"; 18<sup>th</sup> century, the current meaning. From the Latin *prostitutio*, "prostitution, desecration."

The act of having sexual relations in exchange for payment; activity consisting in practicing regularly such relations. *The law does not prohibit prostitution, only soliciting and procuring. Entering into prostitution. A prostitution network. Clandestine, occasional prostitution.*

ANCIENT MEANING. *Sacred prostitution*, practiced by the female servants of the goddesses of love or fertility in certain temples and for the profit of these goddesses, in some countries of the Middle East and of the Mediterranean. *The Aphrodite temple, in Corinth, was a place where sacred prostitution was practiced.* • Fig. Degradation, defilement to which one consents by desire of goods, honors, etc. *He refuses to prostitute his talent. The prostitution of the awareness.*



# Acknowledgements

This publication is the result of the work of a research team from the CRIDES (Center for International Research and Documentation of Sexual Exploitation), an auxiliary organization of the Fondation Scelles, and of external collaborators.

## **We wish to warmly thank them for their work:**

### **Researchers from the Fondation Scelles and the CRIDES:**

Aurélie Bezault, Frédéric Boisard, Samantha Brazill, Geunmin Cha, Yves Charpenel, Catherine Goldmann, AnnPôl Kassis, Ina Mihaylova, Anne Pascal, Alice Pfister, Isaure Revel, Yves Scelles, Devony Schmidt, Hassan Sefrioui, François Vignaud.

### **External collaborators:**

Myriam Quémener, Magistrate, Deputy State Counsel responsible for the Criminal pole at the French court of first instance in civil and criminal matters of Créteil (*Cyber-prostitution*)

Francis Stoliaroff, Senior Assistant State Counsel responsible for the Directorate of criminal affairs and pardons of the French Ministry of Justice, of the negotiation and the transposition of the international penal norms (*Organized crime and money generated by prostitution*)

Marta Torrès-Scelles, Lawyer (*Spain - with the collaboration of the APRAMP ; Prohibiting the purchase of sexual services*)

Dominique Charpenel, Psychologist responsible for the reception of human trafficking victims within the EACPs (Equipes d'Action Contre le Proxénétisme) (*Choices of prostitution, topics, and variations; Health and prostitution*).

The **Review committee**, comprising some members of the Board of Directors of the Fondation Scelles and external collaborators, for their participation and their important observations.

### **Our translation team:**

Fiona Connors, Ashley Doyle, Liv Gudmundson, Briana Murphy, Christine O'Neill, Nina Oberman, Daniel Rios, Anna Skipper and Marie-Claire Verniengeal.

### **Coordinator of the book:**

Sandra Ayad, Head of the CRIDES



# Summary

|   |           |
|---|-----------|
| <b>Preface.....</b>   | <b>11</b> |
| <b>Foreword.....</b>  | <b>13</b> |
| <b>Prostitution Around the World: Lessons From The News .....</b> | <b>15</b> |
| <b>Methodological note.....</b>                                   | <b>19</b> |
| <b>Some remarks.....</b>  | <b>21</b> |
| <b>2011 COUNTRIES' PANORAMA.....</b>                              | <b>23</b> |
| Albania.....  | 25        |
| Argentina .....   | 31        |
| Australia.....  | 37        |
| Austria .....   | 44        |
| Belgium .....   | 50        |
| Brazil .....  | 55        |
| Bulgaria .....  | 61        |
| Cambodia.....   | 68        |
| Canada .....  | 73        |
| China.....  | 80        |
| Congo (Democratic Republic of) .....                              | 87        |
| Croatia .....   | 90        |
| Cuba.....   | 94        |
| Cyprus.....   | 98        |
| Czech Republic.....   | 102       |
| Dominican Republic .....  | 107       |
| Egypt.....  | 112       |
| France .....  | 116       |
| Germany .....   | 121       |
| Greece.....   | 129       |
| Guatemala.....  | 133       |
| Haiti .....   | 138       |
| Hungary .....   | 142       |
| India.....  | 147       |
| Iraq.....   | 155       |
| Ireland.....  | 159       |

|   |            |
|---|------------|
| Israel .....  | 164        |
| Italy .....   | 170        |
| Japan .....   | 177        |
| Latvia .....  | 182        |
| Lebanon .....   | 186        |
| Madagascar .....  | 191        |
| Mexico .....  | 196        |
| Moldova .....   | 200        |
| Morocco .....   | 204        |
| Netherlands (the) .....                                   | 210        |
| New Zealand .....   | 216        |
| Nigeria .....   | 221        |
| Philippines .....   | 226        |
| Poland .....  | 232        |
| Romania .....   | 238        |
| Russian Federation .....                                  | 245        |
| Serbia .....  | 250        |
| South Africa .....  | 255        |
| South Korea .....   | 261        |
| Spain .....   | 268        |
| Sweden .....  | 274        |
| Switzerland .....   | 280        |
| Thailand .....  | 286        |
| Turkey .....  | 291        |
| Ukraine .....   | 296        |
| United Arab Emirates .....                                | 302        |
| United Kingdom .....                                      | 307        |
| United States of America .....                            | 313        |
| <b>2011 MAIN TOPICS .....</b>                             | <b>319</b> |
| Choice of prostitution, topic and variations .....        | 321        |
| 2011 Judiciary Responses .....                            | 328        |
| Cyber-Prostitution .....                                  | 333        |
| Prohibiting the purchase of sexual services .....         | 336        |
| Organized crime and money generated by prostitution ..... | 342        |
| Society at risk, endangered youth .....                   | 349        |
| Health and prostitution .....                             | 356        |
| Immigration and prostitution .....                        | 363        |
| On-screen images of prostitution .....                    | 368        |
| Roma criminal networks .....                              | 374        |
| <b>The Fondation Scelles' Story .....</b>                 | <b>379</b> |

# Preface

The media discusses drug trafficking, corruption, financial trafficking, and money laundering on a daily basis, but seldom focuses on sexual exploitation and prostitution, except to mention in an anecdotal manner some local incidents that will quickly be forgotten.

Yet this phenomenon, still poorly known by the general public, represents a real global plague affecting tens of millions people, mostly women and children, and generating huge amounts of money for the procuring networks. The money is reinvested on a daily basis in the world economy and plays a part in the strong corruption of government, justice, police, and media sectors in many countries.

The present book, which marks our twentieth anniversary, is the result of the remarkable work achieved by the researchers of the Fondation Scelles. Its purpose is to unveil the reality of prostitution all over the world through the study of, more or less, fifty countries and ten specific topics.

It was during World War II that Jean Scelles discovered the reality of prostitution. Incarcerated for being involved in the French Resistance, he shared his cell with a pimp who explained to him how he used to "correct the rebellious girls." In 1993, Jean Scelles and his wife created the Fondation Scelles with the ultimate goal of fighting against all forms of sexual exploitation in France and all over the world.

The Fondation Scelles considers prostitution an infringement upon the human rights of equality and dignity and that it constitutes a source of intolerable social and personal violence. The Fondation's teams lead a determined combat in favor of abolitionism, in partnership with several French and foreign associations.

The prostitutes are, for many reasons (family background, economic precariousness, quest for a better future...), the real victims of this situation. In reality the two major actors responsible for this crisis are the procurers and the customers. While the former are legally prosecuted in most countries, the role of the latter is seldom mentioned. We consider that it would be wise to also penalize the customers, as is already done in certain countries.

We hope that this second edition will bring to light the reality of sexual exploitation all over the world and will stimulate productive debate.

**Philippe Scelles**  
*Honorary President*

**Yves Scelles**  
*Vice-President*



# Foreword

Writing this book on sexual exploitation all over the world was, for the Fondation Scelles, a necessity.

As a matter of fact, during recent months the news has emphasized a genuine societal debate on this more and more global phenomenon that manifests itself in diverse ways and whose profits continue to increase.

Our ambition is to offer to the reader widely updated facts and analysis, for which sources were patiently gathered, that should allow them to more fully understand a phenomenon too often discussed superficially.

We hope that this debate will finally find a place on the French political agenda and that the work of the 2011 Parliamentary Mission will help us to reflect on its importance without any concessions.

Nonetheless, the underlying question of the present book is the global challenge that modern prostitution, connected more and more to the violence of organized crime, imposes on our societies.

All over the planet, we are often tempted to trivialize this issue particularly due to the existence of an impressive market for sexual exploitation.

The inventory that you will discover in the following pages is the result of the work of more or less ten women and men who reject the word “resignation” and who have no other vocation than that of contributing to a now inescapable debate.

The sequence of the selected countries and topics offers an image of a reality that is far from the fantasies and pretenses to which it is too often restricted.

**Yves Charpenel**

*President of the Fondation Scelles  
Principal Advocate-General at the French Court of Cassation*



# **Prostitution Around the World: Lessons From the News**

Prostitution is a multi-faceted phenomenon: victims of exploitation and networks, housewives in precarious situations, female students, children, men...who prostitute themselves in the streets, on the Web, in bars, in massage parlors, along the roads...

The situations are diverse. However, whatever the political, economic, or cultural contexts are, all of these situations relate to the same phenomenon: sexual exploitation. And from Paris to New York, from Kolkata to Marrakech, from Kiev to Bangkok, the same realities and the same threats are present.

## **Globalization...**

Today, prostitution is a phenomenon that surpasses borders. Flows of human beings go from one country to another, from one continent to another in order to be forced to practice prostitution or to purchase sex.

Women, children, and men as well, under the pressure of distress and with the hope of a better future, leave their own country and get caught in the nets of traffickers who exploit them all over the world. In Cambodia, prostitutes come from China, Vietnam, and also from Eastern Europe. Australia, considered a well-known center of Asian prostitution, has prostitutes who are citizens of countries such as Thailand, Malaysia, South Korea, and China. Canada witnesses the arrival of victims coming from Asia, Africa, the Caribbean, Latin America, and Eastern Europe. And in France, in 2011, the dismantling of more or less 40 criminal networks in Paris, Caen, Bordeaux, Strasbourg brought rescued victims from Colombia, China, Ecuador, Nigeria, and Romania (among other countries).

Prostitution today also involves flows of customers, mainly men, who cross borders in order to find attractive sexual offers. Not one continent is spared: Budapest, Riga, and Kiev became sex tourism destinations in the same way that Bangkok, Goa, or Manila did. And customers take advantage of all occasions: professional seminars, sporting events... In 2011, the number of prostitution ads on a well known website in the US increased almost of 136% during the week preceding the Superbowl. And during the annual fair for marine entrepreneurs in Hamburg, prostitution offers doubled along with the hourly rates for hotel rooms...

Finally, thanks to the development of new technologies, prostitution completely ignores geographical borders. Henceforth, solicitation is done by SMS through the use of cellphones. Social networks are used to promote meetings for the purpose of paid sex. The routing of victims around the world is done through the systematic use of numerical exchanges. Customers carefully analyze websites comparing prices for sexual services. Traffickers recruit their potential victims on websites created by escort girls who think they are independent. For example, an escort site, blocked in 2011, used to display the profiles of approximately 1,600 women scattered all over the world. The Webmaster was French, the host was Swiss, and the payment was done in Estonia...

### **Commoditization...**

Henceforth global, prostitution became an economic market, an extremely "bullish" market. According to some estimates, the turnover of the sex industry reaches more than €1.5 billion in Greece (more or less 0.7% of the Greek GDP), more than €2 billion in the Russian Federation, up to €18 billion in Spain...

The revenues generated by prostitution, far from remaining an underground economy, have an impact on society as a whole. Very diverse milieus benefit from these profits: certain travel agencies, bars, hotels, cabs, but also the publicity industry, press bosses, creators of websites, some types of media... In such a context, can we really be surprised that some nations and municipalities look forward to getting a share of those profits? In Germany in 2011, the city of Bonn, after Frankfurt and Cologne, proposed imposing taxes on prostitution. This sex tax generates 800,000 to 1 million Euros per year. Likewise, the Netherlands, a regulationist country where prostitutes used to benefit until then from a specific tax program, were considering imposing taxes on revenues generated by prostitution, like the ones imposed on any other professional activity.

Thus, prostitution tends to progressively infiltrate itself within our societies to the extent of becoming an economic market like any other... In addition, prostitution, the business milieu, and political power have a complex relationship-one which the media did not stop reminding us of in 2011. As an example, the Carlton de Lille case, under the cover of a libertinism, incriminated Dominique Strauss-Kahn and one of the most important French civil engineering enterprises. There was also the lawsuit against Silvio Berlusconi who paid for sexual services offered by a minor in Italy. And there was the sex scandal that occurred in Germany in 2011 incriminating the insurance industry: a well-known insurance firm used to reward its best employees by offering them sex orgies...

The efforts undertaken by governments to curb such an evolution encountered serious obstacles. Spain, the United Kingdom, the United States, and Argentina particularly struggled against advertisements presenting a sexual character published on the web or in the press. Reports were written, bills were considered or even adopted. But such measures faced strong opposition. In Spain, the government was hesitating in making a decision. In the US, ads

published by Craigslist, blocked since 2010 because of the proliferation of offers of sexual character, moved to another website considered the largest forum for the trafficking of minors for sexual purposes.

### **Trivialization...**

Everywhere, minors or very young adults are particularly affected by the expansion of prostitution. Today, the activity affects countries of Southeast Asia and Europe, as much as North America. The United States was horrified to discover significant instances of child prostitution occurring in several of its States. Germany and the Netherlands fight against the alarming development of the sexual exploitation of female minors by *loverboys*. In India, luxury prostitution became a real high-tech business organized by young computer science professionals exploiting teenagers and students. In Poland, an alarmingly large number of female teenagers belonging to wealthy classes practice prostitution in malls in order to buy goods...

Contexts are diverse. There are children, victims of trafficking and/or poverty, sold by their parents who hope for a better future for them, or kidnapped by procurers, or even forced into prostitution for survival reasons... But there are also young people, coming from more elevated social milieus, experiencing family difficulties, needing money for some reason, or willing to purchase material goods, who become immersed in luxury prostitution. Young girls sell, by auction through the Internet, their virginity, while others practice prostitution to pay their tuition fees or to buy fashionable clothing...

Society tends to trivialize this phenomenon by attributing charming nicknames and glamorous images to it. We hear words such as *loverboys*, *sugarbabies*, *sugardaddies*... And we must not forget the case of the young Zahia, who monopolized the news headlines because of her remunerated sexual relations with members of France's soccer team. She is considered today to be a "Cinderella of modern times" and a show business icon! These images have the sole purpose of hiding the reality of a problem: the *loverboy* is a pimp who plays the role of the boyfriend in love in order to better exploit female teenagers, the *sugarbaby* is usually a young girl financially supported by a mature man who pays her tuition fees, her rent, her daily expenses... In Poland, society prefers to qualify such kind of prostitution with the business word of "sponsorship".

For teenagers, sex becomes a means of exchange. They barter sex against a name-brand good, a drug dose... Is this really surprising? They are overfed with pornography; they evolve in societies that permanently display images of women as mere sex objects. In such a context, the sex trade is trivialized and prostitution appears more and more as an almost "natural" opportunity to make money or to obtain a material good, one that does not entail any consequence.

### **What are the perspectives?**

When observing this global phenomenon, nothing allows us to envision the future optimistically. The expansion of crime and the effects of the economic crisis lead to an

increasing impoverishment of populations while at the same time a decrease in budgets destined to reintegrate prostitution victims and to fight against human trafficking; all of which lead us to predict an aggravated situation.

Public policies encounter difficulties in tackling this expansion. Of course most nations have recognized (or are beginning to recognize) the seriousness and the magnitude of sexual exploitation. Laws on prostitution and human trafficking has been adopted. Policies of judiciary and police cooperation between different countries aimed at curbing an international problem has been implemented. Structures to fight against human trafficking have been created. All over the world there is observing a better understanding of the problem and a reflection on possible solutions.

Nonetheless, the ways to address the issue vary according to the country. Prostitution continues to generate differences among the politicians and public opinion. Governments hesitate in choosing an appropriate path between tolerance, legalization, and repression, while societies, somewhere between indifference, rejection, and trivialization, surround themselves with clichés. The urgency today is to bring about a change in mentalities through education about a little-known reality.

# Methodological note

## Goal

Through a critical analysis of the news in France and around the World, our goal is to show the reality of the sexual exploitation trade, its dangers, its complexity, and its stakes, but also the responses that can be brought to such an issue.

To achieve this goal, we chose to take a global inventory, over the course of a determined timeframe; the year 2011.

It is a global inventory because prostitution is largely controlled by international criminal networks and henceforth makes use of technological tools that ignore borders.

It is an annual inventory because prostitution is a modern and reactive phenomenon that must be assessed not only through its principles, but also through its activities which are in a perpetual process of evolution.

## Topic Choices and Countries

The first edition<sup>1</sup> gave an overall picture of 24 countries located across all the continents. This time, we are proposing a complete overview of 54 countries and an analysis of ten topics that were mentioned in a meaningful way in the news.

The idea was to systematically focus on the countries analyzed in the first edition in order to report their evolution during the previous months. But we also wanted to enlarge the geographic area of this study. This is the reason why 30 new countries were added. As in 2010, the choice of countries was dictated by the news, specifically news surrounding our themes, but also global economic and political news. Could we possibly avoid analyzing the Maghreb countries shaken up by the 2011 Arab spring? How could we not take into account the effects of the economic crisis that particularly affects Europe?

We chose our topics in the same way. Some of them are recurrent because the facts they describe do not stop evolving. For instance "Judiciary responses in 2011" assesses the judiciary news during the year. Other topics were chosen because they were strongly present in the 2011 news. As such, "Prohibiting the purchase of sexual services", inspired by the call of French

---

<sup>1</sup> Fondation Scelles, Y. Charpenel (under the direction of), *Rapport mondial sur l'exploitation sexuelle. La prostitution au cœur du crime organisé* (Global report on sexual exploitation. Prostitution in the middle of organized crime), Paris, Economica, 2012.

parliament to penalize the customer of prostitution, assesses this kind of policy all over the world.

We are aware that the analysis of 54 countries (of the some 200 which exist in the entire world!) and 10 topics can only provide a fragmentary and limited overview. Nonetheless, our goal was more about identifying trends based on facts described in the news and about placing sexual exploitation in the social, cultural, and geopolitical context of a specific country, than putting together a comprehensive inventory.

### **Collecting the data**

Several different methods of research were used to collect the necessary information to carry out the present study.

Initially, we gathered a set of diverse sources, all of them restricted to the year 2011: government reports, NGO studies and observations, international organization reports, academic research, information produced by our foreign correspondents, press articles, surveys, videos, media reports...

All of the sources used are available for consultation at the resources center of the Fondation Scelles, CRIDES (Center of international research and documentation on sexual exploitation). Since 1994, CRIDES cautiously scrutinizes news coming from all over the world and gathers new publications related to sexual exploitation topics.

From this initial selection of diverse sources, we were able to collect a wide range of data: terms of laws, Court decisions, numerical data, positions, recommendations, news items, testimonies...

The consultation and the critical analysis of these elements allowed us not only to be aware of the facts that occurred in each country during 2011, but also to understand the debates and the controversies that made the news.

### **The researchers-authors**

The present study was carried out by:

- a team of international researchers (Bulgaria, South Korea, Morocco, USA...) from different backgrounds (Human Sciences, Political Sciences, Global Relations, Human Rights, Criminology...)
- professionals in the field (magistrates, lawyers, social workers, psychoanalysts...)
- a network of foreign correspondents who nurtured and polished our analysis.

With this new edition that enlarges and extends our approach and our strategy of attack, we hope to fulfill two main missions: contributing to all of the current debates raised by prostitution and informing, in the most accessible and objective way, every person who does not limit himself/herself to preconceived ideas and to vague approximations.

## Some remarks...

Data appearing at the beginning of each study comes from the sources mentioned below.

Statistics regarding the **population in 2011** come from the indicators of the 2011 Report on human development (pages 180 to 183) of the United Nations Development Program (UNDP):  
[http://www.undp.org/content/undp/fr/home/librarypage/hdr/human\\_developmentreport2011.html](http://www.undp.org/content/undp/fr/home/librarypage/hdr/human_developmentreport2011.html)

Statistics regarding the **Gross Domestic Product (GDP) per capita in 2011 (in US dollars)** come from the indicators of the World Bank:  
<http://donnees.banquemondiale.org/indicateur/NY.GDP.MKTP.CD>

Statistics regarding the **Human Development Index (HDI) in 2011** come from the indicators of the 2011 Report on Human Development (pages 153 to 156) of the United Nations Development Program (UNDP):  
[http://www.undp.org/content/undp/fr/home/librarypage/hdr/human\\_developmentreport2011.html](http://www.undp.org/content/undp/fr/home/librarypage/hdr/human_developmentreport2011.html)

The **political regimes** of the different countries of the world come from the French Ministry of Foreign Affairs:  
<http://www.diplomatie.gouv.fr/fr/pays-zones-geo/>

The shaded boxes have the sole mission of placing the countries' studies in a quantified context in order to have an idea of the proportion of people affected by the topic we are analyzing: commercial sexual exploitation.



# 2011

## COUNTRIES' PANORAMA



For further information (maps, reports, videos...)  
[fondationscelles.org](http://fondationscelles.org)





## Albania

- Population: 3.2 million
- GDP per capita (in US dollars): 4,030
- Parliamentary regime
- HDI: 0.739 (70<sup>th</sup> rank among 187 countries)
- No official national statistics on prostitution.
- Prohibitionist regime: prostitution is illegal.
- Index of corruption perception: 95th (out of 182 countries), according to Transparency International.
- Victims are mainly Albanian, coming from Tirana, its suburbs, and Dürres.
- Victims, mostly women and children, are sent to Greece, Italy, Macedonia, Kosovo, Serbia, and across Western European countries (Belgium, United Kingdom, France, and more recently, Spain and Ireland).

Since the 2009 legislative elections, Albania has plunged into a deep political crisis. The socialist opposition questions the legitimacy of the victory of Prime Minister Sali Berisha and his Democratic Party. The socialists systematically boycott the work of Parliament. At the end of January 2011, a demonstration was harshly repressed and ended in bloodshed. Four protesters were gunned down and killed by the police. In May 2011, municipal elections fostered new protests. Since then, the European Union has slowed down Albania's integration process and is pressuring the country in order to obtain an appeasement of the crisis<sup>1</sup>.

### **A progression in the fight against violence towards women**

On December 19, 2011, Albania signed the Council of Europe's Convention on the prevention and fight against violence towards women and domestic violence. This represents a new stage for this country in the fight against violence towards women. Such a decision is, in particular, the result of both the enactment of a 2006-law which implemented "measures against

---

<sup>1</sup>In May 2011, the President of the European Commission José Manuel Barroso canceled his visit to Albania, claiming that the local political atmosphere was not conducive for discussions on European issues. According to other representatives of the Commission, Albania was playing "with its historical opportunity of launching its progression towards integrating the EU."

violence within the family" and the adoption of the National Strategy and Plan of Action for male-female parity and against violence within the family (for the 2007-2010 period).

Sexist stereotypes, however, remain strongly rooted in the Albanian society. In certain regions of the country, women are still considered as "second class citizens" and are exchanged or sold from one family to another for marriage purposes. In 2010, the United Nations were particularly concerned about "the revival, in some northern regions of the country, of concepts of traditional justice and codes of conduct that allow the perpetration of the alleged 'honor killings'".<sup>2</sup>

One Albanian woman out of three is assumed to be the victim of domestic violence. Between January and September 2011, 1,683 cases of domestic violence were reported to authorities. This means an increase of 260 cases with respect to the same period in 2010. 82% of the victims were women. Nevertheless, the majority of domestic violence cases are not reported.

### **Current situation: the development of national human trafficking**

Albania remains a resource country for diverse human trafficking, though mainly for prostitution purposes and forced labor. The victims, mostly women and children, are sent to Greece, Italy, Macedonia, Kosovo, Serbia and across the countries of Western Europe (Belgium, United Kingdom, France, and more recently Spain and Ireland). The number of victims continues, however, to decrease.

Since 2010, authorities have estimated that Albania is no longer a country of transit for human trafficking. Nonetheless, according to the U.S. Department of State report on human trafficking, victims coming from Greece and Ukraine were identified on Albanian soil in 2011.

As in 2010, an important development in human trafficking inside the Albanian borders has been observed.<sup>3</sup> This phenomenon is assumed to have become predominant. According to data gathered by the psychosocial Vatra Center, the ratio between national and transnational human trafficking is around 70% for 30% (estimation for 2010). This ratio situated around 20% for 80% during the 2004-2006 period. Additionally, according to the same institution, the phenomenon particularly affects an increasing number of underage girls, 14-15 years old, who are controlled by procurers.

In 2011, the National Mechanism Guiding the Identification and Assistance to Victims of Human Trafficking identified 84 victims. In 2008, there were 108 victims (89 women and 19 children), followed by 94 victims (72 women and 22 children) in 2009, and finally 97 victims (83 women and 14 children) in 2010. All of them were Albanian and most were victims of transnational human trafficking, generally for sexual exploitation purposes. Not one single man was counted among the identified victims. The NGOs, in turn, helped a total of 132 victims during 2011.

---

<sup>2</sup> The Kanun is a customary code of law dating from the Middle Ages and aiming to govern family, marriage, or honor. Marginalized during the communist regime, it is currently respected in Northern Albania.

<sup>3</sup> See "Albania", in Fondation Scelles, "Rapport mondial sur l'exploitation sexuelle, la prostitution au coeur du crime organisé", Paris, Economica, 2012.

According to the Court in charge of serious offenses, 28 human trafficking cases were being investigated and 27 suspects prosecuted at the moment when the present book was written (among them, 7 new cases appeared in 2011).

### **The GRETA visit**

The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA)<sup>4</sup> visited Albania amidst the context of social turmoil punctuated by bloody demonstrations in January 2011. During their visit (from Jan. 31-Feb.3), the experts met with relevant authorities and representatives implicated in the fight against human trafficking: ministers, NGOs, judicial authorities, national host centers for human trafficking victims, etc. The delegation also visited housing centers in Tirana and Elbasan (Central Albania). On July 19, 2011, a first evaluation was submitted to Albanian authorities, who then added their comments. The final version of the report, adopted in September 2011, was made public in December 2011.

GRETA experts recognized all the measures taken by the Albanian government to fight and prevent human trafficking, particularly the adoption of an adapted legislative and institutional framework. They asked, however, for the texts and the fight strategies to be more efficiently implemented.

Albanian authorities were also encouraged to strengthen their surveillance on three phenomena hardly or not at all taken into account: male human trafficking, national human trafficking and the human trafficking of foreign citizens in transit in Albania. Moreover, GRETA inspired them to continue their efforts in many fields. Beyond the awareness-raising campaigns, long term "prevention" measures must also be implemented, in order to fight against stereotypes and prejudices towards women and vulnerable minorities (Rom and Egyptian communities). Such prejudices foster human trafficking and prevent the reintegration of the victims rejected by their families and society. The group of experts asked that the measures for "assistance to the victims", as described by the texts, be guaranteed in practice and supported by adapted physical and financial means. Therefore, authorities must first participate in financing the NGOs and the assistance structures, but also ensure that those structures fulfill the victims' needs. The "cooperation policy" with the countries of destination could be improved in order to facilitate the return of the victims. Albanian authorities must strengthen the measures of "victims protection", particularly for children, independently of whether or not the latter agree to participate with judicial procedures. In addition to improved training for police forces, prosecutors, and judges on this specific phenomenon, the GRETA experts also asked for a "harmonization of the juridical texts" to be carried out in order to avoid confusion between the notions of prostitution and human trafficking.

---

<sup>4</sup> The GRETA experts are in charge of evaluating the measures taken by EU member States for the implementation of the Council of Europe's Convention on the fight against human trafficking.

## **The answer of the Albanian government to the recommendations of the GRETA**

Following GRETA visit (and even before the publication of the final version of the report), the Albanian government multiplied the measures supposed to improve its system. On February 23, 2011, the Council of Ministers adopted the National Strategy for fighting against human trafficking (for the period 2011-2013), elaborated by the Ministry of Interior and the National coordination for the fight against human trafficking. The strategy comprises two main features: a legal component specific to the fight against child trafficking and the other specific to the protection of child victims. Here, the issue of national human trafficking is mentioned for the first time and considered as a priority by the Albanian government.

In addition to the adoption of that national plan, several "legislative changes" have been proposed in order to respond to the recommendations of GRETA. For example, the criminalization of the purchase of services offered by victims of trafficking in particular, or in other terms, the criminalization of the customer, and the exemption of any criminal liability (including all illegal acts that they could have committed while they were caught in the traffickers' webs) for the victims of trafficking. And finally, we should mention that some measures have been implemented in order to facilitate the access to the judiciary system for the victims.

In July 2011, the government adopted a procedure code of "identification of the victims" of trafficking in collaboration with civilians. In such a context, the government has, for the first time, implemented measures to finance the "structures of reception" of victims. Three NGOs therefore received €8,000 in 2011. Despite that decision constituting real progress, it has provoked strong reactions from NGOs. Indeed, that limited financing only allowed them to pay for food expenses. One of the NGOs was even forced to temporarily shut down its shelter during the year due to the lack of financing.

Efforts have been made regarding the "strengthening of structures" for fighting against that phenomenon. Three new coordinators were appointed within the anti-trafficking unit. Some "training" programs for the police, magistrates, and law students (...) were organized with the help of international institutions (IOM, UNODC...). Hence, 20 training sessions for law enforcement officers (border police, customs, fight against illegal trafficking) have taken place, involving 280 people. Staff awareness concerning the risks of corruption within the judiciary and police milieus was enhanced. Some specific monitoring measures were implemented in order to fight against corruption and have already shown their effectiveness. In July 2011, a police officer was arrested for exploiting prostitution.

During 2011, Albania looked forward to developing some instances of "international cooperation":

- two operations carried out in Greece allowed them to dismantle a female-trafficking network and to arrest 8 people
- agreements with Switzerland and Kosovo have resulted in the extradition of traffickers
- a protocol was negotiated with the government of Kosovo regarding the intensification of Albania and Kosovo's cooperation in the fight against human trafficking.

### **The opening of borders: a new order has emerged in the Albanian mafia**

As of December 15, 2010, Albanians have been able to travel within the Schengen area without visas. This constitutes undeniable progress towards the integration of Albania into the European Union. It also means that a "new order" has emerged for criminal trades. Albanian authorities launched awareness-raising campaigns devoted to warn the Albanian population about false migration offers and job promises abroad.

Nonetheless, criminal networks quickly took advantage of those changes in order to adapt their methods. In October 2011, Belgium expressed concern about an inflow of Albanian asylum seekers, represented by a steady increase pattern during the previous months. As a matter of fact, during the first 15 days of October, 240 Albanian citizens officially asked for political asylum in Belgium. Most of them were carrying false documents or telling false stories about how they would become victims of life-threatening revenge attacks related to the Kanun Code. During a visit to Tirana, the director of the Belgian Office for Foreigners said: "We are sure that behind those networks, there is a whole organization. There are networks that provide them those false documents in exchange of large amounts of money".<sup>5</sup>

A new kind of trafficking is forming and it allows Albanian criminal networks to strengthen their grip on Europe. According to a Europol note from May 2011, Albanian criminal groups are the most dangerous, the most active, and the best equipped in human and financial resources within Switzerland and the European Union (Italy, Greece, Belgium, United Kingdom and, more recently, Spain and Ireland)<sup>6</sup>.

In Italy, the Albanian mafia was allegedly the 5th most relevant mafia established in the territory. It focuses its operations essentially in the central and southern areas of Italy (Umbria, Campania, and Calabria). Investigations have revealed that partnership agreements regarding prostitutes, weapons, and drug trafficking exist between Albanian networks and certain Italian mafias sharing a similar structure, in particular the Ndrangheta and the Camorra.

Albanians manage the female trafficking for sexual exploitation for the whole United Kingdom. Scotland Yard estimates that they control approximately 75% of the prostitution activity in the London neighborhood of Soho (estimation from 2004). According to a report of Deputy Dominique Souchet in 2009, the profit generated by the exploitation of approximately a thousand prostitutes in that area, is assumed to reach €18 million, all of it reinvested in Albania. In June 2011, the Scottish Crime and Drug Enforcement Agency (SCDEA) indicated that Albanian clans were among the nine criminal organizations implicated in the human trafficking for sexual exploitation or illegal labor purposes in Scotland. The Scottish police also noted an increase in the number of brothels in Glasgow, Edinburg, and Aberdeen, at the same time as they detected evidence of the presence of Albanian groups.

In 2011, as in the previous year, despite troubled political circumstances, Albanian authorities have demonstrated their determination to fight against human trafficking for sexual exploitation purposes. The several adjustments made to their fighting system following the visit

<sup>5</sup> "Les demandeurs d'asile albanais expulsés prestement", 7 sur 7, October 19<sup>th</sup>, 2011.

<sup>6</sup> "Europol : Albanian crime the most dangerous in Europe, » *Albeu*, May 5<sup>th</sup>, 2001.

of the GRETA experts constitute evidence of that determination. Nevertheless, in the future, it will be necessary to monitor if the Albanian government is able to ensure a swift and efficient implementation of these new dispositions.

## Bibliography

- Psycho-social Centre Vatra, *Annual Report 2010*, Vlorë, 2011.
- Committee on elimination of discrimination against women (CEDAW),  
Concluding observations of the Committee on the Elimination of Discrimination against Women, United Nations, Forty-sixth session (12-30 July, 2010), CEDAW/C/ALB/CO/3, September 16<sup>th</sup>, 2010.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Farcy F., « La mafia albanaise au début 2012 : quand enfle une prochaine vague criminelle », *Notes d'alerte*, Département de recherche sur les menaces criminelles contemporaines, Institut de criminologie de Paris II Panthéon-Assas, February 2012.
- GRETA (Group of Experts on Action against Trafficking in Human Beings), Council of Europe, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria*, First evaluation round, GRETA(2011)22, Strasbourg, December 2<sup>nd</sup>, 2011.
- Ministry of Interior of Albania, ONAC (Office of the National Anti-trafficking Coordinator), *Report on implementation of national action plan for combating trafficking in human beings. January – December 2011*, Tirana, February 2012.
- Souchet D. (deputy), *Rapport au nom de la Commission des affaires étrangères sur le projet de loi, adopté par la Sénat, autorisant l'approbation de l'accord entre le Gouvernement de la République française et le Conseil des ministres de la République d'Albanie relatif à la coopération en matière de sécurité intérieure*, National Assembly, n.2128, December 2<sup>nd</sup>, 2009.
- U.S. Department of State, *Trafficking In Persons Report*, June 2012.



## Argentina

- Population: 40.8 million
- GDP per capita (in US dollars): 10,941
- Federal republic
- HDI: 0.797 (45<sup>th</sup> rank among 187 countries)
- Prostitution is legal, organizing it is prohibited and repressed (procuring, specialized establishments, prostitution networks).
- No national statistics on prostitution.
- 6,000 to 8,000 prostitutes in Buenos Aires.
- Predominance of internal human trafficking.
- Country of origin (towards Spain, the touristic areas of Mexico, Chile, Brazil).
- Country of destination (mainly from Paraguay but also from Dominican Republic, Bolivia, Chile, Peru, Brazil).
- The 2010 law 26364 aims to prevent and repressing human trafficking.
- The 2010 law 26485 aims to fight against all forms of violence perpetrated against women.
- The 2010 decree 936 prohibits all publication notices of soliciting or of offers with a sexual character.

"On la prend, on la lave, on la récure" (We take her, we wash her, we scrub her) French author Albert Londres already said in 1927 in "Le Chemin de Buenos Aires" (The trail of Buenos Aires), of French women being sent to Argentina for prostitution. Today the majority of persons sexually exploited in Argentina come essentially from the poorest rural areas. The exploitation methods remain the same and the many cases brought to light by the local associations and by the Ministry of Justice show that coercion is still largely present when it comes to prostitution. According to the NGO "Casa Del Encuentro", as of the end of 2011, 700 women had disappeared since 2010.

### **More Argentines than foreigners**

One of the main characteristics of sexual exploitation in Argentina is the predominance of internal human trafficking over international human trafficking. According to a 2012 study entitled "La trata sexual en Argentina - Aproximaciones para un análisis de la dinámica del delito" (Sexual human trafficking in Argentina - Approximations for an analysis of the offense

dynamics) carried out by the Unidad Fiscal de Asistencia en Secuestros Extorsivos y trata de personas (UFASE) - (Fiscal Assistance Unit for Kidnappings and Human Trafficking), at least half of the victims of sexual exploitation are actually citizens of Argentina. They often come from the northern rural provinces and, after undergoing a stage of "limbering-up" and "training", they are sent to large urban centers, in particular to the largest of them all, Buenos Aires. Another study reveals that 83% of human trafficking victims are from Argentina and that 94% of them are intended for prostitution. They are mostly exploited in Argentina, but some of them are sent to Chili, to Brazil, as well as the tourist destinations in Mexico and to Spain. Half of these Argentinians are recruited in cities of less than 70,000 inhabitants and only 20% in cities of more than 120,000 inhabitants.

Argentina also remains a country of destination for the victims of human trafficking for sexual exploitation. At the beginning of the 2000s, the Dominicans used to represent the largest group of foreigners. Nowadays, those intended for prostitution activities mainly come from Paraguay (33% of the victims). But there are also women and minors coming from the Dominican Republic, Brazil, Chili, Bolivia and Peru. The proportion of minors to adults varies with respect to the citizenship of the victim. For the Argentinians, 46% are assumed to be minors, versus 9% for Paraguayans. Cooperation agreements between the two countries have been strengthened since then. In 64% of the cases, the opened investigations regarding human trafficking acts are linked to prostitution and affect almost exclusively women and minors.

### **"Modus operandi" and profiles**

In the majority of cases, foreign victims cross the borders with regular identification documents and a tourist visa that will not be renewed afterward. They are usually accompanied by the "recruiter" and they travel by bus or by car. They are mainly single, in a very precarious situation, with a history of sexual violence and/or family issues. Half of them are lured by false promises surrounding the kind of activity promised to them by the recruiters. Kidnappings are also frequently used by networks, particularly in the poorest provinces of the country. Among the interviewed victims, 7% declared having been lured or sold by their families. Fifty percent of them were recruited by their "boyfriend". Sometimes, it was an advertisement on a poster or on a website that led them to prostitution.

### **Terms and zones of exploitation**

Three quarters of prostitutes can be found in the "whiskerías" (bars), hostesses' bars and night clubs, while 22% are exploited in private apartments. All of these prostitution locations are, by definition, illegal. Data on prostitution in the streets is fragmented and not reliable. The "whiskerías" are places potentially exposed to police controls and are frequently located in downtowns. The USAFE study highlights the fact that 50% of the victims are in cities with less than 70,000 inhabitants versus 23% in cities with more than 140,000 inhabitants. This

discrepancy can be explained by a lower number of human trafficking investigations initiated in the largest cities.

If the role played by the "whiskerías" is prevalent in the more modest urban zones, prostitution in the big cities, and particularly in Buenos Aires, can be found in private apartments where the victims are "piled up" in small spaces and deprived of their freedom of coming and going. The NGO "La Alameda" estimates the number of places devoted to prostitution in the capital at 600. Media investigations between 2008 and 2011 showed that the Buenos Aires and Misiones (border with Paraguay) provinces showed the largest numbers of human trafficking cases. In general, human trafficking cases for sexual exploitation are more common in the provinces that have shown a stronger political will to fight against sexual exploitation (NGOs, juridical offices and specialized police units). Reliable estimations of the number of prostitutes in Argentina are not available (that number lies somewhere between 20,000 and 200,000). However the NGO "Casa Del Encuentro" estimates that there are 5,000 to 8,000 prostitutes in Buenos Aires.

Prostitution also affects minors. Several cases were discovered in 2011. A report broadcast on "Cronica TV Channel" mentioned the presence of idle prostitute minors at a mall, solicited by customers for tricks ranging from \$50 to \$100 (€38 to €77). Among those minors, the report focused on the case of an eight year old child. The U.S. Department of State's report on human trafficking shows that sex tourism implicating minors remains extremely common in Buenos Aires and in the border provinces.

Since the 2008 law aiming at preventing and repressing the human trafficking was implemented, practices have somewhat evolved, particularly in urban centers where the number of "whiskerías" has diminished while the number of private apartments devoted to prostitution has jumped. There is an extremely clear difference between the place of recruitment (a poor province, an area which is sparsely urbanized), the "limbering-up" and "training" place (urban centers in the provinces) and Buenos Aires, where there is the largest concentration of exploited victims.

As is the case everywhere else, procurers pocket the most significant share of the money generated. Victims are usually deeply in debt: they must pay their transportation, their housing, their food and their clothes, and very often the pimps punish them by making them pay additional amounts for being late to a rendezvous or because some customer has been complaining. Since the 2008 law, traffickers have increased their pressure on the victims: confiscated ID documents, restricted freedom, increased surveillance and frequent movements from one place of prostitution to another. In most cases, victim rescue occurred after a very short period of exploitation (days, weeks or months) and while still in the poor provinces going through the process of "limbering-up".

### **Traffickers, recruiters, managers: specialized and organized networks**

When analyzing the profiles of those sexually exploiting victims through prostitution, we note that 43% of them are actually women, very often previously exploited themselves. In

contrast, the percentage of women involved in other criminal activities listed in the statistics is less than 10%. This illustrates the common practice of criminalizing the victims, converting them under pressure and afterward redirected them into procuring activities. Traffickers are mainly national citizens (98 cases involving men and 60 cases involving women), while the gender difference is somewhat reversed for foreign traffickers (13 cases involving women and 6 cases involving men) particularly in order to facilitate recruitment and surveillance. A large part of the persons implicated in prostitution networks are initially "exploiters/managers", managing the network. In the next stage, we find the "receivers/recruiters" comprising as many men as women. At the very first level of criminality we find the "informants". Taxi drivers are a perfect example of this: they inform recruiters on profiles of potential victims in exchange for remuneration.

Hence, a police raid carried out in 2011 ended up dismantling a network in the capital. The five members arrested were exploiting 24 foreign women aged 18 to 30, in a dancing club. The women were all citizens of Paraguay and Peru.

It seems difficult to characterize a "reality of organized crime" in Argentina in the same manner as we can in Europe. It is a system based on separated cells, empirical, sometimes with close links between one another but specialized according to the specific duty to be carried out: those duties range from the transportation of the victims, to their exploitation, their training, and their kidnapping. Networks practicing kidnappings are the most sophisticated because such an activity requires significant infrastructure and staff. Despite the existence of international networks being mentioned, particularly in the press, no study or police statistic has been carried out to confirm that phenomenon since 2011. Between 2009 and 2011, only 19 cases of human trafficking for sexual exploitation have been related to networks consisting of more than three members. The cells regularly exchange "the goods" in order to curb the risks and to evade the surveillance of the anti-human trafficking police units. Therefore, the victims are constantly moved from one province to another.

The Entre Rios province is believed to shelter the largest networks, some of which have 30 young women at their disposal, who are used to taking "turns" between the different "whiskerias" controlled by the networks. Buenos Aires and Cordoba remain the main destinations chosen by those same networks.

### **Corruption, a recurring harm**

The difficulty in the fight against organized prostitution comes from the elevated degree of corruption within State structures, in particular the police services. Several cases of negotiations between police forces and prostitution establishments' managers were identified in 2011. For 400 Pesos (€23), a policeman will state that, in the visited "whiskeria", nobody is exploited and the investigation stops swiftly. Also, the owners of private apartments devoted to prostitution are very often informed the day before of an imminent police raid, and the location is quickly emptied. Several officials are also implicated in the illegal authorization of the opening of "whiskerias". The U.S. Department of State's report highlights the fact that, in 2010, 90 officials were implicated in the falsification of documents in order to protect prostitution establishments.

The Zaffaroni affair in 2011 has stirred up a controversy of great proportions in Argentina. This Supreme Court judge was denounced by the NGO "La Alameda" as being the owner of several apartments devoted to prostitution which, according to the defendant, was practiced without him being aware of it. A police raid had previously discovered an apartment housing victims from Paraguay and Dominican Republic located in a very busy neighborhood of Buenos Aires (The Avenue).

On the other hand, certain officials have taken actions to limit the impact of prostitution on Argentinean soil. Alejandro Odasso, Mayor of General Acha, has written a decree asking for the cessation of the granting of new licenses and opening authorizations for additional nightclubs and "whiskerias".

### **Cristina Fernandez de Kirchner, a committed woman**

President of the Republic of Argentina since 2007, Cristina Fernandez has largely contributed to the implementation of a judicial arsenal aimed at fighting human trafficking for sexual exploitation and to the creation of a large movement to fight against violence towards women. In 2008, law 26364, aimed at preventing and repressing human trafficking, was followed by a strong commitment from the police forces: approximately one hundred raids took place during the first six months following the implementation of the law, leading to 120 arrests and 133 rescued victims. The act of human trafficking has become a federal offense subject to six to fifteen years of imprisonment if the victim is a minor and henceforth allows judges to prosecute outside of their jurisdiction. Nevertheless, in its current state, this law obliges the victims to state that they have been forced to prostitute themselves in order to be considered victims of human trafficking and benefit from the assistance of both the government and NGOs.

Enforced in 2010, law 26485 aims at preventing, sanctioning and eliminating all forms of violence against women. This law also has the purpose of promoting gender equality. A hotline (the number 145) was implemented in order to allow victims to contact NGOs and police forces in case of domestic violence or forced prostitution.

Finally, in 2011, decree 936 prohibited the publication of notices for sexual solicitation. This new law includes written messages and images that exploit women. In the meantime, the government has created a control agency whose purpose is to check the implementation of the decree. The newspaper "Clarín" had previously published up to 200 ads of sexual character every day. The decree, which did not take into account the Internet in its first draft, has since been corrected and several online prostitution platforms have been removed as a consequence. "Ammar", a group of prostitutes with more than 4,000 members in Argentina, has thoroughly criticized the President's decree, claiming it to be contrary to both freedom of expression and the entrepreneurial freedom defended by the constitution. The group used the argument that: "this decree confuses human trafficking, which must be fought, with prostitution, which is free".

On the other hand, the government has begun reflecting on the possibility of penalizing customers of human trafficking for sexual exploitation victims. Such a proposition, expressed by the Ministry of Justice and for the Human Rights and defended by the UN, is aimed at finding

alternatives to prostitution. The proposal has been supported by different NGOs. Inspired by what is being done presently in Sweden, the "Fundación Mujeres en Igualdad" (Foundation Women in Equality) advocates for the penalization of all forms of the purchase of sexual services. "Red no a la trata" (Network No to Human Trafficking), that had also backed the decree, condemns however the lack of means necessary to lead the fight against traffickers as well as the absence of a real political willingness, particularly at the local level, even if the funds allocated to the fight against human trafficking have been raised since 2010. The lack of adequate housing structures is glaring. The government supports a temporary housing place in Buenos Aires, and the country, as a whole, counts only four other similar centers in the provinces. Five hundred and sixty nine victims received assistance in 2010. The government office in charge of helping human trafficking victims indicates that 1,597 persons were assisted in 2011.

Despite the fact that the situation remains blurry and that there are numerous cases of corruption, Argentina seems to be aware of the dangers of human trafficking for sexual exploitation and is reacting appropriately by launching a series of measures to reduce the effects of such a situation. Cristina Fernandez, in power since 2007, has clearly sent encouraging signs by displaying her hostility towards exploitation. Although the government and the NGOs are trying to improve the situation, still today, prostitution generates many victims. An engaged journalist, in the tradition of Albert Londres, could no doubt bring a testimony of what has become "Le Chemin de Buenos Aires" today.

## Bibliography

- Centro de Estudios Legales y Sociales (CELS), *Derechos humanos en Argentina : informe 2011*, Siglo Veintiuno Editores, Buenos Aires, 2011.
- Chejter S., "Prostitution hier et aujourd'hui : le chemin de Buenos Aires", in : Poulin R. (coordinated by), *Prostitution, la mondialisation incarnée*, Ed. Syllepse (Paris), Coll. "Alternatives Sud", Vol. 12-2005, p. 111-134.
- Código penal de la Nación Argentina.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Gobierno de la Ciudad de Buenos Aires, Dirección general de la Mujer, *Informe de investigación de femicidios en Argentina – 1° de enero al 31 de diciembre de 2011*, Observatorio de femicidios en Argentina "Adriana Marisel Zambrano", La Asociación Civil La Casa del Encuentro, 2012.
- Instituto de estudios comparados en ciencias penales y sociales (INECIP) Argentina, Unidad fiscal de asistencia en secuestros extorsivos y trata de personas (UFASE), Ministerio público fiscal, *Informe La trata sexual en Argentina – Aproximaciones para un análisis de la dinámica del delito*, April 2012.
- Ribando Seelke C., *Trafficking in Persons in Latin America and the Caribbean*, September 9, Congressional Research Service, September 9<sup>th</sup>, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.



# Australia

- Population: 22.6 million
- GDP per capita (in US dollars): 60,642
- Constitutional Monarchy
- HDI: 0.929 (2<sup>nd</sup> rank among 187 countries)
- No national statistics on prostitution.
- Province of Victoria: 95 establishments licensed according to regulation authorities and at least 400 illegal establishments according to the police.
- Legislation over prostitution is the responsibility of the States and Territories.
- Legalized prostitution through the granting of licenses to establishments in the provinces of Victoria and Queensland.
- Illegal organized prostitution (establishments): Western Australia, Southern Australia, Northern Territory, Tasmania.
- Decriminalized prostitution (except in certain areas): Territory of the Australian capital, New South Wales.
- Divisions 270 and 271 of the Criminal code repress all forms of human trafficking and forced prostitution. Sentences range from 12 to 25 years of imprisonment, along with a fine of \$152,000 (€118,000).
- Out of approximately 30 investigations on sexual trafficking, no trafficker was convicted in 2011.
- Country of destination for the victims of human trafficking for sexual exploitation. Victims come mainly from Thailand, Malaysia, South Korea and China.

In 2011, in most states, prostitution was organized through licenses or was decriminalized, except in certain public or residential areas. Other states have chosen to criminalize organized prostitution even though it has been historically tolerated on Australian soil.

For local governments, organizing or decriminalizing prostitution theoretically allows to fight against human trafficking, to avoid an uncontrolled evolution of the "market", to better respond to the needs of prostitutes and to alleviate neighbors' concerns when cohabitation conflicts arise.

Thus, every state and territory is searching to adjust its legislative system to the current situation. The lobbying institutions actively assert their opinions with the authorities, and the

majority of the Australian population would rather have controlled and organized prostitution. Although regulationism is becoming more and more widespread, negative aspects can be identified in each juridical system. Victims of human trafficking have certainly not disappeared. With debts to be paid back, they suffer from violence and acts of corruption.

Today, the lack of customers is causing some establishments to shut down. The Asian competition has resulted in a decrease in prices, and the control of the market by Chinese or Thai gangs has sparked resentment among other prostitutes. Very close links between legal brothels and organized crime have even been discovered in several states.

### **Every system has its drawbacks**

#### ***Queensland***

Prostitution is allowed within a closed and organized structure, under the condition that the establishment has a license. In 2011, according to the "National Center in HIV Epidemiology and Clinical Research", 25 establishments were officially registered by the "Prostitution Licensing Authority" (PLA), but the sex industry remains, according to some estimations, 90% illegal. Given the magnitude of the phenomenon, a research director belonging to the "Crime and Misconduct Commission" (CMC) has estimated that "illegal prostitution will never be eliminated"<sup>1</sup>. Such an observation, even unfounded, has allowed the lobbying organizations to increase their pressure on lawmakers to change the legislation and allow prostitution if exercised outside of uncontrolled specialized establishments. For the moment, the government refuses to give in and has even decided to strengthen the power of police officers by authorizing them to conduct raids within the venues themselves. Confronted with the multiplication of "clandestine" prostitution venues, the formal sector has difficulties keeping up with the competition. Prices are dropping, and unprotected sex is becoming more and more frequent.

Prostitution is not accepted everywhere and certainly not by everyone. An intense conflict has arisen between hotel owners and prostitutes, the former accusing the latter of repelling other customers. The decrease in the number of clients in 2011 and the excessively large number of establishments have led to several bankruptcies and closures.

#### ***Victoria***

In 2011, a member of the Council was sentenced to three years of imprisonment for having received, for approximately ten years, bribes from managers of illegal prostitution venues so that they would not be investigated. Police have also discovered several cases of corruption among civil servants and the existence of a human trafficking network linked to illegal prostitution. For ten years, most of the human trafficking victims in the state of Victoria have been identified within licensed establishments. During 2011, licenses have nevertheless been granted to prostitution establishments whose managers had been implicated in human trafficking cases. In

---

<sup>1</sup> Calligeros M., "CMC calls for prostitution ad overhaul", Brisbane times, June 29<sup>th</sup>, 2011.

2010, the state of Victoria had 95 authorized brothels, 143 granted licenses and 691 approved brothel managers, without counting the individuals or establishments recorded in the register of the "Business Licensing Authority" (BLA) and exempt from licensing. In "The Sydney Morning Herald" of October 13<sup>rd</sup>, 2011, the police estimated that, at that time, there were at least 400 establishments and other illegal prostitution venues in the province.

### ***Western Australia***

In 2010, the "National Centre in HIV Epidemiology and Clinical Research" counted 37 prostitution establishments in the city of Perth, capital of the state, where more than 630 persons were practicing prostitution. Most of these establishments were located downtown or in commercial and industrial areas. 70% of the prostitutes interviewed reported that they had at least one dangerous experience with a customer. Approximately a third of them had been threatened or aggressed. Approximately 30% also mentioned pressures from the customers when they refused to comply with some requests. The simple act of prostitution is tolerated, but all forms of organized prostitution have theoretically been prohibited since the "Prostitution Act of 2000". Nonetheless, an amendment submitted in June 2011 by General prosecutor Christian Potter received a mixed reaction. This project aimed to drive away prostitution establishments from residential areas, schools and places of worship, and made the licensing of such establishments compulsory. It also proposed penalizing recalcitrant owners with three years of imprisonment or fines of approximately 250,000 Australian dollars (€201,700). The plan also included the systematic recording of prostituted individuals in a government file. According to the opponents of the project, those last two propositions would have automatically pushed the establishments' owners and the prostitutes into hiding. A survey published in "The Western Australia" on February 14<sup>th</sup>, 2011 showed that, out of 400 interviewed persons, 60% were in favor of this proposition. Local authorities agreed to implement a legalized system with licensed and controlled establishments similar to that in the province of Queensland. However, the suggested methods of implementation strongly frustrated the prostitutes and the organizations that represent them. Before the final debate in parliament, several items were added to the proposition: the creation of a fund of assistance for persons willing to leave prostitution and the possibility of limiting the number of licenses issued.

### **The criminalizing provinces discuss legalization**

In Southern Australia, several organized forms of prostitution are still officially criminalized. In 2011, some deputies tried to pass a law that would legalize these activities. This was the seventh attempt since 1970 to modify the laws regarding prostitution in that state. This specific proposition aimed to decriminalize the sex trade by authorizing the opening of specialized establishments far away from certain areas (schools in particular) and by permitting street prostitution. This proposition was scheduled to be brought before the parliament in July 2012.

In New South Wales, the government is about to introduce a law that will authorize the opening of prostitution establishments accompanied by a system of licenses, with the intention of "preventing sexual exploitation and the implication of criminal gangs within the sex industry"<sup>2</sup>. The Scarlet Alliance organization, which defends the prostitutes' rights and advocates for the decriminalization of prostitution, is fiercely opposed. To defend its position, the organization has highlighted the inefficiency of a system similar to the one implemented in the province of Queensland, where the illegal industry is still significant and the risks of ending up in clandestineness are increased. On the other hand, some organizations advocate for a proposition inspired by the Swedish model of penalizing the prostitutes' customers. As a matter of fact, in a study concerning the province of Tasmania, the organization Project Respect gathered significant accounts through meetings with people in the field during the last ten years. These accounts highlight the multiple acts of violence and the traumas endured by sexually exploited persons living in the provinces that have adopted legalization.

### **A growing presence of Asian prostitution**

From the beginning, the victims, mostly Asian, are placed under the control of a very well organized Chinese mafia. Upon their arrival, the network distributes the victims amongst legal or illegal establishments.

According to a Korean ambassador's claims in an article for Yohap News Agency on November 14<sup>th</sup>, 2011, "approximately 1,000 young South Korean women are involved in prostitution in Australia".

According to the "Crime and Misconduct Commission" of the province of Queensland, 20% of the licensed establishments are probably managed by Asian women. More than 50% of prostitutes practicing in establishments in Sydney and 25% of prostitutes settled in Perth and Melbourne are also supposed to be Asian women. A 2012 study carried out by the University of New South Wales counted 53.2% Asians in a sample of 200 prostitutes interviewed. These percentages are the result of investigations carried out within the legal industry. But what are the proportions within illegal establishments? In the "Sydney Morning Herald" of July 3<sup>rd</sup>, 2011, Queensland police suggested that this proportion is probably much higher. Such trends have been rising since the 2000s while the percentage of Australian prostitutes has been decreasing. Thailand, China, South Korea and Malaysia are the four principal countries of origin for Asian prostitutes in Australia. Several articles also focus on the racial prejudices of the customers and their "exotic" and even degrading perception of Asian prostitutes who will easily submit to all possible demands. Establishment owners do not hesitate to play with these clichés in their advertisements to attract clients.

---

<sup>2</sup> Reilly T., Davies A., "Licensing law to tighten screws on brothels chiefs", The Sydney Morning Herald, October 11<sup>th</sup>, 2011.

**"The sex industry will never be safe..."**

While the different systems that have been implemented in the states are meant to improve the prostitutes' situations and protect them, a 2011 analysis by the Australian press demonstrated that the reality is very different. In July, in a licensed establishment located in Melbourne, a customer pointed a gun at a prostitute's head because she consistently refused to have sex with him without protection. Although the law prohibits such practices, some establishments' owners turn the blind eye. Also in July, in the suburbs of a coastal city located in the state of Perth, two Asian prostitutes (carrying visas) were raped in a massage parlor.

The "Sydney Morning Herald" of September 4<sup>th</sup>, 2011 told the story of Ning, sold at the age of 13 by her father to Thai traffickers, before being sold again to the manager of a prostitution establishment in Sydney where she was forced to prostitute herself during the nights and confined during the days. The manager of that establishment still manages another brothel in impunity today.

Many testimonies show how the sex industry and human trafficking networks are intricately linked. Two investigations carried out by the federal police have revealed an expanded human trafficking network through legal establishments in Sydney and Melbourne<sup>3</sup>. "We have lived a nightmare. We used to work from 11 am until 4 am the next day and sleep only 3 or 4 hours. They treated us like animals. They have sexually abused us and beaten us" said a victim in a report by the TV program "Four corners", broadcasted in October 2011.

All the while, the sex industry continues to make profits. While some establishments have shut down due to the scarcity of customers, others hope to grow. In this context, when the largest prostitution establishment of Sydney tried to expand, the Sydney municipality refused to authorize this expansion in order to limit the size of such establishments. The municipality also wants to scatter these establishments in order to avoid neighborhood conflicts. The municipality counts approximately 60,000 customers per week in the state of Victoria. In November, the Supreme Court of Hobart tried a deputy of Tasmania. Arrested for having had sexual relations with a minor, he also confessed to having spent approximately 150,000 Australian dollars (€121,000) with 162 prostitutes over a period of two years. He received a suspended prison sentence with the obligation of undergoing medical treatment.

**An active human trafficking network, but no trafficker on the stand**

According to the U.S. Department of State, Australia is a destination country for human trafficking. The majority of foreign prostitutes arrive in the country with a visa valid for one year. Several reports mention how those young women can be forced into prostitution upon arrival on Australian soil. Traffickers confiscate their ID documents and force them to pay back a significant transportation debt. In 2011, the Federal Australian Police identified five victims of human trafficking for sexual purposes. Approximately 30 investigations regarding human

---

<sup>3</sup> Emmerson R., "Sex slavery to polarize MP's debate", The Australian, October 10<sup>th</sup>, 2011.

trafficking for prostitution purposes were opened without resulting in convictions. Since 2004, out of 39 cases leading to a trial, only 13 have convicted the traffickers<sup>4</sup>.

### **In spite of all, an arsenal aids victims**

The government funds for victim aid reached \$1.1 million (€853,380) in 2011. The government program provides victims with juridical assistance, housing means and access to medical treatment. In 2011, 48 witness protection visas were granted. The majority of victims participate in the investigations and legal procedures against traffickers. Every person who is identified by the police as a potential victim, can benefit from a temporary visa valid 45 days, renewable once. The government also supports several NGOs in the fight against human trafficking and has strengthened its partnerships with the other countries of Southeast Asia.

### **Bibliography**

- « S. Korea, Australia seek to crack down on prostitution », *Yonhap News Agency*, November 14<sup>th</sup>, 2011.
- Attorney-General's Department, Department of Immigration and Citizenship, Australian Federal Police, Department of families, housing, community services and indigenous affairs, *Management of the Australian Government's Action Plan to Eradicate Trafficking in Persons*, Australian national audit office, Audit Report No.30 2008–09, 2009.
- Boddy N., « Prostitutes blast brothel law plans », *The West Australian*, February 14<sup>th</sup>, 2011.
- Craig N., « Avenging angels », *The Sydney Morning Herald*, September 4<sup>th</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Donovan B, O'Connor JL, Harcourt C, Wand H, Egger S, Schneider K et al, *The Law and Sexworker Health (LASH) Project*, Presented at the International Society for STD Research, Conference, London, June/July 2009.
- Donovan B., Harcourt C., Egger S., Fairley C. K., « Improving the health of sex workers in NSW: maintaining success », *NSW Public Health Bulletin*, Vol. 21(3–4), 2010.
- Donovan B., Harcourt C., Egger S., Schneider K., O'Connor J., Marshall L., Chen, M.Y. & Fairley, C.K., *The Sex Industry in Western Australia: a Report to the Western Australian Government*, National Centre in HIV Epidemiology and Clinical Research, University of New South Wales, Sydney, 2010.
- Donovan, B., Harcourt, C., Egger, S., Watchirs Smith, L., Schneider, K., Kaldor, J.M., Chen, M.Y., Fairley, C.K., Tabrizi, S., *The Sex Industry in New South Wales: a Report to the NSW Ministry of Health*, Kirby Institute, University of New South Wales, Sydney, 2012.
- Drugs and Crime Prevention Committee, Parliament of Victoria, « *Inquiry into people trafficking for sex work* », Final report, no. 312, session 2006-2010, June 2010.
- Harris M., Nilan P., Kirby E., Risk and risk management for Australian sex workers, *Qualitative Health Research*, Vol. 31, no.3, March 2011.

---

<sup>4</sup> Veness P., "Sex slaves a long term investigation", 9News, October 11<sup>th</sup>, 2011.

- Marriner C., « Low prices fuel exotic sex trade », *The Sydney Morning Herald*, July 3<sup>rd</sup>, 2011.
- Neighbour S., « Sex slavery », *ABC Australia*, “Four corners”, Peter Cronau (Producer), October 17<sup>th</sup>, 2011, <http://www.abc.net.au/4corners/stories/2011/10/06/3333668.htm#>
- Ngozi Ezeilo J., *Report of the Special Rapporteur on trafficking in persons, especially women and children, Mission to Australia (from 17 au 30 November 2011)*, Human Rights Council, United Nations General Assembly, A/HRC/20/18/Add.1, May 18<sup>th</sup>, 2012.
- Norma C., « It’s time to get serious about sex trafficking in Australia », *The Sydney Morning Herald*, October 13<sup>th</sup>, 2011.
- Project Respect, *Written submission to provide comment on the Regulation of the sex industry in Tasmania discussion paper 2012*.
- Prostitution Licensing Authority (PLA), *Select sex - industry statistics*, Queensland, 2011.
- Simmons S., Burn J., *Strengthening Australia's Response to Human Trafficking - report to the Australian Women's Coalition*, Anti-slavery project, Faculty of Law, University of technology, Sydney, March 30<sup>th</sup>, 2010.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.



## Austria

- Population: 8.4 million
- GDP per capita (in US dollars): 49,707
- Parliamentary system
- HDI: 0.885 (19<sup>th</sup> rank among 187 countries)
- Member of the European Union since 1995
- 5,500 prostitutes in Austria, of whom 2,200 are officially registered in Vienna (this number is doubled when including the illegal prostitutes). There is no "red light district" in the capital. 90% of the prostitutes are women.
- Each state has its own legislation, certain Länder being abolitionist and others authorizing brothels.
- Since 1986, prostitutes are required to pay taxes. Their registration and a weekly medical check-up is also necessary.

Former gateway to the East, Austria has always had a particular geographical position, turning the country into a crossroads between Western Europe and the Balkan countries, Eastern Europe, and Turkey. At the end of the nineteenth century, young women from the poorest provinces of the Austro-Hungarian dual monarchy (Galicia, Bessarabia...) were the victims of a real trade extending as far as Latin America<sup>1</sup>. These same regions are still affected today: Ukraine, Belarus, Moldova...In particular, the fall of the Iron Curtain resulted in a significant influx of young women.

Most prostitutes are actually immigrants and Austrian associations, unlike European tendencies, do not want to abolish prostitution in order to avoid making their situation even more precarious. It's for that reason that Austria, alongside Germany and the Netherlands, is one of the few countries that did not broadcast the European Women's Lobby clip in which a male prostitute appears. The discussions do not focus on the violence surrounding prostitution but instead, on the manner of improving prostitution conditions in order to turn it into an autonomous activity in Austria. Nevertheless, the Ministry of Justice was considering abolishing "the amorality" of prostitution<sup>2</sup>, by insisting on male-female parity and the dignity of women.

<sup>1</sup> Martin Pollack, Warum gibt es Frauenhandel noch immer ?, Der Standard, January 21<sup>st</sup>, 2011.

<sup>2</sup> A decision by the Supreme Court in 1989 established that prostitution belonged to an "amoral agreement," where the prostitute did not have the right to lodge a complaint against a client who refused to pay.

## **The new phenomenon of Nigerian prostitution**

Austria is a country of destination and transit for sexually exploited women coming from Eastern Europe, Asia, and Africa. The flesh trade is very profitable in Austria and victims come from more and more distant places.

Many come from Nigeria, particularly from Benin City<sup>3</sup>. The process is usually the same. Young women and girls aged 13 to 25 are recruited during the November and December celebrations, enticed by promises of baby-sitting positions or by jobs in the computer industry. They pay €45,000 to €65,000 to leave their country. After arriving on Austrian soil, their passport is confiscated and with the accumulation of expenses in food, housing, and clothing, their debt gradually increases to €80,000. Hence, they reach a point of no-return: they can no longer leave due to the money they owe to their pimps, and also because they fear the juju<sup>4</sup>. Traffickers, often called "madams", immediately profit from the Austrian system. As registration of prostitutes is a requirement, an asylum application is submitted at the same time by the young women, and while the file is being studied (two years, more or less), they are sexually exploited.

## **The strong commitment of the government against human trafficking**

Austria is the second country to have ratified the Council of Europe's convention on the fight against human trafficking and is particularly affected by this plague. Thanks to its geographical position, it is both a country of transit (towards Germany and Northern Europe) and of destination (from North Africa, the Balkan countries, Central and Eastern Europe). Since 2004, a section regarding human trafficking was introduced to the penal code and a special work group<sup>5</sup> created, just before the nomination of a national coordinator in 2009. The country organizes its fight on three main fronts (prevention, protection of victims, and prosecution of traffickers), even if discrepancies do exist between Vienna and the regions where infrastructure is more modest, specifically housing and care centers. Additionally, the Council of Europe's Group of Experts for Human Trafficking (GRETA) highlighted in 2011 the fact that Austrian authorities should improve the training of their staff and implement measures in order to facilitate and guarantee compensation for the victims. No specific program for human trafficking victims exists yet. Green Deputy Katharina Cortolezis-Schlager suggested opening the employment market to prostitutes, particularly the so-called "green" jobs and the computer and manual activities. Most of the sexual exploitation victims, aged 18 to 40, come from Romania, Bulgaria, Hungary, Czech Republic, Slovakia or Nigeria. Excepting the latter, all those countries share a geographical and/or a historical proximity with Austria.

Among young people, Austria has an image of the most accessible wealthy western country where a better life is possible. Basing his actions on such hopes, a man from Linz, denounced in

---

<sup>3</sup> Benin City is the capital of the province of Edo located in the South of the country. The girls from Edo are sold in Europe, while those of the province of Kado, located north, are sent to Saudi Arabia.

<sup>4</sup> Ritual according to which the prostitute is convinced of being under a magical protection. If she runs away or if she talks, she runs the risk of cursing her family or even her whole community.

<sup>5</sup> This work group comprises two entities: one related to the child trafficking and the other to prostitution.

2011, used to attract young Slovaks and Czechs by promising them ballet classes and forced them to practice prostitution. They had to serve up to ten customers a day and endure the violence of their procurer. Despite Romania and Bulgaria's entrance into the European Union, the numbers have not stopped increasing: between January and September 2011, 37 procedures were initiated for the international prostitution trade and 12 for human trafficking. One of the most challenging obstacles is the identification of the victims.

### **Towards a closer cooperation with the countries of origin**

On November 14<sup>th</sup>, 2011, the Montana operation occurred, whose name is taken from one of the poorest regions of Bulgaria. In cooperation with this country, raids were carried out in Viennese and Bulgarian venues on the same day as a result of an investigation initiated in September 2010. The 31 rescued women, among them a minor and a mentally disabled person, were forced to prostitute themselves for €20 to €30 per act. Victims were approached by "loverboys" who promised them a better life and then asked them to earn money in order to start a family. Unable to speak German or English or read the Latin alphabetic, the women could not talk to the police without exposing themselves or their relatives to retaliations. The investigation was not concluded however, and the Bulgarian group was still active in Poland and Greece. The Nationalist Party FPÖ asked, through Carmen Gartelgruber, for more severe sanctions against "loverboys".

The international cooperation is really expected to improve through the implementation of a plan to fight against all forms of women trafficking for the period 2011-2013 (*Austria and neighboring countries, joint regional activities for the period 2011 to 2013: preventing and combating all forms of trafficking in Women*), under the aegis of IOM. The goals consist of the better sharing of data and information (through an electronic platform), creating a tool to measure the regional trends in trafficking and research, proceeding to an early prevention, organizing training seminars, and using social networks to carry out communication operations. Therefore, some partnerships were considered with Bulgaria and Romania, but also with Nigeria. Italy, which is also affected by Nigerian human trafficking, is expected to share information with Austria (What recruitment methods? What circuits?).

### **The event of the law against soliciting in Vienna**

A new law regulating prostitution places shook up the prostitution milieu in the capital. It was voted in on June 30<sup>th</sup>, 2011 by Parliament and came into force in November 1<sup>st</sup>, 2011. The law, resulting from the initiative of the Councilor of the City of Vienna, Sandra Frauenberger, enhances the distinction between "residential areas" (including cemeteries, parks and railroad stations) where prostitution is prohibited, and the common streets. A prostitute soliciting at a distance of 150 meters from a school, a kindergarten or a place of worship is eligible to be fined. Hence, prostitutes must practice their activity in certain zones in Vienna. There are five of such zones. The brothels and the prostitutes must be registered so that it is easier for associations to

assist young women. They must also continue to comply with the requirements of undergoing a weekly medical visit and always carrying a card called *Deckel* attesting their registration. On the other hand, police were given additional authority: they are allowed to conduct searches more easily or to punish every customer with a fine up to €700. Thus, the latter constitutes a first step towards the penalization of the client.

The bill stirred up some questions among politicians. The opposition (the FPÖ and the ÖVP, the Conservative Democrat Party) asked for more details about the notion of a residential area. The communist Sybille Straunbinger criticized the regulation arguing that prostitutes would probably be in danger and that the police should not be able to intervene. Skepticism was also present within the Green Party. Renate Blum, for instance, defended the sidewalks as a way for women to remain their own bosses and for them to avoid going into places where they had to consume alcohol and pay commissions to the owners. Approximately 150 women are assumed to be walking the streets while the others practice prostitution in closed spaces.

### **An immediate evaluation of the new regulation**

Initially, the goals of this law were simple: ensuring the safety of prostitutes, transferring the activity to closed spaces, and reassuring the residents. Nevertheless, at the end of October 2011, the approximately 200 prostitutes in the capital did not know what the law was actually about, as most of them hardly spoke German, given the fact that 95% of them were immigrants or asylum seekers. In addition to the ignorance of the regulations, the issue of the scarcity of health and security infrastructure arose: for instance, the neighborhood of the Prater amusement park does not have any.

It was quickly estimated that the average number of a prostitute's customers went down from ten to two per day. The law has a deterrent effect on the clients who do not dare to venture into the prostitution places. This, in turn, leads women to practice their activity in a precarious way, such as inside customers' cars, in nearby parking lots (which is potentially dangerous), or in rooms rented for the hour (which are rare and expensive). The competition between girls gathered in the same places, intensifies. The dumping prices increase as well. All these elements raise fears of ethnic conflicts and of an increase in the criminality.

The choice of authorized areas to prostitution activities is also subject to criticism. For instance, the director of the University of Economy in Vienna, aware of the proximity of his establishment to a large underground parking opportune to prostitution practices, worries about this soliciting area close to the University buildings. It gives a negative image of the University and of Vienna abroad and, among other undesired effects, puts the safety of students and collaborators in danger...

### **What frame could be given to the practice of prostitution?**

The introduction of the law regarding prostitution in Vienna fed and revived the debate in the other regions of Austria. Therefore, the Conservative party ÖVP advocates for the complete

prohibition of soliciting, which is already implemented in Salzburg, Styria, Carinthia, Upper Austria, Tyrol, and Vorarlberg. In those *Länder*, prostitution is only authorized in official brothels or "similar institutions". Police are authorized to enter a venue without an official order.

In August 2011, five illegal brothels were dismantled in the region of Tyrol. The owners received fines of up to €36,000 and the prostitutes were fined up to €1,450.

In 2011, discussions about this topic were particularly intense in the region of Vorarlberg which borders Switzerland and Liechtenstein. The regulation there is the most severe. Only the administratively authorized venues are legal. Yet an unofficial prohibition of prostitution prevails there because not a single venue is authorized. Nonetheless, on one hand, Green Deputy Katharina Wiesflecker asked to go further by legalizing prostitution because of the risks of hiding some issues. It is assumed that the region has 75 to 100 illegal private brothels and the number of erotic dancing clubs doubled. But, on the other hand, we note a gap between the law and its application. For instance, the opening of a new brothel, near the Bludenz airport, offended the inhabitants. What was considered the most shocking was the legalization of an administrative process: the project was indeed presented to local politicians. Police remained reluctant because they believed that street prostitution (which is illegal) would not disappear anyway and that new crimes related to competition in such a market would rise.

The residents are often the main opponents to the law as illustrated by the case of a little village in the region of Salzburg called St. Andrä im Lungau. They committed themselves to a real juridical battle against the opening of a brothel in the nearby countryside. They blocked the situation by asking how many square meters were necessary to practice a sexual act or how visible the red lantern needed to be. These concerns do echo those of the residents of Vorarlberg and Tyrol. The latter indeed fear seeing their region turn into places of sexual exploitation in order to satisfy an increasing number of foreign tourists.

## Bibliography

- « Hintergrund, von Verbot bis Strafe für Freier », *Die Standard*, October 26<sup>th</sup>, 2011.
- Austrian Government Minister for Women and Public Administration, Österreichisches Institut für Internationale Politik, International Organization for Migration, *Austria and Neighbouring - Countries, Preventing and Combating all forms of Trafficking in Women : Improving Transnational Coordination and Cooperation ; Developing and Strengthening Networks and Partnerships with third countries*, Master Plan for Implementation, Joint regional activities for the period 2011 to 2013, 2010.
- GRETA (Group of Experts on Action against Trafficking in Human Beings), Council of Europe, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Austria* First evaluation round, GRETA(2011)10, Strasbourg, September 15<sup>th</sup>, 2011.
- Fernsebner-Kokert B., « Kein Straßenstrich vor der Haustuer mehr », *Der Standard*, May 30<sup>th</sup>, 2011.

- Herrnböck J., « Prostitution in Wien, der Anfang vom Ende des Strassenstrichs », *Die Standard*, October 26<sup>th</sup>, 2011.
- Herrnböck J., Möseneder M., « Die Gefahren des unsichtbaren Straßenstrichs », *Der Standard*, November 6<sup>th</sup>, 2011.
- Möseneder M., « Ring ausgehoben Menschenhändler zwangen Opfer in Wien zu Prostitution », *Der Standard*, November 23<sup>rd</sup>, 2011.
- Springer G., « Lebenslang verschuldet für eine Reise nach Österreich », *Der Standard*, November 18<sup>th</sup>, 2011.
- Bundeskanzleramt, Site du Bundesministerin für Frauen und öffentlichen Dienst, <http://www.bka.gv.at/site/6375/default.aspx>
- European Commission, Fight against human trafficking website, Austria file : <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Austria>



## Belgium

- Population: 10.8 million
- GDP per capita (in US dollars): 46,469
- Federal government - Constitutional Monarchy
- HDI: 0.886 (18<sup>th</sup> rank among 187 countries)
- Founding Member of the European Union since 1952
- 15,000 prostitutes.
- Abolitionist regime with a regulatory tendency: prostitution does not constitute an infraction, but soliciting and procuring are punished. Brothels are tolerated.
- Prostitutes come more and more from Eastern Europe (Bulgaria, Romania) and from Western Africa.
- Country of origin but also of destination and transit for many victims of sexual exploitation.

The August 21<sup>st</sup> 1948 law, sanctioning soliciting and procuring activities, also decriminalizes prostitution. On one hand, the country seems to embrace an abolitionist dimension of prostitution, considering such a trade to be an affront to human dignity. To that end, some political parties, such as the “Centre Démocrate Humaniste” (CDH) - Democratic Humanist Center – advocate to penalize customers, and even for the prohibition of prostitution in Belgium. On the other hand, Belgium also employs a regulatory approach by tolerating the presence of brothels and by authorizing the construction of resorts aimed at imitating the German model of the large "sex supermarkets".

### Management of prostitution in Belgium

Prostitution is tolerated in Belgium, but it remains strictly regulated. The April 13<sup>th</sup> 1995 law (article 380bis of the Penal code), strengthened by a decision of the Council of Ministers on March 30<sup>th</sup> 2004, turned the fight against human trafficking, of which sexual exploitation is a facet, into a priority for Belgian authorities.

The legislation, strengthened since 2005, includes fines of €500 to €50,000 for every person practicing procuring or soliciting activities, and sentences ranging from one to five years of imprisonment. Sentences can reach up to 30 years in cases where minors are implicated. Additionally, prostitution can only be practiced at certain times and in certain places determined by local authorities. Hence, one sees in cities such as Antwerp, the emergence of "Eros Centers"

erected with the consent of the boroughs, and often the landowners. Other kinds of venues have been considered in Seraing, while in Liege, authorities have had difficulty making a decision. The erection of such a resort was justified by the argument that such a strategy, along with the installation of a police station near those resorts, is a way to fight against street prostitution and to guarantee better hygiene and safety conditions for prostitutes.

From a more general point of view, prostitution is governed by strict regulations. According to the first paragraph of article 380, simple procuring, "will be punished with an imprisonment of one to five years and with a fine of five hundred francs to twenty five thousand francs:

- everyone who, in order to satisfy the fantasies of others, has hired, entailed, diverted or detained, for debauchery or prostitution purposes, an adult person, even with his/her consent;
- everyone who has managed a debauchery or prostitution venue;
- everyone who has sold, rented or put under disposition, for prostitution purposes, rooms or any other place with the goal of making inappropriate profits;
- everyone who, whatever the way used, has exploited the debauchery and prostitution of others".

The persons prostituting themselves in brothels are not required to respect any time restriction. However, they must be citizens of the European Union and provide a copy of their ID documents to the police. Additionally, prostitutes living in Belgium can choose an independent status even if such a choice remains uncommon because many of them do not pay social contributions. Unlike the Netherlands who in 2000 granted prostitutes the status of employees, Belgium refuses to adopt that strategy in order to avoid certain abuses, such as disguised procuring.

Nevertheless, according to Grégoire Théry, spokesman of the Belgian organization Sawa, "it seems that a considerable gap has widened between Belgian law and its application. How could we explain the fact that brothel owners (Villa Tinto, brothels closed to the French border, window venues in Brussels) are able to escape from a law that provides for imprisonment for whoever manages a prostitution venue? The authorization of renting a place or rooms for prostitution purposes under the condition of not collecting abnormal profits seems to have breached legal tolerance towards procuring involving hotels and residences."

### **Prostitutes who mainly come from abroad**

According to UNODC, in 2009 80% of human trafficking victims were forced to prostitute themselves. As a matter of fact, Belgium is a country of origin, but also of destination and transit for many victims of sexual exploitation. 80% of them are women, 40% come from Eastern Europe, 25% from Western Africa and approximately 20% from Asia. According to several studies, 80% of prostitutes practicing their activity in Belgium are thought to be foreigners. Among them, 60% are French and they practice prostitution along the Franco-Belgian border. Such a strong percentage can be explained by the fact that brothels are tolerated, hence offering conditions to practice prostitution for persons going through economic and familial precariousness. This phenomenon seems to have intensified with the current economic downturn.

In such a context, several associations and political groups consider the tolerance of brothels in Belgium as a way to encourage the precariousness and the sexual exploitation of several foreign citizens in irregular situations. Céline Frémault, Deputy of the CDH in Brussels, stated the following in a 2011 report: "We are opposed to the implementation of resorts similar to the "Eros Center" because the tolerance shown towards prostitution in Europe has increasingly led to the arrival of sexually exploited women".

In addition, according to a study carried out by Child Focus with the collaboration of the federal judiciary police, a lot of sexual exploitation victims are unaccompanied foreign minors who have moved to Belgium. Out of more than 1,500 minors in irregular situations discovered between 2005 and 2006, the federal police stated that a majority of them were implicated in prostitution networks. According to the Office of Foreigners, almost one third of foreign victims of human trafficking were forced to prostitute themselves in 2010. A European Commission report shows the close link between illegal immigration and prostitution. Nonetheless, before 2005, a clear distinction in the law did not exist between human trafficking (dependent on the Penal code) and irregular networks (dependent on the law on foreigners). Since the August 10<sup>th</sup>, 2005 law, victims of sexual exploitation can have the benefit of a temporary residence permit, and even permanent, under certain conditions (a rupture of any connection with the suspected criminals, specialized monitoring, and an effective cooperation with the police).

### **New forms of prostitution**

More and more different forms of prostitution have been developing lately. Indeed, with social networks thriving, many prostitutes offer henceforth their services through the Internet: according to a study carried out by the University of Columbia in 2008, 83% of persons practicing prostitution had a profile on a social network. The Internet is also an effective way of recruiting new victims: websites publishing ads are also frequently used in Belgium. They offer jobs for waitresses and hostesses, but they actually lead towards the prostitution milieu.

In addition, we are observing a gradual change from "visible prostitution" (streets devoted to such an activity, "red light districts"... ) to more discrete forms of the sex market, such as private clubs, massage parlors, or websites for escort girls. Such a phenomenon is a direct result of the Belgian authorities willingness to "clean up" the neighborhoods traditionally devoted to prostitution. This was the case in Antwerp in 2005. Nonetheless, we are now witnessing a trivialization and a professionalization of prostitution which is backed, in a large majority of cases, by facts about procuring.

According to the Plan of action for the fight against human trafficking in Belgium for the period 2008 - 2011, we note that between 2008 and 2010, the number of persons forced to practice prostitution multiplied by ten throughout all of Belgium. Indeed, it seems that the tolerance of brothels encouraged the conversion of offenders into pimps as illustrated by the 2011 case implicating Dominique Alderweireld a.k.a. "Dodo la Saumure", a French brothel tenant in Belgium accused of procuring. Additionally, of the 205 sentences pronounced in 2007, only three exceeded ten years of imprisonment and 161 were inferior to five years. Moreover, the

number of victims of sexual exploitation who lodged a complaint remained very low (only 3.33% in 2008 according to the data warehouse of the general prosecutors of Belgium).

### **The new means to fight against sexual exploitation in Belgium**

Confronted by this never ending phenomenon, Belgian authorities decided to react by taking specific measures. The topic of human trafficking for sexual purposes is treated by article 433 *quinquies*, point 1 of the Belgian Penal code.

At a national level, the Belgian government adopted a plan of action against human trafficking on September 26<sup>th</sup>, 2008. It gathers five main goals: evolution of law, prevention (blocking the websites containing child pornography material), prosecution of criminals, protection of the victims, and a partnership with institutions collecting and searching for information on the topic. Belgian authorities produced an official notification aimed at informing the migrants of certain countries (China, India, Morocco, Ecuador, Philippines, and especially Brazil since 2010) about the risks of economic and sexual exploitation to which migrants can be exposed when coming to Belgium. The International Organization for Migrations (IOM), with the support of the Belgian and Brazilian governments, also launched a campaign to provide information to Brazilian migrants about their rights and duties. It also highlights the means of assistance for sexual exploitation victims. In addition, another government notification was going to be issued for medical personnel in order to inform them about the measures to be taken when confronted with victims. The latter has already been implemented in several hospitals of Liege. As a matter of fact, Belgium has opened three specialized reception centers since 1995 in Brussels, in Wallonia (Liege) and in Flanders (Antwerp). Their purpose is to support the victims of sexual exploitation. Finally, Belgium was considering implementing a "human trafficking victim" status in order to facilitate granting temporary residence permits to foreign victims in irregular situations, as already advocated by the United Nations Committee for Human Rights. Nevertheless, the regularization of child victims still remains precarious.

Since 2009, a work group has been formed within the Senate regarding human trafficking in order to assess the current Belgian situation and to improve legislation related to such a stake.

Also, a specialized police service, the interdepartmental cell for the coordination of the fight against human trafficking and illegal networks, was created as early as 1995 (and strengthened with the May 16<sup>th</sup>, 2004 law) in order to facilitate and improve, at a federal level, information sharing throughout different police services, magistrates, and associations for the defense of human rights. The fight against sexual exploitation was therefore determined as one of the priorities for the years 2008 - 2011.

Additionally, Belgium, while ensuring the presidency of the European Union, made the commitment at an international level, to include human trafficking among its main priorities in October 2010 during a conference about fighting the exploitation of human beings. The conference was organized around four major topics: the prevention of human trafficking, protecting victims (helping and protecting them beyond borders), the prosecution of human trafficking perpetrators along with strengthening the exchanges and the cooperation between

police and magistrates at a European and global level, and finally, the partnership between associations, (police and magistrates...) who fight against human trafficking.

In a wider perspective, the European directive 2011/36/EU was adopted by the European Council in order to coordinate the fight against human trafficking at the European level in terms of protection, prevention, partnership, and prosecution of the procurers. The member countries of the European Union must enforce this directive before April 2013.

Hence, Belgium has an apparently ambiguous relation with the sexual exploitation topic because, according to the law, it rejects procuring and soliciting while the construction of Eros Centers and the proliferation of brothels seem to actually encourage it. At the end of 2012, the group of experts on the fight against human trafficking (GRETA), depending on the Council of Europe, was scheduled to be renewed. This is an opportunity to launch a new, dynamic fight against sexual exploitation in Europe.

## Bibliography

- Aronowitz A.A., « Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it », *European Journal on Criminal Policy and Research*, n°9, 2001, pp. 163–195.
- Boisard F., Fondation Scelles, *Traite et prostitution : le point sur les chiffres*, Fiche thématique du CRIDES, February 2008.
- Centre for Equal Opportunities and Opposition to Racism, *Lutter contre la fraude fiscale, c'est prévenir la traite des êtres humains*, 2010 Annual report, Bruxelles, October 2011, [www.diversite.be](http://www.diversite.be)
- Frémault C., *Positionnement du CdH sur la mise en place de complexes hôteliers dédiés à la prostitution*, Bureau politique, May 9th, 2011.
- Grumiau S., « Législation – Un goût de trop peu », *Amnesty International*, March 4th, 2008.
- Lippens V., *L'aéroport, un lieu sûr pour les mineurs voyageant seuls ? Recherche exploratoire du risque de victimisation à Brussels Airport*, Child Focus, Federal Judicial Police, November 2007.
- Mouvement du Nid, « Quelle politique pour l'Europe », *Prostitution et Société*, n°162, July-September 2008.
- Royaume de Belgique, *Plan d'action de lutte contre la traite et le trafic des êtres humains en Belgique 2008-2011*.
- Théry G., *Note sur la loi belge*, Sawa asbl, June 2012.
- Minano L., « Précaires en France, elles se prostituent en Belgique », *Marie Claire*, August 19th, 2011.
- European Commission, Fight against Human Trafficking website, Belgium file: <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Belgium>
- Belgian Federal Judicial Police website: [http://www.polfed-fedpol.be/home\\_fr.php](http://www.polfed-fedpol.be/home_fr.php)



# Brazil

- Population: 196.7 million
- GDP per capita (in US dollars): 12,594
- Presidential regime with a federal organization
- HDI: 0.718 (84<sup>th</sup> rank among 187 countries)
- No official national statistics on prostitution.
- Brazil is the 2<sup>nd</sup> destination for sex tourism in the world.
- 20% of the population lives below the poverty line.
- 80% of the population is concentrated in urban centers located in the Eastern and Southern regions of Brazil.
- Prostitution of minors: up to two million according to NGOs.
- Prostitution is legal, procuring is prohibited. There are several prostitution venues.
- Main country of origin towards Western Europe and the United States.

The largest country of South America shows a sparkling mixture made up of contrasts at any level. This is the testimony of a young emerging country, racially mixed and in which effervescence expresses itself like nowhere else. Land of paradoxes, Brazil combines sunny cheerfulness with a dark outlook of one of the most violent countries in the world. It ranks third in terms of violence according to the United Nations. It is therefore a theater of tensions, in which social discrepancies, despite Brazil being the sixth economy in the world, reach staggering levels that in turn lead to an endemic insecurity (approximately 35,000 murders in 2011). Hence, the safety of persons and goods is a major concern for Brazilian authorities. Mafia gangs firmly control the megalopolis, reign over the favelas (slums), and do not hesitate in directly attacking the police forces, the courts of justice, and even the prisons. In such a particular context, serious crime is deeply rooted alongside the usual trafficking of drugs, weapons, and human beings, particularly women and minors. Prostitution in Brazil thrives thanks to poverty, western tourism, and the lascivious clichés of the country.

## Youth and the streets

The immense Brazilian agglomerations, such as São Paulo (11 million), Rio de Janeiro (6 million), or also Salvador, Fortaleza, and Recife display a patchwork of very different neighborhoods characterized by extreme social discrepancies between the favelas and the over-

secured ghettos of wealthy people. These big cities are home to a particularly visible street prostitution even if the activity is concentrated, as usual, in the "red-light neighborhoods". This activity tends to expand beyond these epicenters and sporadically invade residential areas. Prostitutes are generally young, sometimes extremely young. Brazilian law sets the age of sexual consent at 14 years old. Women and young girls form the bulk of prostitutes in Brazil, but young men, transvestite or not, are also part of the mix. Federal police estimate there are 2,000 areas in which children under the age of 14 prostitute themselves. The sexual exploitation of minors is a terrible affliction fed by faintly concealed marketing from travel agencies from around the world. As a matter of fact, Brazil is ranked second as a destination for sex tourism, just after Thailand, and according to the Worldwide Tourism Organization (UNWTO), 10% of sexual exploitation cases involving minors in the world occur in Brazil. Offers of sexual services involving minors are included in travel packages and play a strong role in this dark statistic: two million children from 10 to 15 years old are prostitutes according to "Arbrapia", a Brazilian association for the protection of children and teenagers. Statistics from the authorities however are more modest. They estimate this number to be 500,000. In most cases, the victims are controlled by violent mafia networks. Favelas located in the megalopolis are completely controlled by organized and heavily armed gangs that frequently monopolize the headlines.

In the much less populated northern region of Brazil, corresponding to the Amazon, networks attract young Indian girls towards the large eastern cities. Slavery was abolished in 1888 in Brazil, but the "trabalho escravo" (slave labor) is often present in the Amazonian regions characterized by deforestation and mining exploitation. Displaced towards the East of the country in order to have access to a better future, the victims get caught in the usual cycle of debts, forced labor, and sexual exploitation.

### **An "evolving" prostitution**

According to the 2011 U.S. Department of State report on human trafficking, Brazil is an important country of origin. Women and transsexuals are exploited in Brazil or abroad, particularly in Western Europe and the United States. Major European cities have been familiar with the sexual exploitation of Brazilian women and transvestites for decades; more than 80,000 women in 2011 were sexually exploited in Europe according to NGOs such as the Helsinki Foundation for the human rights. The prostitution of minors remains internal and concentrates 70% of its activities in the northeastern part of the country. The American report specifies that not even one investigation of procurers took place in Brazil in 2011. However, 67 international investigations were carried out resulting in five lawsuits and two sentences. Prostitution in Brazil is characterized by a certain ambiguity. The activity is listed by the Ministry of Labor but a regulationist legislation does not exist in the country.

Without any official statistics or numbers having been thoroughly checked, it is not surprising to observe that prostitution brothels proliferate in the "red-light districts" of the large metropolises and along the roads leading to those urban centers. The French travel guide "Guide du Routard" said unashamedly "Brazil, an open brothel..." Brothels, tricks hotels, and motels are

appropriately identified and extremely diverse. There are luxury venues offering services which are excessively expensive, but also cheap brothels offering quick tricks, such as Villa Mimosa in the "red-light district" in Rio.

An article from the *Times* from May 23, 2011 mentioned the emergence of a new kind of dance clubs which adds additional competition to traditional brothels. Their target: young and wealthy people, 20 to 30 years old, liberal, and uninhibited. In these kinds of luxury venues, the apparent glamour is in constant competition with an enhanced professionalism: reception in the tradition of the most prestigious five stars hotels, fitness clubs, hairdressers, massage parlors, swimming pools, musical shows, dancing clubs, and private rooms. The word "prostitution" is never used. "Residents" are motivated to show their pride of belonging to such a milieu by assuming the role of "ambassadors of the country's savoir-faire". Once again the human realities linked to this exploitation with regulatory pretenses are adequately hidden. The success of such of venues has led to imitations. Some twenty similar places could be counted in São Paulo at the end of 2011.

Since the end of the dictatorial regime in the eighties, Brazil seems to display a large tolerance in terms of morality alongside a trivialization of pornography and prostitution. Celebrities from the show business officially participate in these activities which are largely broadcast on the Brazilian TV. Celebrities such as Rita Cadillac, Alexandre Frota, Viviane Rodrigues...

A former prostitute, Gabriela Leite, transparently presented herself to the legislative elections of October 2010. She created a successful clothing brand called "Daspu" initially consisting of activist T-shirts. The collections were presented by prostitutes during fashion shows that turned into political forums. Gabriela Leite also leads Davida, an active NGO in the fight for recognition of the activity.

### **From the public health point of view**

The first cases of AIDS made their appearance in 1983 in Brazil. Since that time, authorities developed proactive campaigns of significant scope, fearing the spread of a pandemic similar to those which appeared in Africa. "The number of HIV positive persons represents 0.6% of the population" stated Alexandre Padilha, Minister of Health at the end of November 2011. The Brazilian program against AIDS showed in an unequivocal manner that it was possible to control the epidemic in emerging countries by closely linking prevention and treatment. Currently, the number of HIV positive persons is estimated at 630,000 in a country with a population of 196 million. The balance announced in 2011 showed a decrease of 4.7% in new cases. Nonetheless, the number of infected persons continues to increase, particularly within the homosexual population.

## **Violence, crime and prostitution**

Analysts agree that excessive social discrepancies cause and maintain poverty. They act as a major impediment to progress in terms of health and education, and lead to criminality. And the slippery slope from poverty to vulnerability to violence to prostitution is very real. One sells his/her own body in order to survive.

Extremely significant social gaps generate political instability by increasing the disparity between the wealthiest and the poorest populations, and inciting them to ignore the basic rules of social conduct. Brazil is the third most violent country in the world. A large number of experts recommend that emerging countries diminish social disparities in order to sustain their economic and social development. In a report from the OECD from October 2011, the Brazilian government received the advice to give priority to infrastructure expenses "(...) essential to long-term growth and to social integration." Paulo Storani, from the Institute of Police Sciences from the University Candido Mendes in Rio de Janeiro, states: "when a person is satisfied by his/her situation, his/her violent impulses decrease."

## **Reducing extreme poverty**

On May 2011, Dilma Rousseff, President of the Republic of Brazil launched the plan named: "A Brazil without poverty", in order to eradicate extreme poverty. The program employs an offensive approach, rather than waiting for state services for the needy to increase in order to slightly increase the number of beneficiaries of the "family grant" instituted by the President Lula. Dilma Rousseff gave herself a second goal consisting of ensuring that the poorest citizens have access to basic services and infrastructure: education, health, water, electricity. The third component of the plan highlighted professional training, employment, and micro-credit. The Minister of Social Development, Tereza Campello, supported the initiative by stating that: "(...) Brazil will be the first developing country to achieve the main goal of the millennium set in 2000 by the UN: reducing extreme poverty." While the goal clearly displayed by the Brazilian authorities is to reduce extreme social disparities, some researchers and academics raised a criticism against the government plans.

On the security front, a decrease in criminal activity was observed in February 2011. In Rio and Sao Paulo, cities particularly affected by mass murders, authorities noted a drop in homicides by 25% over five years. This analysis emphasizes an improvement in the standard of life, the aging of the population, and also the change in police strategy. Police services, surrounded by this ultra-violent environment, did not hesitate in killing. To break this cycle of violence, they have highlighted prevention: information and visibility within the favelas. Gangs witness their territories being invaded, which impedes trafficking and other activities.

## Sex tourism; a folder on the agenda

In 2004, authorities launched the National plan on the fight against the commercial and sexual exploitation of minors. A code of conduct was implemented by the NGO ECPAT<sup>1</sup> destined for tourism professionals, particularly in hotels where employees must prevent and report pedophile activities. The French hotel group ACCOR, a worldwide leader, signed this charter. ECPAT is very committed and maintains pressure on authorities and on tourism professionals.

In 2010, the Brazilian government launched the campaign "A goal for the rights of children". Pelé's country will host the World Cup in 2014. Large events such as this multiply the risk of sexual exploitation, particularly the exploitation of minors.

At the beginning of 2011, the Ministry of Tourism launched an operation which monitors websites that mention Brazil as a destination of sex tourism. Of the 2,000 tourist sites listed, 82% displayed openly sexual content. 1,100 websites were updated or eliminated. As a reminder, at the time of the 2006 carnival, eight of the largest Brazilian cities benefited from an unprecedented poster campaign devoted to foreign visitors. The posters, written in English, warned tourists of potential prosecution and sanctions to be faced if they were caught purchasing sexual services implicating minors. The campaign funding of some \$300,000 (€245,837), was made by Visão Mundial, a Christian humanitarian NGO. In 2011, despite the commitment from authorities to prosecute criminals, there was not a substantial decrease in the number of child prostitutes. The scenario was the same regarding sexual exploitation.

Among the many Brazilian associations working in this field, "City of Hope" stated that there is an emergency for the Brazilian government to act with the structural development of a legal arsenal which is in line with the realities of the situation and the establishment of an active welfare system. The two large, upcoming events, the 2014 World Cup and the 2016 Olympic Games can be considered as important occasions for heightened vigilance and strong political decisions.

## Bibliography

- « Brazil targets child prostitution hosting 2014 World Cup, 2016 Olympics », *Washington Post*, July 14<sup>th</sup>, 2011.
- « Les Brésiliens, champions du monde... d'homicides », *Le Monde*, October 7<sup>th</sup>, 2011.
- « The Crisis of Child Sexual Exploitation in Brazil », *Libertad Latina*, March 14<sup>th</sup>, 2011.
- Bellos A., « Brazil's Upmarket Brothel Hotel Clubs », *SabotageTimes*, May 23<sup>rd</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Hughes D. M., *Facts on Trafficking and Prostitution*, University of Rhode Island, 2006.
- Rossi C., « Des riches plus riches, des pauvres toujours pauvres », *Courrier International*, September 30<sup>th</sup>, 2010.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.

---

<sup>1</sup> End child prostitution, child pornography and trafficking for sexual purposes, [www.ecpat.net](http://www.ecpat.net)

- UNODC, *Global study on homicide: trends, contexts, data*, 2011.
- Waiselfiz J.J, *Mapa da violência*, Centre Brésilien des Etudes Latino-Américaines (CEBELA) et Faculté Latine des Sciences Sociales (FLASCO), 2011.



## Bulgaria

- Population: 7.4 million
- GDP per capita (in US Dollars): 7158
- Unicameral parliamentary regime
- HDI: 0.771 (55<sup>th</sup> rank among 187 countries)
- European Union member since 2007
- 8,000 prostitutes in Bulgaria and 18,000 Bulgarians prostituting themselves in Europe.
- No specific legislation regarding prostitution, punished as an immoral activity; criminalization of procuring and prostitution establishments/ Legislation against human trafficking: *Combating Trafficking in Human Beings Act*, enacted in 2003.
- Country of origin and transit of human trafficking and to a lesser extent a destination country.
- In total, 270,000 Bulgarian women are estimated to be victims of trafficking activities around the world.
- Main destinations for the trafficking of Bulgarian women: Netherlands, Belgium, France, Germany, Italy, Czech Republic, Spain, Poland, Turkey.

As a satellite country of the former Soviet bloc, Bulgaria experienced many political changes after the collapse of USSR. The transition towards democracy and market economy has shaken the more or less functional structure of the state. The former leaders mainly shelter themselves in burgeoning criminal networks. The priority of these networks is to take possession of the state properties devoted to privatization. However, the networks do not remain indifferent to illicit financial activities. Between 1990 and 2000, sexual exploitation constituted the most profitable activity for criminal networks in Bulgaria. According to a survey carried out in 1987, only 3% of the prostitutes reported having procurers. Ten years later, the percentage is inverted: more than 95% of prostitution was controlled by organized crime. Presently, sexual exploitation is very structured and generates more than 650 million Euros per year in Bulgaria.

### **Prostitution - A desperate struggle against extreme poverty**

The last report produced by Europol in 2011 regarding human trafficking in Europe identifies several factors inducing the spread of this plague: unemployment, limited access to the employment market for women, ethnic and gender discrimination, lack of opportunities to

improve quality of life, poverty, social structure collapse, persecution, abuse, violence and wars. In Bulgaria, such conditions seem to greatly foster the growth of human trafficking.

Massive prostitution is characteristic of under-developed or emerging economies. During the communist era, prostitution was punished because it was viewed as a social parasitism. The political changes of the nineties have entrenched unemployment and poverty in Bulgaria. Rural areas are the most affected. The willingness to emigrate and the utopian image of the Western World entice more and more young Bulgarians. Therefore, through promises of jobs abroad, they easily fall into the webs of the traffickers. The economic crisis has lasted for more than twenty years already. Prostitution has become one of the scarce possibilities of survival in the poorest areas. The low classes are extremely vulnerable, but the middle classes are also impoverished by the economical changes. Indeed, 70.7% of the Bulgarian population thinks that the proliferation of prostitution is the result of poverty, unemployment and social instability.

The Rom minority is a group under risk regarding sexual exploitation because of the following factors: extreme poverty, epidemic unemployment and poor access to education. It is assumed that 15% of prostitutes have Rom origins. According to the 2011 GRETA report, the prevention campaigns promoted by Bulgarian authorities are completely inadequate for mainly illiterate population. A first step towards solving this problem is the 2012-2020 National strategy for the integration of Roms and other vulnerable ethnic groups.

Efficiently organized, nowadays sexual exploitation seldom uses violence against the prostitutes in order to obtain the "loyalty" and "quality" of their services. A person working as a prostitute in certain clubs or sexual establishments would make between 2,500 and 5,000 leva (€1,250 and €2,500). As a reference, the average wage in Bulgaria is close to €250. Tourism also contributes to the thriving of sexual exploitation. 47.5% of prostitution customers in entertainment establishments are foreigners. Local customers come from the lower classes (taxi drivers, building workers and outlaws) or from the highest classes (businessmen and top athletes). Diversity of the demand has fostered the implementation of a very well organized prostitution system that aims to satisfy every "taste."

### **A very sophisticated "criminal enterprise"**

According to a survey carried out by the RiskMonitor Foundation, prostitution in Bulgaria comprises four levels. At the bottom of the ladder (level 1) we find prostitution in the streets, implicating mostly persons coming from the Rom minority. Considering the low profits generated by this category (between €100 and €300 per month per person), prostitution networks are apparently uninterested by it. If these persons have pimps, they usually belong to the clan or to the family of the victim. Physical and psychological violence is very common in this category.

The other three levels of prostitution are integrated into a very organized prostitution structure, implicating direct procurers, supervisors, sexual establishments or whorehouses (also called VIP houses) owners, safety personnel and, at the highest level (level 4), leaders and businessmen on a local or national scale. In general, 30% of all gains are cashed by the "national

directors". The money is then mainly reinvested in real estate (purchase of motels, hotels, bars, houses...) in order to create new prostitution establishments or to simply launder this money.

Human trafficking mostly affects levels 1 to 3 of the prostitution scale. Level 1 victims are often forced to prostitute themselves under horrifying sanitary conditions, and the threats against them and their families are very recurrent.

Persons belonging to the middle categories (levels 2 and 3) bring in more profit and earn more money. Hence, they have health insurance (they are hired as waitresses, masseuses, dancers), they are not forced under physical violence but instead by a very unstable economic situation.

Persons belonging to level 4 of prostitution are mainly hired by modeling agencies. This recruitment method was used even before the political changes of 1991. Catalogues displaying these women's pictures and their fees are specifically created for the Nordic markets. This means that organized criminality is largely implicated in the trafficking with the purpose of sexual exploitation. According to the 2011 report by the Ministry of the Interior, clans and families essentially compose the criminal groups related to human trafficking, without any specific hierarchy or centralization in common. This pattern of organization is mainly specific to the Roms networks that are assumed to manage a significant part of level 1 prostitution, ignored by the Bulgarian organized crime networks. The conclusions of the Ministry of the Interior, based on police force activities in 2011, suggest an opacity of the prostitution system in Bulgaria. The law authorizes the indictment of the prostitutes. However, persons prostituting themselves on the streets and belonging to level 1 prostitution are the ones that are put in custody. Sexual establishments and VIP whorehouses largely evade law enforcement because of legislative incompatibility, because of police corruption, but also very often because of political corruption.

### **The legal status of prostitution in Bulgaria: a loophole for organized crime?**

Under the ideological influence of communism in the fifties and sixties, prostitutes and procurers were sent to work in forced educational camps. The 1968 law supports this repressive policy, and defines prostitution and pimping activities as forms of social parasitism, as the profit made from the work of another person. This kind of repression lasted until the beginning of the nineties. In 2002, an amendment of the law determined that men can also be considered prostitutes. The law in effect has not changed but the police procedures are different. Prostitutes are arrested under the accusation of "immoral actions" and may remain in custody for 24 hours and then sued. Nevertheless, only street prostitutes are targeted. Closed establishments, completely managed by organized crime are very seldom disturbed. Moreover, persons prostituting themselves in these places, have an employee status and there is no legal reason to arrest them.

The contradiction of this legislative system also shows in the possibility for a prostitute (considered by the law as a moral offender) to pay taxes and to benefit from a health insurance program through the status of "liberal profession". These cases remain nonetheless extremely uncommon. Pimping activities are criminalized, prostitution establishments forbidden. However,

the legislation regarding the prostitution has not been updated for the last ten years. According to the Bulgarian experts, the legal answer brought to the problem does not reflect the reality of this phenomenon that undermines the entire society today. The issue of a criminalization or a legalization of prostitution was raised at the end of 2011. 47.7% of Bulgarians would approve a criminalization of the prostitution versus 35% who would advocate for regularization. Only 27.2% of the population would support the penalization of customers.

### **A minimal repression of the sexual exploitation**

Human trafficking is sanctioned by the 2003 law Combating Trafficking in Human Beings Act. The 2011 GRETA report notices that the ways of exploitation are not constitutive facts of the offence, but only aggravating circumstances. In that matter, the Bulgarian Court of Cassation states that this definition ensures a better protection of the victims. Another problem is nevertheless identified. The Bulgarian Penal code does not refer to the term "sexual exploitation", but to other two terms: "debauchery" and "vicious practices", in reference to the morality probably resulting from the communist era (like in the case of the legislation against prostitution).

In 2011, police forces identified more than 440 victims of human trafficking for sexual exploitation purposes. The same year, police carried out 119 investigations, which indicates a regression compared to the 149 investigations of the previous year. In 2011, authorities judged 102 persons for sexual trafficking compared to 113 in 2010. Among those persons, 95 were sentenced, but only half were jailed.

In November 2011, a joint operation between the Bulgarian and Austrian police resulted in the dismantling of a sexual exploitation network. 22 persons were arrested, even if 34 other people were suspected of collaboration. Thanks to this operation, 31 victims were identified. Despite statistics showing progress in the identification of victims, these identifications remain insufficient considering the number of prostitute victims of procurers. In 2010, the Ministry of Interior estimated there were 1,326 prostitutes, 156 open spaces devoted to prostitution and 107 prostitution establishments on Bulgarian soil. As a reference, in 1987, 3,131 prostitutes were counted. According to the Ministry of Interior, we would note a decrease. However, it is extremely unlikely that the number of prostitutes during the communist regime would have been greater than the current number, especially, if we consider the thriving of organized crime during the last twenty years.

Indeed, experts from the RiskMonitor Foundation consider that there would be more than 8,000 prostitutes in Bulgaria. Moreover, the number of Bulgarian women "exported" to Western Europe would be greater than 18,000. Those experts emphasize the fact that today more than 95% of the prostitutes have pimps linked to the organized crime. Nonetheless, there would be approximately 26,000 Bulgarian hookers who would prostitute themselves in Bulgaria or elsewhere in Europe. Even if 95% of prostitution is managed by the organized crime, the logical calculation comes to the conclusion that there would be 24,000 persons under the exploitation of

the Bulgarian networks. In 2011, the police forces identified only 440 victims of human trafficking for sexual exploitation purposes.

In the meantime, organized criminality takes profit from the cloudiness of the legislation, from the weakness of the executive power and from the inadequate public supervision to exploit prostitution without any kind of sanction and to collect the full amount of the benefits.

### **The heavy weight of corruption**

According to *Transparency International*, Bulgaria ranks 86 among 183 countries in the world ranking of the corruption perception index, with a score of 3.3 out of 10. Moreover, the enforcement of the law would present an effectiveness of only 53%. Bulgarians point to the legal system as the most corrupt with a score of 4.3 (1 meaning no corruption at all, 5 meaning extremely corrupt). The police scores 3.8 out of 5, Parliament 3.9 and the political parties 4.1. In 2011, 33 civil servants and 12 other persons were indicted for corruption cases. The Direction of fight against organized criminality within the Ministry of Interior states that 13 civil servants were sentenced for being involved in corruption and 27 have received administrative and disciplinary sanctions.

Customers of prostitution are also convinced that police are extremely corrupt. The 2011 report of the RiskMonitor Foundation shows that customers will probably not warn the police if they see a minor prostitute or if she is abused by her procurers. The reasons they invoke are the corruption coming from the police forces and the fear of retaliations emanating from the criminals if ever they report the facts. If they are scared of reporting the possibility of exploitation, customers do not fear the police regarding the purchase of sexual services because corruption would ensure protection of the establishments' owners and their customers.

### **Prevention: fighting against society's harmful attitude towards victims**

Customers are convinced as well that prostitutes earn a lot of money and that they are not really victims of any kind of exploitation. The GRETA report highlights the fact that the public opinion tends to believe that entrance into sexual exploitation is the responsibility of the victim. In such a context, GRETA encourages public institutions to work for a change in the societal attitude towards victims. The compensation for the victims is not very substantial: between 2006 and 2011, 1.5 million leva (around €776,000) has been confiscated, but not even one victim has been compensated.

If, for the support of the victims, the Bulgarian government has spent €21,500, the prevention campaigns have cost €30,000 from the national budget. A National commission for the fight against human trafficking was created in 2004. With seven local representations, it leads prevention and sensitization campaigns among young people. In July 2011, the local Commission of Pazardzhik led a prevention campaign among the Rom population, distributing information booklets, caps and tee-shirts. GRETA recommends to the National Commission to also use non-written communication tools especially within the Rom minority because the

persons belonging to this vulnerable group are often illiterate. Regarding the support towards the victims, the Commission works in cooperation with more than 20 Bulgarian NGOs such as Animus Association, La Strada and the Nadia Center. In 2011, the exchange of information between NGOs and Commission has increased thanks to the implementation of a specific procedure. However, GRETA states that the funds allocated to support the victims are not sufficient. According to Tihomir Bezlov of the Research Center on Democracy, the profits from organized crime are, at least, three times greater than the total budget granted to the Ministry of Interior.

### **The harmful example of the *chalga* stars**

One of the reasons explaining the proliferation of prostitution identified by the experts lies in the decline of public morality. The loss of certain social values emanating from political changes and the economic crisis are supposed to be at the center of the prostitution trivialization. Since the nineties, the phenomenon of *chalga* music fosters the creation of an image of the woman as a sex object. Sex becomes a bankable product, but also a means to achieving success. The popularity of certain female singers is supposed to happen through price relations with members of the organized crime, with businessmen or top athletes. As a matter of fact, a significant number of singers are allegedly hired for different kind of parties in exchange for priced relations with persons present at these events. At the end of 2011, several Bulgarian newspapers mentioned a certain Daniel D. (also known as Dani "the shoe"), pimp of call girls, who is supposed to provide services from several *chalga* singers, models and playmates. According to those newspapers, Daniel D., thanks to his connections, was not in a position to be bothered by the police.

The *chalga* stars' high standard of living entices teenagers. Plastic surgery, such as breast implants, are often viewed as a first step towards success. Provocative outfits and revealed sexuality at no later than the age of 14, have become part of the *chalga* culture, which heavily influences the development of youth. This popularization of sex strengthens the vulnerability of young people towards sexual exploitation. In May 2012, during holiday parties, the shocking pictures of young high school students published on the Internet stirred up controversy. At the end of 2011, the Interior Minister Tsvetan Tsvetanov has even stated that the legalization of prostitution would turn Bulgaria into a major destination for sexual tourism in Europe. Today, that statement appears to make a lot of sense.

### **Bibliography**

- Center for the Study of Democracy, *Serious and Organised Crime Threat Assessment*, 2010-2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- GRETA (Group of Experts on Action against Trafficking in Human Beings), Council of Europe, *Report concerning the implementation of the Council of Europe Convention on Action*

*against Trafficking in Human Beings by Bulgaria*, First evaluation round, GRETA(2011)19, Strasbourg, December 14<sup>th</sup>, 2011.

- Europol, *Trafficking in human beings in the European Union*, september 2011.

- Ministry of Bulgaria, *Rapport public pour les activités du Ministère de l'Intérieur 2011*, March 9<sup>th</sup>, 2012.

- RiskMonitor Foundation, *Prostitution and Sexual Exploitation in Bulgaria*, 2011.

- U.S. Department of State, *Trafficking in Persons Report*, June 2012.

European Commission, Fight against human trafficking website, Bulgaria file:

<http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Bulgaria>

- Transparency International : [www.transparency.org](http://www.transparency.org)



# Cambodia

- Population: 14.3 million
- GDP per capita (in US dollars): 900
- Constitutional Monarchy
- HDI: 0.523 (139<sup>th</sup> rank among 187 countries)
- 100,000 prostitutes.
- 65,000 child prostitutes; 20,000 child prostitutes in Phnom Penh.
- Prostitution has been illegal since 2008 following the promulgation of *The Law on Suppression of Human Trafficking and Sexual Exploitation*. Procuring is repressed and the ownership of specialized venues is prohibited.
- Prostitution is mainly concentrated in the following cities: Phnom Penh, Siem Reap, Sihanukville and Battambang.
- Major destination for sex tourism.
- Country of origin, destination, and transit for victims of human trafficking in Southeast Asia.
- Victims come from Cambodia, Vietnam, China, and Eastern Europe.
- The internal human trafficking is destined to Phnom Penh, Siem Reap, Poipet, Koh Kong, and Sihanoukville.

During the nineties, Cambodia was a country devastated by war. The organization of the government was so weak that authorities remained extremely inactive and borders were almost nonexistent. In such a context, material and human resources were accessible to anyone who went to Cambodia. Indeed, poverty turns human beings into goods. Nowadays, the number of prostitutes in Cambodia is estimated at approximately 100,000. One out of every 150 women is forced into prostitution. After the genocide of the nineties, more than 50% of the population was 18 years old or younger. This reality explains the following alarming number: 65,000 Cambodian children are assumed to be victims of sexual exploitation. After 2008 and the adoption of the law prohibiting prostitution, an increase in informal prostitution (through intermediaries) was observed in venues such as karaoke bars or massage parlors.

### **An economic situation pushing women and children to the edge**

In Cambodia, the textile industry is a very competitive sector. It employs more than 230,000 persons and 90% of them are women. The working conditions of employees are worsening because of the recent economic downturn. Other jobs possibilities for Cambodian women are extremely scarce. Some of them turn to other sectors such as waitressing or working as beer vendors. Even in such professional activities, prostitution is frequent. A large number of Cambodian women prostitute themselves, willingly or otherwise. Sexual exploitation of women and children is a real industry that provides resources for all of the stakeholders: families, dealers, entertainment venue owners, cab drivers who usually play the role of beaters...

The excess of debt is the main reason for poor families to sell their children. It is very common for a family to "rent" one or several of their children to a brothel in exchange for credit. The victims are often minors and have to endure exploitation for several years. The revenues generated are completely pocketed by the venue owners and managers.

### **The place of women within the Khmer society - the engine of sexual exploitation**

Even if the principle of gender equality is written in the Constitution, it is apparently hardly respected by Cambodians. Women are often considered as inferior. The *Women's code* contributes to the cultural tradition that puts forward the inferiority of the "fairer sex". Humanitarian associations also point out an increase of collective rapes (gang rapes). According to the statements of Somaly Mam<sup>1</sup> (*Somaly Mam Foundation*), 32% of Phnom Penh prostitutes were victims of gang rapes by more than ten men. Cambodian customers are usually the aggressors in these situations. According to local NGOs, pornography has a major influence on Cambodian men's sexual behavior. The extremely frequent use of pornographic material is also assumed to instigate violence against women. Porn movies showing women exercising different sexual practices, are said to highlight the relevance of their inferiority in the collective imagination. Furthermore, the belief held by a large number of Cambodians, that prostitutes do not have any kind of human value, leads to violence and abuse without a guilty conscience.

The women, often seen as mere objects, may also become victims of human trafficking under the guise of a marriage. Some marriage agencies participated in this form of trafficking. Several of these brides are assumed to become victims of sexual exploitation, labor exploitation, and slavery. In one province of Central Cambodia (Kampong Cham), almost all women are married to foreigners. In order to tackle this problem, a new regulation implemented in May 2011 was conceived to frame marriage rules. Henceforth, foreigners aged 50 or older or those earning less than \$2,500 (€1,700) per month will not be allowed to marry young Cambodians anymore.

---

<sup>1</sup> Somaly Mam is a former prostitute who, through her association, helps child prostitutes.

### **What kind of protection for minors should be considered in Cambodia?**

During the eighties, Thailand and the Philippines began to fight against pedophilia. Since then, Cambodia has become a destination for pedophiles. According to international organizations, Phnom Penh replaced Bangkok as the capital of sex tourism in Asia. Additionally, the notion of pedophilia apparently appeared among the Khmer society only a decade ago. After the strengthening of repression in Thailand, sexual exploitation of Cambodian children increased substantially. Apparently, the increase is mostly caused by the demand from Asian customers.

Indeed, Westerners only represent 10% of the "consumers" of sexual services involving minors. Suppression of the exploitation of minors in Cambodia is assumed to be dictated by the 2008 Law on the elimination of human trafficking (articles 28-35 related to child prostitution). This law broadens the territorial fields of action of the authorities by allowing, through article three, the prosecution of Khmer citizens within the frame of this legislation. Article 41 of the law sanctions many infractions regarding child pornography.

Since 2003, the suppression of sex tourism involving children has been strengthened in the hopes of improving Cambodia's image as a nation which offers freedom to pedophiles. In 2011, an American pediatrician was sentenced to four years of imprisonment for sexual aggression on a 15 year old boy. Nonetheless, there were more than 2.8 million tourists in Cambodia in 2011 and a large part of them were actually sex tourists. There were not many arrests though. In addition, certain determined neighborhoods allegedly tolerate prostitution and do not appreciate police raids that "traumatize" the girls working in the brothels. Even if a community is concerned by the "well-being" of prostitutes, another reality contradicts that idea. The integration of sexual exploitation victims is extremely difficult because they are stigmatized by this same community. They are all the more vulnerable because of the economic pressure exerted by their families.

### **The virginity trade - a continuously growing business**

The virginity trade constitutes an engine of child trafficking in Cambodia. If a girl loses her virginity before marriage, it is perceived as a shame by the Khmer society. Men, on the other hand, are allowed to have multiple sexual partners before and after marriage. This practice can also be explained by the *Women's code*, this social "value" that sets the inferiority of women. Thus, a girl who loses her virginity before marriage has very scarce possibilities of ever getting married. Customers are aware of the impact of their own acts on the future of those minors. Sexual relations with a virgin constitutes a method of purification for the man. The virginity trade is fed by traditional beliefs. This is the reason why men look forward to purchasing young virgin girls. They are convinced that this will bring them health, luck, youth, and longevity.

With advancements in medicine and the possibility of reconstructing a hymen through surgery, customers look for even younger girls in order to be sure that they are really a virgin. Therefore, the average age of the victims of trafficking decreased to 10-12 years old. The brothels of Svay Pak are always reopened, even though police tried several times to shut them down. Children are exchanged there against loans by their parents ("service loan") varying from

\$30 to \$3,000 (between €23 and €2,300). This is a common habit in Cambodia. Half of the profits are directly pocketed by the procurer and this money is also supposed to cover the housing and food expenses. The other half of the money earned by the prostitutes is destined to pay reimbursements, charges, clothes, medical care, and corruption. As for the young girls, they are culturally forced to serve their families, even if this means being exploited and exposed to a lot of suffering.

### **The steady decrease of economic immigration**

During the nineties, Cambodia was considered by the citizens of neighboring countries to be a favorite destination to make money quickly. Prevention campaigns for the trafficking of women and children initiated as a result of the economic emigration seemed to change mentalities. Today, foreign women forced into prostitution belong to the minority already established in the country. Most of them are Vietnamese and they represent between 5 and 10% of the whole Cambodian population. There have been four waves of Vietnamese immigrants in Cambodia. The first group settled in Cambodia several decades ago.

After the coup d'Etat of Lon Nol, there was a radicalization of the anti-Vietnamese policy. Vietnamese residents left Cambodia and did not return until the Vietnamese presence from 1979 to 1989. The migrants of the third group, attracted by the economic boom and employment opportunities, arrived during the nineties through the Mekong delta. The *krom* Khmer, some of who have Vietnamese citizenship, belong to the fourth category. Some migrants do not have ID documents or residency certificates. This is also the case of some persons having Vietnamese origins, born in Cambodia, but to whom Cambodian citizenship is refused. They are extremely vulnerable to sexual exploitation and to other forms of human trafficking. Currently, mobility is very risky, particularly for young women traveling alone because they represent easy prey and they end up being lured into and sold to brothels. Vietnamese women know these dangers and avoid immigrating to Cambodia which they view as a dangerous country, corrupt and hostile.

### **Repression distorted by the corruption of the police**

The government has made obvious efforts to increase the suppression of traffickers. In 2011, there were 102 prosecutions and 62 traffickers sentenced. This represents an increase with respect to 2010 during which time 42 sentences were handed out. The U.S. Department of State report on human trafficking, published in June 2012, recommends the repression of civil servants implicated in human trafficking.

Since the promulgation of the 2008 law prohibiting prostitution (*Law on Suppression of Human Trafficking and Sexual Exploitation*), economic immigration has been clearly diminishing. The main reason is the increase danger of the country due to the corruption of the police forces.

According to the Corruption Perceptions Index emanating from the NGO Transparency International, Cambodia is one of the most corrupt countries in the world, scoring 2.1/10 and

taking the 164<sup>th</sup> place in the overall ranking. Their research also revealed that Cambodian authorities have no more than 8% control over this corruption (compared to 86% for the United States for instance). At the end of 2011, Nicholas Kristof, columnist for the *New York Times*, mentioned a police raid in a brothel located in northern Cambodia. During the operation, police found a young woman and five minor girls, one of whom was only 12 years old (three Vietnamese girls and three Cambodian girls). The brothel owners had many connections with the army. One of the men implicated in the affair was even wearing a military officer's uniform. That said, only the woman who was directly managing the venue and the victims, was indicted. Such an incident again raises the question of the place of women within Cambodian society. A woman, perceived as a mere object, a means, and a tool, is still entirely devoted to the personal satisfaction of the man.

### Bibliography

- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- United nations inter-agency project on human trafficking (UNIAP), Coordinated Mekong ministerial initiative against trafficking (COMMIT) Secretariat, *Impact of Trafficking, Smuggling of Persons and Exploitation in the Context of Migrant Workers, Cambodia*, April 4<sup>th</sup>, 2011.
- Lainez N., *Prostitution Mobility and Representations: The Case of Vietnamese Prostitutes going to Cambodia*, Hô Chi Minh City & Bangkok, Alliance Anti-Trafic Vietnam & IRASEC/Observatory on illicit trafficking, March 2011.
- Lainez, Nicolas, *Transacted Children and Virginity: Ethnography of Ethnic Vietnamese in Phnom Penh*, Ho Chi Minh City, Alliance Anti-Trafic Vietnam, June 2011.
- Steinfatt M. T., « Sex trafficking in Cambodia: fabricated numbers versus empirical evidence », *Crime, Law and Social Change*, Volume 56, Number 5, 2011, pp. 443-462.
- Watson M., *Cambodge, le commerce de la virginité*, reportage, Emission « Planète investigation », France ô, Production France Télévision, broadcasted by France ô TV Channel on November 9th, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- Transparency International : [www.transparency.org](http://www.transparency.org)



## Canada

- Population: 34.3 million
- GDP per capita (in US dollars): 50,345
- Constitutional Monarchy with a bicameral parliamentary regime
- HDI: 0.908 (6<sup>th</sup> rank among 187 countries)
- No official national statistics on prostitution.
- The significance of Canadian sex tourism in the Caribbean is a concern for authorities who ordered the Royal Canadian Mounted Police (RCMP) to carry out an investigation in Dominican Republic.
- Country of destination for human trafficking mainly coming from Eastern Europe, the Caribbean, and China. Country of transit towards the United States.

Canada is a Federal State comprising ten provinces, the most important of them being Ontario (political and administrative capital: Ottawa) and Quebec (Montreal). Each province has its own Parliament, sanitary, social and educational institutions... as well as their own juridical and police authorities, Courts of Justice (proceedings and higher courts), and a Court of Appeal. Such a structure offers the advantage of providing real decision-making autonomy and relevant flexibility in order to undertake targeted actions and to answer specific population needs. However it also leads to a large disparity among facts and mentalities.

*The Supreme Court of Canada for Constitutional Issues* (that sits in Ottawa), equivalent to the Constitutional Council in France, makes the decisions, particularly with respect to the *Canadian Charter of Rights and Freedom*, for the whole country.

Like in the other countries under the British crown, prostitution was never illegal in Canada. Nonetheless, activities considered as a nuisance to the well-being of society (incentive to prostitution, broadcasting of information on the topic, source of revenues, management of a brothel) are prohibited by the Criminal code.

A reflection, initiated several years ago, was completely twisted by two cases closely linked together: the Pickton case<sup>1</sup> in Vancouver and the Bedford case<sup>2</sup>. The debates, always very open,

---

<sup>1</sup> Referring to the last name of a serial killer of prostitutes.

<sup>2</sup> Referring to the last name of a prostitute advocating for the recognition of the activity as a profession and for the lifting of bans related to prostitution.

raised awareness across the country, resulting in a split between provinces: British Columbia and Ontario on one side, and French-speaking Quebec on the other.

### **The continuation of the Robert Pickton case in 2011**

Based on juridical and police investigation carried out between 2002 and 2010, Robert Pickton was convicted of the murder of six young prostitutes in Vancouver. He was sentenced to life in prison with a minimum of 25 years. The DNA of 33 other victims was found in his farm and he stated having murdered 49 women in total.

In September 2010, under pressure from the victims' families and NGOs, the Higher Court of Vancouver ordered a public investigation. Eagerly awaited, it lasted a year and a half. Victims' families, prostitutes from Vancouver, NGOs, officials, and police representatives were heard.

Police were criticized their lack of rigor and attention in listening to victims' families due to the status of the victims.

The first report produced by the judiciary authorities emphasized those issues and, according to the public investigation report issued on June 6<sup>th</sup>, 2012, the discrimination emanating from the police forces was obvious. Hence, the controversy remains unresolved. The victims' families and prostitutes from Vancouver complain that nothing fundamentally changed. Their voices remain unheard<sup>3</sup>. They also ask for measures of protection, particularly in the Downtown Eastside neighborhood, located south of Vancouver, where Pickton carried out his activities and where all forms of trafficking are present. Particularly marginalized and vulnerable persons converge towards this area.

The public investigation report, although emphasizing the slow response and prejudices of the police, only partly satisfied feminist associations, particularly the Feminist and abolitionist pan-Canadian Coalition.

### **The continuation of the Bedford case**

#### ***Recap and analysis of the facts***

Following the request of three prostitutes in September 2010 to completely decriminalize prostitution, the Court of Instance of Ontario nullified the three dispositions of the Criminal code restricting activities related to prostitution (essentially information, brothels, and sources of revenues). Nevertheless, in the appeal process which occurred in December 2010, the High Court of Ontario decided to maintain the validity of those texts. At the beginning of 2011, the Federal and the Ontario governments enacted a reprieve on the decision of the Lower Court and, as a consequence, *status quo* was maintained. Removing those three articles would be equivalent to recognizing prostitution as a profession in its own right and also giving prostitutes access to

---

<sup>3</sup> "Fin de l'enquête sur l'affaire Pickton", *Metro Canada*, June 6<sup>th</sup>, 2012.

labor laws, as they would for ordinary workers, without taking into account the specific human characteristics involved.

The case was then presented to the *Supreme Court of Canada for Constitutional Issues* that, finally, was set to judge the constitutionality of the decisions with respect to article 7 of the Canadian Charter for rights and freedoms guaranteeing the right to life, freedom<sup>4</sup>, and the security of citizens. Whatever will be the decision of the Supreme Court, it will have relevant consequences on prostitutes' status and in which the activity is practiced.

The Bedford case clearly illustrates the division and the confusion surrounding this issue. On one hand, it displayed the legislative contradictions and dysfunctions regarding prostitution by initiating a substantive discussion on the interpretation of the Criminal code.

On the other hand, it uncovered a deep divide within Canadian society. The British side, pragmatic and regulatory, focuses on prostitution facts without taking into account the violence endured by the prostitutes while Quebec, abolitionist, includes prostitution within the environment of human trafficking for sexual purposes.

These antagonistic positions entail, in the field, an associative mobilization, a new dynamic, and an inter-associative coordination regarding multiple actions destined to inform and keep the public alert.

### **The divide within Canadian society**

Public opinion remains divided on the liberalization of prostitution, at a provincial level and within different feminist trends. The division between what we could call the British side and French-speaking Quebec may seem astonishing. From the British point of view, the trend would favor the recognition of remunerated sexual activities, based on strictly juridical considerations. From the Quebec point of view, considering prostitutes as victims of complex life conditions which include violence, drugs, all kinds of trafficking, money, and power, places the responsibility of the sexual exploitation trade on the two main actors: the consumer-client who perpetuates the prostitution activity and the "supplier" procurer. Associations view the penalization of the customer and the aggravation of the sanctions against pimps as the first step towards the eradication of human trafficking.

A support association called *Steppingstonnens.ca* launched a poster campaign showing what prostitution could bring: education of young children, advanced studies for young adults, and help and assistance to the elderly. This image conveyed by the British side aims at highlighting the prostitute and acknowledging her as a human being with parents, sons and daughters, an ordinary family life, friends...

All women associations, whatever their specialization and orientation, witness this divide while participating in the reflection of this problem. *The Canadian Women's Health Network* (CWHN), a Canadian network for women's health, non-political and mostly neutral, makes an important contribution to the debate through the information included in the articles published on its website.

---

<sup>4</sup> Allard P., "Et maintenant? Le droit", *Cyberpresse*, March 29<sup>th</sup>, 2012.

## Restarting associative dynamics

These two cases and their respective closely-linked follow-ups, triggered a powerful associative dynamic. NGOs gathered and worked together, at provincial and national levels, in order to continue the debate of the decisions of the Lower Court of Ontario and to criminalize the "sexual exploitation trade".

The *Coalition pancanadienne féministe abolitionniste* (pan-Canadian abolitionist feminist coalition) gathered seven major NGOs: CLES (French acronym for *Dialogue over Struggles against Sexual Exploitation*), RQCALACS (French acronym for *Assistance centers and the fight against sexual assault*), CASAC (*Canadian Association of Sexual Assault Centers*), AOcVF (French acronym for *Ontarian action against violence towards women*), NWAC (*Native women's association of Canada*), CAEFS (*Canadian Association of Elizabeth Fry Societies*), and VRRWS (*Vancouver Rape Relief and Women Shelter*). Acknowledged for their fight against sexual violence in Ontario, the NGOs entered into the fight against human trafficking, aiming at alerting authorities and raising public awareness. For instance, the NGO *Walk With Me*, under the direction of Timea Nagy, a former "survivor" victim of human trafficking, was named the recipient of government support to help human trafficking victims.

CLES, which plays a dominant role in the field through its numerous actions directed at either the public or the authorities, brings significant credit through their propositions. In the context of the Annual Days, in March 2011, CLES organized the first Popular Court against sexual exploitation. It was actually a large forum opened to associations, political and public representatives, social and judiciary actors in the field, and to everyone wishing to make propositions on the issue. Its goal was to become a reflection and political action engine for decision-making.

## Diversified actions

Several actions and demonstrations were implemented by different NGOs from the two main provinces, Quebec and Ontario. These NGOs worked in close relation with other national and international organizations as a result of Canada's bilingualism. The *Monde des Femmes* (World of Women) association organized the *Walk4Justice*, a walk from Vancouver to Ottawa in honour of murdered or missing women, victims of human trafficking, most of whom were native. NWAC organized a walk (*Solidarity March*) in July 2011 to raise public awareness on the issue of violence towards native women. Although natives only represent 3 to 5% of the Canadian population, they constitute 90% of prostitution and human trafficking victims in Canada. The website "Steppingstonens.ca" was created in Halifax (Nova Scotia) with the purpose of informing prostitutes of their rights and their protection. In Montreal, the *Maison de Marthe* association organizes a weekly hour called *Cercle de Silence* (Silence Circle) devoted to honoring human trafficking victims.

Conferences, action plans, seminars, and reports proliferate. In response to the Bedford case, an important report focusing on the "Untruths of the affair", written from the 26,000 pages of the

case file, instructions, arguments, and testimonies, was promulgated by CLES. The report presents and disassembles, with a rigorous reasoning, the seven key points on which the judges based their reflection and decisions: from health to security, from street prostitution to brothels, from "the protection against violence" to the hiring of specialized staff (bodyguards, drivers...). Each point is deeply reviewed with great accuracy and backed by solid arguments.

*Monde des Femmes* organized the 11<sup>th</sup> International Feminine conference in 2011 in Ottawa. The central topic was violence against women and children, including sexual exploitation, particularly in areas of war. Following the conference, an exposition entitled *Les Draps Parlent/Global Fleshmapping* presented the sheets on which some of the participants of the conference drew, wrote, and painted in order to protest against sexual exploitation. The exposition moved to several other cities with the purpose of raising public awareness on the existence of human trafficking, and attracting attention to the realities of the issue in Canada.

A seminar on "juvenile prostitution of girls and boys in Quebec in the context of the new technologies era" took place in Montreal in November 2011. The increase of young people and teenagers prostituting themselves in Canada, a phenomenon not really quantified and still quite unknown, concerns authorities and associations alike. This seminar was destined to bring awareness to the issue, and to allow social, medical, educational, and police workers to equip themselves with the necessary tools to identify and take assist those caught in the nets of sexual exploitation networks.

In order to raise awareness among the public, the *Aboriginal Women's Action Network* (AWAN) published a *Declaration of Indigenous Women to Abolish Prostitution*, denouncing all forms of sexual exploitation, particularly the trafficking of native women. This declaration proposed supporting projects that deal with social and educational problems, problems which often include prostitution. Initially destined to be signed by native women, the declaration comprising ten points against prostitution and human trafficking was so successful that a new declaration was signed by non-native women.

### **The governments do not remain inactive**

A first step was taken at the national level through the promulgation of a law prohibiting tease-dancing<sup>5</sup> and forcing bars that practice this activity to put an end to it, or be shut down and fined. In Nova Scotia, the municipality of Halifax led a campaign of information called *End Prostitution Now* that focused on the customer.

In 2011, Quebec initiated a government 2011-2015 action plan on the equality of men and women as conceived by institutions, socio-educational partners, and women's associations of Quebec. The main part of the plan focuses on the respect of the integrity of women and their security in all areas of life, on the education of children and adults to familiarize them with the people's rights and gender equality. Another part of the plan is devoted to sexual aggressions and to prostitution which is "fundamentally contrary to equal rights and gender equality". The

---

<sup>5</sup> A sexual dance performed by very young girls, usually foreign, more or less naked and extremely close to the customer's body.

interdepartmental committee proposes actions aimed at tackling sexual exploitation and, more specifically, at protecting women against "the extreme violence" that prostitution and human trafficking represent.

The government of Ontario firmly stated its willingness to support any program aimed at integrating French-speaking victims. It financed specialized training in that field so that mediators would be able to better coordinate support to victims.

In a similar way, the government 2010-2015 action plan on solidarity and social integration in Quebec makes a differentiated analysis according to gender. It gives priority to women in situations of poverty and social exclusion and considers the specific needs of the female migrants.

### **Strengthening the ways to fight human trafficking**

Canada is a country of transit for persons coming mainly from Asia, Africa, the Caribbean, Latin America, and Eastern Europe. Included among these victims of human trafficking are also several young native women. Vancouver and Toronto act as hubs for human trafficking, essentially to the United States.

Many existing texts were upgraded in 2011 in order to better control the irregular migratory flow and to limit the risks of human trafficking. The Law on Immigration strengthens the control of access to foreigners in the country. *The Law on Citizenship* enlarges the identity controls on persons living in Canada or leaving the territory. *The Act on Immigration and Refugee Protection Act* (IRPA) advocates for tighter monitoring of refugees on Canadian soil, particularly on their professional activities.

Beside its role in creating policies to fight human trafficking, the National Coordination Center against Human Trafficking (HTNCC) also has the responsibility of checking the accuracy of information related to persons entering the country and frequenting venues such as massage parlors. Despite all of the above, or maybe because of it, sex tourism towards the Caribbean and Mexico has become very common, moving the problem abroad before a solution is found at the local level.

A certain excitement surrounding the issues of prostitution, human trafficking, and sex tourism is observed in Canada. At the moment, there are no concrete results. Associations play the role of informing and raising public awareness on the realities of prostitution. Nevertheless, even if the associations have formed an alliance in fighting against human trafficking, they remain divided on the ways in which to do it and in the ways that prostitution, particularly street prostitution, is recognized. The government, stuck between moral censorship and feminist claims, under pressure from associations, and concerned for the victims, has difficulty in taking radical measures which contradict the notion of respecting human rights and freedoms, something which in turn allows the system to perpetuate itself.

## Bibliography

- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Quebec Government, Ministère de l'Emploi et de la Solidarité sociale, *Le Québec mobilisé contre la pauvreté - Plan d'action gouvernemental pour la solidarité et l'inclusion sociale 2011-2015*, June 2010.
- Johnston L., CLES, « Les contre-vérités de l'affaire Bedford c. Canada : Pourquoi décriminaliser la prostitution n'est pas une solution », *Sisyphé*, August 12<sup>th</sup>, 2011.
- Secrétariat à la condition féminine du Ministère de la Culture, des Communications et de la Condition féminine, *Pour que l'égalité de droit devienne une égalité de fait - Plan d'action gouvernemental pour l'égalité entre les hommes et les femmes 2011-2015*, Quebec, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.



## China

- Population: 1.34 billion
- GDP per capita (in US dollars): 5.430 (Hong Kong SAR, China: 34.457)
- Single party Republic
- HDI: 0.687 (101<sup>st</sup> rank among 187 countries)
- Between 1 million and 10 million prostitutes according to global estimations.
- Between 3 million and 4 million prostitutes according to the Chinese Communist Party (CCP)
- Beijing: between 90,000 and 200,000 prostitutes; Hong Kong/Schenzen: an estimation of 300,000 prostitutes.
- Prohibitionist country since 1957: the sale and the purchase of sexual services are forbidden.
- The 2006 LAP (Law of the People's Republic of China on Administrative Penalties) has broadened the definition of the persons implicated in prostitution and under the risk of being detained.
- Procurers and establishment owners are heavily convicted: death penalties are regularly sentenced.
- Country of origin and destination of human trafficking with sexual exploitation purposes.
- Countries of origin of the human trafficking victims: Myanmar, Vietnam, Laos, Mongolia, North Korea, Russia, but also Europe and Africa.
- Africa, Europe, the United States, Thailand and Myanmar are the main destinations.
- In 2011, 24,000 women and children were victims of human trafficking (prostitution, forced marriages, illegal adoptions) according to the Ministry of Public Security.

In Hong Kong, the number of persons arrested because of their links to prostitution jumped from 793 in 1997 to 4,510 in 2010<sup>1</sup>. Despite significant police raids carried out in all of the major urban centers in the country, prostitution has not diminished. In 2011, 24,000 women and children, victims of human trafficking for prostitution purposes, were recovered by authorities<sup>2</sup>.

The demographic imbalance caused by a larger proportion of men to women, significantly raises concerns regarding the future. We have already seen that many people are "imported", then purchased in order to be forced into marriage, while others add to the increasing number of prostitutes exploited in illegal places. Networks have become more adaptable and the Internet is

<sup>1</sup> Parry S., "Dangerous Liaisons makes debut in Beijing", *China Daily*, September 28<sup>th</sup>, 2011.

<sup>2</sup> Website of the Ministry of Public Security.

being used as a connection between supply and demand. These networks are therefore difficult for authorities to detect despite the means at their disposal.

### **Police raids in the tradition of those seen in Hollywood blockbusters**

In 2010, huge operations involving thousands of policemen in a large number of important cities across the country resulted in several roundups of prostitutes, customers, procurers and gangs or network members without distinction. In Beijing, a dragnet, involving 340 police officers, led to the arrest of 112 persons: 70 women (including 27 foreigners) and 42 men, members of 4 criminal groups. Police forces seized 10 vehicles, 100 cell phones and 60,000 advertising cards featuring photos, contact information and lists of sexual services<sup>3</sup>. Those cards were distributed by persons exploited by those networks in hotels or at the doors of restaurants. Those activities allowed one to arrange a rendezvous either through Internet forums or by phone. In order to capture all of the members of such organizations, some operations were launched simultaneously in Chongqing and Shenzhen. Since April 2010, it is assumed that 143 prostitution networks have been dismantled by the Beijing police<sup>4</sup>.

If the statistics officially communicated by the authorities are accurate, the effectiveness of this kind of action remains uncertain in the long term. The establishments closed through police raids reopen very quickly.

Persons do not leave prostitution but move to other places or change their names. The Guangdong police conducts raids every two months in suspected prostitution locations. The sex industry constantly evolves and adapts itself. With saunas and massage parlors becoming more easy for authorities to dismantle, networks have begun infiltrating luxury hotels. Recently a strong tendency has developed which relates to the growing taxi driver business.

Taxi drivers play the role of intermediaries between customers and prostitutes. They are paid in cash or on commission. In the aftermath of every police campaign, the sex business continues.

Police operations constantly mix the fight against prostitution with the fight against drugs and illegal gambling. In Nanning, capital of the Guangxi province, 1,400 police officers were mobilized to carry out a spectacular operation leading to the arrest of hundreds of suspects<sup>5</sup>.

Karaoke bars and saunas were the most targeted places during this raid, however only the "hired men" were caught. Most of the mafia bosses have numerous contacts inside the police force and are therefore informed before the raids. In Liuzhou, approximately 200 establishments were inspected and 62 people arrested because of their links to prostitution. In the Hong Kong/Shenzhen border area, a joint police operation dismantled an important human trafficking network related to prostitution. Sixty young women were rescued and the traffickers arrested. In August, in the city of Hangzhou, police arrested 42 people suspected of being linked to human

---

<sup>3</sup> Baijie A., "Police identify 112 suspects in sex trade", *China Daily*, September 19<sup>th</sup>, 2011.

<sup>4</sup> "Latest vice raids target 4 prostitution rings", *English People Daily*, September 19<sup>th</sup>, 2011.

<sup>5</sup> "Grandes opérations de police anti-drogue, prostitution et jeux d'argent dans le Guangxi", *China Mobide*, April 23<sup>th</sup>, 2011.

trafficking for sexual exploitation purposes. Afterward, it was discovered that 25 of them were actually members of a criminal group.

Following these operations, comes the time for justice. Sentences for gang bosses, traffickers and pimps can be very severe, but these sentences can be mitigated if too many officials are involved.

In Chongqing, the lawsuit of a prominent businessman, owner of the Hilton hotel and suspected mafia gang boss, revealed an extended organization in which several hundreds of women were forced into prostitution. This lawsuit also showed the high level of corruption, or of attempted corruption, used by the gang on police and officials. On December 9, 2011, *The Telegraph* announced that a woman was executed for having run an extensive network involving hundreds of young women forced into prostitution. The newspaper stated that: "*300 women are assumed to have been exploited between 1994 and 2009, 7 of them being deceased in mysterious circumstances*".

Police ethics were also questioned. Impersonating a customer is an infiltration method that is largely used by police services. Nonetheless, protocols are not always respected and several testimonies, as quoted by the *China Daily* newspaper on November 16, 2011, asserted that members of the police forces took advantage of sexual services before an arrest.

### **The magnitude of the problem: the numbers of a demographic giant**

Authorities communicate quite easily the statistics associated with arrests carried out during police raids, however they rarely differentiate between the elements of prostitution/drugs/illegal gambling, often viewed as a single criminal entity. Although prostitution is illegal in China, the PCC estimates that, in 2009, three to four million persons were practicing the activity. Other estimations offered different numbers: one million permanent prostitutes and eight to nine million occasional prostitutes<sup>6</sup>. The American Department of State considers the highest number mentioned (10 million) as the most reliable. In December 2000, French press agency AFP mentioned the number of four million prostitutes. In 2009, the World Health Organization (WHO) estimated their number to four to six million.

The estimation gaps for cities are significant as well. In a 2008 study, the Ministry of Public Health estimated that there were some 90,000 prostitutes operating in Beijing. In 2010, an editor from the *Beijing News* newspaper proposed that this number was undoubtedly closer to 200,000. On December 9, 2011 *The Telegraph* wrote that there were likely some 300,000 prostitutes in the Hong Kong/Shenzhen area. It is therefore very difficult to clearly quantify prostitution in China with such a variety of statistics. An analysis of the different reporting methods used as well as the diversity of the situations is required.

---

<sup>6</sup> Hays J., "Prostitution and hostess bars in China", *Facts and details*, China, February 2011, <http://factsanddetails.com/china.php?itemid=131&catid=11&subcatid=76>

## The prostitution of minors

Several prostitution cases involving minors have stirred up controversy in the media, increasing government awareness on the seriousness of this issue. Many influential bloggers have questioned the evolution of sexual behaviors among young adults and their relation with the evolution of the Chinese society as a whole. Is this a matter of materialism, greed, or the trivialization of sexual relations...? The answer is not so easy to find. In 2002, Amy Broverman, quoted by Elaine Jeffreys in her book on sex and sexuality in China, was already talking about a China that had "*inescapably*" opened its doors to the "*sexual culture of the West*". However, several prostitution cases which occurred in 2011 have actually recalled certain determined practices which are very common among Japanese teenagers.

In Shanghai, 20 young women, most of them under the age of 18 and two of them under the age of 14 at that time, were arrested for prostitution. Three of them incurred sentences related to procuring because they forced several of their classmates to enter into the network. They were contacted through the Internet by mature customers who, in exchange for money or material goods offered during the rendezvous, offered sexual favors. Most of the time the meetings took place in hotels. According to the testimony of the deputy public prosecutor, those girls "*had entered into prostitution with the only purpose of earning money in order to do some shopping*"<sup>7</sup>.

All of them were students at professional or high schools. The investigators did not miss the opportunity to mention the similarity to the Japanese phenomenon known as *compensated dating*<sup>8</sup>.

In the province of Henan, authorities dismantled a minor network in which two girls, aged 13 and 17, forced three classmates of the same age into prostitution at a massage parlor. Several statistics show that internal human trafficking, either for prostitution purposes or forced labor or even illegal adoption, affects numerous minors across the country. Over the last few years, the number of minors implicated in prostitution cases has been increasing in large urban centers.

According to *People Daily*, as at April 25, 2012, in two of the largest cities in the Guangdong province, more than 75% of violence towards women was of a sexual nature. During the last three years, 2,506 young girls, under the age of 18, were allegedly victims of sexual crimes such as rape and forced prostitution in two of the largest cities in Guangdong. In a government circular which appeared in December 2010, authorities indicated their intention to implement a large action plan for 2011-2020 that aims to protect minors from all forms of trafficking including prostitution, forced labor and organized begging.

## Internal and external human trafficking

The demographic imbalance between men and women is extremely worrying. Predictions for the years to come are alarming. The *English People Daily* newspaper from April 25, 2011

---

<sup>7</sup> Guanqun W., "Shanghai juvenile prostitution case reflects lack of moral consciousness", *English Xinhua*, November 10<sup>th</sup>, 2011.

<sup>8</sup> Please refer to the chapter on Japan.

wrote that as of the date of the article; there were 24 million more boys than girls under the age of 19 in China. Consequences of human trafficking, prostitution and forced marriages are already observable. The director of the Bureau for the fight against human trafficking stated in the *Newsland* newspaper from December 3, 2011, that: "*the number of foreign women imported for sexual exploitation purposes is certainly growing*". The website of the Ministry of Public Security mentions the following numbers: "*8,660 children and 15,458 women liberated in 2011, most of them having been sold to prostitution networks or for adoption purposes*".

China is considered a country of both destination and origin for the victims from human trafficking for sexual exploitation. Most foreign prostitutes come from neighboring countries: Myanmar, Vietnam, Laos, Mongolia, Russia, North Korea but also from Europe or Africa. Self-willed or lured by false promises of work, they get caught in the webs of prostitution networks or forced into marriage for some form of remuneration. Despite the establishment of bureaus specializing in the fight against human trafficking along the border areas, and a strengthened cooperation with the police services in more than 50 countries, the flow of trafficking victims to China has not diminished.

As such, the North-Korean case is somewhat emblematic. It is assumed that there were between 11,000 and 28,000 North-Korean victims of sexual exploitation in China according to an activist quoted by the French magazine *La Croix* from August 11, 2011. Their ordeal is similar to that of many other victims: false promises, debts needing to be repaid, blackmailing, constraints and threats, which forced these women into prostitution in illegal establishments. Some of them were sold to peasants for a price ranging from €700 to €1,400. In addition, they also ran the risk of being arrested by a Chinese police force that does not want to acknowledge the victims' refugee status and one that tries to avoid massive immigration.

In contrast, according to the American Department of State report on human trafficking, several young Chinese women were victims of being trafficked out of China for prostitution purposes, to more than 70 different countries. In an article which appeared on January 24, 2011 in *China Daily*, Myanmar police estimated that, as of the end of 2010, they had detained some 5,453 Chinese women practicing prostitution. In October of the same year, a joint operation with the Angolan police, "recovered" 19 women. Simultaneously, 11 traffickers were arrested in Angola and five in China. According to the *Huffington Post*, those young prostitutes were used to "serve" mostly expatriates who are numerous in Angola. Africa, Europe, the United States, Thailand and Myanmar are the main destinations for Chinese women, victims of human trafficking for sexual exploitation purposes. A similar affair was pointed out in Democratic Republic of Congo. Eleven young Chinese women, initially lured by a false promise of work in Paris, were forced into prostitution in a karaoke bar in Kinshasa. In the aftermath of the raid, the victims have refused to be repatriated.

### **At what stage is the legislation?**

China has been a prohibitionist country since 1957, but theoretically, customers and prostitutes only undergo administrative sanctions (fines, short periods of detention). That said;

procuring, organizing and forcing are more or less condemned by the Criminal code. Certain cases can result in execution. The Administration Penalty Law (APL), enacted in 2006, has broadened the range of activities and grounds for which persons implicated in prostitution cases can be convicted. Articles 358 and 240 of the Criminal code are the most frequently used to convict all forms of woman and child trafficking and to reduce forced prostitution.

A 2011 lawsuit brought to light a legislative particularity largely discussed on the Internet. Initially, Chinese officials were sentenced for prostitution involving a 12 year old girl. In the beginning however, the charge was qualified as rape. The maximum sentence for rape ranges from 10 years of imprisonment to the death penalty, while the sentence for prostitution involving a minor ranges from 3 to 10 years. Hence, several rape cases are classified as "prostitution involving minors", especially if the defendant does not know the age (14 years or less) of the young girl. Such a scenario happens because of a lack of evidence. However, for the victim this means suffering on two counts. The outcome of the lawsuit is significantly more favorable for the officials implicated. Despite several calls to upgrade the legislation, the government has remained inflexible for the moment.

### **The slaves den**

If the police fight against prostitution is merciless and if authorities congratulate themselves, as they do in Beijing, for the decrease in prostitution and other criminal activities (lowest rates since 2003), reality leads us towards a less optimistic view. According to an article from *English Xinhua* on September 24<sup>th</sup>, 2011 police caught a criminal who had confined several young women in a den in order to prostitute them and make porn movies. Raped and tortured, two of them had died before police arrived. The police officer in charge of this case even publicly offered his excuses for not having intervened sooner, despite having knowledge of certain suspicious facts.

Karaoke bars are largely inspected by the police, but massage parlors, hair salons, private apartments, luxury or low end hotels, gas stations and clubs were all also mentioned in prostitution cases identified in 2011. On the other hand, Internet and online discussion forums also play a dominant role by connecting customers and prostitution services. The repressive component alone does not serve to curb the sexual exploitation market. Of the over 1,400 housing places financed by the government in the country, only five are devoted to the victims of human trafficking.

### **Bibliography**

- « China's prostitution capital stirred, not shaken by vice crackdown », *AFP*, December 18<sup>th</sup>, 2000.
- « Chinese man forced "sex slaves" to act in porn shows, prostitution: police », *English Xinhua*, September 24<sup>th</sup>, 2011.

- « Sex assault makes up 75% of all crimes against girls », *English People Daily*, April 25<sup>th</sup>, 2012.
- « Китайцы активно скупают секс-рабынь из стран Азии (Les Chinois achètent activement des esclaves sexuelles en Asie) », *Newsland*, December 3<sup>rd</sup>, 2011, <http://www.newsland.ru/news/detail/id/835863>
- Chen M.-H., *Taiwanese men who buy sex in Dongguan: exploring intersectionality of sexuality and ethnicity in sex tourism*, Paper presented in 2011 Annual Taiwanese Sociology Conference, National Taiwan University, Taiwan, December 10-11 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Jeffreys E., « Governing Buyers of Sex in the People's Republic of China », *Economy and Society*, Vol.35, no.4, November 2006, p.571-593.
- Jeffreys E., *Sex and sexuality in China*, Routledge Eds, 2006.
- Liu M., Finckenauer J.O., « The resurgence of prostitution in China: explanations and implications », *Journal of Contemporary Criminal Justice*, February 26<sup>th</sup>, 2010, pp. 89-102.
- Liu M., *Migration, Prostitution and Human Trafficking Chinese Migrant Women in Shenzhen, China*, dissertation submitted to the Graduate School-Newark Rutgers, the State University of New Jersey, May 2010.
- Moore M., « China executes 'Godmother' of prostitution », *The Telegraph*, December 9<sup>th</sup>, 2011.
- Ojardias F., « Les Nord-Coréennes sont victimes d'esclavage sexuel en Chine », *La Croix*, August 11<sup>th</sup>, 2011.
- Parry S., « Dangerous liaisons », *China Daily*, November 16<sup>th</sup>, 2011.
- Sapio F., « Prostitution and migration in China, From rehabilitation to retribution », *Deportate, esuli, profughe (DEP)*, n.17/2011, p. 83-104.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- Yan Z., Dan H., « Trafficking of Chinese women on the rise », *China Daily*, January 24<sup>th</sup>, 2011.
- China Criminal Law Prostitution Section : <http://china.org.cn/english/government/207320.htm>



## Congo (Democratic Republic of)

- Population: 67.8 million
- GDP per capita (in US dollars): 231
- Presidential regime
- HDI: 0.286 (187<sup>th</sup> rank among 187 countries)
- More than one hundred different ethnic groups
- Infant mortality: 11.2% in 2011
- DRC constitution prohibits forced prostitution and prostitution of minors (under the age of 18).
- Country of origin and destination of human trafficking victims.

Three successive wars, that occurred in 1996, 1998 and 2008, have led to more than 5 million deaths and to the displacement of several million people. Slaughters and rapes were used as war weapons, by both the regular army and the rebels. The strategic plan signed in April 2009 by the Democratic Republic of Congo (DRC) government, for a period of two years and a budget of 56 million US dollars, had three goals:

- protection and prevention was delegated to the UN Refugee Agency (UNHCR)
- ending criminal impunity was entrusted to the United Nations Organization Stabilization Mission in the DR Congo (MONUSCO) and the Office of High Commissary for Human Rights (OHCHR)
- giving cross sector assistance to victims was put under the command of UNICEF

However, war continued in 2011 and the number of displaced persons in the regions of North Kivu and Maniema increased by approximately 1.7 million.

As of 2011, the provinces of Kivu still remained under the rule of rebels who control the gold, diamonds, copper, as well as cobalt and coltan mines (used in cell phone fabrication). Men and children are used as slaves for exploiting fields and women are forced to prostitute themselves. The year 2011, an election year, saw the renewal of President Joseph Kabila's term. Those elections mobilized the population and the army. In 2012, fighting resumed in North Kivu.

### **Criminals remain free**

In January 2011, the UN pronounced an arrest warrant for N.N. Sheka, leader of the Mai Mai militia, who ordered the rape of at least 387 civilians in 2010, from July 30<sup>th</sup> to August 2<sup>nd</sup>. We would have expected the government to intervene. In December 2011, this arrest warrant

was still not executed because the government was focused on the presidential elections. According to the MONUSCO report from July 2011, the military staff of the DRC armed forces, deployed in order to ensure civilian security, inflicted rape, kidnappings, and murders on the same civilians they were supposed to protect. With the exception of one lieutenant, none of the alleged perpetrators for these atrocities was arrested in 2011.

### **NGOs in the forefront of assisting victims**

In addition to trauma they have suffered, women who are raped by soldiers are frequently rejected by their husbands and by their communities. Children engendered by rape receive similar treatment. Some associations, sometimes supported by UNICEF, bring awareness to communities and medical assistance to the victims. In this vein, the IMCK (Christian Medical Institute of Kasal) brings medical and psychological assistance, sends people who are HIV positive to specialized institutions, creates vigilance committees to prevent sexual violence, and provides information to religious and governmental leaders. Other NGOs such as REEJER (assistance to children in the streets), BICE (International Catholic Bureau for Infancy), or the Red Cross struggles to help the whole population due to the lack of financing.

AIDS/HIV is widespread in the DRC. One million children under the age of 15 have already lost one or both of their parents to this disease. According to the directives of UNAIDS, the RENADEF (National Network for the Development of Women) set up an AIDS/HIV prevention plan for the 2010-2012 period.

### **Prostitution amongst students, householders, and minors...**

Several testimonies point to student prostitution. Educational costs, significantly elevated compared to the means most students have, motivate young women to consider prostituting themselves. In the city of Kisantu, according to the *SOS Kinshasa* magazine from January 18, 2011, a certain number of women, living in student residences, leave their pictures and phone numbers in hotels so as to be contacted. Those practices are also observed among women coming from Kinshasa or Matadi who pretend to be students but are not registered in any university.

Some women have been abandoned by their husbands and have had to prostitute themselves in order to survive. The girls belonging to those families had no other choice than to follow the example of their mothers. In North Kivu, following the closure of several mines, whose activities used to generate "50% of the provinces' revenues" claims the Mayor of Goma<sup>1</sup>, authorities have noted an outbreak of survival prostitution among several young mothers who prostitute themselves in the streets and bars of Goma in order to feed their families. Most of them, aged between 16 and 25, come from the poorest neighborhoods. Authorities have created the AEFL (Free Women Supervision Association) that has gathered 2,000 members as of today. In August 2011, the DRC Ministry of Gender launched an economic assistance project spanning five years,

---

<sup>1</sup> "RD Congo (Goma): pauvreté et prostitution en hausse", *Star du Congo*, March 7<sup>th</sup>, 2011.

to assist widows but not to assist abandoned women. The Ministry is still seeking 3.5 million US dollars to raise a national aide fund for promoting women and protecting children.

Many orphans or children rejected by their families need to prostitute themselves in order to survive. Laws condemning parents who reject their children do exist, however, not even a single help center has been created. Children end up in the streets and are, in most cases, recuperated by pimps who abuse them. When child protection units shut down a whorehouse, it is very frequent to see the managers opening a new whorehouse in another location close by. In Kingabawa, near Kinshasa, testimonies report a significant rise in prostitution of young girls under the age of 16 who look for customers alongside the railroad at night. Even in Kinshasa, where 15,000 children are said to live in the streets, "9 out of 10 street-girls prostitute themselves in order to survive"<sup>2</sup>.

According to Liévin Dingi, president of the MEEFP (Mission Supervision of Children and Women Prostitutes), a NGO that assists children and women prostitutes in Kinshasa, prostitution is primarily a way to survive<sup>3</sup>.

In conclusion, if human trafficking for sexual exploitation purposes is a reality in that country (keeping in mind that it is both a country of origin and destination), the majority of this trafficking involves forced work. Despite the fact that the penal code theoretically represses all forms of minor trafficking and child exploitation, including sexual exploitation, not one person was convicted for prostitution in 2011.

## Bibliography

- « Des étudiantes professionnalisent leur prostitution à Kisantu », *SOS Kinshasa*, January 18<sup>th</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Human Rights Watch, *2012 World Report*, 2011.
- Kuediasala F., « Lancement du projet Papev : le ministère du Genre à la recherche de 3 500 000 Usd », *Le Potentiel*, September 1<sup>st</sup>, 2011.
- *Plan d'action triennal opérationnel de lutte contre la féminisation de l'épidémie de sida et les violences basées sur le genre en RDC (2010-2012)*, Réseau national des ONG pour le développement de la femme (RENADEF), January 2010.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- United Nations Organization Stabilization Mission in the DR Congo (MONUSCO) Website: <http://monusco.unmissions.org>

<sup>2</sup> Chambelland A., Geoffrion D., Valluet Y., Les Enfants perdus de Kinshasa, report broadcasted in the program "Sept à huit" on the French TV Channel TF1, May 24<sup>th</sup>, 2009.

<sup>3</sup> " NGO MEEFP and the fight against prostitution in Kinshasa", Okapi Radio, December 22<sup>nd</sup>, 2011, <http://radiookapi.net/regions/kinshasa/2011/12/22/long-meefp-la-lutte-contre-la-prostitution-kinshasa/>



## Croatia

- Population: 4.4 million
- GDP per capita (in US dollars): 14,488
- Parliamentary system
- HDI: 0.796 (46<sup>th</sup> rank among 187 countries)
- Candidate to enter the European Union (date of entrance scheduled for July 1<sup>st</sup>, 2013)
- There are thought to be 6,700 prostitutes in the country.
- Prohibitionist regime: prostitution, procuring, and brothels are illegal.
- Human trafficking is punished by article 175 of the Penal code. Slavery and inhuman treatments are also mentioned in the Constitution (2001).
- Victims usually come from the neighboring Balkan countries (Serbia, Bosnia-Herzegovina, Romania).
- Country of transit, destination, and, to a lesser extent, country of origin for human trafficking.

After the collapse of Yugoslavia, corruption and organized crime thrived in Croatia, as in other Balkan countries. Indeed, the geopolitical position of Croatia ensures it a major role as a country of transit for illegal trafficking coming from the Middle East. This Road of the Balkans is frequently used by traffickers of cigarettes, alcohol, weapons, drugs, cars, and human beings to reach Western Europe.

The Croatian criminal networks are characterized by a flexible horizontal structure with a heterogeneous and very interactive composition. According to Vera Stoyarova, Croatian criminal networks are not, like Macedonian networks, the most important in the region. However, criminal organizations are suspected to maintain a close relationship with government authorities. Many persons, promoted to the rank of war heroes, have often been implicated in criminal affairs. Even when they are arrested for obvious offenses, they are only symbolically sanctioned. Today, it seems that Croatians believe the army and religious organizations to be the least corrupt institutions in the country. According to Transparency International, in 2011, Croatia had the lowest corruption perception index of all the Balkan countries. Its Human Development Index is quite elevated (46<sup>th</sup> rank).

Croatian criminal networks cooperate with networks of other neighboring countries, particularly those that were part of former-Yugoslavia. This East European "co-criminality"

motivates the governments of the region to combine their efforts to fight against international criminality.

Exploitation of prostitution is an extremely widespread phenomenon in the Balkan countries. The development of tourism in Croatia and the still deeply rooted macho culture favor the thriving commercial sexual exploitation. Between 2002 and 2009, the police identified 1,968 prostitutes. In 2011, almost 6,700 were said to practice prostitution in the country.

### **Prostitution: prohibited but always present**

The Croatian law prohibits prostitution, procuring, and brothels. Prostitution is sanctioned by a law dealing with public order and peace, as in Serbia. The prostitutes arrested in obvious offense risk a fine or an imprisonment sentence of up to 30 days. As for the customer, he is exempted from any responsibility.

The prohibition of slavery has been present in the Croatian Constitution since 2001. There is not a specific law prohibiting human trafficking in the Croatian Penal code. The dispositions regarding human trafficking and slavery are included in article 175 of the Penal code. The rights of the victims are defined in articles 43 to 47 of the Code of penal procedure (in effect since September 1<sup>st</sup>, 2011).

At the beginning of 2011, parliamentarians also discussed changing the Penal code to penalize the customer with a fine or an imprisonment sentence of up to one year. Nevertheless, that proposition was discarded. A year later, the debate over prostitution was renewed, but in a regulatory perspective. Apparently, the activity's profitability does not only entice criminal networks. Prostitution generates more than €67 million per year.

In Croatia, the number of regular male customers is estimated to oscillate between 75,000 and 110,000. Male prostitution represents approximately 10% of the whole prostitution activity. This suggests that the number of prostitutes in the country is probably much higher. Additionally, luxury prostitution is thriving, but in a very discreet way.

### **The excesses of the luxury prostitution**

Luxury prostitution is becoming more and more significant in the Balkan countries. Touristic countries such as Bulgaria and Croatia are confronted with the professionalization of deluxe procuring. In such a business, the prostitutes, often citizens of neighboring countries, do not endure serious physical violence and they prostitute themselves for economic reasons.

In recent years, more and more Serbian women have been exploited in Croatia. When a customer purchases sexual services, escort agencies are implicated, but so are modeling agencies. At the beginning of 2011, several organizations of this kind were dismantled by the Croatian police. It is thought that some organized parties in residences located in the regions of Slavonia and Baranya played a role in closing several deals. Prostitutes present in those parties were supposedly offered as bonuses for government firms' directors or for members of different

ministries. In one of those parties, nine persons were thought to have prostituted themselves for approximately 20 men, most of them prominent citizens.

Yet not only the customers are famous. A "deluxe" procuring network allegedly offered the services of famous Serbian and Croatian models and singers.

### **The development of straight male prostitution**

Since 2005, the demand for male prostitution has been increasing. In the past, Croatian men called *seagulls* used to entertain female tourists in exchange for gifts. In her book *Romance on the Road*, Jeanette Belliveau estimates the number of women who paid for sex during travel abroad at about 600,000. However, in Croatia, there are no accurate statistics about the prostitution of Croatian straight men. Croatian gigolos hide themselves and most of them have a remunerated profession. Prostitution for them just represents extra money. As sex tourism has been growing lately in Croatia, women are more and more attracted by the paid company of Croatian *seagulls*. The usual profile of a female customer is a businesswoman, often single and looking for the company of attractive young men while traveling in Eastern Europe. In addition to the regular customers, there are also couples looking to satisfy their sexual fantasies. Even if male prostitution remains taboo in Croatian macho society, it is organized more and more by escort agencies. In these cases, male prostitutes pocket half of the money earned and give the other half to the escort agency that provides the clients. Men who sell their company often state that they always win with these kinds of transactions. They are not only paid, but they often have sex with attractive women. It seems that the economic constraint puts the "strong sex" in danger as well, but the male prostitutes are too proud to admit to being sexually exploited.

### **The identification of victims: a major challenge for the Croatian repression**

The 2012 U.S. Department of State's report on human trafficking and the Council of Europe's Group of Experts for the Fight against Human Trafficking (GRETA) both concluded that Croatia experiences real difficulties in dealing with human trafficking victims. Sexually exploited children are not automatically identified as victims of human trafficking. According to the European Committee for social rights, there is a real problem regarding assistance for street children, whose number is worrisome. They are a particularly vulnerable group, and Roma children are exploited by Roma criminal networks, organized by ethnic or family affiliation.

In 2011, the Croatian authorities identified nine victims of human trafficking with sexual purposes in five different investigations. Seven persons were prosecuted, five for sexual trafficking and two for aggravated procuring. The U.S. Department of State report credited Croatia for its efforts in the fight against human trafficking, but it suggested that the scourge undoubtedly has much deeper dimensions than those indicated by the Croatian government.

Therefore, the number of illegal immigrants who belong to the group of vulnerable people is elevated. In 2010, 1,677 adults, and 271 minors, of whom 105 were unaccompanied, were all in irregular situations. Thus, the GRETA report believes that Croatia must strengthen its position

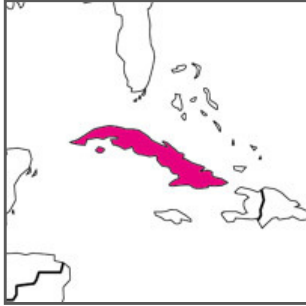
against intentional acts of subtraction and destruction of ID documents, which would facilitate the work of the commission for human trafficking. In order to allow the identification, but also the suppression of human trafficking, those two reports recommended the intensification of training programs for the police and the magistrates. Indeed, the professionals tasked with suppressing human trafficking and the medical personnel generally perceive the victims negatively, which is a real issue.

The victims' isolation in unfamiliar environments compounded by the threats towards their families remains the most used method of pressure by the criminal networks in Croatia. Hence, the identification of the victims is crucial in allowing police forces to intercept the traffickers.

But in comparing the identified victims in Croatia with the ones identified in countries of destination such as Spain and Italy, it is easy to imagine the difficulties in dismantling such trafficking networks.

## Bibliography

- Bakiu B., Dolezal D., Fatić A., Smedovska–Toneva R., “Policy responses to organized crime in the Balkans”, *RiskMonitor Foundation*, 2011.
- Belliveau J., *Romance on the Road*, Beau Monde Press, Baltimore, 2006.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Kostic Z., Veber S., *Characteristic of Human Trafficking in the Republic of Croatia*, March 2011.
- Matejcic B., “Business Booms for Croatia's Gigolos”, *BalkanInsight*, November 12<sup>th</sup>, 2010.
- Stojarova, V., “Organized Crime in the Western Balkan”, *HUMSEC Journal*, Issue 1, 91–114, 2007.
- GRETA (Group of Experts on Action against Trafficking in Human Beings), Council of Europe, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Croatia*, First evaluation round, GRETA(2011)20, Strasbourg, November 30th, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- Transparency International: [www.transparency.org](http://www.transparency.org)



## Cuba

- Population: 11.3 million
- GDP per capita (in US dollars): 5,397 (in 2008)
- Socialist government with a single party
- HDI: 0.776 (51<sup>st</sup> rank among 187 countries)
- 10% of the Cuban population lives below the poverty line.
- 6% of children die before age 5, despite free access to medical care and the implementation of health measures for vulnerable populations (community clinics, free consultations and medication...).
- Prostitution and procuring has been prohibited since 1959.
- Since the 1999 law, some measures have been implemented to strengthen restrictions against procurers.
- Country of origin, transit, and destination of human trafficking.
- The victims mostly come from Latin America and Eastern Europe.

Cuba is the wealthiest country of the Caribbean, but the conditions of life there are uncertain because the country remains closed to the free market. The restrictions on basic needs (food, hygiene, education...) and the use of food stamps for fundamental products are still a reality in Cuba. Because of the shortages, Cuban society has no other choice but to use the few resources at its disposal to earn money. Workers do not hesitate to take several jobs, day and night. This situation of extreme uncertainty and shortages generates an atmosphere of instability compounded by insecurity and crime. Downtown Havana, the old quarter, and touristic centers such as the Vedado, the Playa del Este or the Varadero, among others, are well-known places exposed to all kinds of theft, particularly on persons. To further add to this bleak outlook, the corruption of the judiciary and police milieus is very present.

### **The country's opening to mass tourism**

Since the collapse of the former USSR, the Cuban economy, which used to heavily depend on subsidies coming from Moscow, has severely deteriorated. Around the year 2000, the country opened its doors to mass tourism in order to allow currencies to enter. This proved very profitable, as Cuba hosted 2,600,000 foreign visitors in 2011, generating \$3 billion (€2,476 billion) in profits.

As a reminder, Cuba was always a favorite touristic destination for North Americans. Europeans are currently the ones who visit the island in organized tours (coming mainly from Spain, Greece, Italy, and more recently France). Tourists from the wealthiest Asian countries, such as China and Japan, also come to visit Cuba.

Nevertheless, tourism does not directly improve the everyday lives of the citizens and, in acts of desperation, young girls and women are capable of doing anything to marry a foreigner. Indeed, this is the only legal way to obtain an exit visa, although families continue to leave the country illegally.

### **Prostitution: a triviality**

In such a confusing economic situation, all moral values are secondary to immediate greed. Hence, prostitution is a triviality to which everybody is exposed on a daily basis. All this occurs with an apparently joyful indifference as if it was a simple fact of everyday life. For better or worse, becoming a *jinetera* (a rider), an occasional or often regular prostitute, is considered progress in one's social standing. Therefore, the *jineterismo* tempts and affects a younger and younger female and male population. This seeming lack of propriety hides an organization, and even a strict management of the prostitution phenomenon, which constitutes an economic sector in its own right that cannot be ignored.

Prostitution and procuring have been prohibited since 1959. Since the 1999 law, measures have been implemented to strengthen the repression against procuring but they hardly seem respected. The trafficking in human beings, drugs and sexual services depends on international mafia organizations which are efficiently controlled, managed and regulated.

### **Regular prostitution**

The number of prostitutes in Cuba does not seem to have ever been officially counted because prostitution is not recognized by the government. However, Amir Valle, a Cuban journalist and author of a book on prostitution in Cuba, estimates the number of *jineteras* in Havana alone to be about 20,000, for a population of three million inhabitants.

These "riders" can practice their activity independently but most of the time they are followed by a *jinetero*, a pimp who may control several young women. Procurers come from all backgrounds and it is not rare to find policemen and civil servants among them, looking forward to making extra cash. The procurer finds customers for the prostitutes and vice versa. Policemen turn a blind eye to the activities of their "girls" or, in exchange for a cut in the profits, of those under the control of procurers.

Alongside these *jineteras*, there is the "classic" prostitution of adults, girls, and boys, which is strictly prohibited, but nevertheless present and dependant on a functional hierarchy and diversity. The prostitutes practice their activity in illegal but well-known brothels, where the customers are sent.

Gay prostitution, more or less illegal, is significant but difficult to estimate. Amir Valle evaluates it as more than twice as prevalent as the one practiced by the *jineteras*.

### **Sex tourism**

The "all inclusive tours" that focus mainly on resorts, such as Cayo Coco, Cayo Guillermo, Cayo Largo (an almost desert island) specialize in prostitution activities: hotels, swimming pools, bars, restaurants, coffee shops, dance clubs, drugs...In such cases, the tourists choose the "services" that interest them from catalogues and the young women they wish to spend time with during their stay in Cuba. This is mass tourism comprising a sexual component, highly exploited by Asian customers, offering all the possibilities within the package selected by the consumer-client. The young women are considered companions in order to circumvent the issue of prostitution's illegality. Another category of frequent tourists also exists. These are generally pedophiles who are in close contact with "suppliers" networks and who have certain habits and requirements. Like the "all inclusive" tourists, they only come to Cuba to satisfy their sexual fantasies.

As for ordinary tourists, they are solicited and profit from such occasions. Under an apparent friendship, they act as if nothing was happening. They trivialize the act and feel good about themselves. They are called *paillasso*, *bouffon*, or *yumas*, ("wallets" or "dollars"), because they enjoy themselves and pay for everything: hang outs, beverages, meals, gifts, and rendered "services". They can be found practically everywhere: Havana, Santiago de Cuba, Varadero, Holguin, and in the coastal cities. The problem in this case is that it is necessary to bribe the doormen at the entrance of the hotel, as they are reserved for tourists and forbidden to local citizens. But corruption is so prevalent that this kind of "inconvenience" is swiftly and often definitely resolved.

### **Luxury prostitution**

Aiming to satisfy businessmen, politicians, or high-ranking personalities, luxury prostitution is completely managed by specialized wheeler-dealer groups. Often belonging to the mafia, they entrust the management of the national luxury hotels and control the supply of young women and men coming from cultured milieus, particularly students. The investments are shared with certain institutions directly linked to the Cuban government. A correspondent of the Ministry of Interior, in Havana, regulates and monitors every hotel, ensuring himself that business is running adequately and that the employees of other "work units" are not getting too close to the customers.

### **Children exposed to danger**

Children coming from the poorest backgrounds are confronted with dangerous local predators who wander around the villages in order to "do their shopping". In exchange for some money, the children are "entrusted" or sometimes exchanged through intermediaries by their

parents who hope for a better life and future for their children or simply want to get rid of a mouth to feed.

The children end up in brothels where they are supposed to do their training. Very young girls, under the age of 5 years old are then trained to behave as seducers, and gradually they are naturally led into prostitution without being aware of it. As child prostitution is strictly prohibited in Cuba, children act in total illegality before being sometimes sold in exportation towards North America.

### **Bibliography**

- Cacho L., *Trafic de femmes. Enquête sur l'esclavage sexuel dans le monde*, Editions Nouveau Monde, 2011.
- Sauveur P.-E., *Haïti, La République dominicaine et Cuba : Etat économique et société*, Editions l'Harmattan, 2011.
- Valle A., *La Havane- Babylone- La prostitution à Cuba*, Editions Métailié, 2010.



## Cyprus

- Population: 1.1 million
- GDP per capita (in US dollars): 30,670
- Presidential regime
- HDI: 0.840 (31st rank among 187 countries)
- Member of the European Union since 2004
- No national statistics on prostitution.
- Most common citizenships of the identified victims: Filipino, Romanian, Bulgarian, and Vietnamese (source: European Commission - period: 2009 to 2011).
- In 2010 Cypriot authorities reported the identification of 52 human trafficking victims and 26 victims housed in a secure reception center. In 2010, authorities distributed in the airports 40,000 cards of potential victims' identification.
- Regulatory country (doc. 11352 Platvoet report, Parliamentary Assembly of the Council of Europe)
- 6 NGOs are active against human trafficking: STIGMA, Cyprus Stop Trafficking, INDEX research and dialogue, KISA, MIGS (Mediterranean Institute of Gender Studies), and Pregnancy Care Center
- In October 2007 Cyprus ratified the Convention of Warsaw; it began to take effect in February 2008

Cyprus is essentially a country of destination. The existence of bars and cabarets gave the island the label of “fun and casino island” in the early 2000s.

In 2006, more than 4,000 “tourist” visas were attributed to young women coming from Eastern Europe. A great number of them were prostitutes according to the Commissioner for Human Rights of the European Council.

The situation of the Turkish enclave located north of the island is described, particularly by the U.S. Department of State report on human trafficking, as even more concerning. The report notes the presence of several dancing clubs and brothels where young Ukrainian and Moldovan women are confined. These women came to the island holding work contracts to be waitresses. No information regarding a prevention policy in the rest of that zone was found.

## **A juridical framework in constant evolution**

A law passed in 2000 banned human trafficking, but subsequent legal proceedings remained based on older texts repressing sexual exploitation. A first national plan was adopted in order to look after the victims.

A specialized service on the fight against human trafficking was created in 2004. The July 13<sup>th</sup>, 2007 law (87 (I) 2007) enacted the principal measures laid out by the Convention of Warsaw, leading to the nomination of a national coordinator (the Minister of Interior) and to the creation of a shelter for human trafficking victims.

International criticism against the regime of "tourist" visas strengthened the law against sexual exploitation with the adoption of a national plan covering the period 2007-2013.

## **A situation that remains critical for the victims**

The Rantsev decision of the European Court of Human Rights condemned Cyprus in January 2010 for its lack of effectiveness in protecting a young Russian victim of human trafficking. Though the system of "artist visas" was replaced in 2008 by a work permit system (performing artist), it had little effect on prostitution. Additionally, the new law required a demonstration of damage in order to attribute human trafficking victim status, thus considerably limiting the effective protection of potential victims.

The observers highlight the modesty of the efforts made in terms of prevention – that is, the absence of informational campaigns aimed at the local population, particularly to discourage the demand, and the necessity of associating NGOs with the intended awareness-raising campaigns.

Despite the aggravation of the maximum sentences incurred for infractions related to human trafficking (starting at ten years of imprisonment), the convictions remain scarce. Statistics for 2010 reveal 35 investigations of human trafficking networks leading to 57 suspects. Eight of these affairs were sent to the Court.

The GRETA assessment in September 2011 unveiled 23 propositions within the field of the fight against human trafficking by improving the dispositions of Law 87 of 2007, by thinking ahead to how the efforts would be evaluated, and by attributing supplementary means. The GRETA underscores, in particular, the absence of a judicial answer to the incriminations of the new law and the necessity of a training policy for anti human trafficking agents.

The U.S. Department of State report on human trafficking, published in June 2012, estimated that the measures implemented by the Cypriot authorities are still not sufficient, especially regarding repression and prevention. Considering the increase of the number of victims and the lack of effectiveness of the measures against human trafficking, the report included Cyprus in the category of countries in need of particular vigilance (tier 2 from the watch list).

## A situation denounced by NGOs

The analysis carried out by the NGO Mediterranean Institute for Gender Studies (MIGS) puts forth three difficulties<sup>1</sup>: the emergence of marriages of convenience (wife importing) that favors trafficking; the requirement of material proof of damage in order to be acknowledged as a human trafficking victim; and prostitution's evolution from brothels, to streets and massage parlors.

The commission of the European Council against human trafficking suggested, through its Recommendation CP (2011) 2, that the Cypriot authorities adhere to the GRETA's recommendations before September 2013, in order to amplify prevention and repression measures, and in particular to increase the vigilance of the "artist visas" system and to facilitate the identification of human trafficking victims.

## Still in the news

The press all throughout 2011 bore witness to the persistence of a very active prostitution market linked to human trafficking in Cyprus:

- The murder of a "wife" of convenience practicing prostitution<sup>2</sup> ;
- The liberation of three suspects, one of them being a police official incriminated by Chinese prostitutes<sup>3</sup> ;
- The detention of three Romanian women managing brothels in Larnaca<sup>4</sup> ;
- A Bulgarian prostitute, who came to Cyprus and received €2,000 for a marriage of convenience, and became involved in a prostitution network<sup>5</sup>.

Following up on the conclusions of the GRETA assessment will be crucial in order to gauge the progress achieved or on the way to being achieved by the Cypriot government.

## Bibliography

- Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, *Recommendation CP(2011)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus*, adopted at the 6th meeting of the Committee of the Parties, on September 26<sup>th</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- European Court of Human Rights, Case of Rantsev v. Cyprus and Russia, Application n°25965/04, First section, January 7<sup>th</sup>, 2010.
- GRETA (Group of Experts on Action against Trafficking in Human Beings), Council of Europe, *Report concerning the implementation of the Council of Europe Convention on Action*

<sup>1</sup> "Human trafficking increasing in Cyprus, says MIGS", *Financial Mirror*, November 25<sup>th</sup>, 2001.

<sup>2</sup> Evripidou S., "Man found guilty in screwdriver murder", *Cyprus Mail*, January 31<sup>st</sup>, 2011.

<sup>3</sup> Agathocleous J., "Police sweep uncover prostitution ring", *Cyprus Mail*, March 16<sup>th</sup>, 2011.

<sup>4</sup> Χειροπέδες σε τρεις Ρουμάνες για υπόθεση διατήρησης οίκου ανοχής, *Philenews*, September 1<sup>st</sup>, 2011.

<sup>5</sup> Hami N., "They never think it will happen to them", *Cyprus Mail*, October 22<sup>nd</sup>, 2011.

*against Trafficking in Human Beings by Cyprus*, First evaluation round, GRETA(2011)8, Strasbourg, September 12<sup>th</sup>, 2011.

- U.S. Department of State, *Trafficking in Persons Report*, June 2012.

- European Commission, Fight against Human Trafficking Website, Cyprus file:  
<http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Cyprus>



## Czech Republic

- Population: 10.5 million
- GDP per capita (in US dollars): 20,407
- Bicameral Parliamentary regime
- HDI: 0.865 (27<sup>th</sup> rank among 187 countries)
- Member of the European Union since 2004
- There are probably 15,000 prostitutes in the Czech Republic<sup>1</sup>.
- In the country, 60% of the prostitutes are Czech citizens. The average age is 26 years old. They are followed by Slovaks (12%), and Ukrainians (12%).
- 75% are assumed to practice prostitution in clubs, 15% in the streets, 4% in apartments, and 3% as escort girls. The rest is unknown.
- Prostitution is not illegal in the Czech Republic, but procuring activities and the management of brothels are prohibited.

The Czech Republic keeps a low profile when it comes to prostitution and sex tourism. Since the mid 2000's, the country has been debating which legal framework to apply to prostitution.

Several bills have been rejected by Parliament. In 2005, Parliament refused a bill which was aimed at legalizing prostitution through the introduction of licenses, taxes, insurances, and security controls for prostitutes.

That said, some priorities have already been announced, namely to combat sex tourism, child prostitution, and female-trafficking along the border regions. As a matter of fact, prostitution in the Czech Republic is a well rooted trade presenting different aspects: from brothels along the German border, to children destined for pedophile clients, to large prostitution complexes in the tradition of the Eros Center.

In 2011, news outlets thoroughly discussed these subjects, even as the sex market was forced to evolve as a result of the economic downturn. Prices decreased, the number of nightclubs diminished, and street prostitution disappeared giving place to prostitution practiced in apartments, which are cheaper than other venues. The sex trade was therefore affected by the economic difficulties, which explained the stabilization of the number of human trafficking

<sup>1</sup> « Česko Bruselu doplatí 5 miliard. Za prostitutky », *Lidovky*, November 21<sup>st</sup>, 2011.

victims and the increase in occasional prostitution. In the meantime, the political milieu focused again on the issue of legislation.

### **Political debate on prostitution: taxes and legislation?**

In August 2011, a lawyer proposed the introduction of a prostitution tax, following the model of the German city of Bonn, as a way of increasing the annual budget. According to him, prostitution would bring gains of \$570 million (approximately €431 million). It is indeed true that prostitution is an important financial windfall in the Czech Republic. In 2011, as a result of revised GDP estimates, including the grey economy, Czech citizens had to pay 37 billion Crowns to Brussels (approximately €1.5 billion) instead of 32.25 billion Crowns.

The tax project was supported by Jirí Rusnok from the Veci Verejné (public affairs) party as a basis for legalizing prostitution. He believed that the government should also get in addition to the sale of alcohol and tobacco some revenues from prostitution, an activity which is unlikely to disappear anytime soon. This would not only constitute a first national legal framework and an attack on organized crime, but would also avoid the creation of new taxes for citizens<sup>2</sup>. Jirí Rusnok believed that with the significant risks involved with prostitution, it would be unacceptable for the government to have no means to regulate the activity. Nevertheless, other coalition parties, ODS and TOP09, remained reluctant, arguing that the government should not get involved in procuring activities in order to increase the national budget. Prime Minister Petr Nečas (ODS) also declared himself opposed to all forms of legalizing prostitution.

### **Criticisms and reception of the bill**

Associations and the experts estimated that, in contrast with the other European countries, the bill did not take into account the rights of those practicing prostitution. Its purpose was only to fulfill the needs of the government and the municipalities by taxing prostitutes and making them culpable. Nothing was planned to protect them from violence nor the stigmatization linked to their status, and nothing in that bill granted them additional rights with respect to their customers. Issues such as well-being or male-female equality were not even mentioned.

According to Blanka Hancilova, analyst at the University of Vienna, the bill was above all repressive, particularly as it forced women out of the downtown areas, to be registered and to undergo thorough medical tests instead of looking for ways to reintegrate these women back into society. Hancilova added that granting medical certificates proving a prostitute's good health would paradoxically lead to an increase in STDs as reassured customers refused to use condoms. A study regarding the regulation issue was carried out by the association Roskoš bez Rizik involving 162 prostitutes; it showed the ambivalence of the prostitutes' position. The majority (108) did not agree at all with the legalization of their status, and 93 did not wish to let the municipalities choose the locations for prostitution (as this has to do with personal freedom and

---

<sup>2</sup> J. Rusnok website: <http://www.jirirusnok.cz/nazory/jsme-pro-zdaneni-prostitute>

because it could also facilitate the spreading of diseases). 127 did not consider it harmful to undergo a medical exam by a doctor.

The law also proved to be confusing with regards to the constant mutations of the sex market. Indeed, in the Czech Republic, as in several other European countries, massage parlors are often used as facades for prostitution activities. Meetings and details of the sexual service are set through the Internet, for a payment of 1,500 Crowns (€61 approximately). Prostitution, through social networking and the Internet, is thriving in the Czech Republic and raises the question of victim identification by authorities.

### **The persistence of prostitution along the German border**

The border between Germany and the Czech Republic remains one of the most significant places of prostitution despite measures implemented by cities like Cheb, Chomutov, and Komotau.

Chomutov has been experiencing serious problems linked to prostitution since the 90's, and in 2011, adopted a new municipal decree against the phenomenon. The decree came into force on January 1<sup>st</sup>, 2012. The previous decree which allowed pictures to be taken of customers' vehicles for security reasons, proved to be unsuccessful. Henceforth, customers can be prosecuted and forced to pay fines, as was previously the case for prostitutes. The Mayor's goal is to discourage the activity by qualifying the solicitation of prostitutes as an "offense", a denomination which would intimidate customers.

In Cheb, 2,500 prostitutes were assumed to wander the streets at night in search of customers coming from Saxony or Bavaria. The city's reputation got worse and worse, tourists disappeared, and the region suffered economically as a result. Therefore, German and Czech police forces began collaborating more closely to ensure the security of the citizens and to reassure tourists.

Despite the decrease in the number of adult prostitute customers, some experts were still denouncing the persistence of child prostitution along the border in 2011. According to Cathrin Schauer<sup>3</sup> from the KARO association, approximately the same number of minors, from babies to teenagers, were assumed to be prostituted for customers, mainly German, from 18 to 80 years old. The only observed evolution was the decline of prostitution in private spaces. These children come from a difficult background and they are sometimes encouraged, or even forced, by their large and poor families to sell their bodies. Most of them are victims of sexual abuse. Germany did not include this issue among its priorities and the Czech Republic still denies the facts, fearing the damages it would cause to the country's image. The Czech Republic's integration into the European Union only increased the vulnerability of minors because border control has diminished.

---

3 Cathrin Schauer published a book in 2003, *Kinder auf dem Strich*, that sparked a considerable controversy. At that time, the UNICEF denounced the Czech Republic as a paradise for pedophiles: up to 50,000 sex tourists were assumed to come to Bohemia to abuse 20,000 child prostitutes.

## Human trafficking and prostitution during an economic downturn

The Czech Republic is a country of destination and transit, and to a lesser extent, a country of origin. The victims of sexual exploitation come in large numbers from nearby countries that have a more modest standard of life, such as the Russian Federation, Slovakia, the Ukraine, Belarus, Hungary, and Romania. More and more women are assumed to come from Ghana, Honduras, and Brazil in order to fulfill a demand for "exotic" girls. A case involving Nigerian women who were being sexually exploited was even investigated in 2011. The Czech Republic committed itself into a three-year project (since June 2010) to better define human trafficking in all its forms, from forced labor to exploitation. In May 2011, Prague hosted an international workshop which included experts from the Netherlands, Bulgaria, Spain, and Belgium, along with the Czech police, investigators, officers, and judges. This conference tackled several topics related to human trafficking, such as the severity of the sentences and the impact of financial sanctions.

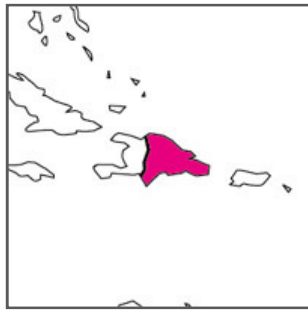
Czech women in turn are often sent to Germany, the United Kingdom, Sweden, the Netherlands, Austria, and Switzerland. The natives are often victim of a subtle psychological coercion, and their procurers take advantage of their lack of knowledge regarding their rights and foreign languages. The most vulnerable persons are those who lost their jobs in the Czech Republic, those threatened by an administrative expulsion, those socially excluded, those without a domicile, or those who are mentally disabled. All of them are at some point enticed by the prospect of generating quick cash – much faster than they could normally. For instance, in July 2011, the British police dismantled a gang which managed brothels and forced some 40 young Czech women (some of them barely adults) into prostitution. They were lured by false promises of well paid jobs and marriages. In 2011, among the 19 identified cases of human trafficking by the Czech authorities in their territory, 17 were cases of sexual exploitation.

Despite the diversity of these cases, the number of victims is assumed to remain stable and even showed signs of decreasing. Indeed, since 2010, some sectors offering sexual services are probably decaying because of the economic downturn and the lack of customers. The drop in demand and, as a result, the greater competition between prostitutes, leads prostitutes (including those that are married and those that are students) to practice their activity more frequently “on call” (that is to say, on demand), if the client is present, in order to make their monthly ends meet. All of this happens with the consent of the bar and venue managers.

## Bibliography

- « Experts: prostitution bill ignores sex-workers rights », *Prague Daily Monitor*, September 22<sup>nd</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Goldmann C. (interview by), « Les enfants sont devenus des victimes encore plus vulnérables, Interview from Cathrin Schauer, travailleuse sociale et présidente de l'organisation allemande KARO », *Fondation Scelles Infos n°9*, October 2011.

- Kabátová M., « Prostitutky předešly zákon, maskují se jako masérky », *Lidovky*, September 3<sup>rd</sup>, 2011.
- Malinova H., *Who are the sexworkers in the Czech Republic? or Selected information about SWS collected by NGO Bliss without risk (Roskoš bez rizika)*, Roskoš bez rizika, June 3<sup>rd</sup>, 2009.
- Schwencke S., « Kampf gegen Kinderprostitution », *CNE.magazin*, April 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- European Commission, Fight against human trafficking website, Czech Republic file: <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Czech+Republic>
- Project « *Discovering Trafficking for the Purpose of Forced Labour and Labour Exploitation or Uncovering Trafficking in Human Beings for the Purpose of Labour Exploitation or Forced Labour* », financed by the European Commission, <http://ec.europa.eu/anti-trafficking>



## Dominican Republic

- Population: 10.1 million
- GDP per capita (in US dollars): 5,530
- Presidential regime
- HDI: 0.689 (98<sup>th</sup> rank among 187 countries)
- No national official statistics on prostitution.
- Prostitution is not illegal; some seaside resorts seem devoted to organized sex tourism.
- La Boca Chica and Los Chulos are coastal cities with strongly organized prostitution.

The Dominican Republic is located on the eastern side of Hispaniola Island, the second biggest Caribbean island after Cuba. Haiti is located on the western side of the same island. The country is surrounded by the Atlantic Ocean and, in the south, by the Caribbean Sea. The Dominican Republic and Haiti share the following: European colonialism, American occupation, continuously corrupt political regimes, Catholic religion mixed with voodoo, a mixed Afro-European descent (more African than European in Haiti), serious public health problems, poor school enrollment, and weak agricultural production.

### **Human trafficking for sexual purposes and illegal trafficking of migrants: a concern for authorities**

Law 137-03, August 2003, references human trafficking for sexual exploitation as well as the illegal trafficking of migrants. In 2010, the constitution was amended to include the scope and application of this decree.

Prostitution is not illegal, some seaside resorts even specialize in sex tourism. The authorities are concerned by violence against women. A preventive victim protection order can be obtained from a judge by the family or friends of a potential victim. This ordonnance is mainly used in domestic violence cases, although unfortunately this measure remains ineffective due to the cultural and socio-economic situation in the Dominican Republic today.

## Haitian immigration

Migratory inflow coming from Haiti constitutes a major problem for Dominican authorities. As a matter of fact, the Haitian population in the Dominican Republic is officially estimated at 100,000 workers and their families for a total population of 10 million. This means 200,000 to 300,000 persons living in some 250 *bateyes* (villages of sugarcane cutters), divided in 16 *ingenios* (sugar refineries). The living conditions are terrible and the large majority of this group is illiterate. After the January 2010 earthquake in Haiti, authorities temporarily put aside restrictions regarding Haitian immigration, but later had to reestablish the restrictions because of the mass inflow of refugees in 2011. According to immigration authorities, in September 2011, 500,000 to 700,000 Haitians were assumed to be on Dominican soil. Only 5% of them were in possession of ID documents. This strong uncontrolled and uncontrollable immigration (with borders between the two countries being extended and porous), created an atmosphere of insecurity and extreme violence, as shown by murders of Haitian citizens and by the protests emanating from ordinary Haitian communities and students.

### *Restaveks and Lapouças*

Authorities have been worried by the uncontrolled movement of populations in trafficking, not only for sexual purposes, but also of isolated minors coming from Haiti. Indeed, isolated or abandoned children or orphans were wandering along the Haitian border. According to the Committee of experts from the United Nations on children's rights in Haiti, the sale of a child was believed to be negotiated for \$5 (€4.10). Often sexual slaves, the *restaveks* (boys) and the *lapouças* (girls) become swiftly dependent on drugs and find themselves in horrible situations of insecurity and violence from which they cannot escape. They end up part of a more organized human trafficking network towards Cuba. The Dominican Republic and Haiti both negate their responsibility in such a situation, placing the blame on the other country.

According to an Amnesty International Caribbean report published at the end of 2011, the Dominican Republic joined the International Labor Organization's (ILO) information campaign in order to put an end to child labor, in particular by basing itself on the 2003 law on human trafficking. Nonetheless, examples of child trafficking between Haiti and the Dominican Republic, often organized by networks, continues to multiply.

In February 2011, after a year of investigations, immigration services in the Dominican Republic dismantled a network of 10 traffickers who had forced at least 44 Haitian minors to beg in the capital. Babies were rented by traffickers for €6 per day (300 Pesos). At that time, Dominican NGOs estimated that, in their country, 25,000 minors were being sexually exploited "at a commercial level" while 436,000 minors were victims of forced labor.

*Diario Libre*, February 24<sup>th</sup>, 2011

Some individuals may also take advantage of parents' gullibility to exploit them in some way, as evidenced by the two cases mentioned by the Dominican police during a training session for law and legal service professionals.

### ***Children wandering in the streets***

An anonymous letter arrived at police services denouncing the following situation: "Jean P., an Haitian citizen lives with Juan Z., a Dominican in a house located in Santo Domingo, in the Los Alcarrizos neighborhood, and with more or less 20 children aged 6 to 15 years old. Every day, at 5:30am, the two men take the children in Juan Z.'s van and drop them off at the main crossroads of the road that cross the Santo Domingo National District, where they must remain until 7:00pm. At 7:00pm the men pick the children up and collect their money. This happens every day of the week without exception. The children do not see their parents or relatives anymore. A person called Clarence D., in Haiti, is assumed to have sold them for 12,000 pesos (€250) by pretending to take the children to a baseball tournament."

### ***Art photographs***

John S., a North American, lives in Boca Chica, a small touristic town in the Dominican Republic, where he devotes himself to "artistic" photography of young boys and girls, by paying their parents or the persons taking care of the children for rendered services. In reality, the children stated that John S. takes pictures and videos at his home of the children having sex with each other. He sells the material on the Internet through a website he created.

### **Family tourism and sex tourism**

With 4,139,300 visitors in 2011 (among them 530,000 Canadians), the Dominican Republic is the top tourist destination in the Caribbean. Tourist infrastructure developed swiftly with six airports and 60,000 hotel rooms functioning non-stop. While some beaches are catered to family tourism, such as Punta Plata or Punta Cana, sex tourism is present at other beaches. The main visitors are North American citizens followed by a large number of Europeans (Germans, British, French, Spanish), and more and more Asians (Chinese, Japanese, Koreans).

Sex tourism on the beaches is organized and controlled, either by local pimps (sometimes by members of the police or other authorities) and gangs, or by mafia organizations coming directly from Cuba. Places like Boca Chica or Los Chulos, and even larger cities like Santiago, are centers for organized sex tourism. Alarmed by situations in which very young girls were accompanying mature men, the Royal Canadian Mounted Police carried out an investigation which found a significant number of Canadian citizens implicated in such activities. At the end of 2011, following the investigation report, a campaign to denounce such activities was launched by television and Radio-Canada/CBC.

## External Human trafficking

In Haiti, and more precisely in Port-au-Prince, there are neighborhoods exclusively devoted to the prostitution of young women who arrived from the Dominican Republic following the 2010 hurricane. They were hoping to take advantage of the humanitarian aid windfall but, deprived of their ID documents by procurers, they ended up in brothels or on the streets of the city. As such, their customers are not tourists but local Haitians, Dominicans, Cubans, or South Americans.

Along the border between Haiti and the Dominican Republic, the word "clubs" actually means brothels established by procuring networks where women practice forced prostitution under extreme conditions. Denunciations are rare, but the excessive violence is such that it can push victims to react, most likely in order to protect themselves.

A Dominican citizen was remanded in custody by a La Victoria judge for being a member of a procuring network. He was forced to traffick Haitian and Dominican women for a brothel called "Club Pasi3n" located on the border between Haiti and the Dominican Republic. The case was revealed by three Dominican victims who could not bear the repeated violence to which they were subjected.

*Listin Diario*, April 19<sup>th</sup>, 2011

Haiti constitutes a hub for the trafficking of young Dominican and Haitian women towards Cuba; from there, they are sent to Europe, particularly Greece and Spain. This illicit form of trafficking is of particular concern to the Dominican authorities. Indeed, once caught in the nets of international mafia organizations for human trafficking, particularly well organized in Cuba, these women may be sent anywhere in Latin America, Europe, and Canada, individually or in groups, with false ID documents which alter the age of minors. In 2011, authorities estimated that 50,000 young women were victims of human trafficking.

The anti-drugs direction (ONCP) announced the arrest of "Franklin le Boss", a Dominican artist for whom the United States is seeking extradition for his role in a sexual trafficking case involving minors towards the US. The North Carolina government is accusing him of organizing, under constraint, the shipment of minors for prostitution.

*La Rep3blica*, April 14<sup>th</sup>, 2011

The 2003 law 137-03 against the smuggling of migrants and human trafficking is part of a broader project aimed at strengthening the coordination of the relevant authorities. As a result, the Inter-institutional Committee for the Protection of the Migrant Woman (CIPROM) was created by the 07-99 decree. In order to generate familiarity with the law and its applications, and

to encourage reflection on the rights and the protection of victims, sessions to raise awareness and train judges, justice practitioners and police, are organized at the *Escuela Nacional de la Judicatura* (National Judicial College).

### **A high-risk area**

The Caribbean zone which is made up of two islands and three countries, Cuba, Haiti, and the Dominican Republic, is home to a high level of human trafficking, organized and managed by international networks. Their representatives in the field are often only basic staff, recruiters, conveyors, and negotiators. Exploitation is also operated by individuals in the country, knowledgeable and wealthy tourists, or opportunistic locals taking advantage of the dramatic economic situations of people to infiltrate, occasionally or regularly, this human trafficking business.

The situation is all the more serious that, at the same time, corruption reigns, undermining even social, juridical, and political situations. Even if the Dominican Republic is willing to tackle the issue, their efforts will be in vain unless a coherent collaboration between all the stakeholders and the implicated countries is established.

### **Bibliography**

- Cacho L., *Trafic de femmes. Enquête sur l'esclavage sexuel dans le monde*, Eds. Nouveau Monde, 2011.
- Escuela Nacional de la Judicatura, *Trata de personas: Conceptos basicos para operadores del sistema de justicia, Sensibilizacion sobre Trata de personas*, June 8th to 16th, 2012.
- Fundacion Institucionalidad y Justicia inc (FINJUS), *Ley N° 137-03, sobre trafico illicito de migrantes y trata de personas*, 2004.
- Sauveur P.-E., *Haïti, la République dominicaine et Cuba : Etat économique et société*, Eds. l'Harmattan, 2011.
- Secretaria de Estado de la Mujer, Republica Dominicana, *Ley N° 137-03, sobre trafico illicito de migrantes y trata de personas*, 2005.



## Egypt

- Population: 82.5 million
- GDP per capita (in US dollars): 2,781
- Presidential regime
- HDI: 0.644 (113<sup>th</sup> rank among 187 countries)
- Member of the African Union since 1963
- No national statistics on prostitution.
- Prohibitionist regime.
- 40,000 "tourist" marriages counted in 2007.
- Anti-trafficking law passed in April 2010: it provides for sentences of at least 5 years of imprisonment and fines ranging from 50,000 to 200,000 Egyptian pounds (€6,300 to €25,200).
- Law 143 from 1994 of the Egyptian Penal code raised the minimum marrying age for girls to 18 years old.
- The law 58 from 1937 of the Penal code penalizes child trafficking.
- Creation in May 2011 of a regional shelter for human trafficking victims.
- Country of origin, destination and transit for human trafficking.

The absence of accurate data on human trafficking in Egypt does not allow us to adequately estimate the scope of the phenomenon. The country nevertheless used to be a Mecca for prostitution for several years. Egypt is often described as a country of transit. But in actuality it is also a country of origin and destination for human trafficking, as revealed by the 2011 U.S. Department of State report on human trafficking.

### **Egypt: a hub for human trafficking**

Human trafficking is steadily increasing, and younger and younger women are forced to prostitute themselves or become escorts to businessmen coming from the Persian Gulf. These women are blamed as the main cause of "sexual slavery" in Egypt. The petrodollars of the neighbouring Arab countries are perceived as a real lifebuoy while Egypt's economic prospects remain gloomy.

Egypt is a country of transit for human trafficking. This fact is revealed in several official reports. Many women from Eritrea, Sudan, and Ethiopia end up in Egypt, before being sent to Israel with the purpose of being exploited. Women coming from Eastern Europe (Moldova,

Ukraine, Russia, etc...) and trafficked in Israel have allegedly been seeking entrance routes other than Sinai lately. They enter into Egypt with a tourist visa and then are transferred to the border with Israel, through the desert of Sinai. Some 2,000 migrants - men, women, and children - cross the border each month through this important route.

Egypt is a destination for South East Asian women and men as well as for Africans. Victims of sexual exploitation are often asylum seekers or mere migrants, forced to prostitute themselves in Egyptian dance clubs.

Egypt is also a country of origin of human trafficking victims. This is particularly the consequence of a practice that is becoming more and more common in the country: seasonal marriages (in Arab: *Zawajmutaa*).

### **Temporary marriages or disguised prostitution**

Women and young girls, often coming from poor areas, are married to businessmen from the Persian Gulf in exchange for money. The "modus operandi" is the following: the rich tourists visiting Cairo, Alexandria or Luxor, engage themselves in this kind of contract for a period of some weeks (or even some hours) through the payment of a determined amount to the parents and marriage brokers involved in the deal. Once the wedding is completed, the husband disappears and returns to his own country, leaving behind his "wife" without any legal way of divorcing or any financial support. The luckiest of these "brides" are the ones able to get a divorce after some years by justifying the absence of their husbands.

The temporary marriage (also called seasonal) is a Shiite practice, criticized for a long time and declared contrary to the law by the Egyptian Sunni Orthodoxy. This practice made its appearance in Egypt in order to spare the tourists coming from the Persian Gulf from being bothered by the vice squad. Nonetheless, 93% of Egyptian Muslims are Sunni<sup>1</sup>. According to a study published in 2007, 40,000 temporary marriages were counted and led to the birth of 150,000 illegitimate children.

The practice of seasonal marriage lasts in the country because of the significant amount of money paid by the husbands and the desire of the women to escape from poverty and improve their living conditions. "There is an increasing trend of sexual and economic exploitation of minor girls through seasonal marriage, domestic servitude, and other forms of sexual exploitation and prostitution" said Joy Ngozi Ezeilo, Special Rapporteur of the United Nations on human trafficking, in April 2010.

### **Delusions in the midst of revolution: the virginity tests**

Unfortunately, there was no Arab Spring for Egyptian women. In the middle of the revolution, many Egyptian and international organizations rebelled against the practice of forced virginity tests, imposed upon women activists arrested during the demonstrations. While the

---

<sup>1</sup> Country's file (*Courrier International*): Sunni Muslims (93.2%, State religion), Copts (6.5%), Protestants (0.3%), Baha'is (50,000), Jewish (20,000; 70,000 in 1948).

government denied this practice, an Egyptian General stated in May 2011 to CNN that women arrested in Cairo were forced to submit themselves to virginity tests. This General justified the use of such abuse in order to prevent some female demonstrators for lodging a complaint against the soldiers for rape: "We did not want them to say that we violated them sexually or raped them, thus we wished to prove that they were not virgins anyway"<sup>2</sup>.

In December 2011, the judiciary authorities ordered the army to stop conducting forced virginity tests. The injunction emitted by the Administrative Court of Cairo favoured Samira Ibrahim. The young woman was forced to undergo a virginity test after her arrest during a demonstration in Cairo. Such a decision is unprecedented for this kind of affair in Egypt. It discredits the military institution whose reputation was already tarnished by the repression and the multiplication of arrests.

"Salwa Hosseini, 20 years old, indicated to Amnesty International that after being arrested and sent to a military prison in Heikstep, she was forced, with other women, to completely undress herself in order to be subjected to a body search by a female prison guardian, inside a room with two open doors and a window. During the body search, she added, the soldiers were staring at the room and taking pictures of the naked women.

The women were afterwards submitted to "virginity tests" in another room by a man wearing a white uniform. The women were threatened with being indicted for prostitution if they were not declared virgins"<sup>3</sup>.

### **Egypt strengthens its legislation on human trafficking**

A law against trafficking was passed in April 2010. This new law gives a definition of human trafficking very similar to that of the Protocol of Palermo and prohibits trafficking for sexual exploitation purposes. The law stipulates for individuals or groups implicated in human trafficking activities be sentenced to at least 5 years of imprisonment and fines ranging from 50,000 to 200,000 Egyptian pounds (€6,300 to €25,200). In addition, the law stipulates that the government must offer the victims medical and social assistance, and the necessary education to reintegrate them into society.

In response to the increasing phenomenon of child trafficking, the government introduced in 2008 some legislative amendments. Law 126 from 2008 updates Law 143 from 1994 regarding civil status and raises the minimum marrying age of young girls to 18 years old. A significant amendment to Law 58 from 1937 from the Penal code was also added, penalizing child trafficking.

In 2007, a National Coordinating Committee was created by a decree from the Prime Minister. It is a tool meant to coordinate the efforts related to the fight against human trafficking at a national level. The Committee has firstly the responsibility of strengthening the capacities of the penal power actors to apply the Protocol of Palermo. Secondly, it has the mission of

---

<sup>2</sup> Amnesty International, *Egypt: The confession regarding the forced "virginity tests" must give place to a judicial procedure*, May 31<sup>st</sup>, 2011.

<sup>3</sup> Amnesty International, *Egyptian female demonstrators were forced to take "tests of virginity"*, March 23<sup>rd</sup>, 2011.

implementing laws and a national plan of action for fighting against human trafficking. Finally, the Committee has the responsibility of implementing policies and programs of assistance aimed at protecting human trafficking victims. To this end, an anti-trafficking unit was implemented in December 2007 by the Ministry of the Family and of the Population with the purpose of tackling the child trafficking issue. This Ministry also organized training sessions and workshops aimed at raising awareness and strengthening the capacities of the several actors implicated in the fight against human trafficking. In July 2011, awareness-raising and training workshops for police agents were organized in Cairo by the United Nations Office against Drugs and Crime (UNODC).

On a more global level, Egypt adhered to a significant number of international tools regarding human rights. In March 2004, the country ratified the Protocol aimed at preventing, repressing and punishing human trafficking, in particular those regarding women and children. This Protocol is in addition to the United Nations Convention against international organized criminality.

### **A first shelter devoted to human trafficking victims**

In May 2011, the National Council for Childhood and Motherhood (NCCM) announced the creation, with the collaboration of the International Organization for Migration (IOM), of a regional shelter to rehabilitate and integrate human trafficking victims. It provides transitional housing, medical and juridical assistance, social and psychological support, and financial aid to the victims. The shelter address is kept secret for obvious security reasons. Those who criticize the inaction of authorities and the inefficacy of legislation regarding human trafficking are numerous. Nonetheless, despite the political upheavals of 2011, Egypt seems to have employed efforts to fulfill its international commitments, but has bumped into rooted cultural and social habits along the way.

### **Bibliography**

- Amnesty International, *Des manifestantes égyptiennes ont été forcées à subir des « tests de virginité »*, March 23<sup>rd</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Ngozi Ezeilo J., *Report of the Special Rapporteur on trafficking in persons, especially women and children, Mission to Egypt (from 11 to 21 April 2010)*, Human Rights Council, United Nations General Assembly, A/HRC/17/35/Add.2, April 15<sup>th</sup>, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.



## France

- Population: 63.1 million
- GDP per capita (in US dollars): 42,377
- Bicameral presidential regime
- HDI: 0.884 (20<sup>th</sup> rank among 187 countries)
- European Union founder member since 1952
- 20,000 prostitutes (according to estimations based on police sources)
- Abolitionist regime, repression of soliciting activities and of minors or vulnerable victims of prostitution.
- Country of destination from Eastern Europe, Western Africa and Asia.

In the aftermath of the 2010 debates that provided particularly important media coverage of the diverse aspects of prostitution, the year 2011 saw those debates intensified and renewed, essentially after the April 2011 submission of the Information Report of the National Assembly on Prostitution, written by Danielle Bousquet and Guy Geoffroy.

Its title is eloquent: "Prostitution: the responsibility requirement. Tearing down the myth of *the oldest profession in the world*." The report was accompanied by 30 propositions and put forth a global image of the French situation, enhancing the magnitude of the challenge for our society to fight against a prosperous worldwide scourge.

Ten years ago, another parliamentary report about "strengthening the fight against all forms of modern slavery," written by Christine Lazerges, had allowed the introduction of the offence of human trafficking into our legislative arsenal and highlighted the necessary role of associations in the assistance to victims of human trafficking.

The outlook, as described in the 2011 parliamentary report, corroborates the reality of the threat that the globalization of human trafficking imposes on France an increasing number of vulnerable persons and shows to what extent the trivialization of prostitution is at the heart of the debates sparked by the Bousquet-Geoffroy report.

Very often inspired by the Dutch, German and mostly Catalan examples that advocate a regulation of prostitution in establishments claiming status as commercial enterprises, but also in the wake of a cyber-prostitution showing increasing profits, the sex market had no other option than worrying about the perspectives opened by the parliamentary report.

The US Department of State 2011 report on human trafficking around the world is also very informative, since it shows that even if France remains high on the list of the "top students" in the struggle against sexual exploitation (Tier 1), it is strongly recommended they ensure the effective implementation of a thoroughly complete legislation on prevention, repression, and assistance to victims.

That observation shows to what extent the appearances of a juridical and judiciary system, completely in accordance with the abolitionist principles in effect since 1946 and compatible with international norms devoted to fighting against trafficking, could be contradicted by the profitable development of sexual exploitation in France in 2011.

That analysis has been continually fed by an observant media that studies all aspects of sexual exploitation and sketches the worrying boundaries of a market in the process of full diversification, searching for a reassuring image, looking forward to minimizing and even negating the criminal dimension of a merciless and degrading phenomenon for the weakest in society and their dignity.

In the very same media, a watchful reader could encounter ads for the creation of emblematic websites offering the services of maids wearing "sexy outfits," or the services of remunerated "girlfriends", in the same way as they could learn of murdered prostitutes in several cities.

The statements of a minority of elected political personalities advocating for the reopening of whorehouses in France or those of the Sexual Work Trade Union (STRASS) hostile to any kind of customer penalization could have made this same reader learn about the tattooing of the Romanian networks' victims in Montargis, or also about the increasing use of Internet social networks to recruit new victims.

Four topics have especially fuelled the debates constantly revived by the media news, henceforth omnipresent.

The first of these topics is, following the logic of propositions 1 to 4 of the parliamentary report, the question of **customer penalization** that has durably fed the debates and the controversies with the incentive of the main political parties' representatives, but also the involvement of the majority of feminist associations. The statements advocating for that penalization by the minister Roselyne Bachelot in April 2011, have fostered a public debate on the principle and on the terms of a legislative evolution, inspired by ten years of experimentation in Sweden. Public protests organized by persons working as prostitutes aiming to defend their customers were actually poorly followed, but as always, they received extensive coverage by the media. However, they have not curbed the increasing mobilization of the associations and personalities supporting this penalization. The foreign media interest for this French initiative has remained strong as well.

The second topic is the continuation of the debate on **sexual assistantship**, an especially persistent form of trying to trivialize prostitution based on solicited testimonies of people who themselves are very vulnerable. Nevertheless, the solid arguments and the firm answers of Public authorities on that matter have shown no ambiguity. For instance, the Solidarity and Social

Cohesion Minister has, many times, declared herself to be "firmly, formally, totally opposed" to resorting in any way to sexual assistants for disabled persons; mentioning, in the wake of the Bousquet-Geoffroy report, significant juridical and ethical difficulties such as the legalization of pimping that stigmatizes the disabled.

Another interesting element is the very sharp focus of the **media** on the more diverse forms of prostitution. At least their observations on the subject show some contrast. For example, the movie industry embodied by the Cannes Film Festival selection has given substantial attention to the fantasized or naturalist universe of past and modern prostitution. In the television, the topic of venal sex has been very present through French or foreign series drawing their inspiration on human trafficking and through documentaries describing the prostitution of students. The significant TV presence of the venal sex topic had the purpose of highlighting its picturesque and nostalgic aspects (the "Maison close" series<sup>1</sup>) or its modern and more sordid aspects (the "Engrenages" series<sup>2</sup>). In turn, newspapers and magazines in general circulation focused on modern forms of prostitution in 2011: *Capital* described the world of hostesses in January; *La Provence* investigated the prostitution milieu in Marseilles; *L'Express* wrote an article about the sexual assistants for the disabled in February; *France-Soir* mentioned the "sex tours" in March; *Marie Claire* focused on the "Prostitution and precariousness" topic in August; *Le Point* analyzed the student prostitution in October; and *L'Express* investigated Chinese networks in November.

Finally, the fourth analyzed topic was the magnitude of the revelations regarding the **Lille Carlton Hotel affair**. This episode constantly reanimates the media and researchers' curiosity for what appears to be a spectacular illustration of the collateral effects of a sexual exploitation initially depicted as a trivial affair of libertinism. The progression of the investigations will instigate reflections and debates on issues as diverse as the links between prostitution and corruption, the complexity of the cooperation between a country prohibiting the procuring and the same country tolerating "debauchery houses" and the addiction to violent sexual practices. But it will also instigate embarrassing debates on the relations between sex and politics and between prostitution and the police.

Beyond the generous source of media chain reactions on the prostitution phenomenon that this particular case has offered, the reading of press reviews devoted to the general news has shown that in 2011, our country experienced a generalization of prostitution acts with no boundaries in terms of places and forms. We are talking, for instance, of sharing different territories in the Bois de Boulogne, divided by criminal gangs that offer largely diversified "products" and services. Additionally these gangs make the effort to police their activities themselves.

We can also mention the generalized access to Internet, which increases the traffickers' safety in prostituting activities and attracts new clients in a more anonymous and reassuring way.

---

<sup>1</sup> « Maison close » is a television series created by Jacques Ouaniche, and distributed by the channel Canal Plus.

<sup>2</sup> « Engrenages » is a television series created by Alexandra Clert and Guy-Patrick Sainderichin, distributed by the channel Canal Plus.

During 2011, we also witnessed the generalization of soliciting activity through text messages, the misappropriation of social networks, the systematization of virtual exchanges in order to organize the routing of victims to their places of prostitution, the appearance of websites comparing the prices of services, and moreover the detection by hackers of websites initially created by persons aiming to prostitute themselves in an independent manner.

We also had the confirmation of the irresistible globalization of sexual exploitation after the dismantling of approximately forty criminal networks exploiting persons from very diverse origins and in places scattered over the entire French soil: Colombian victims in Carcassonne, Chinese and Ecuadorians in Paris, Nigerians in Bordeaux, Caen, Chambéry, Grenoble, Lyon and Strasbourg, Romanians in Limoges and Bordeaux.

The diversity of prostitution forms is bewildering: in the woods of the Bois de Boulogne or Fontainebleau, in massage spas in Limoges and Poitiers, in karaoke establishments in Paris, in private apartments in Chalon-sur-Saône, in tours of hotels nearby TGV stations departing from Carcassonne, in swinger clubs in Paris.

The variety of these situations and the severity of the harm done to the most basic rights of human being has generated important reactions among the different French abolitionist organizations. The latter have closely measured how the dynamics created by the parliamentary report had to imperiously result in effective public policy.

The coordination effort made by abolitionist organizations and French feminists, invigorated by the conclusions of the parliamentary report, has lead, after the organization of debates in Paris and in the rest of the country, to the "Abolition 2012"<sup>3</sup>. This petition has been signed by 37 associations and promoted under the initiative of the Amicale du Nid, the Fondation Scelles and the Mouvement du Nid.

A seminar took place at the National Assembly on November 29<sup>th</sup>. It prepared a parliamentary debate that led to, on December 7, a parliamentary resolution and the submission of a private bill aiming at making prostitution customers responsible for their actions and strengthening the protection of victims of trafficking and pimping activities.

The enactment of a new European directive on human trafficking was carried out on April 5<sup>th</sup>, 2011. The same year, on October 18<sup>th</sup>, the Fifth European Day for fighting against human trafficking took place in Warsaw. These events showed the expansion of the requirements in terms of prevention and assistance to victims. Those initiatives have confirmed that there is a risk that French politics may not be able to follow the flow in this matter, unless they decide to raise the existing means and to enforce a coherent policy linking help to the victims, punishment for traffickers, and customer penalization.

Despite the remarkable progress illustrated by the evolution of these regulations, the reiteration of general news items enhancing the extent of human trafficking in France and the weakness of the means devoted to fight the latter, show how much the gap between the good will demonstrated and the effective actions has increased in 2011. As a year undermined by a severe

---

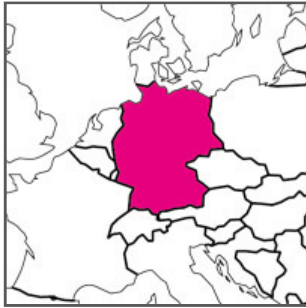
<sup>3</sup> <http://www.abolition2012.fr>

economical downturn, budgets devoted to associations dwindled and the number of specialized repressive service agents dropped.

The budget restrictions in 2011 affecting associations have therefore highlighted the weakness of the current infrastructure of assistance to victims of human trafficking. This situation can be somewhat explained by the lack of a coherent infrastructure at a national level, by a reduced partnership between the public and private sectors, by dwindling state subsidies and by the recurrent difficulties to bring awareness to the public opinion concerning the extreme vulnerability of victims and the urgency to provide them with protection and real opportunities of reintegration.

## Bibliography

- « Chloé, Morgane, Marie, étudiantes et prostituées pour étudier et “bien vivre” », *Le Point*, October 18<sup>th</sup>, 2011.
- « Handicapés, le plaisir, ça aide », *L'Express*, February 9<sup>th</sup>, 2011.
- « Les dessous pas très glamour du monde des hôtes », *Capital*, January 28<sup>th</sup>, 2011.
- « Marseille : le Jarret, royaume de la passe », *La Provence*, February 4<sup>th</sup>, 2011.
- « Précaires en France, elles se prostituent en Belgique », *Marie-Claire*, August 2011.
- « Prostitution chinoise : le tabou du proxénétisme », *L'Express*, November 26<sup>th</sup>, 2011.
- « Prostitution : la vogue des “sex tours” », *France-Soir*, March 23<sup>th</sup>, 2011.
- Bousquet D. (President), Geoffroy G. (Rapporteur), *Rapport d'information par la Commission des lois constitutionnelles, de la législation et de l'administration générale de la République, en conclusion des travaux d'une mission d'information sur la prostitution en France*, French National Assembly, n.3334, April 13<sup>th</sup>, 2011.
- Bousquet D., Geoffroy G., Ayrault J.-M., Jacob C., Sauvadet F., Cochet Yves, Buffet M.-G., Billard M., Zimmermann M.-J., *Proposition de résolution réaffirmant la position abolitionniste de la France en matière de prostitution*, French National Assembly, n.3522, June 9<sup>th</sup>, 2011.
- Bousquet D., Geoffroy G., *Proposition de loi visant à responsabiliser les clients de la prostitution et à renforcer la protection des victimes de la traite des êtres humains et du proxénétisme*, French National Assembly, n.4057, December 7<sup>th</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Lazerges Ch. (President), Vidalies A. (Rapporteur), *Rapport d'information par la mission d'information commune sur les diverses formes de l'esclavage moderne*, French National Assembly, n.3459, December 12<sup>th</sup>, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- European Commission, Fight against human trafficking website, France file:  
<http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=France>



## Germany

- Population: 82.2 million
- GDP per capita (in US dollars): 43,689
- Federal republic
- HDI: 0.905 (9<sup>th</sup> rank among 187 countries)
- Founding member of the European Union since 1952
- Approximately 400,000 prostitutes in Germany, 360,000 or 63% of whom are immigrants.
- 42% are Central European, 16% are Eastern European or Central Asian, 15% come from the Asia-Pacific zone, 8% from the Baltic countries, 8% from Latin America and the Caribbean, 6% from Africa, 3% from the Balkan countries, and 2% from the rest of Europe.
- Regulationist country.
- 150,000 prostitutes are registered and 250,000 are assumed to practice prostitution outside the official circuit.
- Approximately 28,000 male prostitutes (80% are immigrants) and it is estimated that there are 12,000 transgender prostitutes.
- Germany is the second largest market in the world for pornography, just after the United States.
- The law of January 1<sup>st</sup>, 2002 aimed to get women out of the gray zone through the signing of work contracts and the granting of social protection.
- Human trafficking affects mainly women coming from Eastern Europe, and, to a lesser extent, from Asia or Africa.

In the context of prostitution in Europe, Germany holds a specific place. Since 2002, the country has indeed legalized prostitution. It constitutes one of the largest sex markets of the continent and a primary destination for human trafficking. Ten years after the enactment of the law, what assessments can we make? First of all, we may note that this law has favored competition and therefore decreased prices. With the opening of Eastern Europe, the customer/prostitute relationship has indeed shifted in favor of the customer because competition has lowered the prices. This, in turn, has caused an increase in "flat-rate" prostitution offering unlimited plans and "happy hours" such as those in the famous "Pasha" of Cologne or in "L'Artémis" of Berlin.

Some have already spoken out against this system, denouncing the violation of human rights that it represents. We can also see that certain goals of the 2002 law, such as the improvement of working conditions for prostitutes and a decrease in crime, have not yet been reached. The news in 2011 proved this through investigations on the prostitution of German minors, on student prostitution and on bills aimed at controlling the brothels more strictly.

### **The dangerous links between the German business milieu and prostitution**

If Germany is famous all over the world for its outstanding economy and industry, this is no doubt because of the expertise of its businessmen and employees. Although official codes of conduct and rules are mainstream within companies, it is paradoxically very common to offer a special trip as a reward, encouragement, or bribe for male employees. These “incentives” consist of a leisure trip or soirée that includes sexual services paid for by the employer. An evening in a brothel with coworkers or business partners, at the expense of the company, is apparently common, especially during business fairs, no matter the industry or the hierarchical level of the employee. The ambiance is said to be more conducive to conclude business deals with the attendees in a relaxed environment. Even in the seventies, during business trips to Asia or Eastern Europe, sexual massages were habitually included in the program without shocking anyone.

Every spring in Hamburg, during the German maritime entrepreneurs fair, the establishments double the number of prostitutes. Some hotels offer rooms for €250 per hour, and 80% of the customers are businessmen, very often in groups of 5 to 6. These clients are not appreciated within the “red quarter” because they do not understand that girls do not comply with all of their requests although they pay for those services. Under the guise of a night’s stay in a hotel, prostitution paid for by a company credit card continues.

In 2005, a first scandal stirred up controversy when a Volkswagen director took advantage of a trip to Brazil at the expense of the company. In 2011, the issue of the transparency of business expenses arose again when it was disclosed that the insurance company Hamburg-Mannheimer had invited its best senior managers to Budapest in June 2007 to participate in a sexual orgy in the historical baths of Gellért. Twenty prostitutes were wearing red or white ribbons, the latter meaning that they were reserved for the best salesmen. After each meeting, the girls were stamped on the forearm in order to determine the ones that had been the most solicited. The cost of this soirée, approximately €83,000, was listed as “internal expenses” and even deducted from taxes. The company therefore took advantage of the absence of clear regulations on the fiscal status of the prostitutes, often designated as “multilingual hostesses” in the expense reports.

Utilizing agencies specialized in the organization of such soirées and foreign hotels already offering sexual services also allows them to cover their tracks. Nonetheless, these situations bring into question companies’ honesty with tax authorities. Other issues are also raised, such as blackmailing and corruption that can arise between stakeholders following these still taboo

soirées, and the company's reputation following the disclosure of such business trips to the public.

### **The shocking magnitude of student prostitution**

Despite a liberal legislation since 2002, prostitution is still considered marginal in Germany. This is the reason why the study "Nebenjob<sup>1</sup>: prostitution", carried out in 2011 by the Studienkolleg of Berlin, had huge media coverage. However, we must remain careful when dealing with the numbers, because the investigation is based on a reduced sample of 3,253 Berliner students while the German capital has more than 145,000 students. 3.7% of these 3,253 students reported that they had been or are still active in the prostitution milieu. Surprisingly, the number of men involved in such activity is similar to the number of women. 52.3% of 26 years-old masters' students are in a stable intimate relationship. Almost half of them are straight, 13.3% homosexual, and 37.9% bisexual. The range of their activities is large: SMS, porn movies, escorting, brothels or sadomasochistic studios for a wage varying from €50 to €300 per day or from €2000 to €5000 per week. Half of them practice classical prostitution and 40% of them escorting with sexual services included. Contacts are made through the Internet or in the establishments. A third of the interviewed students could imagine themselves involved in the milieu for financial reasons, for the quest of adventure or pleasure. They are estimated to charge approximately €930 per hour.

We must mention the fact that German students have been recently confronted with an increase in tuition and that it is quite difficult to find a job compatible with one's studies. Yet 30% of the interviewed students have debts, and only half of them get financial support from their parents. Some have noted the appearance of luxury prostitutes in Berlin looking to finance their PhD. Charging €1,000 per night, their image must be perfect, and they need to have a degree.

### **Concerns surrounding the prostitution of German minors**

Human trafficking implicates more and more young German victims: in 2010, according to a KOK NGO study, 81% of German victims were 21 years old or younger, compared to 56% of the victims with other citizenships. It is assumed that the percentage of victims aged 21 or younger has been continually increasing since 2004.

Aside from the 2002 legalization of prostitution in Germany, several other explanatory factors can be cited. Firstly, at age 18 one can engage in business and fulfill contracts even if prostitution is authorized only when one is 21. This age threshold and the expansion of monitoring and criminal activities also explain the elevated numbers. These young girls all have in common a lack of experience in life, innocence and rupture from their families. They are easily manipulated through the use of drugs or violence. Additionally, customers ask for young

---

<sup>1</sup> "Nebenjob" means "extra work".

prostitutes because they believe the risk of getting an STI is lower with them and therefore it is not necessary to use condoms.

These elevated numbers can also be explained by the emergence of the *loverboys* phenomenon in Germany. This phenomenon is already commonplace in the Netherlands. A *loverboy* is a young man who, by charming a young and fragile girl, will end up taking advantage of her naiveté and then resort to blackmail and violence to force her into prostitution activities and pocket the profits. The approach is usually the same. After having flattered and spoiled the girl, he asks her to shoot pornographic movies and videos so that he can test her limits and have a future way to pressure her. Afterwards he asks her to have sex with a "friend" in order to pay a debt. The girl, who until that point has been financially dependent on her *loverboy*, accepts because she feels she owes him. The German *loverboys* often come from the rock criminal scene such as the group "Hell's Angels". In 2011, in collaboration with Stoploverboys.nu<sup>2</sup>, the father of a victim from Dusseldorf founded "Elterninitiative für Loverboy-Opfer" (Parents' initiative for the victims of *loverboys*) in order to communicate and bring assistance. The deputies Regina Boos (FDP) and Ulrike Willing-Spielmann (CDU) have considered the possibility of raising the age of sexual consent, set at that moment to 18 years old<sup>3</sup>, and to look to the Swedish model of sexual education.

### **The German sex market, a hub for human trafficking**

In Germany, according to a study made by the NGO KOK, 80% of human trafficking victims are foreigners, mainly Romanian and Bulgarian and according to a report by *Bundeslagesbild Menschenhandel*, 96% are cases of sexual exploitation. The country is at the same time a source, a destination and, to a lesser extent, a final exploitation for human trafficking. The internal human trafficking of German women is significant. Germany constitutes one of the most profitable hubs for human trafficking activities in Europe. Before the fall of the Berlin Wall, the girls used to come from Poland or from the former USSR. Today, they come from even more distant countries and therefore owe larger debts to their smugglers: Eastern European girls pay an average of €1,500 to €3,000 while those coming from Asia or Africa pay €20,000. The number of minors forced to prostitute themselves is assumed to be increasing in Berlin due to the thriving of cybersex.

The young girls often practice prostitution under inhumane conditions. In March 2011, a lawsuit took place in Stuttgart regarding brothel tenants who were exploiting Romanians seventeen hours a day, forcing them to receive up to 70 customers. They were deprived of medical treatment. Human trafficking concerned all kinds of establishments such as those from a chain with locations in Berlin, Heidelberg, Stuttgart and Wuppertal that was offering "sex with all the women, as long as you want, as often as you want and as you want" through unlimited plans that also offered beverages and condoms. This deal was greatly appreciated by the customers. Reality, nonetheless, is completely different. Since 2004, ten young Romanians,

<sup>2</sup> Aid organization, in reference to the Netherlands.

<sup>3</sup> The age of consent was already raised from 16 to 18 in 2008.

coming from lower classes and aged 21 at the time, had been forced to serve up to sixty customers per day in "Pussycat" clubs. The tenants had also embezzled €2.7 million of social contributions from the young women. The girls initially had in mind a glamorous image of prostitution (a drink in one hand, the freedom of choosing their customers) and afterwards they could not afford to leave because the network had paid for their transportation.

### **Towards a more severe control of establishments in order to fight against human trafficking**

The authorities took several initiatives in 2011 to fight against sexual exploitation. A raid was carried out in 1,000 brothels in May 2011 in collaboration with Europol and 120 police officers from Cologne, Nuremberg, and other cities to look for Western African women victims of human trafficking. The ultimate goal was to identify victims and collect information about the traffickers. From the legislative point of view, a law in December 2011 envisioned the creation of a national hotline (expected to be effective at the end of 2012 or at the beginning of 2013) to report violence against women. In September 2011, a plan of action by the Bundesregierung for the protection of children and teenagers against violence and sexual exploitation was endorsed. It aims at combating child pornography and the sexual exploitation of minors abroad and at strengthening international cooperation to fight against child trafficking. In addition, the Ministry for Family Affairs has also implemented programs to help women leave prostitution, such as DIWA ("Der Individuelle Weg zur Alternative"). Launched in Berlin in March, it aims to train prostitutes, offering them professional qualifications and help.

The issue of the fight against human trafficking has been taken up by politicians (CDU/CSU/FDP) who want a regulatory project, in particular an obligation of authorization to open establishments and measures of protection regarding youth and young adults. Prostitution in private apartments and clubs must be prohibited. The CDU and the FDP wish to prevent forced prostitution and to require the victims to remain in Germany, particularly during judicial procedures. This is why prostitutes who cooperate with the police and judicial system receive an authorization to work, and under certain conditions, an unlimited residence permit. The Minister of Family Affairs, Kristina Schröder (CDU) has submitted the idea of a larger juridical engagement of the member countries to Cecilia Malmström, commissioner of the European Union. Regarding Germany, Schröder wants, as a first step, to prevent the granting of licenses for prostitution venues (hence indirectly targeting traffickers' brothels) and to authorize governmental monitoring. Baden-Württemberg was considering similar regulations: removing the ability of brothels to obtain an opening authorization and granting itself the right to shut down establishments in case of offences (forgery of documents, for instance) or suspicion of human trafficking.

Generally, these projects adhere to the decision of the Bundesrat<sup>4</sup> in February 2011 to regulate prostitution venues more severely. Since the 2002 law, prostitution is no longer

---

<sup>4</sup> The Bundesrat is the Federal Council gathering all the Länder. It has the function of advice and control for the Bundesregierung, the federal government in charge of the executive branch.

considered contrary to moral values, but its legalization has put a limit on the possibilities for police or juridical intervention, even when it comes to defending human dignity or preventing forced prostitution and human trafficking. The Bundesrat has asked the Bundesregierung, among others, for the requirement of an administrative authorization of prostitution venues, a prevention policy against STIs, possibilities of sanctions and the formal introduction of a law prohibiting the prostitution of minors.

### **Rent boys**

Human trafficking for sexual exploitation purposes in Germany also affects boys, coming mainly from Bosnia, Turkey, and Romania. Some victims from the Czech Republic, Poland, Russia, Brazil, and the Caribbean were identified as well. The principal actors of such trafficking are German men who tend to act in small groups instead of large organized criminal networks.

The demand for young men does exist, and it is this milieu that Rosa von Praunheim wanted to describe in the documentary "Rent boys". The movie, released in 2011, tells the story of 5 young male prostitutes, 3 Roma and 2 Germans. All of them have in common a modest social background, and they prostitute themselves in the Zoo subway station in Berlin, a Mecca of male prostitution. Usually straight and having experienced a difficult childhood (shelters, or orphanages), they practice prostitution to escape from poverty and to pay for drugs. 70% of these "rent boys" are Eastern European, mainly Roma. Within their communities and in their countries, homosexuality is looked down upon.

### **Bonn, Dortmund, and Frankfurt: three cities, three approaches**

Similarly to Frankfurt and Cologne, the city of Bonn decided in 2011 to impose taxes on the approximately 200 occasional street prostitutes, who are not easily tracked. The innovation comes in the form of an automatic machine that distributes a daily ticket costing €6 to the prostitutes, allowing them to exercise their activity 7 days a week and from 8 pm to 6 am. The amount is withdrawn independently from the money paid by the customers. With this strategy, the municipality hoped to compensate the decrease in the VAT (Value Added Tax) on hotel stays, backing the initiative with the argument of fairness in the tax system. Prostitutes without tickets receive a warning or fines up to €100. The city has announced having collected approximately €250,000 in 2011. But, in the end, cash influx is minimal because the placement of the boxes cost €120,000. In addition, security expenses up to €54,000 were also engaged.

On this issue, the city took the opposite strategy of Dortmund, who abandoned its system on May 14<sup>th</sup>, 2011. Dortmund had established a prostitution model located on Ravensbergerstrasse: lit streets, medical care office, and reception of the customers inside containers with a parking spot blocking the exit of the driver but not the exit of the prostitute, in case of problems. As a result, the number of prostitutes jumped from approximately 60 to more than 700, all of them drawn in by the fame of the system and the growth of the city's sex market. Most of them were Bulgarian and under the control of the Eastern European mafia, which in turn entailed the

expansion of illegal street prostitution and criminality. In order to stop this immigration, a city delegation even went to the Bulgarian city of Plovdiv, from which most of the women came, in order to try to understand why the families, often Gypsy, sent their daughters to the streets. The big issue was that the soliciting district was located in the middle of a residential area. Parents and schools had organized a petition that collected more than 5,200 signatures. Such a scenario indeed raised questions about the protection of minors and public order. The prohibition also aimed at sending a message to Bulgaria: street prostitution no longer generates profits. Women have since left North Dortmund (no more complaints have been registered) and the neighboring cities of Cologne and Essen now fear an influx of prostitutes.

Exploited Bulgarian and Romanian women are moved from one place to another according to the different legislations implemented and the local opinions. However, with the International automobile fair of Frankfurt approaching, the city decided to limit the soliciting zone. Since the eighties, approximately a hundred meters of the Theodor Heuss lane had been considered a zone of tolerance. But the number of prostitutes does not stop growing due to the expulsion from the other cities: at some moments during the day, there are sometimes more than 40. The fact that they place themselves in the middle of the road, outside the designated areas, and behave aggressively is a real problem. They also rent apartments, which has resulted in the expansion of the activity. Frankfurt intends to make the city unattractive for prostitution by strengthening police surveillance.

### **From prostitution to sexual assistance**

The legalization of prostitution brings a broader range of offered services. According to brothel owners, prostitution could be a response to the aging of the population. Certain establishments have made changes to receive this new clientele: facilitated reception, showers and adapted rooms, specialized staff, etc. Other establishments offer specialized services for the disabled. Such services are called "sexualassistentz".

### **Bibliography**

- « Booming sex trade begins to diversify », *The Local*, January 11<sup>th</sup>, 2011.
- Berndt M., « Für die Liebe auf den Strich », *Die Welt*, Novembre 13<sup>th</sup>, 2011
- Bundesministerium für Familie, Senioren, Frauen und Jugend, *Bundesmodellprojekt "DIWA" zeigt Alternativen zur Prostitution auf*, March 22<sup>th</sup>, 2011.
- Bundesrat, *Entschliebung des Bundesrates Stärkere Reglementierung des Betriebs von Prostitutionsstätten*, February 11<sup>th</sup>, 2011.
- Grabitz I., « Sex-Skandal: Bunga-Bunga für den deutschen Biedermann », *Die Welt*, May 22<sup>nd</sup>, 2011.
- Kubitscheck J., « Flatrate-Bordell-Zuhälter müssen vor Gericht », *Die Welt*, March 7<sup>th</sup>, 2011
- Mader F., « Dortmund gibt seinen Modell-Strich auf », *Focus*, May 5<sup>th</sup>, 2011.

- Müller-Güldemeister S., *Expertise zum Thema Deutsche Betroffene von Menschenhandel*, Bundesweiter Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess e.V. (KOK), December 5<sup>th</sup>, 2011.
- Neller M., « Familienministerin will schärferes Bordell-Gesetz », *Die Welt*, April 23<sup>rd</sup>, 2011.
- Neller M., « Regierung plant Genehmigungspflicht für Bordelle », *Die Welt*, May 24<sup>th</sup>, 2011.
- Saint-Paul P., « En Allemagne, les prostituées payent une taxe de trottoir », *Le Figaro*, January 24<sup>th</sup>, 2012.
- Schipanski D., *Studie « Nebenjob: Prostitution, Sexarbeit von Studierenden im europäischen Vergleich »*, Studienkolleg zu Berlin, ProjektEuropa, 2011.
- European Commission, Fight against human trafficking website, Germany file: <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Germany>



## Greece

- Population: 11.4 million
  - GDP per capita (in US dollars): 26,427
  - Parliamentary regime
  - HDI: 0.861 (29<sup>th</sup> rank among 187 countries)
  - Member of the European Union since 1981
- 
- 20,000 to 40,000 persons, women and children, are victims of sexual exploitation according to different sources.
  - 1,200 legal prostitutes possessing a license.
  - Prostitution and brothels are legal and regulated; article 347 of the Greek Penal code sanctions gay male prostitution.
  - A 2002 law against sexual exploitation exists (*Law 3064/2002 Combating trafficking of persons, crimes against sexual freedom, pornography of minors and the financial exploitation of sexual life in general and providing assistance to victims of such acts*).
  - Mainly a destination country but, to a lesser extent, a country of transit. Victims come from Russia, Ukraine, Lithuania, Albania, Bulgaria, and Western Africa (particularly Nigeria).

Today, Greece is the country of transit for a major part of the illegal immigration towards Europe. According to the European agency for the management of the operational cooperation in the external Greek-Turkish borders (Frontex), 90% of the illegal immigration towards the European Union is detected in Greece. Organized crime profits from this clandestine immigration to strengthen its presence in the Greek system of prostitution. It is actually becoming the main actor. Greece touches part of 2 out of the 5 main routes used by human traffickers in Europe: the Balkan road (from Albania, Bulgaria and Romania towards Slovenia, Hungary, Italy, and Greece) and the East-Mediterranean road (from Turkey towards Bulgaria, Romania, and Greece).

According to certain estimations<sup>1</sup>, 40,000 women and children (most of them between 12 and 25 years old) are assumed to be victims of human trafficking with sexual purposes each year in Greece. The NGO *A21 Campaign* mentions another number: 20,000 persons including 1,000 young girls aged 13 to 15.

---

<sup>1</sup> Winslow R. (Dr), A comparative criminology tour of the World: Greece, Crime and Society, San Diego State University <http://www.rohan.sdsu.edu/faculty/rwinslow/europe/greece.html>

In 2011, the NGOs revealed a boom in prostitution. Repression is sometimes trapped in the legal framework of the prostitution activity which complicates the closing of illegal brothels and fitness clubs offering sexual services. Heavily hit by a major economic downturn, Greece is also confronted with a disastrous sanitary situation due to several factors; among them illegal prostitution and a significant reduction in hospital funding.

The child prostitution market is also experiencing an accelerated boom due to its specific organization and clientele. Minors, victims of sexual exploitation, often come from Albania or are Roma with Bulgarian citizenship. According to some Greek NGOs, young boys coming from Afghanistan, Pakistan, and Somalia are also forced to prostitute themselves.

### **A popular culture inherited from Ancient Greece**

In Greece, political and social behaviors regarding prostitution seem to have ancient origins. In Ancient Greece, prostitution was institutionalized and brothels were "State brothels". Prostitutes were usually slaves, widows, and young girls abandoned by their fathers. The *hetaíra*, who can be compared to modern escorts, were also included in the ancient prostitution system. In those days, prostitution was the only way of earning money for those women.

Nowadays, certain aspects of the Greek prostitution system recall some features of the ancient times, such as slavery and misogyny. This can be observed in the over-representation of foreign persons in illegal situations among the ranks of the prostitutes in Greece. Intimidated by the criminal networks, they are treated almost like slaves. Only 1,200 prostitutes are assumed to hold licenses for legal prostitution. Victims of human trafficking native from Greece are rare though. Because of the economic downturn, two new kinds of prostitution are thriving: students prostitute themselves in order to pay their tuition and housewives in order to meet the needs of their families.

### **Illegality profiting from the legal framework**

Greece is one of the six countries of the European Union that chose to regulate prostitution. The law of 1981, regarding the protection against STDs, establishes the conditions for the issuance of installation licenses to prostitutes. This law established 21 years old as the minimum age required to enter into prostitution. No legislation from that time mentions sexual exploitation or procuring. In 2001, two years after the law prohibiting soliciting activities, a new legislation was implemented to clarify the regulations allowing the legal practice of prostitution. The certificate that authorizes this activity, is now issued to persons aged 18 or more who fulfill the sanitary and judiciary requirements (not having been convicted for certain determined crimes and offenses) and who have a specific status (single, widow, or legally divorced). Legality of male prostitution is being discussed because the article 347 of the Greek penal code sanctions, among other activities, gay male prostitution.

According to law, the location of a brothel must be at least 200 meters away from sensitive areas, such as schools. However, in cases of illegal brothels, the closing procedures are

extremely long. In Athens, ten orders of brothel closures were issued each month, but only 40% of these decisions were actually executed. In 2011, 387 illegal prostitution venues were shut down.

Among them there were 300 recidivists. Authorities observed that, while they are proceeding in the closure of an illegal brothel, three others are in the process of opening. Some prostitution venues function under the cover of fitness clubs and serve a clientele almost exclusively local.

The lack of appropriate legislation makes those places inaccessible to investigation. Additionally, with the recent economic downturn, police force budgets are dwindling which means fewer operations, fewer investigations, and therefore the identification of fewer victims. This is confirmed by the 2012 report on human trafficking produced by the U.S. Department of State. In order to respond to these difficulties, the different political actors and civilian organizations were discussing an amendment to the current law regulating prostitution.

### **Sexual slavery in modern Greece**

In a documentary broadcast in 2009 by the Franco-German TV Channel "Arte", a German prostitute highlighted the extreme poverty endured by foreign prostitutes exploited by criminal networks in Greece. Victims come from the former Soviet republics, from other Balkan countries, or from Africa (particularly from Nigeria). The countries where the victims are the most vulnerable to human trafficking are Bulgaria, Romania, Russia, and Nigeria. The rule according to which networks traffic their own citizens applies perfectly to Greece. Behind every network, there is a Greek accomplice whose social status is more elevated: a businessman or a lawyer for instance. Greek women are very seldom victims of human trafficking, either internal or external.

The submission methods are classic: violence and threats against families and close friends. Thus, the organization of the prostitution of Nigerian women for example, follows the pattern observed in France. Nigerians willing to work in Europe make a promise through a voodoo ritual, which consists in paying €60,000 for the "transfer". More than 100,000 Nigerians are forced to prostitute themselves in Europe in order to pay back the transfer expenses. They do not dare to confront their executioner because they fear the "evil eye" punishing their families.

### **Economic crisis, sanitary crisis, and demonization of the victims**

NGOs and sanitary authorities uncovered an explosion of prostitution that increased by 1,500% from the previous decade. The census of prostitutes shows that legal prostitution only represents 9% of the total prostitution in Greece. 75% of illegal prostitution involves foreigners, most of them victims of sexual exploitation. According to some estimates, one venue out of 700 has a license. These estimations remain extremely fuzzy however, due to the impossibility of authorities and NGOs to stop the venues not in compliance with the legislation. Profits from prostitution (legal or illegal) represent 0.66% to 0.76% of the Greek GDP, in other terms €1,419

to €1,634 billion. €1 billion is assumed to come from forced prostitution. According to observations made by the NGO *A21 campaign*, the three sectors that thrived in Greece during the economic downturn are loans on collateral, gambling, and prostitution. In 2011, the *Hellenic Center for Disease Control and Prevention* pointed out an increase of 580% of the number of HIV positive persons since 2010. 12.9% of those persons were foreigners. The main factors explaining the boom of that infection are the expansion of prostitution and the use of drugs.

Because of the economic crisis, beyond the increase in prostitution, Greek parliamentarians also noted a jump in suicide rates, from 25% to 40%. After monitoring 9 Athenian prostitution venues in May 2011, policemen and doctors came to the conclusion that a large part of the prostitutes were young women who immigrated for economic reasons. Prostitution in the streets increased considerably as well. Prostitutes are physically present everywhere in Athens and especially within a perimeter of 1.5 kilometers around the central Place Omonia.

According to police forces, the despair is so strong among prostitutes that they are capable of doing everything in order to ensure their subsistence. Married men or those living as couples represent the bulk of the unprotected prostitution clients. They are motivated to pay more money in exchange for unprotected sex. In the beginning of 2012, the HIV pandemic incited drastic reactions from authorities. They arrested several HIV-positive prostitutes. Contrary to the rules of privacy protection and medical confidentiality, the identities of those persons were disclosed to the media. The powerlessness of the Greek authorities faced with the sanitary crisis has led them to consider the possibility of sanctioning HIV positive persons who would have transmitted the virus. One question arises though, despite the social anger that is partially understandable: what is the real responsibility that could be attributed to those who, very often, are victims themselves of exploitation and who are in a situation in which their choices and intentions are not always their own? Their real status is indeed the status of victims.

## Bibliography

- Esson K., Kolano U., « Le plus vieux métier du monde », *ARTE*, 2009, 88 min.
- Frontex, « *Frontex deploys Rapid Border Intervention Teams to Greece* », October 25<sup>th</sup>, 2010.
- Koukakis T., « La prostitution en Grèce en chiffres », (*Η πορνεία στην Ελλάδα σε αριθμούς!*), *24h.gr*, March 5<sup>th</sup>, 2012.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- Vartelatou R., « La prostitution en Grèce », *Psychografimata*, May 14<sup>th</sup>, 2012.
- The *A21 Campaign*: [www.thea21campaign.org](http://www.thea21campaign.org)
- European Commission, Fight against human trafficking website, Greece file: <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Greece>



## Guatemala

- Population: 14.8 million
- GDP per capita (in US dollars): 3,178
- Unitary State with a Presidential regime
- HDI: 0.574 (131<sup>st</sup> rank among 187 countries)
- No official statistics on national prostitution.
- 15,000 minors, victims of the sexual exploitation trade.
- Prostitution of minors is forbidden but adult prostitution is legal. Procuring is prohibited.
- A law was promulgated on February 19th, 2009 against sexual violence, exploitation, and human trafficking (9-2009 decree).
- Country of origin, transit, and destination of international human trafficking.

Guatemala is the most populated country of Central America. Birthplace of the brilliant Mayan civilization, and then a Spanish colony, it became independent in 1821. In 1996, Guatemala emerged from an armed internal conflict that lasted for 36 years and led to the death of 150,000 persons; it resulted in 45,000 disappearances and 200,000 refugees in Mexico or elsewhere.

Mayans represent 50% of Guatemala's population. According to a report carried out by the "Instituto Nacional de Estadística" (National Institute of Statistics), called "Encuesta Nacional de Salud Materno-Infantil" (National Survey of Maternal and Infant Health), the reproduction rate is very high, reaching 4.2 children per woman in rural areas.

Because of the geographical location of the country and the deterioration of its economy, Guatemala is a country of origin, transit, and destination of international human trafficking. Within the country, networks recruit young women and children in rural areas in order to sell them in urban centers where there is prostitution. According to ECPAT Guatemala, they also transfer them from one region to another.

Sexual exploitation as a business is becoming more and more worrisome because of the ever growing number of minors who are victims. No official statistics provide an idea of the problem's magnitude. A 2008 study already estimated that 15,000 minors were victims of sexual exploitation in that country.

## Multiple causes for the sexual exploitation business

The patriarchal and macho culture reduces women and children to the status of objects or goods with the sole purpose of serving men. This phenomenon enhances the superiority of the man over the other members of the family. Such a cultural pattern has a destabilizing effect, particularly on the familial relations of the poorest social classes. Women are systematically discriminated against in terms of education and employment. According to the numbers mentioned by the National Commission against Child Abuse and Child Sexual Abuse (CONACMI, 2001), 7 out of 10 children suffer from physical, psychological, or sexual abuse.

Adult unemployment within the family forces boys and girls to adhere to activities that generate money but that drive them away from the family's protection<sup>1</sup>.

Threatened by poverty and extreme poverty<sup>2</sup>, some families - discriminated against and illiterate - prostitute their daughters from a very young age in order to ensure their daily survival. They sometimes put their daughters in the hands of foreigners who seduce them with the mirage of a well-paid job, but who actually lead them into the shady world of pimps and customers. The armed internal conflict (that took place from 1960 to 1996) led young Mayan girls (who used to be protected from such activities) into prostitution.

Organized crime is growing. Networks recruit minors, mainly girls. The exchanges between the crime, drugs, and prostitution milieus is noticeable.

The male demand for remunerated sex, even with minors, is widely socially accepted. In the slums, fierce prostitution of minors takes place involving very young girls, who are exposed to passers-by in the same manner as the older prostitutes. In the capital, the demand mainly comes from local customers.

## The status of prostitution in Guatemala

Prostitution is legal for adult persons but forbidden for minors. Procuring activities are prohibited.

On February 3<sup>rd</sup>, 2009, the Committee on the Elimination of Discrimination against Women (CEDAW) examined the measures undertaken by Guatemala in order to conform to the regulations of the Convention on the Elimination of All Forms of Discrimination against Women.

The Committee delegation indicated that the harmonization between the national law and the regulations of the Convention remains one of the biggest challenges for Guatemala. The advantage resulting from the enforcement of the "Congreso de la República de Guatemala"

---

<sup>1</sup> *Trata de mujeres, niñas, niños y adolescentes en Guatemala*, ECPAT Guatemala, July 2007.

<sup>2</sup> According to the results produced by the National Statistics Institute of Guatemala (INE, a 2006 investigation), poverty affects half of the population, i.e. 6.6 million persons. Among them, the investigation distinguishes two categories: the "poor" (4.6 million or 35% of the population) who can just feed themselves without being able to satisfy their other fundamental needs; the "extremely poor" (2 million or 15% of the population) who have no access to vital food resources. This category clearly suffers from starvation.

(Congress of the Guatemala Republic) law from February 19<sup>th</sup>, 2009 is best understood in this context.

The law of February 19<sup>th</sup>, 2009 against sexual violence, exploitation, and human trafficking (9-2009 decree) includes dispositions regarding prevention, care, protection, and repatriation of the victims in the framework of the restitution of their rights. This law constitutes an important progression in the fight against the sexual exploitation trade. The definition of sexual aggression was broadened and the sentences of the guilty persons were aggravated in accordance with the age of the victims. The *Secretariat against Sexual Violence, Exploitation and Trafficking* (SVET) was created in order to enforce the provisions of this law. The PREVET is the Program of Restitution of rights to the victims.

The active steps the victims are taking with the Ministry of the Interior, the courts of Justice, and the social services, are becoming better organized. The victims are accompanied and assisted in their suffering by a female doctor, by psychologists, and by educators. National funds were released allowing the opening of reception and care centers. Solicited international aids contribute to defining and implementing a future for the victims.

## **The daily life of prostitutes**

### ***Violence***

Guatemala is among the most violent countries in the world not in a state of war. Violence towards women is particularly strong. Practiced with total impunity, it is more and more frequently accompanied by cruelty and savage acts. Today, women are victims of extremely violent armed bands (called *maras* or *pandillas*) trying to get even.

Prostitutes are even more vulnerable because they represent an easy target for violence practiced out of sight: extortions, kidnappings, injuries, and murders.

In the whole world, because of the violence imposed by customers and procurers, a prostitute's risk of being killed is 78 times higher than the general population.

### ***Drugs***

An increasing number of prostitutes use hard drugs. Even if these drugs are illegal, passers-by could offer them to prostitutes in unrestricted retail sale.

Of course, some young people begin to consume drugs and then prostitute themselves in order to pay for their doses. Nevertheless, prostitution causes a strong consumption of alcohol and drugs (glue, crack<sup>3</sup>, cocaine, and medication). In certain bars, alcohol consumption is part of the prostitution activity in order to induce the client to consume, which in turn increases the profits of the tenant and the owner. Minors, because they usually have more customers, take drugs and alcohol in order to bear their own situation in such a sordid environment. Young

---

<sup>3</sup> Crack is a mixture of cocaine, bicarbonate of soda, and ammonia presented in the shape of small stones. Its consumption swiftly engenders a strong psychological dependence and an elevated neurotoxicity. There is no substitution treatment available.

prostitutes accept aged customers, usually wealthier, while older prostitutes whose rates are lower accept younger and penniless clients.

### ***The health risks***

Other dangers threaten the health and lives of the prostitutes: HIV/AIDS joins a list of other sexually transmitted diseases (STDs). This population, as it lacks the means to protect itself from contamination, fears HIV in particular. This could be due to a lack of information at their disposal or due to clients declining to use condoms. Numerous customers seek minor prostitutes because it is easier to have unprotected sex with them. Many minor prostitutes, particularly when they are under the influence of drugs, accept such relations to receive higher payment.

### ***Life conditions and prostitution in the slums of Guatemala City***

Prostitutes earn, according to their age and the services asked by the customers, 30 to 50 Quetzals per trick (€3 to €5). Procurers are usually women who prostitute themselves occasionally. The average number of clients per day is 10, and more for younger prostitutes. The oldest get 2 or 3 customers a day and find themselves in difficult economic conditions. All those persons have to pay the intermediaries who are the main beneficiaries of prostitution: the tenant, the pimp, and the bodyguard who protects them from potential extortion. Other considerations include food for the prostitute herself and her children, the babysitting if they do not live with the mother, the support given to other members of the family in order to meet their needs, etc.

Most of the prostitutes live in boarding houses where they pay rent daily. Some of them live in bars/brothels where their room is devoted to both receiving their customers and accommodating their young children. Those are sordid rooms, unhygienic, without windows and where children breathe drugs. All the fundamental rights of these children are violated: the right to a balanced diet, the right to health, the right to school attendance and education, the right to go out for a walk – and simply the right to life (without being beaten, insulted, abused, or raped).

An estimated 40% of mothers keep their children close to them. This percentage may be even higher because an effective evaluation is difficult: it is complicated to enter their rooms where the children are locked and hidden. Young prostitute mothers have generally given birth to 2 or 3 children. In rural areas, children are very often placed with a member of the mother's family, sometimes with a nurse, but this pattern of babysitting does not guarantee an appropriate treatment of the children because it is not regulated.

Despite the real and very recent efforts made by the government (creation of SVET and PREVET), prostitutes can be compared to slaves, trapped in dead-end situations. Abandoned and extremely vulnerable, they do not have the means to leave a world of criminal violence in which they are the major victims. It is impossible for the mothers to provide a promising future to their children who risk, in turn, getting caught in an infernal cycle if no significant measure is implemented. Such a bleak outlook constitutes a real threat to the country's future.

## Bibliography

- Amicale du Nid, *Corps et prostitution*, Seminar organized by Amicale du Nid, Centre hospitalier Sainte-Anne and Mairie de Paris, October 20<sup>th</sup>, 2011.
- Dubois H., Kleinschmager E., *Guatemala-Ciudad : l'enfer des enfants*, Reportage ARTE GEIE, France, 2009.
- ECPAT Guatemala, *Sistematización de esfuerzos investigativos sobre la explotación sexual y trata de personas de niños, niñas y adolescentes en Centro América*, November 26<sup>th</sup>, 2010.
- ECPAT Guatemala, *Trata de personas y explotación sexual*, Guatemala, 2010.
- Manz B., *Centroamérica (Guatemala, El Salvador, Honduras, Nicaragua) : Patrones de violaciones a los Derechos Humanos*, Alto Comisionado de las Naciones Unidas para los Refugiados, Sección de la Determinación del Estatuto de Refugiado y de Información sobre la Protección (División de Servicios sobre la Protección Internacional (DIPS), August 2008.



## Haiti

- Population: 10.1 million
- GDP per capita (in US dollars): 726
- Parliamentary regime
- HDI: 0.454 (158<sup>th</sup> rank among 187 countries)
- No national statistics on prostitution and human trafficking.
- No legislation regarding prostitution.
- Country of origin, transit and destination of human trafficking.
- Victims are mainly Haitian and Dominican, sent to Cuba and Mexico.

Located North-West of the island of Hispaniola, Haiti is the smallest and most populated territory among the three Caribbean countries. Essentially agricultural, it is particularly known for the utter destitution of the population and for the uncontrollable urban migrations undergone through insalubrious conditions, promiscuity and extreme poverty. As Haiti is the poorest country of the Americas, its economic and social difficulties are considerably more elevated than those of Dominican Republic or Cuba. For instance, Haiti has the highest illiteracy rate of the Caribbean.

The January 2010 hurricane that devastated the country, has created serious public health problems, decreased school attendance by children and diminished the already weak agricultural productivity. Despite receiving an aid never seen before, either international or from the Haitian diaspora, the country struggles to organize itself and to return to a semblance of balance.

### **The camps of displaced persons: a worrisome problem**

The situation involving camps has become very critical, because the government has launched a program aimed at closing them. According to Amnesty International, in July 2011, 600,000 persons were still living in camps and, according to the International Organization for Migration (IOM), 160,000 were expected to be expelled from those camps before the end of 2011. In November 2011, IOM counted 20,000 persons crammed into the Champs de Mars camp in Port-au-Prince, the largest and most populated of all the country's camps.

From April 2011, 7,000 persons have been expelled from the Sylvio Cator stadium where they had found refuge. All those migrations and the fear related to them, have given place to a swarming into several thousands of makeshift camps in the outskirts of towns, similar to

unhygienic slums without the necessary amenities. Those life conditions, made of destitution, malnutrition and diseases generate violence and rape (very often gang rape) against the youngest and more vulnerable persons. Another consequence of such a bleak situation is the appearance of prostitution for survival, for several young women and girls, many of them teenage mothers.

### **Rape and prostitution**

In 1995 the Ministry of the feminine condition and of women's rights, whose action mainly focuses on the fight against rape and violence towards women, was created.

According to law 285-04, a rape is considered an infraction. The 2005 statutory order has strengthened the criminalization of this infraction. As in Cuba, there is no specific legislation regarding sexual violence or prostitution. Nonetheless, a strong moral prohibition floats over prostitution involving minors. But it is somewhat ambiguous since the trivialization of the practice of slavery for abandoned children and prostitution for survival for young girls, contradict the principle. In such a context, there are no accurate numbers on prostitution, especially because of the disparity between the situations. In Port-au-Prince, there is a neighborhood devoted to prostitutes coming from Dominican Republic.

Two cases of particularly serious rapes have alarmed public opinion and given place to investigations and lawsuits against soldiers of the United Nations Stabilization Mission (MINUSTAH). Indeed, since 2009, more than 7,000 soldiers and 2,000 UN police officers stationed on the island, most of them South Americans, were scattered in the camps of Port-au-Prince and in smaller cities.

The first case was disclosed in July 2011 following the diffusion of a video showing five Uruguayan soldiers from the UN forces raping a Haitian male teenager. This rape was filmed by one of the soldiers who afterward broadcast the video through his cell phone. A complaint was lodged at the Court of Port-au-Prince. The five soldiers were sent back to Uruguay and sentenced in March 2012. Nevertheless, this tragedy has allowed the population to express their concerns with respect to both the outbreak of these acts and the passivity of the police authorities.

Soon after, two other Uruguayan soldiers were accused of having raped a nine year old girl in Port-Salut. The camp population protested not only against this crime, but also accused the MINUSTAH soldiers of having organized a prostitution network inside the camp. The investigation, carried out by the MINUSTAH services, did not seem to produce convincing enough results to initiate legal proceedings. Recommendations were given though to the police with the purpose of improving the camp populations' safety, and to the MINUSTAH officers to increase supervision of soldiers behavior inside the camps.

Apart from these two incidents, violence against women and young children had reached its peak. We must keep in mind that the populations living in those camps are among the poorest and most vulnerable in the country. They have no place else to go, no money, no food and no clothing. Crammed into tents which can accommodate up to 15 persons, they live in an unhealthy atmosphere of promiscuity.

## Concomitant movements with the purpose of rescuing the victims

### *Prevention and supervision*

In November 2011, following an outbreak of individual or gang rapes in which women of all ages were victims, several thousand men participated in a demonstration at the Champs de Mars camp in Port-au-Prince to defend women's rights<sup>1</sup>). Very suspicious towards the effectiveness of both the police and even more so, the MINUSTAH forces, Haitian men, with the support of the "Institut pour la Justice et la Démocratie en Haïti" (Institute for Justice and Democracy in Haiti) have established militias responsible for the camp safety. However, this action remains limited because of the lack of means and applies to only one camp in Port-au-Prince.

### *Support for victims: women's associations*

In the meantime, several women's associations are organizing themselves in order to help the young female victims of rape. Acknowledged and supported by the Ministry to the Status of Women and Women's Rights (MCFDF) and institutions, the *Komisyon fanm viktim pou viktim* - Commission of victim women for victim women<sup>2</sup> (KOFIVIV<sup>3</sup>) has multiplied its actions<sup>4</sup>. This Commission gives physical, psychological and material support to female victims of rape (exit from camps, housing, work, listening, self-reconstructive activities...). It has at its disposal a call center and organizes, among other initiatives, information and action campaigns such as the "emergence whistles" which consists of giving whistles to be used in case of sexual aggression to women and girls living in camps. However the Commission is experiencing some difficulties in reopening its medical clinic which was destroyed by the 2010 earthquake. The KOFIVIV has also implemented in hospitals in the metropolitan area, a support service led by female "community agents" devoted to assist victims of gendered order violence.

## The women forgotten by humanitarian aid

In its August 2011 report, Human Rights Watch (HRW) highlights the fact that women are "excluded from the process of reconstructing the country". This NGO has organized a meeting of associations against violence towards women, on the following topics: prevention, assistance and monitoring of the victims by civilians, representatives of the camps' authorities or by the police.

Because of the eviction process implemented by authorities, some young girls (sometimes as young as eight years old) prostitute themselves in order to buy some food and find a place in an overcrowded tent. Indeed, we must keep in mind that food distribution ended three months after

<sup>1</sup> Robson A., "Haiti: Men supporting women's rights", *The Guardian Unlimited*, November 21<sup>st</sup>, 2011.

<sup>2</sup> Robson A., "Haiti: Giving girls a way out", *The Guardian Unlimited*, November 21<sup>st</sup>, 2011.

<sup>3</sup> The KOFIVIV takes action mainly in the camp located Place Boyer, in Pétionville, a Port-au-Prince neighborhood particularly affected by gang rapes of young girls, lonesome women and even children.

<sup>4</sup> Palmiste C., Lefaucheur N., "Les violences envers les femmes dans la Caraïbe", *Pouvoirs dans la Caraïbe*, January 26<sup>th</sup>, 2012.

the earthquake. It is a prostitution for survival reasons, denounced by Refugees International and UNWFP (United Nations World Food Program).

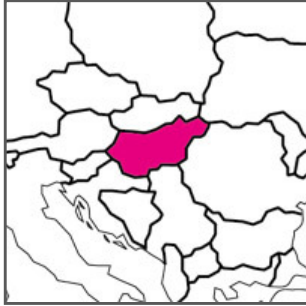
Despite the efforts of women's associations such as "Solidarite fanmayisyèn" - Haitian Women's Solidarity (SOFA) or the Center of Support to Development (CAD), the results are very limited, especially when compared to the gravity of the situation faced by women and young girls; stymied at the bottom of the social scale, and, in addition, suffering from the local macho culture.

### **The issue of the isolated minors**

According to a 2011 UNICEF report on the situation of children in camps, "the feeling of life or death emergency remains unchanged". The situation for girls remains worrisome and particularly fragile. Between the months of October and December 2011, *Radio-Canada* produced several monthly radio and TV broadcasts denouncing the conditions in which isolated minors live, wandering or confined in private homes belonging to individuals who have bought them from a trafficker. In Haiti, as well as in the Dominican Republic, these child slaves, without any rights or contact with the outside world, subjected to fierce systems of forced labor, and often victims of sexual exploitation, live an ordeal. In a structurally and morally-destroyed environment, in which immediate survival remains the paramount importance, and where an atmosphere of extreme violence towards the most vulnerable coupled with an overall corruption at all levels exists, it seems that there is nothing to stop the deteriorating situation for the 300,000 or more orphaned or abandoned children. The "garçons-resteavecs" (boys-resteavecs) or the "filles-loupaça" (girls-loupaça) are very often abandoned by institutions, family or charity associations that have scarce means and are overwhelmed by the diversity and the violence of those situations.

### **Bibliography**

- Amnesty International, *Rapport annuel 2012*, May 2012.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Human Rights Watch, *Nobody remembers us: Failure to protect women's and girls' right to health, security post-earthquake*, August 2011.
- Amnesty International, *Des centaines de familles haïtiennes ont été expulsées d'un camp de fortune installé après le tremblement de terre*, July 22<sup>th</sup>, 2011.
- Commission of victim women for victim women website (Komisyon fanm viktim pou viktim) : <http://www.kofaviv.org/>



## Hungary

- Population: 10 million
- GDP per capita (in US dollars): 14,044
- Parliamentary regime
- HDI: 0.816 (38<sup>th</sup> rank among 187 countries)
- Member of the European Union since 2004
- 52.5% of the population are women (Worldbank 2010).
- 9.7% of women were unemployed in 2009 (increasing proportion).
- Prostitution is legal since 1999 but procuring, owning brothels and prostitution in private apartments are prohibited. Prostitutes are tolerated as long as they pay their taxes and have legal documents attesting their activity.
- Since 1999, a division exists between protected areas (where prostitution is prohibited) and tolerance areas (where it is authorized). No official "red light district" in Budapest.
- The number of prostitutes in Hungary is officially estimated to oscillate between 8,000 and 10,000<sup>1</sup>. The main cause is extreme poverty.
- 25% of prostitutes in Hungary are immigrants. The majority of them operate indoors. Among them, a large number are Roma.

Following a similar pattern to the one experienced by all the satellite countries of the former USSR, Hungary opened itself to liberalism and subsequently witnessed the appearance of a clandestine economy with prostitution as the main activity. The whole sex market is profitable. Since 2006, calculations carried out by the Hungarian Bureau of Statistics show that prostitution and drugs increase the GDP by approximately 1%<sup>2</sup>. Additionally, putting a tax on pornographic websites is being considered in order to finance the national movie industry. The government has an ambiguous policy on this matter, somewhere between economic interest and a lack of social commitment. Hence, the stigmatization, the persecution, or the lack of interest of the authorities towards prostitutes and Roma minorities is frequently denounced. Prostitutes are often harassed and beaten by the police forces. The regime of Viktor Orbán, Minister-President (head of the government) is very conservative, and the Constitution promotes the importance of God and the family. The financial support granted to organizations assisting the victims was allegedly

<sup>1</sup> Dalos R., (2009) : « Prostitution in Ungarn », Frauenakademie de Munich, 2009.

<sup>2</sup> Leitner A., « Consumer basket moves with inflationary times », *Budapest Times*, January 25<sup>th</sup>, 2011.

reduced. This constitutes a paradox, as Hungary's economic downturn has caused many social damages and made some women more vulnerable to human trafficking and sexual exploitation.

### **Budapest, the "Bangkok of Europe"**

The nickname "Bangkok of Europe" calls to mind how much Hungary and, as a consequence, Budapest have become popular destinations for sex tourism. Budapest can even claim the title of "the sex capital of Europe" due to the activities related to that specific market, which are numerous and reputed to be cheaper than anywhere else. Several websites offer advice and descriptions of Hungarian girls in order to entice potential customers. The prostitution for truck drivers is frequent and well-known to such an extent that it has entered into the local culture: every year, one of the most celebrated carnivals in Budapest is the one of the "Truck drivers and whores" (Kamionosok és Kurvák). In addition, Hungary has a significant pornographic industry, which is often a complementary activity for prostitutes. The women, destined for tourists or executives, and coming mainly from Italy, Germany and England, are allegedly beautiful, well-educated and multilingual.

### **The case of the Hungarian prostitutes of Amsterdam**

Hungarian women are assumed to constitute an important community of prostitutes in the "red light district" of Amsterdam. 75 to 80% of the women come from Eastern Europe and the Magyars are reputed to be the cheapest. While Dutch regulations set the rates, the Hungarian prostitutes offer their services at lower fares and are therefore accused of devaluating the prices.

Following the murder of a 19-year-old Hungarian prostitute, the Dutch Parliament has considered the possibility of raising the legal age for prostitution from 18 to 21 years old.

In the occasion of a conference organized by the NGO Mona in September 2011 on the expanding phenomenon of the exploitation and trafficking of Hungarian women, Andrea Matolcsi unveiled the results of her investigation regarding Hungarians in Amsterdam.

According to those results, 75% of these prostitutes stated they chose that activity because of the difficult economic conditions they were living in. As Western countries have a higher standard of living, prostitutes working there can earn the equivalent of the Hungarian minimum wage in just a few hours. Only 10% of them are assumed to be forced by criminal networks. 89% said they were not happy to practice prostitution and 81% expressed the wish to return to their country before the end of 2011. Finally, 82% stated wanting to exercise another activity for a living.

### **The prostitution scandal of Hungarians in Switzerland**

In order to gather information for his thesis on the mobility of Hungarian prostitutes, the geographer Sascha Finger at the University of Bern made an investigation in Zurich which revealed astonishing facts. Of the 56 registrations in the official list of female prostitutes in Zurich, 55 were Hungarian. Those Hungarians were mainly sent to the Sihlquai neighborhood of

Zurich, but their arrival there was not linked to human trafficking activities. Indeed, most of them being Roma, they were pushed to prostitute themselves on the sidewalks by their relatives, fathers, uncles, brothers and even by their husbands. The money earned was destined to feed their large families. It would be difficult for these young women to leave prostitution because that decision would entail consequences for their families that function under a clan pattern. This is the reason why they do not recur to any judicial assistance and are stuck in a very precarious situation; they hardly speak German and remain at the mercy of the customers who refuse to pay or to use condoms.

Because of the strength of its currency, Switzerland is an important destination for prostitution. Discussions were in process in 2011 between the relevant governments to find a way to protect these young Magyars. As a matter of fact, the Swiss law was one of the last in Europe to authorize the practice of prostitution at the age of 16 years old. The Bishop István Szabò, from the Reformed Church, made a call to break the taboo on prostitution within the Hungarian Church and wrote a protest against the prostitution of Hungarian minors in Switzerland, particularly in Aarau. According to him, those girls were practicing that activity not by choice but because they were forced to. He received the support of Zoltan Balog, the Minister for Social Integration. The latter highlighted the fact that these girls were teenagers aged 14 to 15 who were introduced to Switzerland with false ID documents. Switzerland nevertheless replied that the situation of constraint had already begun in the country of origin and that Hungary should be considered equally guilty by the lack of efforts made towards the integration of the Roma community.

### **Mobilization against the prostitution of minors**

The reaction of Bishop István Szabò was to put this issue into the larger context of citizen initiatives to fight against the exploitation of minors. Indeed in June 2011, several organizations submitted to the government a petition comprised of ten points with the purpose of upgrading the penal code<sup>3</sup>. Their main goal was to draw the attention of politicians to the injustice of this form of prostitution, to the infringement of human rights, and to the serious emotional, psychological, and social consequences this situation entailed. These associations were looking forward to seeing procurers and customers punished, and to the implementation of programs devoted to the prevention, rescuing, protection, and integration of victims. The fight against child prostitution is therefore a priority in Hungary even though it is a relatively recent issue, concentrated in the urban zones. As of the end of 2011, the Hungarian laws were still too weak: the legislation did not consider sexual relations with 14-year-old minors as crimes.

In July 2011, the case of a 16-year-old girl, forced to prostitute herself by a 34-year-old man, who was beaten, raped, wounded, and filmed in pornographic conditions, was thoroughly treated by the media. She had already been arrested by the police, yet never complained. The police force did not appear to be concerned by the young age of this girl.

---

<sup>3</sup> Online signature on the website: <http://www.gopetition.com/petition/42744.html>

### **The high degree of vulnerability of Hungarians to human trafficking**

Like the other countries of Central Europe, Hungary has an ideal geographic situation for the origin, the destination, and the transit of women victims of human trafficking with sexual purposes. Women and minors are victims of a savvy system that prepares them in Hungary for sexual exploitation before their arrival to the sex market of Western Europe. Women are often the ones to manage the networks. For instance, the Court of Savone in Italy sentenced a Hungarian woman in April 2011 to four and a half years in prison for having managed illegal brothels in Albisola Superiore. That woman also used to recruit girls in her own country and bring them to Italy. In July 2011, five men were arrested in Szekszárd, suspected of trafficking and exploiting girls in Germany. The investigation began soon after the disappearance of women who were afterwards found in a German brothel.

They did not cash the money they made and their families were regularly threatened. The increasing number of Hungarian victims in Europe is a major contemporary issue.

| <b>COUNTRIES</b>   |  |
|--------------------|--|
| <b>Origin</b>      | Romania, Ukraine   |
| <b>Destination</b> | The Netherlands, Switzerland, Austria, Germany, Denmark, the United Kingdom, Italy, Norway, Spain, Ireland, Belgium, Greece, the United States, the United Arab Emirates |
| <b>Transit</b>     | Slovakia, Romania, Moldova, Poland, Ukraine, China   |

One of the specificities of sexual exploitation in Hungary is the historical importance of internal trafficking. Women from Eastern and North Eastern Hungary, the poorest regions of the country, are forced to prostitute themselves in the capital, around Balaton Lake, and along the Austrian border. The young Roma girls who grew up in national orphanages are also extremely vulnerable and very often among the victims. The traffickers often come from within the family, neighborhood, or among acquaintances; and, in order to recruit, they use false promises of well-paid jobs instead of violence. However, the constant threats towards the families remaining in the country of origin constitute an efficient and effective way of putting pressure on the victims.

The police forces are often accused of not being successful enough when investigating cases related to Roma victims. In addition, the authorities have quite a strict interpretation of the notion of human trafficking victims and the government does not yet fulfill the minimal standards to eradicate the trafficking, particularly in the field of the potential legal prosecutions.

### **Efforts towards a more organized fight against human trafficking**

The 2011 U.S. Department of State on human trafficking highlighted the significant efforts made by the Hungarian government. During the Hungarian presidency of the Council of the

European Union (January - June 2011), the fight against human trafficking was one of the priorities, and more specifically became an object of international cooperation. It was during this presidency, more precisely on April 5<sup>th</sup>, 2011, that the directive of the Council and the Parliament (2011/36/EU) regarding the prevention of human trafficking, the fight against that phenomenon, and the protection of the victims, was adopted (replacing the framework decision 2002/629/JAI).

Some local actions took place, particularly under the aegis of the NGO Mona, a foundation for the women of Hungary, that offers training sessions to combat human trafficking and forced prostitution. The ultimate goal behind these actions was to enable the social workers, the medical personnel, and the child protection staff to detect and help victims. Some sessions did occur with the support of the Jewish community and the Red Cross in order to better inform the public on the existing legal resources or on the most efficient ways of collecting the information.

In October 18<sup>th</sup>, 2011, an interactive website against human trafficking was launched by the Hungarian Ministry of the Interior. Its main purpose is to better relate the actions of all the stakeholders around Berta Krisztina, Ministerial Coordinator, and to have an online information database (advice, precautions to take before going abroad, signs of exploitation, etc...). On November 8<sup>th</sup>, 2011, the Ministry of the Interior participated, as a partner of the Romanian national agency against trafficking, in an integrated approach between countries of origin and destination initiated by the European Commission including Greece, Bulgaria, Cyprus and Macedonia.

## Bibliography

- Hogan T., « Hungarian prostitutes flooding to Zurich », *Budapest Times*, September 26<sup>th</sup>, 2011.
- European Women's Lobby, « Hungary - Conference addresses national and international dimensions of prostitution and trafficking », *Nouvelles du LEF*, September 30<sup>th</sup>, 2011.
- Mizsei B., « Kislányok, kisfiúk is áldozatok lehetnek », *MNO*, June 28<sup>th</sup>, 2011.
- Murmann K., « Familien schicken Ungarinnen auf dem Strich », *Sonntag Online*, September 17<sup>th</sup>, 2011.
- Nikoletta V., « Magyarország adja a legtöbb örömlányt Hollandiának », *Index*, September 23<sup>rd</sup>, 2011.
- Hungarian Ministry of the Interior against Human Trafficking : <http://thb.kormany.hu/index>
- Foundation for the women of Hungary : <http://www.mona-hungary.hu/eindex.ivy>
- European Commission, Fight against Human Trafficking website, Hungary file: <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Hungary>



# India

- Population: 1.24 billion
- GDP per capita (in US dollars): 1,489
- Federal regime
- HDI: 0.547 (134<sup>th</sup> rank among 187 countries)
- Prostitution is authorized, but brothels and procuring are illegal. Half of all prostitutes are concentrated to Andhra Pradesh and West Bengal, although New Delhi and Mumbai are important centers for this activity.
- Increased human trafficking for sexual purposes in India is coming from Nepal and Bangladesh to India. The Middle East, Pakistan, and Singapore are the main destinations for trafficked Indian women. Calcutta plays the role of market and Siliguri the role of gateway. Ninety percent of trafficked women in the country are destined for sexual exploitation.
- Pedophilia in Mumbai, Delhi, Goa, Puri, Kovalam (Kerala), and Mamallapuram (Tamil Nadu).
- There are assumed to be 2.8 million prostitutes scattered across the 31 States according to relatively recent official statistics (study of the Ministry for the Development of the Women and Child, 2002). There are probably between 500,000 and 1.2 million "Hijras" (men with a feminine identity).
- Women and children represent 71.4% of the Indian population (2001 census). Fifty-three percent of these women are between the ages of 15 and 49.
- The age of sexual consent is set at 15 years old for girls; there is no age limit for boys.

In contrast to other countries, the fight against prostitution in India is relatively recent and does not constitute a priority for the government as the victims of human trafficking and/or sexual exploitation are mainly women. As a matter of fact, the place of women within Indian society remains uncertain and not fully respected. In fact, in the Trustlaw study (June 2011), India ranked 4<sup>th</sup> among the most dangerous countries of the world for women. Also, the gender imbalance in the country remains as of 2011.

Prostitution in India reflects the image of the country's development; torn between commercial development and luxury, and extreme poverty. Thus, while the number of prostitutes is probably increasing in the sordid "red-light district" of Sonagachi in Calcutta, according to the associations, luxury prostitution is also expanding as was confirmed by the dismantling of a network during the Cricket World Cup.

## The increasing problem of sex tourism in India

Tourism is becoming a real industry in certain regions of India, and along with it is an upsurge in prostitution, particularly in Goa (a former Portuguese colony located on the southwest coast). The fight against pedophilia in Thailand has indeed pushed customers to seek out new destinations, and Goa appears to be an ideal alternative. Furthermore tougher action against dancing clubs in Mumbai has led to a shift of activities along the west coast.

To stem this phenomenon, a campaign promoting a code of conduct for tourists (adopted on July 1<sup>st</sup>, 2010) began in 2011, insisting on respect for the most basic of human rights, and aiming at the prevention of actions leading to abuse, such as prostitution, sex tourism, and sexual exploitation, in order to protect women and children.

Nonetheless, concerns and fear caused by an uncontrolled increase tourism is growing among stakeholders and local authorities. The stakes are high: each year Goa attracts approximately 2.4 million tourists, half of them coming from Europe. The image of the region, already tarnished by the sordid murder of Scarlet Keeling<sup>1</sup> in 2008, is becoming increasingly scandalous between prostitution, paedophilia, and drugs. Eastern European women, controlled by the mafia, already practice their activities in casinos, hotels, and local beauty salons.

This is the reason why the Archbishop of Goa called for a strengthening of the laws as well as zero tolerance for sexual abuse of children. The State police also announced its intention to continue with club raids in order to curb prostitution. Following the scandal caused by the Bollywood movie *Dum Maro Dum* in which an actress states that "women are cheaper than alcohol", the Shiv Dena political party demanded control over the scripts of movies produced or taking place in Goa. The government also decided to put an end to the use of vulgarity and obscenity while promoting tourism in Goa. We must note that tourists are as much foreigners as they are nationals, including women from favored social classes.

## The burden of tradition

Recently the question of prostitution inside temples was raised, particularly the Hindu system of "Devadasis"<sup>2</sup>. This practice still exists in Karnataka, Rajasthan, Andhra Pradesh, and Uttar Pradesh, but it no longer has a sacred meaning. It affects young girls coming from poor families whose parents sell their virginity, which hides the beginnings of sexual exploitation. Several generations of girls have been affected and endure the pressure of the community and their families, but also pressure from tenants who look forward to filling the venues of the city. Gradually some actions to remedy this tradition have been taken, such as commitment, in 2011, from *Slumdog Millionaire* actor Anil Kapoor to "Plan India" within the CNN Freedom Project, which aims at fighting modern slavery. In these regions, the average wage is \$1 per day (€0.70) while prostitution is estimated to pay \$20 (€15).

---

<sup>1</sup> A 15 year old British tourist drugged, raped, and murdered. Her mutilated body was found on a beach of Goa.

<sup>2</sup> Initially, these women were devoted to the service of the Gods from an early age (virgins between 5 and 9 years old, given to the priest of the temple) and whose eroticism was viewed as a form of art among others.

## Male prostitution and the transgendered

Male prostitution in India is twofaced. On one hand, there are the gigolos, whose numbers are increasing, and who hide their activity by pretending to give massages. On the other hand, there are the Laundas or Hijrahs who have a historical and traditional role in ceremonies where they dance to attract luck and fertility. The latter two, even though the recognition of a third sex does exist in Tamil Nadu<sup>3</sup>, are rejected by society. Without any access to employment or to government assistance, they are often forced to turn to prostitution or begging and therefore become the target of police violence as their status deprives them from judiciary protection.

Not fully institutionalized and still clandestine, male prostitution is expanding in India. This kind of prostitution already existed in religious Indian sites (Puri, Tirupati, Guruvayoor...) where, nowadays, boys are pushed by pimps to approach tourists or mature Indian pedophiles. According to Jasmir Tahkur from the NGO Samabhavana in Mumbai, between 8 to 12 boys, mainly from rural areas, arrive each month in accordance with festivals and farm work, in order to join the already 9,580 "masseurs" present. They know how much money they will make but not how. The average age of male prostitutes has decreased (to approximately 12 years old).

Young boys adapt to the mutations of Indian society, somewhere between sensuality (exclusively feminine in the past) and trade of the male body (smooth torso and shiny hair), inspired by Bollywood actors. Their customers are men, often businessmen or tourists, but not necessarily homosexuals. Some women, playing the role of *sugar mummy*<sup>4</sup>, also exploit the young boys. The competition between them is fierce because they are considered too old when they reach 25. Their life expectancy is estimated to be approximately 30 years old, lowered by STDs and HIV/AIDS.

AIDS constitutes a serious problem. Although the number of infected persons has diminished by half during the last ten years in India (0.31% of people over the age of 18), the contamination rate remains elevated among the homosexuals and transsexuals, particularly prostitutes (7.3%). This rate can be explained by a total and general ignorance: contamination between men is believed impossible, male prostitutes fear homophobia, and only 4% of the government budget is devoted to that group.

## Sustained efforts in rehabilitation and in the fight against prostitution

On May 5, 2011 India made a meaningful step by ratifying the Convention Against Transnational Organized Crime and its three protocols after 11 years. This constitutes a positive step for associations such as The Body Shop India and ECPAT which gathered signatures from approximately 300,000 people for their petition in favor of ratification. This was also a response to the threat of being downgraded to tier 3 (a country presenting serious problems) in the U.S. Department of State report on human trafficking.

---

<sup>3</sup> Naveen Kalia, « Flesh trade in Ludhiana continues unabated », *Times of India*, December 3<sup>rd</sup>, 2011.

<sup>4</sup> A mature man (*sugar daddy*) or woman (*sugar mummy*) who financially supports a very young female/male lover.

Significant progress has been made, mainly thanks to Indian justice agencies. These efforts were recognized by everybody, U.S. diplomats in particular, as revealed by WikiLeaks. Indeed, the US was impressed by the sentences and the orders to shut down brothels given by the Court of Justice of Mumbai, which is a hub for human trafficking.

Additionally, in July 2011, the Supreme Court ordered the government to identify volunteers to quit prostitution in New Delhi, Calcutta, Chennai, and Mumbai, to provide them with professional training in accordance with the principle of living with dignity and benefiting from the protection of the fundamental rights mentioned in the Constitution. Considering that poverty often leads to prostitution, the Supreme Court of New Delhi took the initiative of rehabilitating two former prostitutes into police officers after providing them with an adequate training program.

Rehabilitation is one of the most important goals for India. For former prostitutes, such a process is essential in order to get a voter card, documents, or a ration card. Often uprooted from their native regions, the absence of ID documents penalizes them by blocking access to public distributions of grain.

Different approaches are taken in different States. In the Delhi territory, almost 3,500 persons were rescued and 2,280 were professionally trained. Although 60% of them were HIV positive, that did not prevent 1,046 persons from becoming entrepreneurs and 321 others from practicing a trade activity. Karnataka (a State in the southwest of the country) disclosed its failure in rehabilitating 22,000 persons with the *Devadasi rehabilitation program*, many of them returned to prostitution. Out of the 750 trained women, 120 managed to become beauticians or hairdressers. In Tamil Nadu (a State in the south of the country), 3,800 persons were rescued, 70% were volunteers, but many were HIV positive, drug addicts, or mentally disabled. The procurers have efficient networks enabling them to follow the steps of the rescued person and to take them back before the rehabilitation process begins. The procedures take time and the absence of an answer makes the victims, particularly children, vulnerable to further human trafficking. Government assistance remains unequal from one region to the next, and is very bureaucratic. Accusing fingers were pointed at the government because the welcome centers for children rescued from the sex industry were shut down too often for administrative reasons. Today there are 318 housing centers in the country called "Swadhar", taken from the name of the program implemented by the Ministry for Women and Children Development devoted to the victims of sexual exploitation. There are also 238 operational hotlines.

### **Paradoxical positions in the Indian debate**

The government's position remains incoherent with respect to prostitution; it is somewhere between efforts to stem the phenomenon and government propositions acknowledging the usefulness of paid sex. In 2011, the Indian army employed approximately 200 female prostitutes under the guise of border security agents between Pakistan and India in the region of Kashmir, in order to satisfy the sexual needs of soldiers, who were supposedly prone to suicide and depression. And already in January 2011, Priya Dutt, member of Congress and daughter of a

famous actor, expressed the wish to regulate prostitution. However, in 2011, a government panel proposed the closure of brothels as a step towards the eradication of prostitution, the beginning of the victims' rehabilitation, and the dismantling of the women's trafficking network, which is a major factor of sexual exploitation.

### **The Asian hub of human trafficking**

The expansion of the sex industry in India was accompanied by an increase in human trafficking for sexual purposes affecting mostly destitute women and children. The procurers detect these migrant women, lost when they arrive by train or by road, and "help" them by offering them a job. Human trafficking affects all Indian villages, even the most distant. As an example, a case involving young girls, native of Jharkhand (in the north of the country), can be mentioned. Extreme local poverty leads to the luring young girls with false promises of work by mafia groups. Looking to escape domestic violence, 74% abandoned their education without graduating high school. In July 2011, authorities in Nagaland (another peripheral State in the northeast of the country) were concerned about increasingly frequent kidnappings of young native girls, following the arrest of a Korean tenant who exploited Naga women in Chennai for customers coming from his own country.

International human trafficking towards India particularly involves Bangladesh and Nepal. Repatriation procedures for victims exist with the two countries. Moreover, Nepal is one of the most important sources with 7,000 to 12,000 human trafficking victims per year, most of them girls between 12 and 20 years old. But the most astonishing aspect of sexual exploitation in India is the trafficking of white women devoted to fulfil an old Indian fantasy. Today countries of origin are mainly the former republics of the USSR, Ukraine, Azerbaijan, Uzbekistan, Georgia, Kazakhstan, and Kyrgyzstan. In July 2011, a raid in New Delhi led to the arrest of six Uzbeks who controlled women between 23 and 28 years old, and entered the country on tourist visas and heading towards Goa or Kerala for the week-end. Trafficking is often managed by citizens of the former USSR states. Another network of Uzbek and Kazakh girls was also dismantled in the same month in the capital. This network was managed by a female Central Asian procurer, married to an Indian in order to decrease suspicion and remain in the country. New Delhi is assumed to be a safe place for these young women because they can circulate there anonymously. Encouraged by their relatives to enter into the sex trade, the money earned is devoted to meet the needs of their family.

### **The complicated coordination of the national means of fighting against trafficking**

Confronted by internal human trafficking, Indian authorities try to organize themselves on different levels. In September 2011, during religious festivities in Guwahati (in Assam State located in the northeast of the country), police and NGOs were asked to closely monitor the population in order to identify potential victims, among the inflow of prostitutes during that time of year. Several women from the neighboring districts seized the opportunity to earn some

money to make ends meet after the monsoon and ended up becoming easy prey for the traffickers. In Varanasi, a transit site, the *anti-human trafficking cell* of the police evolved into a mechanism to prevent and combat human trafficking in coordination with Bangladesh, Nepal, West Bengal, and Bihar. 115 anti-human trafficking cells were created by the government. The *Women and Child Social Welfare Department* was planning to integrate those cells into its structure, evidence of a forthcoming larger collaboration. Nevertheless, the rescued victims do not always bring their testimonies to court. Most of them, not natives of the city where they were rescued, swiftly leave town. Before the judiciary process begins, it becomes impossible to find them.

The juridical tools to prosecute criminals such as the *Immoral Trafficking Prevention Act* or the *Bonded Labor Abolition Act* are not strong enough. This is the reason why, in 2011, the 2011-2016 Strategic plan aimed to strengthening the laws and moreover, making victims hotlines more easily accessible. In addition, a national action plan to prevent and combat human trafficking, particularly focused on women and children, was being developed. It brings together different ministries (Interior, Development of Women and Child, Employment...) and several commissions (human rights, women rights).

| <b>Distribution, according to region, of cases of trafficking in women affected by the <i>Immoral Trafficking Prevention Act</i> en 2010 (Ministry of Interior, 2011)</b> |        |
|---|--------|
| Tamil Nadu  | 22,7 % |
| Andhra Pradesh  | 21,9 % |
| Kerala  | 12,4 % |
| Maharashtra   | 12,2 % |
| Karnataka   | 9,7 %  |
| <i>Autres</i>   | 21,1 % |

### **Choosing prostitution in order to survive**

In April 2011, the first study regarding Indian female prostitutes was published. Of the 3,000 women surveyed, 65% came from poor rural areas. Half of the women were illiterate and 70% were Hindu. Poverty and lack of education pushes women to work very early on. By age of 6 to 10 years old, they are already given domestic tasks or some work in the fields, within the family framework. Afterwards they begin to practice prostitution between 15 and 18 years old, but the height of their activity lies between 19 and 22 years old. Nonetheless, prostitution is not an isolated activity but a complementary occupation destined to make extra cash and diminish instability. For instance, a street vendor may detect potential customers, or a dancer may agree to do more than just dance during a wedding... Women claim to have being forced into prostitution because making a deliberate choice to participate in such an activity leads to social

stigmatization. Yet, 73% of women held or had held other jobs were willing to prostitute themselves. Focusing on the ones who directly entered into the sex market, 69.5% did so deliberately, while 22.1% were forced, sold, or lured. The phenomenon may be explained by weak salaries and the limited profits in formal economy. The study confirmed the assumption of the Indian Ministry for the Development of Women and Children, according to which 40% of women practice prostitution due to poverty.

In Chennai (located in the south of the country), an Uma Ravikumar study revealed that out of 14,000 prostitutes, 70% were practicing prostitution without their families knowledge. Thus even if 80% of them want to quit prostitution, they refuse any kind of government rehabilitation by fear of seeing their revenues diminish and particularly of having to abandon their current and conventional professions (waitresses, street vendors, florists...). Thus they discard the legalization of prostitution, because they practice it in secret. Although they often come from low social classes, it was attested in Chennai that wealthy young women also practiced prostitution, but in such cases the goal was to garnish their bank accounts.

### **The Internet and luxury prostitution...**

In March 2011, a prostitution network with activities on a national scale, managed in Mumbai, was dismantled. The girls, most of whom were native of Mumbai, travelled from town to town and received a monthly salary. The procurers also offered the services of teenagers and students. Customers were allowed to take the girls out for 15,000 Rupees (approximate €216) a day, under the condition of treating them as their wives. Such a case confirmed the existence of a new form of the activity: luxury prostitution that is not confined only to sordid venues. In Chennai, this kind of prostitution looks like an organized business controlled by procurers, often young computer science professionals who know perfectly well how to use online tools, such as webcams and social networking, to attract new customers. The young prostitutes are not only minors coming from rural areas anymore but students, and even housewives. The system is regulated and includes contracts providing for their share of the gains. This kind of organized structure raises the question of possible acknowledgement of this activity by the government. Increasing access to the Internet also leads to an increased risk of children becoming victims of pedophilia.

### **The stake of children protection**

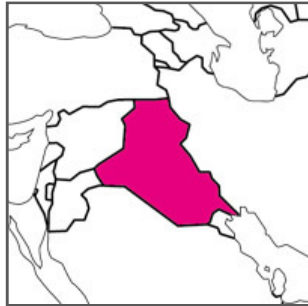
India has the most significant child population in the world. They are 423 million. 40% (approximately 170 million) are "vulnerable" or experience complicated conditions of life due to their economic or social situations. Poverty pushes some families to sell their sons/daughters or to let them leave in order to work in large urban centers, which turns them into easy prey for human traffickers. Each year, 44,000 children disappear, 11,000 of them for good. A large portion of these children are recuperated during police raids in the "red-light districts." Customers, tourists as well as locals, ask for very young prostitutes because they are afraid of

getting an STD from older sexual partners. Additionally, the belief that having sex with a virgin is supposed to heal the sexual dysfunction, is very common. The Ministry of Interior carried out a census in 2011 on cases of young girls sold for prostitution. 88.5% of those cases occurred in West Bengal. The sales took place in Calcutta in 42.9% of cases, and in New Delhi in 28.6% the cases. 100% of the purchases of young girls exclusively for prostitution occurred in the city of Pune (west of the country), and at a regional level, 66.5% of the purchase cases were linked to West Bengal, 34.6% to Maharashtra, and 3.8% to Jharkhand.

The 2011 reports on the Convention for the rights of children provided for an 11th five-year plan (2007-2012) aimed at, on one hand, improving the existing laws protecting children and, on the other hand, launching new plans for those working, trafficked, or vulnerable. The *Bill on Protection of Children from Sexual Offenses*, (devoted to clearly defining abuse and a severity scale for the sentences against sexual abuse and child pornography), was still not voted on at that time. The bill recommends the creation of a specific intra-state system regarding child trafficking so that the police can have access children that have disappeared elsewhere. Better cooperation with NGOs is advised. So is the training of judges and lawyers in order to better understand children, to allow a more efficient prosecution of those abusing minors, and enhance the links between the different services devoted to children. The 2011-2016 strategic plan also provides for the extension of the hotline 1098 for minors, created in 1996.

## Bibliography

- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Gautam S., « Oldest profession has no new solution », *Times of India*, November 8<sup>th</sup>, 2011.
- Ghosh D., « Another sex ring busted, Uzbek girls again in net », *Times of India*, July 26<sup>th</sup>, 2011.
- Johari A., « 70 % sex workers opt for prostitution », *The Hindustan Times*, May 1<sup>st</sup>, 2011.
- Kannampilly A., « L'Inde peine à combattre le sida chez les homosexuels et les prostitués », *Aujourd'hui l'Inde*, August 30<sup>th</sup>, 2011
- Mahapatra D., « Identify sex workers in metros willing to quit: SC », *Times of India*, July 20<sup>th</sup>, 2011.
- Mahapatra D., « Sex workets rehabilited as cops », *Times of India*, August 23<sup>rd</sup>, 2011.
- Indian Ministry of Interior, *Rapport annuel 2010-2011*, 2012.
- Ministry of Women and Child Development, *Rapport annuel 2010-2011*, 2012.
- Pillai G.K., *Significance of the United Nations Convention against Transnational Organized Crime (UNTOC) to address human trafficking - Interview with Mr G K Pillai, Union Home Secretary, Government of India*, UNODC South Asia, 2011.
- Rebello Fernandes J., « Male prostitution, it's common! », *Times of India*, July 13<sup>th</sup>, 2011.
- Sahni R., Kalyan Shankar V., *The first pan-India survey of sex-workers : a summary of preliminary findings*, April 2011.
- Sinha B., « Close brothels to end prostitution: Panel », *The Hindustan Times*, July 27<sup>th</sup> 2011.
- « Goa battles tide of sleaze », *AFP*, December 15<sup>th</sup>, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- National Crime Records Bureau : <http://ncrb.nic.in/>



## Iraq

- Population: 32.7 million
- GDP per capita (in US dollars): 3,501
- Republic
- HDI: 0.573 (132<sup>nd</sup> rank among 187 countries)
- No official national statistics on prostitution.
- 4,000 Iraqi women probably disappeared between 2003 and 2010.
- 50,000 Iraqi women are assumed to be forced to prostitute themselves in Syria (UNICEF, 2007)
- Article 37 of the Iraqi Constitution prohibits the trafficking of women and children and the sex trade as well.
- Country of origin, transit, and destination for human trafficking.

Obviously, the phenomenon of sexual exploitation of young Iraqi women did not start during the invasion of Iraq in 2003. However, in the wake of the chaos following the end of Saddam Hussein's reign, there was a significant increase in prostitution and human trafficking. Iraq is a country of origin, transit, and destination for human trafficking victims, mainly women and young girls.

The authorities have remained inactive on this matter, which in turn has led to the development of criminal networks, who seem to act with impunity and profit from the local chaos.

### Evolution in the aftermath of the 2003 conflict

For more than a decade, the economic sanctions against Saddam Hussein's regime caused a serious deterioration of the situation of the Iraqi people. This social and economic instability led some Iraqis, particularly single mothers and widows, to prostitute themselves for survival.

The invasion of Iraq exacerbated this already concerning situation, causing significant internal and external population movements. These forced displacements affected a considerable number of women and children that quickly became the target of sexual violence and human trafficking networks. In 2003, UNICEF indicated that the conflict had increased the number of children living in the streets of Baghdad. These children are potentially confronted with human trafficking and sexual exploitation.

On a national scale, solicitation venues have proliferated since the beginning of the conflict. Brothels opened their doors in the country to satisfy the demand from U.S. personnel and troops in particular. Beauty parlors, restaurants, dancing clubs (legalized in Baghdad in 2009), and entertainment venues in general are all spaces in which young women are sexually exploited. An increase in forced prostitution was noticed in the city of Tikrit as well, where girls between 15 and 22 years old, coming from Baghdad, Kirkuk, and Syria were sold to traffickers for amounts ranging from \$1,000 to \$5,000 (€800 to €4,000 approximately).

### **The *modus operandis* of trafficking networks**

The trafficking networks find young women in Iraqi provinces. Later, they are sold to the traffickers, sometimes married by force to their torturer with the support of their families. Victims are mostly isolated women that have fled their families due to conflicts or abuse. They are usually kidnapped in public places before being sold by traffickers in Iraq or in the neighboring countries.

Intermediaries are used to push the young women into the nets of the mafia networks. Taxi drivers detect potential victims and may drag them into the hands of the traffickers. Young men are also recruited by the networks to lure the victims.

Lastly, the Iraqi NGO *Organization for Women's Freedom in Iraq* (OWFI) indicated that traffickers are very often women in Iraq. Some of these women were themselves sexually exploited. The rest of them just want to benefit from quick windfall profits. Traffickers do not hesitate to directly approach needy families.

### **Young Iraqi women sold by human trafficking networks abroad**

The NGO OWFI estimated approximately 4,000 Iraqi women disappeared between 2003 and 2010. Around twenty percent of them were minors at the time. In the last few years, reports on human rights in Iraq have revealed the alarming situation of thousands of Iraqi women forced to prostitute themselves in Iraq and neighboring countries. As a matter of fact, tens of thousands Iraqi women are assumed to be trafficked in Syria and Jordan, main destinations for human trafficking victims, but also in the United Arab Emirates, Saudi Arabia, Kuwait, Lebanon, Yemen, and Turkey. 50,000 Iraqi women are assumed to be forced to practice prostitution in Syria alone.

These neighboring countries have liberal policies regarding refugee visas. They are usually subjected to work restrictions. This precarious situation encourages women to sell their bodies in order to survive if their own families do not already sexually exploit them.

A report produced by the NGO SCEME<sup>1</sup> under the title of *Karamatuna* ("Our dignity") emphasized the fate of young female Iraqi refugees trafficked abroad:

---

<sup>1</sup> The NGO Social Change Through Education In The Middle East (SCEME), based in London, promotes the rights and freedoms of women and children in the Middle-East and in Northern Africa.

- Leyla, 14 years old: her own mother, in financial distress, sold her to procurers from Damascus. The young girl was forced to work as a "waitress" in a night-club known for offering paid "pleasures".
- Nada, 16 years old: she was left at the Syrian border by her father, and later trafficked in Damascus where she was raped by five men. Afterwards, she was sold to a madam who forced her to prostitute herself in clubs. Recent news of Nada reported that she was detained in a protection center, waiting for repatriation.
- Suha, 17 years old: her mother sold her to an Iraqi gang after her father was killed. Once in Jordan, the young girl was raped by four men. An Iraqi family saved her from her ordeal and helped her to get a new passport. Suha succeeded in leaving Jordan and returning to Iraq.

### **Temporary marriages or disguised prostitution**

Temporary marriage (in Arabic: *zawaj muta'a*) is going through a process of liberalization in Iraq. Young Iraqi women are married to tourists coming from the Persian Gulf in exchange for money. This kind of engagement lasts for a few days, or sometimes months before the return of the husband to his own country<sup>2</sup>.

Like in Egypt, the number of temporary marriages intensifies during summer when the tourists arrive. The men take advantage of these temporary marriages to sexually abuse their so-called "wives".

### **The increasingly attractive Kurdish region of Iraq**

Historically, the Kurdish used to migrate to the South of Iraq in order to find jobs. Now these flows are inverted due to the economic boom in the Iraqi Kurdistan. Women coming from southern cities like Baghdad seek refuge in the Kurdish region. They mostly resort to prostitution because it is the only way of survival for isolated women who do not speak Kurdish. Some economic migrants from Africa and Asia are also forced to prostitute themselves in the region.

### **Very few efforts made to fight the crisis**

Iraqi authorities have experienced difficulties in finding solutions to the issue of human trafficking. In Article 37, the Constitution prohibits the trafficking of women and children and the sex trade as well. But aside from this constitutional disposition, no effort has been made to fight against human trafficking.

Iraqi authorities have not taken adequate measures to identify and prosecute the traffickers. In addition, they have been completely unable to protect the victims of human trafficking. Moreover, they very often arrest them for offenses related to their situation as victims (prostitution...).

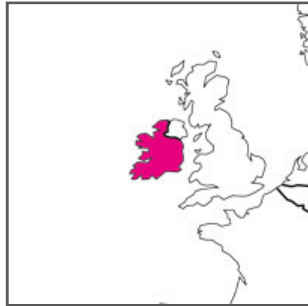
---

<sup>2</sup> For more information, please refer to the Egypt file.

Ethnic conflicts are extremely common in Iraq. Because of a tense internal situation caused by the withdrawal of the U.S. troops in 2011, Iraq has not taken meaningful action (or does not take any action at all) to fight against the trafficking networks operating with impunity in the country. Tens of thousands of Iraqi women continue to suffer from human trafficking inside and outside the borders of their country.

### **Bibliography**

- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Gimon M., *Iraqi adolescent girls : voices to be heard*, UNICEF Syria Country Office, Damascus occasional paper no1, August 2007.
- Social Change Through Education In The Middle East (SCEME), *Karamatuna. An Investigation into the Sex Trafficking of Iraqi Women and Girls in Syria and Jordan*, Paper prepared for the Women Solidarity for an Independent and Unified Iraq Conference, April 9<sup>th</sup>, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- United Nations Assistance Mission for Iraq (UNAMI) Human Rights Office, Human Rights Office of the High Commissioner for Human Rights (OHCHR), *2010 Report on Human Rights in Iraq*, Baghdad, January 2011.



## Ireland

- Population: 4.5 million
- GDP per capita (in US dollars): 48,423
- Parliamentary regime
- HDI: 0.908 (7<sup>th</sup> rank among 187 countries)
- Member of the European Union since 1973
- Approximately 1,000 prostitutes, of whom 97% are immigrants.
- The transaction "sex in exchange for money" is legal but only if the prostitute is not a human trafficking victim. Other activities such as soliciting are not legal. All kinds of exploitation of minors under the age of 18 years old are illegal. Furthermore, human trafficking for sexual purposes is illegal.
- Country of transit and destination for human trafficking victims. In some cases, country of origin of victims. In general, country of origin of sex tourists.
- The recent government actions indicate a tendency to follow the Swedish model by criminalizing customers and by decriminalizing victims.
- More than half of the human trafficking victims in Ireland come from Nigeria. The other victims come from several Eastern European countries, Asia, and Africa.

Until recently, Irish citizens and the government ignored the existence of sexual exploitation such as prostitution and human trafficking. Some years ago, the former Minister of Justice Brian Lenihan stated that "there is no evidence of a major problem of human trafficking in Ireland." Nevertheless, the economic downturn and an increasing number of immigrants contributed to an exponential growth in the number of sexual exploitation cases. The *Gardai*, the Irish police, had no choice other than to confront the issue. The government began to analyze the different legislative systems around the world in order to establish a way to combat human exploitation. Despite these initiatives, certain minorities are still either victims of discrimination or run a high risk of becoming one.

### The first steps towards the Swedish model

In 2011, Minister of Justice of the Republic of Ireland, Alan Shatter published a report analyzing the Swedish system. He was previously invited to visit Sweden by the *Dignity Project*, a project managed by the *Immigrant Council of Ireland* (ICI) and financed by the European

Union, in order to analyze the methods of assistance offered to victims of human trafficking and prostitution. In the report Shatter noted that the prohibition of the purchase of sexual services resulted in a 50% decrease in the number of prostitutes on Swedish streets. However, prostitution numbers actually rose after the activity reorganized itself online. He admitted that changing laws in Ireland would be complicated, but he launched a debate on this potential legislative change in order to examine its constitutional implications. Some Irish groups against the criminalization of customers criticized the debate by raising the following question: would a simple sexual relation with no future between two persons, in which one of them spends more money than the other, for instance by paying for beverages or a meal, constitute the purchase of sexual services if the relationship is mutual?

Nonetheless, a motion in favour of the criminalization of customers was demanded by the *Irish Medical Organization* (IMO), an alliance of Irish doctors, who noted that it is sometimes complicated to provide the necessary medication quickly enough to prostitutes who cannot wait for prescriptions.

To tackle the topic of the abolition of prostitution, in February 2011, several NGOs collaborate to develop the campaign *Turn Off the Red Light*. This campaign functioned through a network of NGOs merging their advocacy efforts. The network collaborated with the governments of other European countries such as the United Kingdom and Sweden, as well as with the public, in order to obtain their support. A large portion of their efforts focused on raising public awareness to the situation faced by prostitutes and the sometimes contradictory laws that exist. For instance, although purchasing sexual services from a trafficked person is illegal, a customer may defend himself by arguing that he did not know that she was a prostitute, contrary to legislation that exists in the United Kingdom.

In order to demonstrate its opposition to the *Turn Off the Red Light* campaign, an alliance of "independent" prostitutes called the Happy Hookers launched the *Turn Off the Blue Light* campaign. This group attempted to show that prostitutes who enjoy their activity, and who are neither forced nor controlled by pimps do exist, and that these persons advocate for the decriminalization of prostitution. That being said, one of the campaign founders, Peter McCormick, is a procurer with previous convictions, thus discrediting the arguments made by this initiative.

The *Sex Workers Alliance Ireland* (SWAI) association published a manifesto listing reasons why prostitution should not be criminalized. The SWAI highlighted the fact that criminalization could expose prostitutes to dangerous situations.

Since March 2011, the *Immigrant Council of Ireland* (ICI) has been writing amendment bills for the *Immigration, Residence, and Protection Bill* law, ratified in 2010. These projects tend to improve protection for asylum seekers and persons exposed to possible deportations. Nevertheless, there are no articles relating to the protection of human trafficking victims. The amendments were set to be analyzed in 2012 by the *Houses of the Oireachtas* (legislative assemblies of the Irish government).

### **The increased efforts of the Irish police (*An Garda Síochána* or *Gardai*) against trafficking**

With brothels and solicitation illegal in Ireland, a large number of prostitutes have become escorts. Some people state that sexual relations are not a requirement for escorts, while others believe the contrary. Because of the increasing number of raids carried out by the *Gardai*, procurers began posting their ads on websites based in the UK making it more difficult to arrest them and find the trafficking victims. In 2011, there was evidence that 13 children were trafficked in the country.

The *An Garda Síochána* or *Gardai* multiplied their efforts against crimes linked to prostitution by tackling the reality of human trafficking in Ireland. In 2011, the detection of human trafficking activities was a top priority of the *Gardai*'s national plan of action. To accomplish this task, a training program entitled *Tackling Trafficking in Human Beings: Prevention, Protection, and Prosecution* was developed so that *Gardai* members could detect signs of trafficking and as a result, be prepared to help the victims.

Additionally, the *Gardai* worked in conjunction with the government of Northern Ireland and launched the *Blue Blindfold Campaign* to raise public awareness on the issue of human trafficking.

*Operation Quest* was launched in 2011, involving more than 200 members of the *Gardai* and the police of Northern Ireland, to fight against a large Eastern European trafficking network. This operation shut down 28 illegal brothels in the first six months. This action will be further carried out in 2012 with the help of other international organizations, as some Northern Ireland citizens believe that these actions have led traffickers to leave the Republic of Ireland and move to Northern Ireland.

In December 2011, the *Gardai* acknowledged that young high school girls had also become the target of prostitution customers. Several complaints were lodged by the parents of young girls who were solicited by men who thought they were prostitutes. With solicitation activities being prohibited by the *Sexual Offenses Act of 1993*, the *Gardai* organized *Operation Freewheel* to fight against the customers. Some female members of the *Gardai* positioned themselves on the sidewalks of a well known prostitution area. They arrested 21 men who all pleaded guilty. The public criticized the actions of the *Gardai* though because the names of the customers were published in the newspapers.

### **The Republic of Ireland and the United Nations directives**

Thanks to the efforts of the *Stop Sex Trafficking of Children and Young People* campaign which obtained more than 160,000 signatures in the country, the non-ratification by the Republic of Ireland of the United Nations directives attracted attention. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, was signed in 2000 but was still not ratified. Ireland was, at that moment, among the three European Union countries that had not ratified the protocol.

Ireland also hesitated in ratifying protocol aimed at preventing, repressing, and punishing human trafficking, in particular trafficking of women and children, and the Council of Europe's Convention for the fight against human trafficking. Although the country signed them in 2000, it did not ratify them before July 2010 due to the pressure from certain NGOs. This represents a meaningful commitment in terms of human rights.

### **Some minorities are at high risk in Ireland**

The evaluation of the magnitude of organized crime and its impact within the European Union in 2011 concludes that the most active gangs implicated in human trafficking activities are Nigerian, Roma, and Romanian. An Eastern European network even associated itself with the Irish terrorist group *Real Irish Republican Army* (Real IRA) in order to traffic victims between the Republic of Ireland and Northern Ireland.

Studies carried out by the NGO Ruhama, which helps victims of human trafficking and prostitution, estimated that, in 2010, 50% of trafficked women in Ireland came from Nigeria.

TJ Carroll, his wife, and his daughter exploited Nigerian women in 35 brothels located in Ireland. Carroll had threatened the victims with death, and constrained them through a voodoo ritual. In 2011, Carroll was convicted of seven years of imprisonment. He nevertheless refused to pay the €2 million fine, which doubled his prison sentence. The traffickers working with Carroll were never tried despite the fact that the *Gardai* arrested them at the beginning of the investigation.

*RTE News", March 14<sup>th</sup>, 2011*

A few years ago, the *Gardai* uncovered several cases of young Roma girls kidnapped to be married off to Roma boys in "traditional" weddings. These young women were often sexually abused by their husbands, and also by their kidnappers. In cases where young Roma girls are raped, their parents believe the girls are no longer fit to be married as they are no longer virgins. These girls thus become vulnerable to human trafficking, as illustrated a case in 2011 in Dublin of a young girl forced into prostitution by her mother. The kidnappings of Roma children are frequent but never mentioned in the newspapers because the public has little consideration for this population.

In April 2011, the *Gardai* worked with the anti-mafia police in Romania to arrest a gang known for organizing the trafficking of Romanian women towards Ireland. A group of 15 traffickers was managed by Florin Ghinea, already incarcerated for activities linked to organized crime in Romania. The *Gardai* discovered ten victims, though the actual number is probably much higher. This prostitution network generated a turnover of €2.3 million per year.

*Independent.ie", April 26<sup>th</sup>, 2011*

Like the Roma community, the *Irish Travellers*, an Irish nomad minority, places great importance on girls' virginity. The punishment for raped girls is to isolate them, not only from their families who refuse to admit that the young girl is no longer a virgin or that she was a victim of human trafficking, but also from the Irish population in general who rejects this nomad population. Data on trafficking and exploitation rates of *Irish Travellers* is scarce but women often live in need and are considered at high risk of becoming victims. In 2011, they constituted 1% of all rape victims, however it is likely that a large number of them do not report their rapes.

Although the Republic of Ireland has only recently acknowledged the existence of human trafficking activities within its borders, the country has managed, through various campaigns, to raise awareness among the public and to strengthen the fight against traffickers and customers of human trafficking victims.

Nonetheless, important issues regarding discrimination against minorities still persist. It is crucial for the Republic of Ireland to continue the fight to protect exploited persons and the young population at risk of becoming victims. The NGOs must continue to warn groups about the risks and help those who are already victims.

## Bibliography

- « Jailed brothel keeper ordered to pay €2m », *RTE News*, March 14<sup>th</sup>, 2011.
- Department of Justice and Equality Anti-Human Trafficking Unit, « Annual Report of Trafficking in Human Beings in Ireland for 2011 », 2011.
- Europol, *EU Organized Crime Threat Assessment Octa* 2011, 2011.
- Immigrant Council of Ireland, *2011 Annual Review of the Immigrant Council of Ireland*, 2011.
- Kennedy E., « Romanian gang of 15 arrested in prostitution ring probe », *Independent.ie*, April 26<sup>th</sup>, 2011.
- Walsh, M. « Human Trafficking », *The Researcher*, Vol.6, Issue March 1<sup>st</sup>, 2011.
- European Commission, Fight against Human Trafficking website, Ireland file: <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Ireland>
- Turn Off the Blue Light, website of the 2011 campaign, [www.turnoffthebluelight.ie](http://www.turnoffthebluelight.ie)
- Turn Off the Red Light, website of the 2011 campaign, [www.turnofftheredlight.ie](http://www.turnofftheredlight.ie)



## Israel

- Population: 7.6 million
- GDP per capita (in US dollars): 31,282
- Parliamentary system
- HDI: (17<sup>th</sup> rank among 187 countries)
- Between 10,000 and 20,000 prostitutes according to different sources<sup>1</sup>.
- Several hundreds of venues or "discrete" apartments in the country (NGO *Atzum*).
- Between 250 and 400 private apartments or venues devoted to prostitution in Tel Aviv (Police)<sup>2</sup>.
- Prostitution is legal but all forms of organization of prostitution are prohibited.
- In 2006: the law increased sentencing to 16 years of imprisonment for the organization of human trafficking.
- In 2011: a new amendment aiming at more severely repressing all forms of promotion or solicitation of prostitution.
- The legislation severely represses the prostitution of minors (customers and procurers).
- Profits within the sex industry range between \$500 million and \$2.4 billion (between €407 million and €1.95 billion) per year according to different sources (*Atzum*, Knesset).
- 80% of women involved in the sex industry are victims of human trafficking (Task Force on Human Trafficking).
- Tel Aviv, Haifa, and Jerusalem are the main prostitution centres in the country.

On February 12th 2012, the Israeli interdepartmental committee of 21 ministers approved the proposition of a Knesset MP, Orit Zuaretz, which introduced the criminalization of the purchase of sexual services to the legislation. The amendment submitted to the committee, that provides for up to a 6 months' imprisonment for whoever purchases a sexual service, will soon be voted and included in Israeli law. Confronted with the increasing magnitude of the sex industry, the progression of the prostitution of minors and criticism by the U.S. Department of State regarding its management of human trafficking, the Israeli government had no other choice but to enhance the repressive provisions against traffickers in its legislation. It also developed its victim assistance tools, particularly in regards to minors, although NGOs are primarily in charge

<sup>1</sup> <http://www.local.co.il/kfar-saba/89514/article.htm>, November 16<sup>th</sup>, 2011 (in Hebrew).

<sup>2</sup> <http://www.haaretz.co.il/news/law/1.1639895>, February 12<sup>th</sup>, 2012 (in Hebrew)

of this task. While human trafficking is showing signs of decreasing, victims continued to arrive, particularly through the Sinai. The situation remains unclear in regards to former migrants who are still in an unstable situation.

### **Human trafficking: nothing is settled despite a stronger fight**

Human trafficking for sexual purposes went through many major evolutions in the 2000's. In the aftermath of the fall of the Berlin Wall and the collapse of the former USSR, a large and steady inflow of human trafficking victims fed the sex industry (25,000 during the 2000's according to Atzum-Justice Works). Mainly coming from Russia, the Ukraine, Moldavia and Uzbekistan, many young women got caught in the nets of prostitution networks. In 2003, the government passed a law which intended to allow the confiscation of procurers' assets in order to curb the scourge, but the results did not reach the expectations. In 2006, a new anti-trafficking law increased imprisonment the sentences to 16 years for trafficking in adults with sexual or slavery purposes. Studies initiated by the Knesset showed that inflow has dropped to less than 1,000 persons per year since 2007, evidence of the efficiency of the legislative action carried out by the government. The 2011 estimated number of prostitutes in the country varied between 10,000 and 20,000<sup>3</sup> according to different sources (NGO, press) without any way to check those numbers.

In 2011, the situation was far from ideal. Practical means were implemented in 2010 and 2011 to allow associations to receive victims and to reinforce their prevention and identification methods concerning the populations at risk. However immediate deportations of persons in irregular situations often took place. Regarding the acknowledged victims of human trafficking for sexual purposes, they are provided with some assistance for one year but the legal resident status is very seldom granted, which increases their vulnerability. Then they are taken to the border or disappear. More recently, the U.S. Department of State report on human trafficking advised Israel to put an end to the "hot return" method (an immediate deportation to the countries of origin without any preliminary investigation on the person's situation), improve the victims' identification tools and develop assistance and protection practices.

To compensate the decrease in the number of women, traffickers have begun to recruit "local" persons, often in irregular situations. According to Orit Zuretz, a Knesset MP, "the victims of the sex industry come from the poorest social classes of the Israeli population." Some women belonging to the first generation of migrants now act as procurers.

Although it diminished, the inflow of victims did not stop completely. Dozens so of illegal migrants still come across the border between Israel and Egypt, some of them travelling through the Sinai Desert by their own means. According to Atzum-Justice Works, several testimonies by persons exploited in the sex industry in 2011, reported that Bedouin tribes had abducted them and sold them in local market for \$4,000 to \$10,000 (approximately €3,200 to €8,000). Ben Gourion airport is still today an important gateway for victims of human trafficking for sexual purposes. Others get into Israel by sea. The number of new illegal migrants in 2009 was an

<sup>3</sup> <http://www.local.co.il/kfar-saba/89514/article.htm>, November 16<sup>th</sup>, 2011 (in Hebrew).

estimated 5,000 persons. This number rose to 14,000 in 2010, which increases furthermore the number of potential victims.

While the prostitutes controlled by local exploiters mainly come from Russia and the Ukraine, there are various other channels. For instance, the NGOs mention a increasing Chinese prostitution organization, but almost exclusively dedicated to local Chinese customers. Several traffickers were arrested in 2011 after forcing a young woman from Ecuador into prostitution.

According to Task Force on Human Trafficking, 80% of the women involved in the sex industry in 2011 are trafficking victims. They are usually aged between 18 and 35 years old (the average age is probably 23). Only 9% of them are assumed to have had a first experience in prostitution before their arrival in the country. Recruited through false job offers of waitresses or dancing, some of them come to Israel willingly but without a clue of the hard conditions they will meet.

The passports are confiscated and most of these young women are monitored. Some of them are even continually controlled. Very few of them speak Hebrew, which makes their isolation worse. The transportation debt they must pay back rises ceaselessly. Many NGOs estimate that prostitutes have to prostitute themselves from 13 to 18 hours a day. According to the *Atzum* organization in 2011, between 500 and 600 women are trafficked for sexual purposes each year.

Gangs, very much implicated in trafficking, opened new routes to bring their victims into the country, particularly through Amman, Jordan. In April 2011, the head of an Israeli network was arrested in Moscow where he was recruiting women for prostitution. Sentenced to 18 years' imprisonment, he is assumed to be responsible for trafficking several hundred women from Russia, Moldova, the Ukraine, Belarus and Uzbekistan to Israel, Italy, Spain, Greece, Germany, the Netherlands, and the United Arab Emirates. In August 2011, the boss of one of the largest gangs in the country was arrested. Procuring was included as one of his many illegal activities.

### **Developing protection tools despite some contradictory signs**

In 2011, 257 police raids were carried out in prostitution venues, mainly in Tel Aviv. Following those operations, 50 cases against procurers or procuring networks and 6 cases of human trafficking for sexual purposes were opened<sup>4</sup>.

In the meantime, the government was criticized for deciding on the dissolution of the *Sa'ar*, a police unit specializing in human trafficking and prostitution affairs. Thereby, the government was sending an unclear message regarding its dedication to of action. A coordination unit seemed to be preserved though, but its means and staff were dispersed so as to cover the whole territory, which, according to the NGOs, weakened its action.

The government particularly worked to increase the number of places available in housing centers, either in specialized facilities or in apartments or hotel rooms rented in emergencies. Additionally, some initiatives including prevention and information campaigns began to multiply everywhere: in the media, in the airports...

---

<sup>4</sup> <http://www.knesset.gov.il/spokesman/heb/Result.asp?HodID=9399>, December 14<sup>th</sup>, 2011 (in Hebrew).

### **More and more minors affected: the associations take action**

In various reports, the government and several NGOs drew the public's attention to the increase prostitution of minors in Israel. *Elem*, an association which helps distressed young people counted 621 minors involved in prostitution activities in 2011 compared to 126 in the previous year. According estimates by the *Task Force on Human Trafficking*, at least one third of the 15,000 prostitutes in Israel are minors.

Tel Aviv, Haifa, and Jerusalem were the cities mostly mentioned in the different documents reporting cases of the prostitution of young people. Among the minors helped by *Elem*, 75% were girls, 20% boys and 5% transgender persons. According to the head of the association, these minors only represent "the tip of the iceberg" as there are probably thousands of them. While the average age of entrance into prostitution is around 14 years old, some cases of 11 year old children were identified. Various associations agree that economic difficulties may be the paramount factor for prostitution in these situations. Recurrent problems of alcohol and drug addiction amplify such phenomena.

Different observers note that this kind of prostitution is less visible in streets than on the Internet, on dating websites or forums, whether in Hebrew or Arabic languages. "Barter prostitution" means those minors provide sexual services in exchange for food, alcohol, drugs, clothes, or entrance fees into trendy clubs.

The *Knesset's Research and Information Centre* observes that assistance and reception centres meant to integrate those minors into society never meet the needs. While assistance is mainly focused on young native Israelis in the previous years, the centre was deeply concerned by the increasing proportion of migrants' children, homeless people and particularly vulnerable refugees involved in these phenomena.

Although prostitution of minors is considered, in theory, a major crime in Israel and is severely condemned, the law was still insufficiently applied at the end of 2011. During the last past ten years, 35 cases of prostitution of minors were opened; 19 of them were dismissed due to a lack of evidence. A couple of affairs implicating customers of minor prostitutes were dropped and only three out of eight affairs between 2000 and 2009 ended up in the conviction of the procurers.

Considering the extent of this problem, the population's ever stronger reactions to this phenomenon and the criticism from international bodies, the judiciary authorities decided to enhance the repression against exploiters. In March 2011, the manager of a prostitution network involving minors aged 15 to 16 years old was sentenced to five years' imprisonment. In April 2011, two young people in their twenties were arrested for forcing young boys aged 12 to 16 years old to prostitute themselves for dozens of customers.

The Ministry of Social Affairs launched a study in 2011 to better understand what leads minors to prostitution and to identify the persons at risk. Moreover, because of the lack of existing reception centres, the same Ministry organized a hotel network in order to accommodate emergency situations and provide housing for minors at immediate risks. *Elem* also developed its

own project called "Cities at night" including new mobile teams of outreach workers in order to meet and help distressed minors in the main urban centres.

### **Some legislative evolutions in 2011**

In March, the Israeli Parliament passed amendment 109 to the penal law 5771-2011, thereby allowing an increase in sentences concerning the organization of prostitution. Although prostitution is not prohibited as such, facilitating, soliciting, advertising and all the activities aimed to allow, promote or organize it, are forbidden.

The new law aggravates the sentences for promoting or providing information with the purpose of a sexual relation with a minor to five years' imprisonment and a fine up to 226,000 Shekels (approximately \$ 60). It also introduces sanctions for the publication of prostitution services (even if the prostitute is an adult) which is punishable with a three year imprisonment or a fine.

On its website, the Israeli Parliament claims that the introduced changes by this amendment reflect its current stance on prostitution: "prostitution is a negative and serious phenomenon as such, causing important damages to those who practice it and to the entire society; there is an acknowledgement [through the legislation] of the duty of society to fight against prostitution, to act in order to minimize it and to help the rehabilitation of the persons harmed by it."

The implementation of this new legislation was confronted with serious difficulties. Controlling advertisements is a difficult task as criminals regularly change the relevant phone numbers and texts; creating a new ad if the original is not accepted by the newspaper. In the meantime, websites and newspapers have received an increased number of advertisements from massage parlours. The State Counsel's Office dealt with 11 cases of promotion of prostitution activities in 2011.

### **The abolitionists' combat is getting organized...**

Considering the increasing weight of the sex industry and admonitions by the U.S. Department of State's report on human trafficking, the government and NGOs taken hold of the issue; as a consequence, political and associative authorities plan to implement severe measures. In the course of the year 2011, Orit Zuretz, a Knesset member, suggested a new law aiming at penalizing the utilization of a prostitute's services. Such initiative was largely supported by the *Task Force for Human Trafficking* and *Atzum* which implemented the "Ad 119" project together. The purpose of this project was to convince the 119 members of the Knesset to vote for this law. While some members were already convinced, some social organizations warned against a harder criminalization of prostitution. The lawyer Rachel Gershuni, the National Coordinator of the mission for the fight against human trafficking, does not believe in the utility of such a law due to the lack of means and structures necessary for the prostitutes' social integration. She recommends prevention and awareness-raising measure rather than a dramatic legislative change.

According to several NGOs present in the country, about one million visits to prostitution venues (brothels and "discrete apartments") occur each month. One third of the customers are assumed to belong to the ultra-orthodox community and another third are Arabs. The temporary foreign workers or expatriates probably represent 8 to 10% of this "demand." At the beginning of 2012, the law aiming at penalizing the customers of prostitution successfully passed the examination stage on first hearing in the Israeli Parliament, with no prediction of its future adoption.

## Bibliography

- Almog S., « Prostitution as exploitation: An Israeli perspective », *The Georgetown journal of gender and the law* 711, 2010.
- Chaikin R., Safran H. (Dr), Khamis K. (English translation), *Immigration, Women and Prostitution : the Case of Women from the Former Soviet Union in Israel*, Isha L'Isha - Haifa Feminist Center, November 2010.
- Committee on elimination of discrimination against women (CEDAW), *Committee on Elimination of Discrimination against Women considers report of Israel*, United Nations human rights, Office of the high commissioner, January 18<sup>th</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- ELEM, Annual report 2010.
- European commission, High representative of the European union for foreign affairs and security policy, *Joint staff working paper : Implementation of the European Neighbourhood Policy in 2010 - Country Report: Israel*, COM(2011)303, Brussels, May 25<sup>th</sup>, 2011.
- Hamman S., « Unlocking the door of hope », Women in international security Israel (WIIS Israel), *Word to the WIIS*, Vol. 4, September 2011, pp.11-13.
- Levenkron N., Bar-Akiva A., Vardi S. (English translation), *No harm was caused to the deceased : The response of the legal system to human trafficking in 2007*, Hotline for Migrant Workers, 2008.
- Sawa, All the women together today and tomorrow, *Trafficking and forced prostitution of Palestinian women and girls: Forms of modern day slavery, A briefing paper*, June 2008.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- ONG Atzum - Justice works : <http://atzum.org>
- ONG Elem : <http://www.elem.org/>
- Task Force on Human Trafficking – Israel : <http://tfht.org>



## Italy

- Population: 60.8 million
- GDP per capita (in US dollars): 36,116
- Parliamentary regime
- HDI: 0.874 (24<sup>th</sup> rank among 187 countries)
  
- Founding member of the European Union, since 1952
- Between 50,000 and 100,000 prostitutes, including 8,000 to 20,000 Nigerians.
- Between 19,000 and 26,000 victims of human trafficking.
- Profits in the sex industry estimated to fluctuate between €2 and €6 billion.
- Prostitution in private residences or apartments authorized (no more than two prostitutes).
- All forms of organization of prostitution have been prohibited since the 1958 Merlin law and its amendments: procuring, prostitution venues.
- Since the 2003 law 228, all forms of human trafficking have been prohibited (sentences of 8 to 20 years of imprisonment). The victims benefit from assistance (article 18 of the 1998 law 286 and article 13 of the 2003 law 228).
- Country of destination and transit for the victims of human trafficking with sexual purposes.

In January 2011, the State Counsel's Office in Milan started a judicial inquiry against the President of the Council (head of state) Silvio Berlusconi, for *paid sexual relation with a minor*. Several more or less sordid revelations by the media regarding soirées at the Villa d'Arcore (S. Berlusconi's private residence) eventually affected his popularity and certainly contributed to his hasty departure from the government in November of the same year. On one hand the indifference and the trivialization, generated by the succession of affairs, seemed to lead to surprising behaviours: the countless number of baby prostitutes, victims of the *Ruby* syndrome (name of the young prostitute involved in the Berlusconi affair) who appear in dance clubs or on the Internet. On the other hand, demonstrations initiated by feminists gathered several thousands of people to denounce this trivialization and the behavior of the former head of the government.

Beside all this media fuss, Italy still had to face a regular and organized arrival of victims of human trafficking for sexual purposes coming from Africa, Asia, and Eastern Europe, despite the juridical arsenal of the country to fight the traffickers, and an elaborate plan of action to help victims, which proved its efficiency in many instances. The debates between abolitionists and

regulationists impassioned politicians who adopted amendments and then repealed them according to short term interests in order to deal with prostitution without losing votes.

### **Will S. Berlusconi escape from justice?**

Suspected of abuse of power and prostitution of minors, Silvio Berlusconi partly lost his judicial immunity. This element encouraged the State Counsel's Office of Milan to begin a procedure as early as January 2011. The defendant is also assumed to have tried to use his authority to cover up the incidents which took place at the Villa d'Arcore. Ruby, a minor at the time, is assumed to have received €5,000 in exchange for her services, but, until now, neither of them admitted having had a sexual relation. Obtaining the prostitution services of minors is punishable by 6 months to 3 years of imprisonment in Italy, while embezzlement may sentence the perpetrator to an imprisonment of 4 to 12 years.

A search warrant was also transmitted to the House of Representatives in order to visit the office of an accountant of Berlusconi's where €5,000 may have been paid to several young women in exchange for their sexual services. Numerous phone tapings and testimonies mention that around thirty young women were received during these *Bunga-Bunga* soirées with disguises, strip-tease, hands on buttocks, and unlimited sexual relations. While some of the girls received gifts, others are assumed to have benefited from accommodations at their disposal.

Silvio Berlusconi is only accused of the alleged sexual relation with a minor, prostitution being legal in Italy. However this affair gave rise to others. During the hearing of June 2011, the Milan prosecutor declared that so as to "please Mr Berlusconi, they had set up a structured system in order to supply him with young girls willing to prostitute themselves." Who are "they"? Lele Mora was the manager in charge of the recruitment of the young women. He was imprisoned in June 2011 for another affair. Emilio Fede, the director of a TV channel belonging to Berlusconi, was to determine the recruited young women's availability and "test" them. Nicole Minetti, the regional councillor of Lombardy, managed logistics, according to the prosecutor. The Vatican, somewhat neutral for a long time, was finally irritated and condemned this behaviours through its highest authority.

Since the so-called Rubygate started, S. Berlusconi has presented himself as the "victim of a political persecution" and denied all accusations. The amounts paid were meant to "financially help persons in difficult situations." The evenings at the Villa d'Arcore were only "elegant" soirées where people "have dinner" and "dance". He also justified the pressures in favour of Ruby's liberation because he thought she "was the niece of the Egyptian President Mubarak." While procuring prostitution services is not reprehensible, its organization is prohibited. Thus people assumed to be involved in those affairs were accused of criminal conspiracy and encouragement of prostitution. Those persons probably supplied S. Berlusconi with escorts in exchange for jobs and contracts. Some wheeler-dealers are even assumed to have tried to blackmail him. One of them, Giampaolo Tarantini, an alleged procurer, is in prison at the moment. He supposedly organized 21 soirées between 2008 and 2009 for the former President of the Council who, until now, had not served any sentences.

## The sluggish legislation evolutions

Prostitution is not illegal in Italy but organizing it (prostitution venues, procuring) is prohibited. While the 1958 Merlin law is still in force today, it went through dozens of amendments corresponding to the evolution of prostitution (forms, places, organization). In 2008, amendment 1079 prohibited street prostitution and public soliciting; it also increased the sentences for encouraging and promoting the prostitution of minors. Adopted in September, this disposition is still the subject of intense discussions on its real efficiency regarding street prostitution. During that same year, the government voted in a "security package" (law 125) authorizing mayors to publish "anti-prostitution" bylaws in their districts. In 2011, the State Council rejected this law meant to guarantee the principle of equality among citizens, by declaring it in contradiction with the Constitution. For that matter, it was unequally enforced depending on the region and only used by mayors under the pressure of residents exasperated by the presence of a large number of prostitutes. Today, despite encouragement for indoor prostitution (no more than two persons per apartment), street prostitution has not disappeared in Italy. However, the police estimate that it has decreased by half and notes in an article of *Il Giornale* (May 22nd 2011) that at least 26,000 fines for prostitution in public spaces were imposed during the two previous years.

At a local level, some mayors utilize or wish to utilize "the client's penalization", were it only for limited periods. Thus, the Deputy Mayor of Milan recommends the reinstatement of the 1998 decree that allowed authorities to report customers for "violation of the highway code". In Aprilia, a temporary bylaw allowed the penalization of customers in summer time with a fine of €400 for solicitation in public spaces. Since 2010, any customer who refuses to pay a prostitute is considered a rapist and exposed to the relevant condemnations. These actions, far from solving the problems, only tackle prostitution as an issue of public order.

Several judgements passed by the Supreme Court added further detail some provisions. In 2010, the government acknowledged the criminality of online exploitation of prostitution (J37188/2010). In 2011, it recognized the complicity of exploitation as a punishable offense for whoever accompanies a prostitute to her place of activity (J29984/2011), although this does not incriminate the customer (J36392/2011). Finally, a document produced by the same Supreme Court in 2010 and confirmed in 2011 (10578/2011) stated that "paid sexual services" should be taxable because prostitution is considered a "full" economic activity. In 2011, 92% prostitutes did not pay taxes as required by legislation<sup>1</sup>.

As the economic crisis is getting more and more oppressive, many politicians have once more launched the idea of regulating prostitution so the relevant taxes may increase the government budget, as it is already done in several German municipalities. Although this idea has been more or less supported by the public, the government is not ready to bring any change to the juridical system regarding prostitution.

---

<sup>1</sup> « Evasione da prostituzione », *Generazionezero*, May 27<sup>th</sup>, 2012.

## Italy, a hub for human trafficking for prostitution purposes

While estimates of the number of prostitutes vary from 50,000 to 100,000 of which the foreign women and victims of human trafficking make up between 60%<sup>2</sup> and 90%, and the European Union estimate is around 80%. The idea that "foreign women come to the country to invade Italian streets" is a very common one. On the whole, although sixty different nationalities were identified among victims, four main regions are predominant: Eastern Europe (Romania, Moldavia, the Ukraine, the Russian Federation, Bulgaria, and Belarus), South East Asia (China), sub-Saharan Africa (Nigeria), and Maghreb (Morocco).

Between Naples and Castel Volturno, a large number of Nigerian women wait along the road for customers, watched by the "African mama" or procurer who supervises them. Nigerian networks have been working in collaboration with the Italian mafia through a kind of "trade fee" since 2008 and the murder of eight Nigerian citizens. Payments that aren't made on time are immediately penalized. According to the *United Nations Inter-Regional Crime and Justice Research* (UNICRI), there are between 8,000 and 10,000 Nigerian prostitutes in Italy. Other estimates mention 20,000. According to Ioke Aikpitanyi, a human trafficking survivor who created an association to help other victims, at least 10,000 Nigerian women play the role of procurers and supervise prostitution activities in the peninsula. Coming from the rural areas of the Niger Delta or from Benin City, most of the victims contracted debts to their procurers to cover the travelling expenses, between €40,000 and €80,000<sup>3</sup>, which they must pay back. According to the association "*Filles de Benin City*", dozens of Nigerian women have been killed in past, all were victims of human trafficking and forced into prostitution. Traffickers may threaten on associations which help the victims, and may control their victims from the beginning up to their arrival at the Centre of Identification and Expulsion (CIE) of Lampedusa. They use Italian pre-paid phones which allow them to stay in permanent contact with the victims who usually do not speak Italian. These women have no resources and consequently no choice but to obey the traffickers. Even the "mamas", who are physically present, monitor them and limit their contacts.

Chinese prostitution has grown quickly over last few years, both in terms of influence zones and volume. This can be seen in the increase in number of massage parlours, apartment rentals where the prostitutes are packed together and night-clubs, where prostitution is organized according to a "caste system" based on the money that the Chinese or Italian customers can spend. According to *Kronaka* (April 19th 2011), there were 308 venues in Milan in 2010 (a new one opening every other day). 488 administrative controls were carried out by the police in 2011, leading to 313 sanctions for not complying with regulations and to 15 closures for the illegal practice of prostitution<sup>4</sup>. Several venues were closed in 2011 in Rome, but also in smaller cities like Modena or Parma. On these occasions, the police found Chinese women who had been

<sup>2</sup> « Nuova prostituzione. Centri massaggi e internet », *Articolotre*, June 28<sup>th</sup>, 2012.

<sup>3</sup> Yovanovitch F.-M., « Slaves, prostitutes and black trafficking in Africa-Italy », *My Pen and My Paper*, July 23<sup>rd</sup>, 2011.

<sup>4</sup> « Massaggi cinesi a milano :dal 2011 sono stati 488 i controlli della Polizia », *02Blog.net*, April 24<sup>th</sup>, 2012.

forced into prostitution; Chinese criminal groups are assumed to be in control of 35 to 40% of the Italian low-cost prostitution market<sup>5</sup>.

In the "Diammond" affair, a prostitution night-club discretely settled in Rome, was raided by police, revealing extremely well organized Chinese prostitution rings. The interior showed a luxury decoration, and was frequented by "businessmen and mafia members of the Chinese community", the young women were dispatched among wealthy Chinese customers (primarily) and Italian clients. An ads magazine (*Rivière d'Amour*) and a specialized call centre "gave orientations" to the customers. In the neighbourhood of Piazza Vittorio, the young women, packed together in private apartments when they are not with a customer, are left in their underwear so that they can't escape. In an article from *Terra News* (January 14<sup>th</sup>, 2011), the police declared that there were between 35 and 50 such apartments in the capital. Most of the girls come from Northern China; and are assumed to travel via Paris with groups of tourists, until they reach the Chinese mafia which moves them from place to place and changes their groups. They must pay back travel debts which may easily reach €40,000.

The prostitution of persons coming from Eastern Europe and the Balkan states has a long history and is still active in Italy. In February 2011, a joint operation with the Romanian police led to the dismantlement of a large international prostitution network in Messina. 40 people were arrested. Through fraud, kidnapping and rape, the network forced their victims into prostitution and threatened their families in Romania. According to Robert Saviano, the "Romanian mafia has subcontracts with the Italian mafia that controle the prostitution market", which allow it to pursue its activities.

According to *West Info* on August 30<sup>th</sup>, 2011, male prostitution also affects much of the minor population; they are mainly foreigners, many from the Roma community aged 15 to 18 years old, but also young Romanians and Moroccans. Male prostitution concentrates in the large urban centres.

### **An effective police action**

On the whole, the 2011 year was marked by an increase in the number of police raids in public spaces, private apartments, night-clubs, and hostess bars. In August, the police deployed 360 agents in order to check the effectiveness of the bylaw forbidding the street prostitution in Rome. One month later, an important operation resulted in the arrest of 85 prostitutes but resulted in no real consequences for the traffickers. Additionally, several affairs revealed cases of confirmed prostitution of minors, most of whom were foreigners. According to an article of *Il Gazzettino* (November 18<sup>th</sup> 2011), shopkeepers in Treviso (aged 65 to 67 years old) exchanged money, gifts, and telephone cards for sexual services with 15 minors (aged 12 to 14 years old), all of whom were foreigners. In Calabria, a prostitution network exploiting minors was dismantled and 16 people were arrested (procurers and customers). Some of the minors were not even 13 years old. In Verona, a Slovak procurer was questioned by the police for forcing young deaf and blind girls from his own country to prostitute themselves. In Vicenza, a police raid in a

---

<sup>5</sup> « Prostitutione, milano, rete cinese di massaggi hard, 3 arresti », *Codacons*, January 18<sup>th</sup>, 2012.

private residence discovered a large organization of prostitutes (about a hundred) receiving customers from different parts of the world. The financial squad seized many luxury vehicles and jewels. The young women came from Ukraine, South America, and Asia. In Pescara, a Cuban prostitution network was dismantled in a night-club where several victims were initially recruited as dancers and afterwards forced into prostitution.

Police operations have a wide range. For example, a joint operation carried out with the Bulgarian police forces led to the dismantlement of a wide-ranging network whose members and leaders were simultaneously arrested in both countries. The young women were recruited through false ads offering seasonal jobs in Italy. Several prostitution affairs implicated members of the police as well, particularly on the grounds of extortion.

According to the 2012 U.S. Department of State report on human trafficking, 2,333 persons were suspected of having organized human trafficking activities in 2010 (compared to 2,521 in 2009). This led to the formal conviction of 174 persons (an average of 6.5 years of imprisonment per person) in accordance with the sentencing for human trafficking as defined by the 2003 law.

### **The role of the action plan of assistance to victims: the cooperation between the governments and the NGOs**

The various European or World evaluation reports positively describe the Italian action plan for victim aid, particularly for the victims of human trafficking for sexual purposes. According to the website of the European Commission, this effectiveness may be assessed through the number of victims who benefited from the plan (18,000 in 12 years), the variety of the available tools (protection, help and assistance, housing system, unconditional residence permits, support during the return to the native country, etc...), and the very organization of this action plan which is run by “a reference entity” (Department for gender equality) and the deep cooperation between various public and private actors, the government and the NGOs.

724 new victims received assistance in 2011, in addition to the 836 of the previous year who were still benefiting from the plan. In addition, 1078 temporary residence visas and 608 renewed ones were granted in 2011. The U.S. Department of State report on human trafficking mentioned that 68% of the victims cooperated during the procedures.

Two laws in particular shape the form of aid human trafficking victims receive. Article 18 of the 1998 law 286 allows victims to benefit from 12 months' housing and an integration assistance, renewable once unconditionally (the victim's cooperation with justice is not required). Article 13 of the 2003 law 228 defines the framework for victims' assistance to be 3 to 6 months. In addition, there are numerous complementary programs: hotlines and emergency phone numbers, programs of assistance to willing return, programs of temporary assistance and social protection.

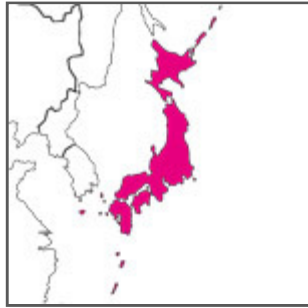
Each year the government spends about €10 million to maintain these plans of action. Moreover, many national and international prevention campaigns were implemented in past years. For example, the 2010 campaign "Human trafficking does not forgive". An observatory (*Osservatorio Nazionale Tratta*) was created to coordinate all data on human trafficking. Every

effective operation seems to benefit from synergy between different actors. NGOs have been involved in all the government's reflections and decisions regarding human trafficking.

The GRETA data show that, among assisted victims, half are Nigerian citizens. Others are natives of Eastern Europe (Romania, Moldavia, Albania, Bulgaria, the Ukraine), Northern Africa (Egypt, Morocco, Tunisia), or Asia (China, India, Pakistan).

## Bibliography

- « Prostituzione :26mila multe in 2 anni, strade occupate da lucciole dimezzate », *Il Giornale*, May 22<sup>nd</sup>, 2011.
- « Sesso con ragazzi e ragazze di 12 anni: arresti commercianti traditi dagli sms », *Gazzettino*, November 18<sup>th</sup>, 2011.
- Be Free (Cooperativa sociale contro tratta, violenze, discriminazioni), *Dossier sull'esperienza di sostegno a donne nigeriane trattenute presso il C.I.E. di ponte galeria e trafficate attraverso la libia*, Richiesta di ampliamento dell' applicabilita' dell' art.18 D.to leg.VO 25 Luglio 1998 N.28.
- Brussa L., Sex work in Europe - a mapping of the prostitution scene in 25 European countries, European Network for HIV/STI Prevention and Health Promotion among Migrant Sex Workers, Tampep International Foundation, 2009.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- *Disegno di legge recante misure contro la prostituzione:*  
[www.caritas.it/documents/25/3599.pdf](http://www.caritas.it/documents/25/3599.pdf)
- Immordino G., Russo F.F., *Regulating Prostitution: Theory and Evidence from Italy*, Centre for studies in economics and finance, Working paper n.308, February 2012.
- Lunghini R., « Male prostitution, this unknown », *West Info*, August 30<sup>th</sup>, 2011.
- Mottola G., « Prostituzione cinese. In Italia le nuove schiave », *Terra News*, January 14<sup>th</sup>, 2011.
- Nazzi S., « Un giro in qualche centro massaggi cinese : romantico o normale (l'omantico o nolmale) ? », *Kronaka*, April 19<sup>th</sup>, 2011.
- Orfano I., Bufo M., The Italian system of assistance and integration of victims of trafficking in human beings, Associazione On the Road, 2006.
- Tampep International Foundation, *Sex work migration health - a report on the intersections of legislations and policies regarding sex work*, migration and health in Europe, Tampep International Foundation, 2009.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- European Commission, Fight against human trafficking website, Italy file :  
<http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Italy>



# Japan

- Population: 126.5 million
- GDP per capita (in US dollars) : 45,903
- Constitutional Monarchy - Parliamentary Democracy
- HDI: 0.901 (12<sup>th</sup> rank among 187 countries)
- Prostitution has been illegal since 1956. Law revised in 2002 (only a reference to vaginal coitus was added).
- Between 75,000 and 150,000 foreign prostitutes according to different sources.
- Sex industry profits are close to \$24 billion (€19.5 billion) per year (2 to 3% of the GDP).
- 1,200 *soaplands* (brothels) and 17,500 establishments linked to the sex industry.
- 37% of Japanese men are assumed to have paid for sex at once least.
- Country of destination and transit for human trafficking for sexual exploitation.
- The victims mainly come from China, South Korea, Philippines, Thailand, Vietnam, Russia, Eastern Europe and South America.
- Transit towards North America.
- 1999: "Law for Punishing Acts Related to Child Prostitution and Child Pornography".
- Pornography and prostitution of minors, frequent but penalized.
- Age of sexual consent: 13 years old.
- The possession of pornographic material implicating minors is not penalized; only transportation, production, exchange and sale.

It did not take long for the sex industry to recover from the terrible earthquake of March 2011. While the country was still healing, the sex business was already going through active rejuvenation less than a week after the disaster. Several women were moved (to Tokyo in particular) to improve the satisfaction of the customers who were happy to see fresh "goods" coming in. With more than €20 billion generated each year, this thriving industry represents a significant share of the archipelago's economy (between 2% and 3% of the GDP). Foreign prostitutes account for a large part of the organized sexual exploitation, monitored by the *Yakuzas* (Japanese mafia), and certain studies mention alarming statistics regarding the often trivialized prostitution of minors. This phenomenon is fostered by the evolution of new technology and a consumer society grappling with its own values. According to a study carried out by health services, 35% of couples live in a marriage "without sex", the fertility rate is one of

the lowest in the world, and more than 30% of sexually transmitted diseases are contracted by minors. Aware of these issues, the Japanese government has implemented a series of more or less coercive measures that have not been fully effective in curbing prostitution and the trivialization of paid sex.

### **The multiplicity of places and practices**

Since 1956, prostitution has been illegal in Japan. Theoretically, procuring activities, soliciting in the street as well as prostitution establishments are prohibited. However, this legislation only takes into account coital relationships in exchange for money and philosophical nature of its wording, leaves room for much interpretation. Despite the illicit nature of prostitution, the numbers are dizzying. Kabukicho, the famous "red district" of Tokyo, alone holds 3,500 establishments where diverse sexual services are offered in spaces smaller than 500 m<sup>2</sup>. According to Takashi Kodura who published "*Japan's underground Economy*", there are 1,200 *soaplands* (prostitution establishments offering baths) and at least 1,800 sex shops in the archipelago. The *National Police Agency* estimates that there are 17,500 establishments offering legal sexual services. 37% of Japanese men are assumed to have had paid for sex at least once.

Between 75,000 and 150,000<sup>1</sup> foreign prostitutes mainly coming from Eastern and South Eastern Asia (essentially China, but also South Korea, Philippines, Thailand, Vietnam), Eastern Europe (mainly Russia) and, to a lesser extent, South America (Colombia) operate in Japan. These numbers do not take into account Japanese prostitutes, (although they are mentioned on a regular basis during police operations), nor the minors who prostitute themselves occasionally.

Beyond these already suggestive numbers, the diversity of sexual offers more or less disguised as various establishments raises concern. At the forefront we find several thousand *soaplands* that offer non-coital relations. There are also the *salons roses* (pink parlors), *tits clubs*, hostess bars, *health clubs* offering escort services through cell phone directories, *images clubs*, sex shops, karaoke bars, etc. In certain districts, catalogues displaying girls' photos and cell phone numbers are deposited in private mailboxes.

This spectrum of practices, strengthened and facilitated by the evolution of communication technology and information dissemination, makes it difficult to gauge the full implementation and representation of the Japanese sex trade. For instance, *Enjo Kosai* is an extremely common practice among teenage girls. These arranged rendezvous occur through stores offering telephone directories, generally between older men and school girls and involve an exchange of money or material goods. Different sources report 10% to 30% of regular or occasionally "practicing girls" among high school girls. 25% of those rendezvous actually end in sexual relations.

The "deai-kei" are the equivalent of dating sites. Frequently established in coffee shops in the past (88 were counted in Tokyo in 2009), they have gone through exponential growth on the Internet, following the prohibition of minors from entering such establishments by the *National Police Agency*. Certain prefectures have also implemented bylaws for the same purpose.

---

<sup>1</sup> *The Far Eastern Economic Review* (2000) and *IOM Bulletin* (1999).

Male prostitution is not absent from the Japanese sex industry. While female prostitution remains invisible in the streets, men do not hesitate to show themselves in the open. In the "red neighborhood" of Kabukicho in Tokyo, posters offering sexual relations with young men are almost as numerous as those of women. The bulk of their customers are mainly bar and lounge hostesses and prostitutes themselves. Foreign customers are very seldom accepted. There is even a ranking list displaying the "best" male prostitutes to hire.

### **Minors: objects of fascination, victims of exploitation and greed**

In November 2011, two men were arrested in Yokohama for organizing a prostitution service using telephone appointments. They were exploiting eight girls aged 15 to 17. The same month, a taxi driver was arrested for similar reasons. He had been organizing rendezvous with the help of a 15 years old girl who was managing six young high school girls aged 14 to 17 and putting them at customers' disposal. However, it seems that in most *Enjo Kosai* cases there are fewer and fewer intermediaries and the use of social networking sites has become the primary means of arranging rendezvous. More and more often, minors are arranging these encounters on their own. Several procuring cases revealed in 2011 involved minors prostituting other teenager girls.

This attraction to minors is seeping into every layer of society. In 2009, 138 teachers were fired for having "inappropriate relations" with their students. 21.5% of these cases were described as sexual acts.

Although the age of sexual consent is set to 13 years old and the possession of pornographic material implicating minors is not sanctioned by law, since 1999 the government has implemented a restrictive law (*Law for Punishing Acts Related to Child Prostitution and Child Pornography*). Such an initiative was fostered by the observed progression of sexually transmitted diseases among teenagers, the trivialization of prostitution affairs involving them and the vast production of pornographic material involving them.

In 2010, 1,342 cases of production and trafficking of pornographic material involving young people under the age of 18 were revealed and 618 involved minors identified in this production. The *Internet Watch Foundation* counted more than 16,000 websites depicting child pornography. That same year, the *National Police Agency* implemented a unit specialized in child pornography and developed a software called *Child Pornography Automatic Searching System* that allowed for recording of all the sites depicting minors. Several hundred people are arrested each year.

The frenzy of consumption of bodies and images materializes in even the most trivial events. An employee of the Tokyo prefecture placed a camera inside the public toilets and filmed more than 2,000 women. By uploading the 36 hours of video to the Internet brought him €45,000 and a run in with the law in 2011. The Japanese public has also begun to worry about this deeply rooted phenomenon. A recent survey shows that 91% of those interviewed wanted the possession of pornographic material depicting minors to be criminalized. In 2011, the prefecture of Tokyo issued an order making the possession of pornographic images or videos involving children illegal. Such initiative is a novelty in Japan. On a national scale, a hotline on the Internet

intended to gather an information and reports from the population on sites containing child pornography recorded 175,956 complaints in 2010.

### **An organized and active sexual trade**

The *Yakuzas*, comprised of the four Japanese mafia branches and 80,000 members, remain the main organizers and beneficiaries of human trafficking for sexual purposes. They are involved in the production of pornographic material as well. The latter supposedly represents 13% of their global review. Working at all levels, they are in charge of recruiting victims (particularly abroad), facilitating their entrance into Japan, training them and collecting their income. In the last few years they have been confronted with increasing Chinese competition: some gangs are said to be established in the archipelago and to control some prostitution venues.

Beyond the usual methods of coercion, such as physical and psychological violence, indentured servitude seems to be the most common method used by the traffickers to force the victims into prostitution. Initially lured by promises of real jobs and owing an average of €50,000 to pay back the expenses of travel and papers, they often find themselves unable to reimburse their traffickers. In addition, most of the victims have to pay a hundred euros a day to practice their activity (authorization and rent). From then on, their debt increases and reimbursement becomes impossible. Prostitution is then suggested as the fastest way to make money. Victims are thus practically held ransom by the traffickers. Most establishments are officially recognized under the laws monitoring the entertainment industry. With the exception of some constraints, such as opening permits and the limitations of establishing venues within certain geographical areas, this industry receives most of the victims of human trafficking. According to the *National Police Agency*, trafficking is driven mainly by sexual exploitation.

### **The State and the NGOs struggling against human trafficking**

Since 2004, the Japanese government has developed many different methods to fight human trafficking. These methods are still being developed and improved today. Since the implementation of the national plan of action against human trafficking, the training of officials and public prevention campaigns have been renewed. Funds for victims assistance have increased, and international cooperation with source countries has been strengthened. We must keep in mind that Japan has ratified the international protocol validating the convention of children's rights and the Palermo protocol aiming at fighting human trafficking.

In 2011, the American Department of State report on human trafficking identified 45 victims of trafficking for sexual purposes (compared to 43 in 2010). The Japanese government's aid seems to limit itself to the financial support of approximately 40 housing centers scattered all over the archipelago, intended to receive and assist the prostituted victims of human trafficking.

With respect to the traffickers, 25 investigations were carried out in 2011, resulting in the sentencing of 20 persons, 18 of whom received sentences shorter than 4 years for their involvement in human trafficking for sexual purposes. On the other hand, in affairs involving

minors, the government reports having carried out 842 investigations leading to 74 incarcerations.

The NGOs do not remain absent in the increasing struggle to curb the devastating effects of exploitation. *HELP* and *SAALAA* are two major NGOs that receive the victims (an average of 30 per year for each organization) and provide psychological assistance. The *Japan Network Against Trafficking in Persons* brings together researchers and lawyers who provide financial aid and involve themselves increasingly in juridical support for victims.

## Bibliography

- Aceti M., Adelstein J., Alecci S., « Yakusa, Japan's greatest earthquake », *Bright* (online magazine), Flare Network (Freedom legality and rights in Europe), January 2012.
- Bouissou J.-M., « Le marché des services criminels au Japon - Les yakuzas et l'État », *Critique internationale*, n.3, Spring 1999.
- Cameron S., Newman E., *Trafficking of Filipino Women to Japan: Examining the Experiences and Perspectives of Victims and Government Experts - Executive Summary*, Coalition against trafficking in human beings in the Philippines – Phase 1, United Nations Global program against trafficking in human beings, 2003.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Hevamange V., Souchet F.-X., Sakulpitakphon P., Pimonsaengsuriya K., Upadhyay J., Altamura A., Mitra R., Bose A., Lucchi J., Nevitt T., Capaldi M., *Global Monitoring Status of action against commercial sexual exploitation of children – Japan*, second edition, ECPAT International, Stop Japan, 2011.
- *Human Trafficking for sexual exploitation in Japan*, Special action program to combat forced labour (SAP-FL), Work In Freedom, ILO Genève, January 1<sup>st</sup>, 2005.
- Japan Committee for UNICEF (The), *Emergency Statement - Child Pornography is Recorded Sexual Abuse on Children Immediate legislative revisions must be made, including control of simple possession!*, 2011.
- *Law for punishing acts related to child prostitution and child pornography, and for protecting children*, Act n.52 of May 26<sup>th</sup>, 1999.
- Ngozi Ezeilo J., *Report of the Special Rapporteur on trafficking in persons, especially women and children, Mission to Japan (from 12 to 17 July 2009)*, Human Rights Council, United Nations General Assembly, A/HRC/14/32/Add.4, May 12<sup>th</sup>, 2010.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.



## Latvia

- Population: 2.2 million
- GDP per capita (in US dollars): 12,726
- Unicameral parliamentary regime
- HDI: 0.805 (43<sup>rd</sup> rank among 187 countries)
- Member of the European Union since 2004
- 15,000 to 20,000 prostitutes in Latvia according to several estimations.
- Prostitution is legal. Procuring activities and managing prostitution venues are criminalized. Human trafficking is punished by the article 154-1 of the Penal code.
- Country of origin and destination for human trafficking with sexual purposes. Main destinations of the Latvian women are Italy, Spain, Ireland, Cyprus, Greece, the Netherlands, United Kingdom, Germany, Japan, and United Arab Emirates.
- Victims of human trafficking in Latvia come from Belgium, Portugal, and Thailand.

Following the country's independence in 1991, prostitution remained an offence in Latvia. However, the authority's control over prostitution quickly dissolved, thus amplifying the phenomenon. According to different sources, by the end of the 1990s, there were 10,000 to 40,000 prostitutes in Latvia. In 1998, the Latvian government adopted a neo-regulatory position and, in 2001, implemented a partial legislation for the sale and purchase of sexual services. But, while prostitution became legal, procuring and managing prostitution venues remain outlawed. Practicing prostitution is authorized only for adults who own a medical certificate. Prostitution can only be practiced in the prostitute's own home or in a place rented under her name. Prostitution activities in hotels or clubs are therefore forbidden and punishable by law. Nonetheless, specialized venues are numerous, particularly in Riga. Prostitution is practiced in strip-tease clubs, massage parlors, or apartments exclusively devoted to such activities. The economic development that occurred between 2005 and 2008 also impacted the transformation of Latvia into a country of transit and destination for human trafficking. According to the Ministry of Interior, the people most vulnerable to human trafficking with sexual exploitation are Latvian women, aged 18 to 35 years old, without any certification, without work, and without any incentive to improve their quality of life. Economic downturn and the unemployment rate reaching 22.3% in 2010 are signs of an economic situation that increases the Latvian population's precariousness.

### **Riga: the invasion of sex tourists**

Latvia, in the same way as most of the other countries formerly belonging to the Soviet bloc, inherited considerable industrialized economic structures, integrated into the former USSR's system of production. But its independence offered significant changes in the economic landscape. Presently, the tertiary sector represents more than 70% of Latvia's GDP. At the heart of this sector, tourism has become more and more important (3% of the GDP). In 2011, more than 5 million tourists, 58% of them coming from neighboring countries, visited Latvia. The sector was then employing approximately 40,000 people and generating more than €200 million, a rather modest amount considering the number of tourists. While tourists are numerous, the length of their visit seldom exceeds 2 days. The expansion of sex tourism in Latvia somewhat explains this phenomenon. An important number of people coming from Western Europe visit Latvia, and particularly Riga, during the weekends in order to party and purchase sexual services. Among others, a British website offers all-included weekends for bachelor parties: plane tickets, a transfer service from the airport to the hotel, a hotel stay, and a strip-tease club inside the hotel. If the tourists desire, the receptionist can even "order" them prostitutes. Of course, according to the hotel owner, prostitution never constituted a part of these "wicked weekends". In 2009, however, a journalistic investigation clearly revealed the contrary.

Riga, the so-called "city of inspiration" or also "the Paris of the North," has become one of the main sex tourism destinations in Europe. It is no longer the large number of extraordinary buildings of Roman, Gothic, Baroque, and Classical styles that attracts tourists towards the city also known as the "Baltic pearl." Brothels, strip-tease clubs, and massage parlors are probably more enticing to Western European tourists now. A European Commission survey showed that 83% of Latvians think that their quality of life is inferior to that of the other European Union citizens. They estimate that sex tourism is a consequence of the 2008 economic downturn which persists today, and the sight of drunken tourists seeking cheap sexual services is not appreciated by the local population at all. This feeling of despair is probably related to the impression that prostitution became a way of survival for many Latvian women in the current context of economic crisis and budget austerity.

### **An ineffective action against sexual exploitation**

Human trafficking is globally punished by the Latvian Constitution via Chapter 8: "Fundamental human rights." The Penal code defines human trafficking and punishes every form of human trafficking through many laws. The current actions' framework against human trafficking is determined by the National Program for Human Trafficking Prevention (2009-2013).

The U.S. Department of State report on human trafficking emphasizes the fact that most of the investigations on human trafficking are conducted by infiltrated police agents. The NGO Marta claims that communication between local police and special units remains difficult, and that the police civil servants are not particularly motivated to conduct long investigations

because their salary scale and their bonuses do not take into account this kind of work. This latter point might explain the limited number of human trafficking networks dismantled. In 2011, according to the U.S. Department of State report on human trafficking, there were 21 lawsuits of this kind of affair, compared to 34 in 2010. Out of 27 people on trial for human trafficking with sexual purposes, only 11 were sentenced at first instance in 2011 (compared to the 21 people sentenced in 2010). These results show a limited effectiveness of the legal and procedural framework of the fight against human trafficking, implemented by the Latvian authorities.

### **A limited assistance to victims...**

At the end of 2009, Marta wrote in its activity report that the budget granted to assisting victims only took into account a very limited number of people who were identified as victims by non-governmental organizations. Even if the National Program for Prevention of Human Trafficking (2009-2013) is also devoted to taking care of the victims of human trafficking, its effectiveness was slightly curbed by the economic downturn and lack of funding. In 2011, the government granted €58,000 to the assistance of the human trafficking victims, showing a decrease of €12,000 with respect to the budget granted the previous year. In addition, according to the official statistics, the number of victims of human trafficking is very low. Basically, the governmental mechanism limits the number of victims assisted per year to 7. Nonetheless, in 2011, 11 additional victims were included in the national program of assistance to the human trafficking victims. The Ministry of Interior ensured that 29 victims identified by the police declined the victim status even though they accepted to testify. This behavior suggests a lack of confidence in the police services. No assistance hotline was implemented in Latvia. Only 3 victims were identified following calls to the national assistance phone numbers, whereas more than 90 people reported cases related to human trafficking on emergency phone numbers managed by NGOs, who receive no financial aid from the government.

### **....but a fortified preventive approach**

The city of Riga granted €20,000 for prevention campaigns. The human trafficking issue was introduced to schools and 55 professors were trained on the subject. Additionally, in August 2011, the Parliament asked for an increase in the budget devoted to the fight against human trafficking. The government gave a positive answer and granted €78,000. From its own perspective, civilian society attacks sexual exploitation from a different angle; after the campaign against human trafficking with sexual purposes "Stop sex trafficking," the NGO Marta gathered nearly 16,000 signatures against the sexual exploitation of women and children and in favor of the criminalization of sexual exploitation customers.

### **Bibliography**

- Bite D., *Fiche Latvia*, Resource Center for Women "Marta Brivibas", in : E-notes (European NGOs Observatory on Trafficking, Exploitation and Slavery), January 25<sup>th</sup>, 2011.

- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Lace I., *Elimination of Trafficking in Human Beings in Latvia*, Marta Association Resource Center for Women, February 2009.
- Pajumets M., *Prostitution – a social problem? The views on prostitution's nature, causes and effects in the Baltic states and north-western Russia*, Estonian Women's Studies and Resource Centre, Equality Department of Estonian Ministry of Social Affairs, Nordic Council of Ministers, Tallinn, 2004.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- Veller A., « Lettonie : le scandaleux tourisme sexuel des européens », TAC Production, "Enquête exclusive" broadcasted through the French TV Channel M6 in February 2008.
- European Commission, Fight against Human Trafficking website, Latvia file: <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Latvia>
- Marta NGO website : [www.marta.lv](http://www.marta.lv)



## Lebanon

- Population: 4.3 million
- GDP per capita (in US dollars): 9,904
- Parliamentary regime
- HDI: 0.739 (71<sup>st</sup> rank among 187 countries)
- Prohibitionist regime.
- Lebanon has approximately 130 *super nightclubs*.
- Articles 524 and 73 of the Lebanese Penal code provide for sentences of one year of imprisonment for forced prostitution affairs, and of 3 months to 2 years of imprisonment for child prostitution.
- Articles 523, 526 and 527 criminalize human trafficking for sexual exploitation purposes.
- Country of origin, destination, and transit for human trafficking.

Lebanon is acknowledged as being one of the most liberal countries of the Arab world. Nevertheless, it remains very conservative regarding sexual matters.

Under the regime established by a law in 1931, prostitution was legal in Lebanon. However, prostitution was only tolerated in whorehouses previously registered with the state. Authorities stopped issuing such licenses in 1975, and, as a consequence, the whorehouses were informally replaced by *super nightclubs* located around Maameltein, the *red-light district* (a "red neighborhood" where prostitution activities are concentrated), North of Beirut.

Prostitution is proliferating steadily in Lebanon, but tends to be clandestine. Today, it unfolds mainly in the outskirts of the capital. Soliciting activities are located in Nabaa-Bourj Hammoud (Northeast Beirut) and Sabra-Chatila (West Beirut), and are expanding alongside the highways of Khaldé-Naamé and Dbayé-Jbeil. This list of places is obviously not exhaustive. Commander Elie Asmar, chief of the Bureau for Moral Protection explains that "the 1931 law is, as of today, the only one at our disposal: obviously, the text does not correspond to the reality anymore, its main purpose being the regulation of wartime whorehouses which have since definitely closed their doors. Thus, illegal prostitution becomes the norm despite being strictly forbidden by the law."<sup>1</sup>

<sup>1</sup> Fakhoury M., "Entre sexe et argent, la prostitution, un véritable fléau au Liban !", L'Orient-Le Jour, May 30<sup>th</sup>, 2011.

## **Prostitution in Lebanon: a lucrative market**

If prostitution is somewhat tolerated in Lebanon, it is because it represents a very profitable market. "This activity generates a lot of money [and] thrives because of the economic downturn in the country [...]. Women and men enter into this activity which quickly generates big and *non-taxable* revenues," highlights Commander Elie Asmar. The sex trade has been booming since the nineties, to such an extent that it occupies an essential place within the Lebanese tourism market.

Today, Lebanon has a great diversity of prostitution locations: *super nightclubs*, dancing clubs, hotels, chalets, massage parlors, and even highway areas. The increasing number of tourists coming from the countries of the Persian Gulf has undeniably contributed to the expansion of the sex industry. Petrodollars entice younger and younger women who are on the lookout for rich customers. The *super nightclubs* constitute the most visible face of the sex business: in the Arab world, they represent uncommon establishments, where exclusively foreign women officially host a "show" and give themselves over to prostitution. Some important hotels have also turned into hubs of prostitution. For some victims, prostitution is a family matter, says Soha, a young 18-year-old Syrian woman whose husband used to bring her customers at home. "The first one raped me. I tried to escape in vain," she explained. The phenomenon is well known. Women from Syrian origin are brought to Lebanon and sexually exploited, sometimes under the cover of early marriages. A significant number of them resign themselves to practice prostitution by necessity or by fear of bad treatment or gossip. The Commander of the Bureau for Protecting Mores states that, in a similar affair, the husband had amassed \$7,000 (€5,500) in just one week. He seized the opportunity to call attention to the fact that in Lebanon, prostitution is punishable by two years of prison. As a matter of fact, prostitutes are criminally responsible if arrested in obvious offense or if they make a confession, while customers, on the other hand, usually remain unpunished.

## **The prostitution population**

Prostitution has to do with a question of survival that not only affects women but also men and children, who sell their bodies in order to meet their needs. According to the United Nations Development Program (UNDP), approximately 30% of the Lebanese population lives below the poverty line, and 20% live with less than \$4 (€3) per day. This socio-economic context inescapably fosters the development of both prostitution and sex tourism that also affects some Lebanese minors. They are potential victims of human trafficking for sexual exploitation purposes; procurers, boyfriends, or even husbands facilitate such a phenomenon.

Migrant workers seem to be the most affected by this trafficking. The latter constitutes a real industry that continues to grow thanks to an attractive visa program like no other in the Arab world. In 2011, Lebanese authorities facilitated the entrance of 6,024 women into the country; these women came mostly from Eastern Europe and the Maghreb (Morocco, Tunisia and Algeria) through the use of visas known as "artists" visas. Those documents allow them to work as dancers or waitresses in the adult entertainment industry, but actually they are meant to fuel

the sex trade. "I send albums containing photos of young girls to luxury hotel customers; it's like selling goods," stated a Lebanese pimp. Customers are usually citizens of neighboring countries that are known to be less liberal in such matters. Their demand for sexual services is not decreasing. "During summer, the demand skyrockets. Hence, our networks help each other out. They lend us girls if needed and vice versa," explained Kamal. However, he stated that, "if a girl enters into another network without [their] consent, this is war, and there will be bloodshed." Prostitution seems to constitute one of the best-organized markets.

### **The *super nightclubs*, a Lebanese specialty**

Lebanon has approximately 130 *super nightclubs* mainly located in the cities of Maameltein, Kaslik and Jounieh. Somewhere between striptease bars and whorehouses, the *super nightclubs* hire exclusively foreign women, coming particularly from Eastern Europe, Africa, Latin America, Asia, or even Arab countries (Syria, Morocco, Egypt, etc.) and having entered Lebanon via "artists" visas. The term "artist" is employed as a euphemism for the term prostitute. According to Article 6 of the law regulating the entrance, stay, and exit of foreigners into Lebanon, foreign citizens who desire to enter country with the intention of working there as "artists" must previously obtain an authorization from the General Directorate of General Security (GDGS).

Enticing job offers (dancer, barmaid, nurse, etc.) fool most of these "artists." When they step into Lebanon, their passport is confiscated for the duration of their work contract, as explained by Lina, a young Ukrainian hired by a "super nightclub" located in Maameltein, during an interview for the Foreign Policy. She said: "I thought I was coming here to work in a night club, but when I got here and discovered the reality, I was shocked. The girls had told me what it looked like, but they only told me half the truth. I thought I was free to go only with those I liked (...) I am awaiting the end of my contract to be able to go back home." A lot of these women, pushed by repeated humiliation, beatings, and deprivation resign themselves to prostitution. "I was supposed to meet about ten customers a day, otherwise I was beaten and deprived of food," explained a young African woman who entered into the country to work as a housekeeper, but was then forced by the manager of the recruitment office to leave her employer's apartment in order to prostitute herself.

The *super nightclub* industry is assumed to benefit the Lebanese society as a whole, explained Toros Siranossian, a former *super nightclub* owner and current representative of the *super nightclubs* within the food service industry union. He says that: "it is better to have *super nightclubs* at our disposal so that people can share moments with foreigners instead of Lebanese women. It would cost them a fortune to go out with Lebanese women, and in turn, a lot of Lebanese women would begin to prostitute themselves." Moreover, these establishments have the effect of regulating and taming the phenomenon in the country.

According to the Lebanese magazine *Executive*, the *super nightclubs* deal with a revenue of tens of millions of US dollars each year. In 2009, those establishments were officially supposed to have generated a profit of no less than \$23 million (€18 million). These numbers would

actually be much higher if we include the significant illegal gains coming from the prostitution activity.

### **Legislation regarding human trafficking**

The Lebanese Penal Code prohibits human trafficking for sexual exploitation purposes. Sanctions imposed, nevertheless, remain extremely lenient with respect to the seriousness of the acts committed. As a matter of fact, the penal code provides, in accordance with articles 524 and 73, for sentences of one year of imprisonment in cases of forced prostitution and anywhere from three months to two years of imprisonment for child prostitution. The penal code criminalizes sex trafficking through articles 523, 526, and 527. As of today, Lebanon has not adhered to the 1949 Convention of the United Nations for the repression of human trafficking and exploitation of the prostitution of others. This Convention currently unites 82 member-countries. However, a report produced by the United Nations Office for Drugs and Crimes (UNODC), pointed an accusing finger at Lebanon in 2008. Not surprisingly, in 2011, the US Department of State report on human trafficking ranked Lebanon in tier 3, its lowest ranking in three years. Lebanon is a country of origin and destination for women and children victims of human trafficking for sexual exploitation purposes.

Some progress was noted in 2011 however. Lebanese Parliament adopted a law regarding the fight against human trafficking on August 4<sup>th</sup>, 2011. This law is going through the process of upgrading the penal code and the legal procedures specifically linked to such crimes. It outlines a clear definition of both human trafficking and its victims, and provides for sentences against traffickers. Several local and international NGOs (among them KAFA Violence & Exploitation, ALEF - Acts for Human Rights, Caritas Migrant Center, Heartland Alliance for Human Needs & Human Rights, and World Vision) had previously submitted a list of recommendations to authorities and parliamentarians so that the new law would be in accordance with the international norms regarding the fight against human trafficking.

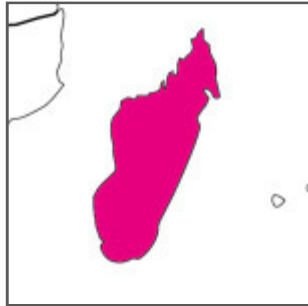
Although most of recommendations have been incorporated into this new legislation, some weaknesses remain. The new law focuses exclusively on the sanctions but ignores the necessity of bringing awareness to the public on this issue and the protection of the victims, as explained by Alix Nasri, the head of this program within the NGO Heartland Alliance. In an interview for the *NowLebanon* on August 15, 2011, she stated: "The legislative component is not the only factor allowing to curb human trafficking. We need to work on some of the root causes such as the *Kafala* system." Similarly to the United Arab Emirates' case, migrants willing to settle and work in Lebanon need to be sponsored by an employer adhering to such a system.

While some progress regarding the fight against human trafficking was achieved in 2011, significant drawbacks continue. Victims of human trafficking are still exposed to arrests during the procedure and must bring, by their own means, sufficient evidence of their status as a victim. Unsurprisingly, these persons can hardly bring such evidence by their own means and, as a consequence, authorities can criminally prosecute them on other charges (such as illegal entrance

into the Lebanese soil, prostitution, etc.). Hence, applying the new law remains a major challenge for Lebanon.

### **Bibliography**

- Anderson S., « Sex for Sale in Beirut », *Foreign Policy*, February 7<sup>th</sup>, 2012.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Fakhoury M., « Entre sexe et argent, la prostitution, un véritable fléau au Liban ! », *L'Orient-Le Jour*, May 30<sup>th</sup>, 2011.
- Jouni H., « Genre et migration au Liban », Notes d'analyse et de synthèse, Série sur genre et migration, module juridique, CARIM-AS 2011/26, Consortium pour la recherche appliquée sur les migrations internationales (CARIM), Institut universitaire européen, Robert Schuman Centre for Advanced Studies, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.



# Madagascar

- Population: 21.3 million
- GDP per capita (in US dollars): 467
- Presidential regime
- HDI: 0.480 (151<sup>st</sup> rank among 187 countries)
- Very few statistics available: an estimate of 30,000 people are assumed to practice prostitution.
- Between 3,000 and 6,000 prostitutes in Nosy Be.
- One out of two prostitutes is assumed to be a minor.
- Prostitution is illegal (articles 334 and 335 from the Penal code and the modifications of law number 2007-038 which represses human trafficking with sexual purposes and sex tourism, particularly implicating minors).
- Sexual maturity is set at 14 years old
- No incarceration for any trafficker or procurer in 2011.
- No sexual tourism customer was sued in 2011 by the Malagasy authorities.
- Significant sex tourism: mostly French, German, and Mauritius.
- The following cities comprise the most important prostitution and sex tourism centers: Antananarivo (the capital), Toamasina, Nosy Be, Antsiranana, and Mahajanga (coastal towns).
- Country of origin for human trafficking.

Although posters at airports and information booklets in hotels clearly remind tourists the punishment awaiting them in case of paying for sexual services, observations and testimonies gathered during 2011 do not show any noticeable regression of prostitution (in general) and of sex tourism (in particular). Despite NGOs' intensive work in matters of communication and raising awareness, and despite an increasing number of Malagasies getting angry with this situation, prostitution continues to constitute a source of profit for several intermediaries; these people include families who pushed their children into prostitution in a country where, according to the INSTAT (French National Institute of Statistics), two thirds of the population lives below the poverty line. And even if the clients of prostitution are mostly Malagasies, the French are also mentioned as the largest foreign group. Michel Ramasy, director of the Tourism Regional

Office in Nosy Be, believes that "sexual exploitation being tolerated in some specific places damages Madagascar as a destination"<sup>1</sup>.

### **A relatively complete legislation but scarcely used, if at all**

Before 2007, all forms of prostitution organizations were sanctioned (articles 334 and 335 from the Penal code). The first article focused on the several forms of procuring, while the second concentrated on brothel managers (hotels owners, bosses of bars, dancing clubs, houses, and private apartments...). On January 14<sup>th</sup>, 2008, law number 2007-038 was adopted in order to update and complete certain dispositions of the Penal code. The ultimate purpose behind the latter was to strengthen the fight against human trafficking and sex tourism. Malagasy authorities, concerned by the development of child prostitution and signatory of several international conventions (Children Rights in 1991 and its additional protocol in 2000), brought about serious evolutions to their legislation by acknowledging the improvement of prevention and by increasing the sanctions against prostitution, human trafficking, and sex tourism offenders, particularly when the victims are minors.

But if we focus on the U.S. Department of State report produced in June 2012, not even one case of investigation or lawsuit against traffickers related to sexual exploitation was observed in 2011. Although some sex tourism offenses implicating French citizens were reported, none of these investigations seemed to lead to a form of condemnation. In the meantime, several corruption affairs were disclosed incriminating police members who allegedly favored and even participated in prostitution activities by supplying minors to Malagasy "dignitaries".

### **Prostitution in Madagascar**

Many reports confirm the existence of a largely present prostitution in Antananarivo and in several coastal cities attracting tourists: Toamasina, Nosy Be, Antsiranana, and Mahajanga. On one hand, places where mining exploitation is present and where construction sites employ foreign workers also seem to encourage prostitution activities. On the other hand, statistics remain scarce. According to *Newsmada* on February 9, 2012, the NGO *Groupe Développement Madagascar* (Madagascar Development Group), however, half of the people prostituting themselves in the capital were minors. Most of them are assumed to have come from the slums and poor neighborhoods of Antananarivo and its outskirts. A study on "Malagasy children" mentions data, confirmed by other social workers, estimating the number of minors in Nosy Be to be 3,000, or even up to 6,000. The association *Fivemiteto*, quoted in the *L'Express de Madagascar* on March 22, 2011, estimated the number of prostitutes in Toamasina alone to be 30,000.

In addition, violence exercised by customers clearly arises in that study. Among the people questioned, 35% claimed to have suffered aggressions of any kind from their clients: physical or

---

<sup>1</sup> Ramasy M., Introduction speech - "Awareness-raising and mobilization against sexual exploitation", ILO, Madagascar, December 20<sup>th</sup> and 21<sup>st</sup>, 2011.

sexual (18%), verbal or psychological (15%). Those questioned also cited violence within their family circle. Moreover, 67% of the customers buying minor prostitutes services are assumed to be regulars. The study also reveals that 65% of the clients allegedly live off informal economic activities. Data gathered shows a prevalence of Malagasy citizens as customers of prostitution, even in the places frequented by sex tourists. Locals "reserve" the young women who arrive from the surrounding areas with the purpose of practicing prostitution. French citizens are largely described as the most frequent foreign customers on the island. Obviously, gaps in prices for sexual services motivate prostitutes to seek out foreign tourists: 3,000 to 10,000 Ariary (€1- €3) for the locals as opposed to 40,000 to 200,000 Ariary for foreigners (€15-€75). Observers stated that a lot of tourists come alone (from France), many of them are divorced and older. Tamatave and Nosy Be are the most frequented tourist sites on the island.

Prostitution venues were clearly identified: video projection rooms, bars and dancing clubs, as well as hotels. Construction sites and harbors also constitute favorite places of punctual concentration for prostitution activities. Although prostitution seems, at first glance, to remain a very private and disorganized affair in Madagascar, little by little certain customs have allowed select people to profit from this trade in bodies. "Female procurers," for instance, act as intermediaries for the younger prostitutes. They find customers, take the role of mediator or translators, and ensure protection and transportation. Most of the time, clients pay the women directly, but their husbands and boyfriends may also establish the contact with the customers. Taxi and rickshaw drivers also take the role of intermediaries. They know the places and the prostitutes; they often receive tips and commissions.

### **Minors on the front line**

According to a survey carried out among prostitutes by *Groupe Développement Madagascar*, the socio-economic factors explain, in 95% of the cases, the entrance into prostitution. In at least 47% of the cases, it is firstly survival prostitution due to economic pressures. Those who enter into prostitution do so in order to help their parents meet their needs. While most minor prostitutes are between 14-16 years old, some cases of prostituting minors aged 10-12 years old are also mentioned. According to sociologist Rian'aina Rabarihoela, "the interrogated young women lie to their parents. They claim themselves washerwomen but they actually are prostitutes." Unemployment, elevated tuition fees, family abandonment, and consumption trends related to fashion can also be factors. What can be done when the average revenue of children prostituting themselves is greater than that of their parents?

The young prostitutes are also very influenced by their peers. The study on "Malagasy children" reported that half of the children practicing prostitution have a close relative that is a prostitute (a sister, a cousin, or an aunt).

Cultural factors can also partly explain the relevance of this phenomenon. Certain usages, still present today, encourage sexual precocity and giving one's body to others. Thus, in the south of the island, men can come to a "girls market" in order to choose a companion, often very young, in exchange for money or family goods, without necessarily having the young woman's

consent. The *vazaha* (the foreigner) myth is also perennial, leading young women to seek a foreigner who hopefully will bring her a better life.

Media highlighted the outbreak of children abandonment in 2011. More than a hundred were identified in the Toamasina province. In approximately two thirds of the cases, sexual abuse was mentioned as the cause of the disappearance or the running away. The teenager is not considered a minor anymore and is forced by the family to find a financial resource. According to the newspaper *L'Express de Madagascar* on June 24, 2011, from January to June 2010, 525 cases of non-respect of children rights or violence against them, were counted in Toamasina. Among the children wandering in the streets, the youngest may sometimes be sexually exploited by the oldest. This is particularly true among boys.

### **Prostitution and health**

The government's most significant concerns regarding prostitution involve the HIV issue and the sanitary stakes likely to increase if its spread cannot be controlled. In a study organized by the Ministry of Health in 2011, a survey carried out among 300 prostitutes showed a 30% increase of HIV rates in a very short time. However, a report on the "Response to AIDS in Madagascar" showed that tests were already done in 2008 for 60% of the prostitutes. The pace of and the gap between two consecutive tests worry authorities. Even if 22 million masculine and feminine condoms were distributed in 2011, STDs rates among prostitutes remain elevated. One person out of seven is assumed to be positive for syphilis.

### **The new trends: online prostitution, luxury prostitution, and massage parlors**

An online prostitution affair monopolized the headlines in 2011: six people, including five young women between 20 and 30 years old, were arrested at a French citizen's home. The latter is a business manager. When the police forces arrived, they discovered that every woman had a bed and a computer with a webcam. An individual living in France was described by the arrested people as the promoter. As of the moment when this book was written, the Malagasy Penal Code does not take into account such situations. Hence, ads and meeting sites on the Internet proliferate.

Massage parlors multiplied in 2011. Many "prostitution agencies" are registered as massage parlors. In certain hotels, a directory contains an inventory of the different contacts, prices, and services. Individual "massage" ads thrived in the press. Certain parlors are assumed to directly hire the prostitutes they put on the market.

Sites offering jobs also display recruitment ads from escort agencies. These ads offer encounters with a luxury clientele paying €100 a day. Profiles are published on websites alongside specific information. Some social networks are used more and more in order to establish a direct relation between a person offering sexual services and potential customers.

## State role and NGOs

Several local and foreign NGOs have their headquarters in Madagascar and they bring help to prostitutes, particularly to minors, by offering housing, medical, and psychological assistance, but also by organizing prevention and awareness-raising activities.

In December 2011, an "awareness-raising and mobilization against sexual and commercial exploitation of children" workshop mobilized the government and the social leaders around the issues related to prostitution. The BIT (International Labor Office), promoted the event and the different social stakeholders came to the conclusion that it was imperative to "give young people the means to move forward." They established a plan of action to improve the juridical and institutional framework and to implement an oversight committee.

A national plan to fight violence towards children was already implemented for the 2008-2012 period. Its real effects on the phenomenon of prostitution are presently unknown. The lack of means heavily impacts the effectiveness of the measures advocated by higher authorities.

## Bibliography

- Bhukuth A., Ballet J., *La traite des enfants à Madagascar*, Fonds pour la recherche en éthique économique (FREE), UNICEF Madagascar, June 2009.
- Code pénal de la République de Madagascar - articles 330 à 335.
- Groupe Développement Madagascar, *Campagne de sensibilisation contre l'exploitation sexuelle et commerciale des enfants de Madagascar*, 2009.
- McNeish H., « Madagascar: Girls selling sex to pay for school », *BBC.co.uk*, August 25<sup>th</sup>, 2011.
- Nantenaina R., « Prostitution : 50 % des travailleuses du sexe sont des mineures », *Newsmada*, February 9<sup>th</sup>, 2012.
- Republic of Madagascar, *Loi N°2007-038 du 14 janvier 2008 modifiant et complétant certaines dispositions du Code pénal sur la lutte contre la traite des personnes et le tourisme sexuel*, January 14<sup>th</sup>, 2008.
- Republic of Madagascar, Secrétariat Exécutif du Comité national de lutte contre le sida (SE/CNLS), UNAIDS, *Rapport d'activité sur la riposte au sida à Madagascar – Période considérée : janvier 2010-décembre 2011*, March 2012.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- UNICEF, 2012 Action humanitaire de l'UNICEF pour les enfants, January 2012.
- UNICEF, *La lutte contre l'exploitation sexuelle des enfants à Madagascar*, 2008.
- Valencio J., « Atsinanana - Recrudescence d'abandon d'enfants », *L'Express de Madagascar*, June 24<sup>th</sup>, 2011.
- Valencio J., « Tomansina - Plus de 30 000 prostituées recensées en 2010 », *L'Express de Madagascar*, March 22<sup>nd</sup>, 2011.
- NGO Esppeer Website : [www.espper.org](http://www.espper.org)
- NGO Les enfants du soleil – Madagascar Website : [www.les-enfants-du-soleil-madagascar.org](http://www.les-enfants-du-soleil-madagascar.org)



## Mexico

- Population: 114.8 million
- GDP per capita (in US dollars): 10,064
- Presidential regime with a federal organization
- HDI: 0.770 (57<sup>th</sup> rank among 187 countries)
  
- Between 450,000 and 500,000 prostitutes.
- At least 20,000 child prostitutes, but some estimates suggest 70,000 to 100,000 of them.
- Prohibitionist regime, but some "tolerance areas" exist where prostitution is regulated. Laws are very seldom applied.
- Country of origin, transit, and destination for human trafficking.
- Internal and external human trafficking affecting women of very diverse origins.
- Victims are mainly Brazilian, Cuban, Ecuadorian, African, Chinese, Taiwanese, and Indian. A minority comes from Eastern Europe.

Because of its geographical situation, Mexico is a country of origin and a gateway for immigrants looking to enter American soil. Some organizations estimate that approximately 400,000 persons, most of them coming from Central America, cross the southern border of Mexico each year to go to the United States. They join the other Mexican immigrants who head for the border between the US and Mexico. Moreover, the drug cartels in Mexico are linked to human trafficking. President Calderon, elected in 2006, began to tackle the weaknesses in the Mexican legal system. Nevertheless, there is still a lack of laws against human trafficking. In addition, the corruption of civil servants continues to contribute to the trivialization of trafficking for sexual purposes.

### **Risk factors in Mexico**

Among the different situations that surround human trafficking in Mexico, six factors indicate the vulnerability of persons to this phenomenon: the strong presence of social violence, poverty, a weak judiciary system, a high level of internal and external migration, sexual discrimination, and sexual abuse. Due to all these factors, many people, between the age of 18 and 25 years old, run the risk of becoming victims of sexual exploitation for commercial purposes. Traffickers seduce women by creating the illusion of a sentimental relationship. Those young women consent to leave, motivated by the dream of marrying these men and working in

the United States. Afterwards, they are forced by their "lovers" to have sex with 25 to 45 men per day in order to pay back the debt of travel and immigration expenses. Traffickers build a relationship with the victims that functions simultaneously on dependence.

In general, women and child victims of human trafficking come from small communities far away from the large urban centers. Besides the procurers, they don't know anybody else when they get to the cities known for human trafficking activities such as Acapulco, Mexico City, Cancun (a main tourist destination), and the other cities of the Mayan Riviera (where the persons working in the tourist centers live). Additionally, the sugar cane industry has increased the demand for prostitutes. The trucks used for the transportation of sugar cane function as "mobile" brothels. The workers move frequently, and it is thus easy for them to escape potential legal proceedings. Among the non-Mexican victims, a large number are young African men or women coming from Cuba or Belize.

### **Perceptions, media, and sex tourism in Mexico**

The stigma against prostitutes in Mexico isolates them from a society that does not perceive them as victims. The sexualization of children has entered into Mexican culture. Schools organize beauty pageants for children from 6 to 10 years old. These shows contribute to the sexualized image of children. Beauty contests for young homosexual girls are also very common in dancing clubs. Girls aged 12 to 13 years old participating in the "Señorita Gay" pageant attract the attention of traffickers.

In recent years, pregnancy rates among young girls have become worrisome. In 2009, 881 pregnancies were the result of rape. In 2011, in the Chihuahua State of northern Mexico, 20% of all births were attributed to young women aged 15 to 19 years old. Pregnant young women run a higher risk of becoming the target of pimps who can easily control the mothers by threatening to hurt their child. Hence, the government launched prevention campaigns aimed to reduce the number of teenage pregnancies. These measures seem to have had a positive impact although the pregnancy rate is still high.

Mexican newspapers play a crucial role in the sex tourism industry by publishing ads for Mexican or foreign prostitutes, which attract many tourists. Procurers and prostitutes move their activities' locations often (bars, dancing clubs...). In addition, landlords often own multiple bars in order to minimize the risk of a police raid.

The demand for child pornography has also increased in recent years. Procurers film young children having sex with each other or with older persons. Child porn is a thriving industry. In 2011, Mexico became the second largest supplier of child pornography in the world. Most victims are indigenous children. According to Rosi Orozco, member of the Mexican Congress and president of the Special committee of fight against human trafficking, child pornography generates approximately \$42 billion (€33.97 billion) per year.

### **The increasing link between drug cartels and human trafficking**

Drug cartels have helped traffickers by creating an atmosphere of fear and by controlling civil servants who could have fought the transportation of drugs. In 2011, several drug cartels, such as *Los Zetas* cartel, one of the most violent, diversified their activities by creating new human trafficking networks. They used factories, under the guise of rehabilitation centers for drug addicts, to hide women rejected by society. Although human trafficking is less profitable than drug trafficking, sentences for human trafficking hardly exist, while sentences for drugs trafficking are severe. In Mexico City, 10,000 women got caught in the nets of human trafficking networks in 2011, but there were only 40 investigations and 3 arrests.

In 2006, President Calderon formally declared a war against the drug cartels by sending 50,000 soldiers to dismantle them. Since then, in retaliation and with the intent of displaying their power to the Mexican government, the cartels raped and killed 28,000 persons. In 2011, more than 47 cartels organized human trafficking networks. Many soldiers have been judged in military court for corruption and the purchase of sexual services from prostitutes, victims of the human trafficking organized by the cartels. The number of victims of trafficking has increased and stories of women who have disappeared are tragically common.

### **Political corruption and the fight against human trafficking**

Several Mexican civil servants were charged with participation in human trafficking. Corruption of civil servants is so common in Mexico that most victims are too scared to ask for help from the police, who may be controlled by a cartel. In cities where the cartels have a greater level of control, civil servants are forced to work in accordance with the rules imposed by the cartel; otherwise their families could be at risk. In prostitution areas, prostitutes are supposed to have a health certificate. Corrupt civil servants give those certificates to anyone who can pay.

In July 2011, President Calderon ratified two amendments to the Mexican constitution aimed at fighting corruption and the control the cartels exert on the population. Every person charged for human trafficking activities must be incarcerated during his/her trial. In addition the anonymity of the victims is guaranteed. With such a procedure, civil servants hope they will be able to prevent criminals from escaping, as well as the threats and retaliation carried out by the cartels on victims and their families. The President asked for police raids to take place in Ciudad Juarez during a weekend in 2011. On that occasion, the police liberated 20 minors and arrested 1,030 persons accused of human trafficking. Those police raids depend on the AMBER Alert program (search for missing persons) financed with the help of the United States. The two countries share a border, thus serious issues concerning Mexico are also crucial for the United States.

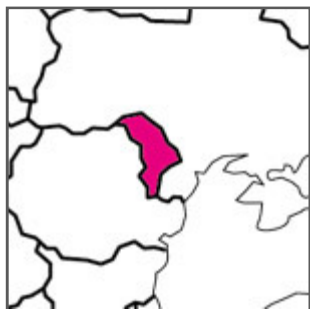
Marisela Morales is the first female Mexican Minister of Justice. A symbol in fight against the government corruption, she was congratulated by the U.S. Secretary of State Hillary Clinton in 2011 for her work against human trafficking in collaboration with the *Subprocuraduría de*

*Investigación Especializada en Delincuencia Organizada* (SIEDO), a government department involved in the fight against organized crime.

The situation of Mexico remains complex due to the presence of drug cartels. Even though President Calderon launched a war against them, corruption still exists at the heart of government agencies. The discrepancy between soldiers' wages and the revenues obtained within the cartels motivates soldiers to desert the army. It is difficult to be completely sure that any civil servant is not corrupt. In addition, Mexico's economic and geographical situation continues to motivate its citizens to seek a new life in the United States. In order to stop human trafficking, cartels should be under strict control. In order to achieve this, it is necessary not only to have the support of the public, but also the funds to maintain an army. The efforts made by the Mexican government in 2011 represent real hope for a future without human trafficking.

### **Bibliography**

- « Mexican police arrest more than 1,000 in human trafficking raids », *CNN Wire Staff*, July 25<sup>th</sup>, 2011.
- « Mexico changes constitution to combat human trafficking », *CNN Wire Staff*, July 13<sup>th</sup>, 2011.
- Ecpat Mexico, *Trata y Explotación Sexual Comercial de Niños, Niñas y Adolescentes en la Frontera de México con Belice – Un estudio exploratorio de ECPAT México en colaboración con ECPAT International*, 2011.
- Grillo, I., « Mexican drug gangs compete for bounty from human trafficking », *Global Post*, May 31<sup>st</sup>, 2011.
- *Informes de México sobre los Protocolos Facultativos de la Convención sobre los Derechos del Niño Relativos a la Venta de Niños, la Prostitución Infantil y la Utilización de Niños en la Pornografía, y a la Participación de Niños en Conflictos Armados*, Dirección General de Derechos Humanos y Democracia, Secretaría de Relaciones Exteriores, June 29<sup>th</sup>, 2011.
- Martinez, S., « Nowhere to Turn : Sex Trafficking in Nuevo León, Mexico », *North America Congress on Latin America (NACLA)*, August 25<sup>th</sup>, 2011.
- Coalición contra el Tráfico de Mujeres y Niñas en América Latina y el Caribe: <http://www.catwla.org/index.html>



## Moldova

- Population: 3.5 million
- GDP per capita (in US dollars): 1,967
- Parliamentary regime
- HDI: 0.649 (111<sup>th</sup> rank among 187 countries)
- No national statistics on prostitution.
- 10% to 20% of the population is assumed to have left the country. 57.8% of them are women (IOM - 2008).
- Country of origin towards Russia, Turkey, the European Union, particularly Cyprus, and to the countries of the Persian Gulf.

Following the collapse of the USSR, Moldova became independent but was confronted with serious economic issues. UNICEF Switzerland indicates that a Moldovan family has an average income of €150 per month, which led more than 700,000 Moldovans to leave their country. This situation favors organized crime and trafficking. The opening of European borders facilitated human trafficking operations even further. Such trafficking organizes its recruitment mostly in the rural areas.

After Moldova became independent, the countries of destination were mostly neighboring countries (Russia, Ukraine, and the Balkan countries). Today human trafficking has begun to deviate towards Persian Gulf countries, Turkey, and Cyprus. In 2002, an UNICEF report indicated that a large number of students considered that "prostitution abroad was an efficient way of making money". The case of Transnistria<sup>1</sup> is cited by many sources as particularly worrisome. The U.S. Department of State report on human trafficking notes that this separatist region, backed by Russia, tends to favor sexual human trafficking, and forced labor as well.

### Efforts made by the government

In order to fight this concerning situation, characterized in particular by an increase of internal human trafficking, the Moldovan government adopted a national plan of action in March 2011 and created a national committee for the fight against human trafficking, in which the

<sup>1</sup> « Traficul de ființe umane din Moldova în Raportul Departamentului de Stat al SUA », *Flux Gpf*, July 2011, <http://www.flux.md/articole/11952/> ; « Prostituție și proaste situații », *Presseurop.eu*, February 12<sup>th</sup>, 2012, <http://www.presseurop.eu/ro/content/blog/1537581-prostitutie-si-proaste-situatii>

Ministry of Interior plays a key role. The legal framework for helping victims is close to European standards with one slight difference; mobilized means and the impact on the reality of human trafficking remain modest in Moldova. The prevention policy is based on the idea of a better cooperation between the government services, NGOs playing a more active role, and the development of international cooperation agreements. The repressive policy is based on a very complete Penal code that provides for the possibility (among others) of prosecuting corporations, and exempts victims from legal proceedings for infractions related to human trafficking. The public prosecutor's office of Moldova noted that the initiatives taken resulted in the gradual decrease in the number of infractions recorded during the four years prior to 2012 (217 cases in 2008, 186 cases in 2009, 42 cases in 2010, and 111 in 2011). Nonetheless, raising awareness and public stakeholder training along with effective judiciary results remain significant problems. Last year, 174 briefs were completed. 141 cases involving 166 accused persons were judged.

### **A country under surveillance**

As a country which is particularly vulnerable to human trafficking, Moldova's statistics on the subject were recently updated. That said, the tools used to obtain these statistics remain unreliable. The U.S. Department of State's report on human trafficking ranked Moldova in tier 2, which corresponds to a country requiring some surveillance and not meeting the international standards for the fight against human trafficking, despite making efforts to become compatible. The report denounces the weakness of the repressive system and the absence of statistics. Nevertheless, it highlights the efforts made in terms of monitoring victims despite a very low number of cases (98 victims identified in 2011) and in terms of prevention, a field in which the national plan was scheduled to be updated in 2012. The Council of Europe's Group of Experts on Action against Trafficking in Human Beings' (GRETA) report, published in February 2012, was part of the same logic because it recommended complementary measures to the national plan, particularly to better identify vulnerable persons, to train the relevant agents, and more significant compensation for the victims. In a report published in March 2011, the association La Strada emphasized the sociological features relative to prostitution that affect Moldovan victims:

- 66% come from rural areas;
- 85% are unemployed;
- a majority of the victims have endured domestic violence;
- recruitment is mainly done by relatives offering false work positions;
- an increase in prostitution experience before heading to foreign countries.

The portrayal of human trafficking in Moldova in the foreign press is often disconcerting. Such is the case, for instance; with "Journey 117", which describes the alleged interest brothel tenants have in Chisinau orphanages. Even if this information is not backed up by legal proceedings or official reports, it reflects, at the very least, the persistence of a concern shared by many outside observers.

### Some examples of cases disclosed by the international press

In February and May 2011, a trafficking network of young Moldovan women towards Dubai was discovered. These women were transferred via Kiev for \$10,000 (€7,990). The network used pressure to "manage" the prostitution of these young women through the use of pressure<sup>2</sup>. In June 2011, the Turkish police carried out a raid in a brothel where a young Moldovan victim was confined. The press also revealed a case of some 2,000 women helped to enter Moldova by the IOM between 2000 and 2009<sup>3</sup>. In October 2011, police liberated an 18 year old Moldovan woman who had been put on a train to Moscow by a criminal group. This network recruited victims in Moldova and sent them to Russia and Turkey<sup>4</sup>.

In December 2011, two Moldovan women using social networking to sell young Eastern European women in irregular situations in various American states were arrested in the US.<sup>5</sup>

More than ten years after the first human trafficking cases in Moldova were disclosed, including some alarming UNICEF reports as well as hundreds of judicial procedures scrutinized in France regarding aggravated procuring, we see an encouraging evolution, with a decrease in identified Moldovan victims among the most active networks. This stems from Moldovan authorities understanding the necessity of a global public policy targeting all aspects of sexual exploitation as well as the innovative ways in which certain political parties, such as the Liberals, who proposed the penalization of the customers (though only for foreigners), have taken a stand against prostitution. The National plan adopted in 2011 will be a determining factor in Moldova's plan to turn the page on the issue of prostitution; one in which its economic roots remain pervasively present. Obviously, a strengthening of international cooperation with Moldova will need to be encouraged in order to offset the current changes in the human trafficking circuits, today focused more specifically on Southern instead of Eastern Europe.

### Bibliography

- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- GRETA (Group of Experts on Action against Trafficking in Human Beings), Council of Europe, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Moldova*, First evaluation round, GRETA(2011)25, Strasbourg, February 22<sup>nd</sup>, 2012.
- Limanowska B., *Trafficking in Human Beings in Southeastern Europe - Current situation and responses to trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia,*

<sup>2</sup> « Prostituante în loc de dansatoare », *Gardianul*, June 13<sup>th</sup>, 2011, (in Moldovan) : <http://gardianul.md/?p=2696>

<sup>3</sup> Elgersma E., *Fighting the traffickers, helping the victims*, June 6<sup>th</sup>, 2009, (in Moldovan) : <http://www.emielelgersma.nl/moldova/human-trafficking/fighting-the-traffickers-helping-the-victims/>

<sup>4</sup> « Racolau moldovence pentru practicarea prostituției în Turcia », *Unimedia.md*, October 4<sup>th</sup>, 2011, (in Moldovan) : <http://unimedia.info/stiri/racolau-moldovence-pentru-practicarea-prostitutiei-in-turcia-39691.html>

<sup>5</sup> « Doi cetățeni moldoveni au fost găsiți vinovați de promovarea prostituției în SUA », *Timput.md*, *După Reuters*, December 7<sup>th</sup>, 2011, (in Moldovan), <http://www.timput.md/articol/doi-cetateni-moldoveni-au-fost-gasiti-vinovati-de-promovarea-prostitutiei-in-sua-29327.html>

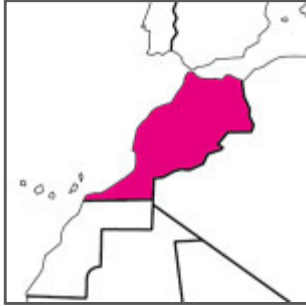
*the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia, Moldova and Romania*, UNICEF, OHCHR and OSCE/ODIHR, 2002.

- Rusu V., Fomina T., *Trafficking in persons in Moldova : Comments, trends, recommendations*, International Center for Women Rights Protection and Promotion “La Strada”, Second Edition, March 2011.

- UNICEF Switzerland, *Moldavie : une enfance très menacée dans le pays le plus pauvre d’Europe*, 2011, <http://www.unicef.ch/fr/information/publications/brochures/>

- U.S. Department of State, *Trafficking in Persons Report*, June 2012.

- Court of Moldova website: [www.procuratura.md](http://www.procuratura.md)



## Morocco

- Population: 32.3 million
- GDP per capita (in US dollars): 3,504
- Constitutional monarchy
- HDI: 0.582 (130<sup>th</sup> rank among 187 countries)
- No national statistics on prostitution.
- Prohibitionist regime
- Article 490 from the Moroccan Penal code stipulates that "every extramarital sexual relation between a man and a woman is considered as an act of prostitution and punished by an imprisonment sentence ranging from one month to one year".
- It is estimated that there are 20,000 prostitutes in Marrakech.
- Country of origin, destination, and transit for human trafficking.

Far from being a new phenomenon, prostitution remains taboo in Morocco. Nonetheless, its presence is widespread throughout the country. For some in cities, prostitution offers a chance to improve their daily lives, while for others in rural areas, it serves as the only means of survival. In some cases, women and children are forced to practice such an activity with the consent of their own families in order to support them financially.

While society turns a blind eye, a significant quantity of tourists go to Morocco in order to purchase a range of services to which they do not have an easy access in their home countries. Sexual exploitation seems to defy all taboos, even religious ones. The phenomenon has been on the rise in the Kingdom since 2005. Associations for the protection of children and human rights have denounced the lax juridical procedures that surround this activity.

### **The new faces of prostitution**

Prostitution constitutes the only means of survival for most persons, forced to sell their bodies in order to meet their own needs as well as those of their families. Poverty is always the main factor motivating women, men, and children to practice prostitution. The face of prostitution has nevertheless evolved. A significant number of persons henceforth sell their bodies to supplement their monthly revenue. This phenomenon affects all social classes, including students. A few tricks per month can double a person's monthly income. Prostitution is quickly turning into a lucrative activity, despite its stigmatism in Moroccan society.

Prohibitionist and repressive legislation seems to discourage neither the customers nor the prostitutes. Both groups are punished in accordance with the article 490 of the Penal code which states: "every extramarital sexual relationship between a man and a woman is considered as an act of prostitution and punished by an imprisonment sentence ranging from one month to one year".

Men are also increasingly involved in prostitution. Male prostitution is expanding in Morocco involving homosexuals and heterosexuals, minors and adults. Some become transvestites in order to entice a masculine clientele. Prices vary from 50 Dh (€5) to 200 Dh (€20). Violence is extremely frequent, as are police raids.

### **Some statistics**

The statistics reported by OPALS Morocco (French acronym for Pan African Organization for the Fight against AIDS) following an investigation carried out in January 2008, are worrisome. Of the 500 prostitutes who participated in the study, 90% stated having entered into prostitution before the age of 20, and 60% stated having had their first paid sexual relation between the ages of 9 and 15. In addition, approximately one third of respondents reported having practiced, or being forced into, their first sexual experience between the ages of six and 15: 13% of the sample was composed of young, virgin girls who were offering oral sex and sodomy. The study also emphasized the over-representation of female graduates in the streets and the occasional complicity of families: "some unemployed husbands motivate their wives, implicitly or explicitly, to prostitute themselves in order to support them and pay the household expenses."

Regarding customers, a study in 2003 of 100 children and 400 adults in Marrakech revealed that 75% of the children questioned had an international and domestic clientele. Paradoxically, the younger the minors, the lower their pay: less than \$3 (€2) per trick for some of them.

Morocco does not maintain complete statistics on the issue. Some numbers are mentioned but they do not seem to reliably reflect the magnitude of the phenomenon. The National Observatory for Child Rights (NOCR), for instance, based on an analysis of some files, counted 109 cases of sexual assault of children between January and November 2011. The Ministry of Justice recorded 80 sentences for encouraging child prostitution in 2009.

### **Sex tourism**

Sex tourists have turned Morocco into one of their favorite "hunting grounds". For several years, sex tourism and pedophilia scandals brought the moral habits of Moroccan society into question. The 2005 Agadir pornography scandal, implicating a Belgian journalist, was particularly disturbing, as some of the victims were minors. Another case from 2005 which stirred up controversy was the pedophilia case involving Frenchman Hervé Le G. and his accomplice Mustapha B.

Thanks to the vigilance of aid associations, authorities have since then dismantled several pedophilia networks. The phenomenon however remains worrisome. According to some observations, the tsunami that devastated South East Asia in December 2004 caused the sexual trade to move to Morocco. The disaster was seen as the catalyst for the human trafficking and sexual exploitation boom in Morocco. According to Omar Arbib, member of the Moroccan Association of Human Rights (MAHR), "In 2003, we identified 40 isolated cases in Marrakech. In 2004, we noted the appearance of networks and in 2005 several cases took place". Child prostitution networks however remain rare in Morocco and they are organized through recruiters, usually in the main tourist cities of the country.

Authorities have made efforts to eradicate the problem, embodied particularly in the creation of a tourist police in 1994 and an increase in convictions of tourists and western retirees living in Morocco for cases involving the sex trade and pedophilia since 2001. Despite those efforts, the phenomenon continues to proliferate, especially in Marrakech.

### **A Look at Marrakech: capital of debauchery for a price**

Marrakech attracts an increasing influx of tourists seeking oriental exoticism. The passion for this city has been obvious for quite some time, the drawback of which has been the development of sex tourism and the prostitution of minors. In June 2011, Marrakech was once again in the spotlight for a pedophilia case following sensational statements from the then French Minister of National Education, Luc Ferry. Minister Ferry indeed said he was informed that a French minister was "caught having an orgy" with young boys in a hotel in Marrakech. He insisted on the authenticity of such a statement by saying that it originated from the "highest authorities of the [French] State"<sup>1</sup>.

Marrakech, also known as the Pearl of the South, seems to be gradually overtaking Bangkok, as the capital of sex tourism. An increasingly enticing and significantly less distant destination than its Asian rival, Marrakech counts some 20,000 prostitutes between the ages of 16 and 30. The phenomenon is omnipresent: from the slums of the city where a trick is negotiated for a few Euros to the classy neighborhood of L'Hivernage where an evening costs at least €200<sup>2</sup>.

Some young boys sell themselves in Marrakech for a few Euros to tourists and to retired Westerners settled in Morocco. An article from the French magazine VSD tells of a heart wrenching testimony from a former minor male prostitute in Marrakech: "I was 14 the first time I went out with a customer, he remembers. I wasn't going to school anymore, I had no money, and I was desperate. Some friends of mine offered for me to "work" with them. They were talking about having fun. It was easier to take such an activity as a game. My first customer was

---

<sup>1</sup> Following Luc Ferry's statements, two Moroccan NGOs lodged a complaint against person unknown in June 2011. The Moroccan government, in turn, ordered the opening of an investigation.

<sup>2</sup> In July 1<sup>st</sup>, 2011, the monthly guaranteed minimum wage in Morocco (SMIG) was 2,230.80 MAD (a little less than €200).

French, and almost all of the following ones were French as well. I stopped prostituting myself last year...I was beginning to mutilate myself with a razor blade".

A study carried out in Marrakech in 2003 by the Moroccan association for community development and UNICEF, tried to identify the main factors leading to child sexual exploitation. Based on data gathered in the field, it was noted that most of the victims came from urban areas and large, poor families.

Violence and the breakdown of the family system coupled with absence from school are identified as determining factors in the sexual exploitation of minors in Marrakech, and the country in general. According to the results of the study, "two-thirds of female prostitutes come from single-parent families and 68% of the boys stated that they were victims of parental abuse. With the exception of three minors, none of those questioned were attending school [...] Most of the children began to prostitute themselves when they stopped attending school and began to work". Finally, the study comes to the conclusion that the entrance of minors into prostitution is the consequence of three triggers: the influence of more experienced young people, the need for money in order to financially support their families, and rape (for girls).

### **Prevention is necessary to tackle the problem**

Civilian society plays a crucial role in the slow but determined improvement of public awareness of the dangers of sexual exploitation in Morocco. For example, using the Agadir scandal as a reference, several NGOs tried to break the silence by leading awareness-raising campaigns. A change is taking place today in the heart of society. Media coverage of sexual exploitation cases and actions taken by civilian society has raised questions among public opinion.

In 2006, 33 associations decided to create a Coalition against sexual abuse on children (COCASSE). Those associations and many others, in addition to helping the victims by providing them with social, juridical, and psychological assistance, also engaged the government through lobbying and training efforts. Usually poorly informed on the matter, police forces and legal representatives, among others, have received several training sessions on the fight against human trafficking since 2007. Those initiatives have proved to be effective as prosecutors are now imposing increasingly heavier sanctions against the perpetrators.

### **Is it the end of the lax legal system?**

Despite the real fight led by authorities against sexual exploitation, several Moroccan associations deplore the juridical laxness surrounding this phenomenon. "Justice does not play its role. Criminals are judged, but sentences against Moroccans are lenient. As for foreigners, they are generally left free. They are just asked to leave the country", explains Khadija Ryadi, president of the Moroccan association for human rights. Yet several new provisions were made during the last few years.

On the legislative side, the Moroccan penal code was recently amended in order to strengthen the protection of minors from all forms of exploitation. The amendment increased the sentences for procuring activities affecting minors. Moroccan legislation henceforth provides for severe sentences for those accused of rape and pedophilia. Sentences vary with respect to the seriousness of the act committed and the degree of kinship with the victim: from 5 to 10 years, from 10 to 20 years if the victim is a minor, from 20 to 30 years if there are exacerbating circumstances. The complaints are usually lodged by associations that constitute themselves as the plaintiff.

On the international side, Morocco has been a signatory of the Protocol of the UN regarding human trafficking since April 25<sup>th</sup>, 2011. It is also a member of the Convention for the protection of children's rights. However, their actual application in the field is limited.

Additionally, the government created four child protection units in 2010 in Marrakech, Tangiers, Casablanca, and Meknes. Other protection services were also implemented: an emergency hotline, a program of mobile assistance and "women and children" contact sites. These efforts remain limited compared to the magnitude of the phenomenon.

On May 2<sup>nd</sup>, 2011, the Court of Appeal of Kenitra convicted a Spanish citizen to 30 years imprisonment for pornography and sexual abuse of ten children aged 2 to 15. This constituted an unprecedented sentence for this kind of case in Morocco and a victory for associations who defend children's rights.

### **Sexual violence towards migrants**

Morocco has a strategic geographical location. Indeed, the kingdom is an African door opened to the European continent and it attracts many irregular migrants. Morocco is a country of transit for women, men, and children looking to migrate to Europe.

Some irregular migrants coming from sub-Saharan Africa are forced to prostitute themselves when they enter Moroccan soil. Some of them are routed to the *tranquillos* (places of transit scattered in the outskirts of cities with the purpose of sheltering migrants) in order to be sold to prostitution networks.

### **Moroccan prostitution abroad**

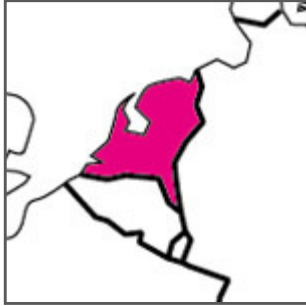
Moroccan prostitution flourishes abroad, to such an extent that, in many of the Gulf States, it is not women avoid admitting to holding Moroccan citizenship. Prostitutes from Morocco are present in Europe, the Middle East, Africa, and even Israel. Yet, this phenomenon hides a more complex reality. Most of them emigrate because they are lured by work contracts that end up pushing them into prostitution. Several such cases have been noted in the United Arab Emirates, Jordan, Syria, and Libya. Following their arrival, these young women are deprived of their passports and subjected to physical and psychological violence aimed at forcing them into prostitution in order to pay back their debts. Little effort is made to protect Moroccan female victims of sexual exploitation abroad or even to raise public awareness of this practice.

In 2010, the Democratic league for women's rights drew attention to the ordeal of young Moroccan women forced into prostitution in Persian Gulf countries. This coincided with the sentencing members of a prostitution network by the Penal Court of Abu Dhabi –some of the victims were Moroccan – to life in prison. These victims were locked up, beaten, deprived of food, and forced to practice prostitution.

Some progress on the fight against sexual exploitation is already palpable, however, law enforcement and international treaties continue to show weaknesses. Nonetheless, institutional deficiencies alone cannot explain the expansion of sexual exploitation in Morocco. The indifference of families and, more generally, the inertia and hypocrisy of society are often accused of encouraging this problem. In addition, some cultural and social impediments prevent victims and their families from talking about or lodging a complaint. Hence, important work still needs to be done in order to educate and raise awareness among public opinion and magistrates.

### **Bibliography**

- Amar A., Tuquoi J.P., « Marrakech, la nouvelle Sodome ? », *Yabiladi*, February 4th, 2012.
- Berre M., Aboussad A. (Pr), Filali H., El Kourchi M., *L'exploitation sexuelle de l'enfant : Cas de Marrakech*, Association marocaine de développement communautaire, UNICEF, Etudes et recherches, 2003.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Organisation PanAfricaine de Lutte contre le Sida (OPALS), *Les travailleuses du sexe et les IST/SIDA*, 2008, <http://www.opalsmaroc.ma/ts.html>
- Sarehane F., Baba N., Ezzine A., Lautier C. (coordinated by), *Traite transnationale des personnes. Etats des lieux et analyse des réponses au Maroc*, IOM, Kingdom of Morocco's Ministry of Justice August 2009.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.



## Netherlands (the)

- Population: 16.7 million
- GDP per capita (in US dollars): 50,087
- Constitutional Monarchy with a Parliamentary system
- HDI: 0.910 (3<sup>rd</sup> rank among 187 countries)
- Founding Member of the European Union, member since 1952.
- The Netherlands is thought to have 20,000 to 30,000 prostitutes in their country, of which two thirds are foreigners.
- Regulationist regime.
- There are approximately 8,000 prostitutes in Amsterdam. Prostitution in the capital is assumed to generate a profit of €800 million per year (nearly 5% of Dutch resources).
- Human trafficking victims are mainly Dutch, Nigerian, Hungarian, Bulgarian, and Polish.

For a long period of time, the Netherlands has been associated with tolerance and freedom, illustrated by the legalization of drugs and prostitution trades. But today, with the persistence of the economic downturn and nationalism, things seem to be changing. The country has begun to question its existing policies and to challenge its representative symbols. In 2011, the Dutch government announced the forthcoming implementation of a "cannabis-pass" aiming to better control the coffee shops and limiting their access to Dutch citizens only. Has the Dutch model begun to crack? Could the legalization of prostitution be questioned?

### A phenomenon in constant progression

In 2011, and every other year since the promulgation of the law regarding the "sex industry" passed in 2000, the number of human trafficking victims<sup>1</sup> continued to increase. 1,222 victims<sup>2</sup> were registered by CoMensha (*Coördinatie-centrum Mensenhandel - Coordination Center of the Trafficking in Human Beings*), which represents an increase of 24% from 2010 (993 victims in 2010 and 909 in 2009). 782 of them were sexually exploited (716 women and 66 men). This number is high in comparison to other economic sectors, but it remained stable in respect to 2010

<sup>1</sup> According to the Dutch government, prostitution, when it is not practiced in legal venues, is considered to be human trafficking.

<sup>2</sup> This does not represent the total number of victims registered in the Netherlands. Indeed, not all the reception venues are required to transfer their data to CoMensha.

(797 victims sexually exploited). By contrast, other exploitation sectors (particularly forced labor), continue to progress.

In 2011, human trafficking victims were mostly Dutch (337) and Nigerian (134). However CoMensha reported an increased number of victims coming from Central Europe (Hungary, Bulgaria, and Poland).

The illegal venues continue to multiply. A 2010 study by the *Regionaal Informatie en Expertisecentrum (RIEC)-Nord Holland* on published advertisements of a sexual nature showed that only 17% of these ads came from legal venues and 83% from illegal prostitution establishments, not controlled by the police.

Thus, prostitution is developing on the internet, in private apartments, in massage parlors...and even in airports. In July 2011, an investigation carried out by *De Telegraaf* disclosed that the international airport of Amsterdam-Schipol had become a hotspot for prostitution. Young women, usually coming from Eastern Europe, "settle themselves" in the international zone of the airport. The transactions take place in public bathrooms or hotels located in the transit zone. Some young women are "ordered" by customers who pay for their travel. Other women pay their own travel expenses and arrive in the morning and return home at night.

Furthermore, the legal prostitution venues are gradually being invaded by human trafficking and illegal practices. According to the national police *Korps Landelijke Politiediensten* (KLPD), 50 to 90% of prostitutes practicing in the "red-light district" are probably victims of Turkish, Hungarian, Romanian, and Bulgarian human trafficking networks, including those working in legal clubs and brothels<sup>3</sup>. A study by the Dutch government, published in May 2011, analyzed 12 criminal cases that occurred in Amsterdam between 2005 and 2010. The study showed all implicated legal venues in human trafficking to be located within the "red-light district".

But the phenomenon is not limited to Amsterdam. In July 2011, a Dutch Court ordered the closure of 92 of the 140 window shops in the small city of Alkmaar (less than 100,000 inhabitants), located north of Amsterdam. Their owner, the largest entrepreneur of the sex industry in Alkmaar, was suspected of using those venues for money laundering.

### **Sexual exploitation of minors and young adults**

The percentage of victims aided by CoMensha under the legal age of consent has varied over the years: 5% in 2005, 28% in 2007, and 15% in 2010. The number of victims under the age of 14 years old has tended to increase. Approximately 80% of these trafficked minors are exploited through prostitution.

#### ***Young migrants, sexual slaves***

Following a five year investigation, the year 2011 was marked by the Kluivingsbos lawsuit. The victims of that network, all minors, were recruited in Nigeria and attracted to the

---

<sup>3</sup> "TORL's fact finding mission in Amsterdam", Turn off the red light, January 23<sup>rd</sup>, 2012.

Netherlands by false promises of work. While the young girls were waiting for the legalization of their immigration status, members of the organization pushed them to leave the asylum centers where they were housed, in order to take them to Spain and Italy, where they were forced to practice prostitution.

For the first time in a case of this kind, the defendants were declared guilty of human trafficking (instead of illegal trafficking of migrants). The head of the network was sentenced to 7 years of imprisonment and the accomplices received sentences of 6 months to 4 years. The condemnations were pronounced in absentia as the criminals took advantage of the drawn out legal proceedings to leave the Netherlands.

Nevertheless, the lawsuit led the media to focus their attention on sexual slavery, and the victimization of young asylum seekers. Indeed, several studies mention cases of vulnerable young people disappearing from reception centers, probably in order to be forced to practice prostitution.

Other similar cases were covered by the media not long ago. In November 2011, a 44 year old Dutch male and his companion, a 22 year old Romanian man, were condemned for having organized a male escort agency based in Amersfoort, and sexually exploiting 12 boys brought specifically from Romania. The boys also lodged a complaint for maltreatment and violence.

### ***Young girls under the control of loverboys***

The exploitation of young girls, often minors, by loverboys, is a major concern for the Dutch government. This phenomenon is one of the priorities in the plan of action against human trafficking for the 2011-2014 period, presented in December 2011. Similarly, CoMensha, for the first time in 2011, tried to individually count and identify the victims of loverboys to better report the problem. 242 victims were counted in 2011, including 125 minors.

While some experts question the specificity of the loverboys phenomenon<sup>4</sup>, other studies, published in 2011, unveiled the most significant characteristics:

- the more and more common use of intimidation and, possibly, violence;
- the development of recruitment through the Internet;
- links between loverboys and international networks....

### **A pending legislative reform**

Since 2009, discussions have been underway about reforming the law regulating the sex industry. At the beginning of 2011, the reformed law planned to raise the minimum age of prostitution, to grant permits allowing the practice of prostitution activities to all venues (and not only to the legal brothels anymore), to register all prostitutes practicing their activity in non-legal brothels and granting an identification card to each of them, and the obligation for the customers to check the status of the prostitutes they meet and to denounce illegal persons.

---

<sup>4</sup> Bovenkerk F., San (van) M., "Loverboys in the Amsterdam Red Light District: A realist approach to the study of a moral panic", *Crime, Media, Culture*, T. 7, August 2011, p.185-199.

While this reform was approved by the Lower House of Parliament (*Tweede Kamer*), it continued to generate debate, at the moment of its examination by the Higher House (*Eerste Kamer*). Creating an identification card for the prostitutes, a measure aimed at combating illegal prostitution in a more efficient way, proved problematic.

Social workers, experts, prostitution customers, and, more importantly, prostitutes themselves predicted the inefficiency of such a measure which, according to them, would only increase the vulnerability of the women and the chances of falling into a clandestine situation.

Many people also denounced the act as a violation of human privacy and an inappropriate use of personal information, in particular personal sexual activity.

Metje Blaak, from the *De Roder Draad* organization, stated the following during an interview for *Radio Netherlands Worldwide*: "women who live and work in the Netherlands do not want a card, because they think: I am going to be registered in a database and how am I supposed to be removed from it? And if I stop, will I remain a former prostitute for the rest of my life?"

Following this widespread outcry, the government announced in February 2011 that it would keep the project of registering prostitutes, but renounce the idea of granting them an identification card. At the end of the year, however, the Higher House froze the law and asked the Minister of Justice to clearly describe the possible consequences such measures could have on the respect of the human rights.

Meanwhile, in December 2011, the Minister of Justice announced to Parliament his intention to submit a bill on human trafficking, in particular raising the sentences sanctioning those crimes from 8 to 12 years of imprisonment.

### **Prostitution to soon become taxable...**

For the first time, prostitutes in the Netherlands, or at least from Amsterdam, were expected to pay taxes on the revenue they received in 2011. Considered by the government as "independent workers" and benefiting from a particular administration, they were spared from taxes up to that point. Nonetheless, the severity of the economic downturn and the exceptional windfall profits that prostitution generates encouraged the authorities to claim 33% of their revenues.

An investigation was launched to better understand the different aspects of their activity (prices, number of customers...). After the brothels, it was the window shops' turn to undergo a thorough examination. No later than January 2011, the press announced that prostitutes in Amsterdam were about to receive a visit from the Inspector of Taxes.

### **A more and more questioned "model"**

"We have to abandon our romantic image of the Red-Light District", stated Lojdewijk Asscher, municipal councilor of Amsterdam, in October 2011. For several years, he has

denounced the development of human trafficking in Amsterdam and supported the "Project 1012," aimed at progressively shutting down the window shops, brothels, and coffee shops.

Incidentally, the evolution of the city seems to be going in that direction. According to him, in February 2011, 60 prostitution venues had already lost their licenses<sup>5</sup>. And in the fall of 2011, following the suggestion of two municipal councilors, the city made a commitment to limit the promotion of its "Red quarter" on its website in order to reduce tourism.

Although Lojdewijk Asscher continues to spearhead this project, he is not the only one to question the Dutch model. In the fall of 2011, two journalists of the *Trouw* daily newspaper, Martijn Roessingh and Perdiep Ramesar, published *Slaven in de Polder* (Slaves in the polders), an essay that, through testimonies, presents the reality of the paid sex world: the fear, the violence, and the financial, physical, and emotional pressure.

The book incited several debates and opponents calling for changes<sup>6</sup> were heard. In particular; the sociologist Evelien Tonkens, chronicler at the widely circulated newspaper *De Volkskrant*, denounced the effects of the legalization of prostitution: the increase of trafficking of women, the trivialization of sexual exploitation..."The legalization shows, above all, how here, freedom has deteriorated and constitutes only an alibi for slavery." Her conclusion: "The legalization of prostitution is a flop."

## Bibliography

- CoMensha, *Jaarcijfers CoMensha (Rapport annuel), Aard en omvang (mogelijke) slachtoffers van mensenhandel 2011 in Nederland*, April 2012.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Government of the Netherlands, *Task Force on Human Trafficking – Action Plan 2011-2014. Strengthening the integrated approach to tackling trafficking in human beings*, July 2011.
- Klooster E., « Hookers.nl in the fight against people trafficking », *Radio Netherlands Worldwide*, January 26<sup>th</sup>, 2011.
- *Methodiek 'Inzicht in prostitutiebranche'*, Regionaal Informatie en Expertisecentrum (RIEC)-Nord Holland, October 2010.
- Pietropaoli I., Souchet F.-X., Sakulpitakphon P., Upadhyay J., Berardi G., Bose A., Lucchi J., Lonn M., Sukontasap A., Capaldi M., *Global Monitoring Status of action against commercial sexual exploitation of children – Netherlands*, second edition, ECPAT International, ECPAT Netherlands, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- Verhoeven M.A., Gestel (van) B., Jong (de) D., *Mensenhandel in de Amsterdamse prostitutiesector. Een onderzoek naar aard en opsporing van mensenhandel*, Wetenschappelijk Onderzoek- en Documentatiecentrum (WODC), The Hague, 2011.

<sup>5</sup> However, a report of the Court of Auditors (Algemene Rekenkamer) of the Netherlands, publicized in September 2011, casts doubt on the following statements: "Impossible to measure success of Amsterdam's Red Light District clean-up measures", Dutch Amsterdam, September 23<sup>rd</sup>, 2011.

<sup>6</sup> Stroobants J.-P., "Les Néerlandais commencent à regretter la légalisation de la prostitution", *Le Monde*, December 12<sup>th</sup>, 2011

- Verwijs R., Mein A., Goderie M., Harreveld C., Jansma A., *Loverboys en hun slachtoffers*, Verwey-Jonker Instituut, 2011.
- European Commission, Fight against Human Trafficking Website, Netherlands file : <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Netherlands>



## New Zealand

- Population: 4.4 million
- GDP per capita (in US dollars): 32,620 (in 2010)
- Parliamentary Monarchy
- HDI: 0.908 (5<sup>th</sup> rank among 187 countries)
- Between 2,400-3,500 prostitutes according to different sources.
- Regulatory regime. Prostitution is legal (venues, streets, massage parlors, and at a private level) in accordance with the "Prostitution Reform Act" of 2003. Some restrictions exist in certain outlined residential areas. Forced prostitution is sanctioned.
- Main sites of prostitution: Auckland (76 venues), Christchurch (20 venues), and Wellington (15 venues).
- Increase in the number of illegal prostitutes coming from Asia (in particular China, who represent a third of street prostitutes) and Eastern Europe.
- Cases of prostitution of minors reported.
- Increasing conflicts between inhabitants of residential zones and street prostitutes.

During 2011, on two occasions, the international press focused on New Zealand; first, during the Christchurch earthquake which caused major material damages, several casualties, and led to the redistribution of some populations, then, during the Rugby World Cup in September, and the corresponding arrival of more than 85,000 fans from the participating countries. Through these two relevant incidents, we observed the New Zealand prostitution model (known as the most libertarian in the world) beginning to show signs of cracking.

### **The "official" brothel industry is running out of steam**

Magnates of the New Zealand sex industry, the Chow brothers present themselves as successful, model entrepreneurs. They own several prostitution venues in Wellington. In 2011, they presented a project to construct a 15-floor brothel on the historic ruins of the Palace Hotel, in front of the Auckland landmark, Sky Tower. This project followed a chaotic path, which mimics the debate on prostitution regulation. Several lobbies fiercely opposed the project (catholic groups, associations for the preservation of historic heritage, etc.). Following the destruction of the Palace Hotel for the construction undertaken by the two brothers, the City Council of Auckland demanded \$200,000 (approximately €155,000) in compensation for

damages. These were still unpaid as of the end of 2011. However construction of the brothel was eventually accepted under certain conditions. The Chow brothers, who manage 80 to 100 “employees”, were severely criticized in an article which described the harsh working conditions imposed upon the prostitutes: “mostly between the ages of 18 and 21, they must pay for rent, lubricants, condoms, and must receive customers for 17 hours per day in order to keep at least 50% of the profit...”

Some more bizarre initiatives (such as the opening of the first venue for female clients or the opening of new venues in smaller towns) did not thrive in the face of the economic downturn and a lack of customers. In a similar way, in Queenstown, the project of a two-floor bus devoted to prostitution did not survive, due to the lack of clients and to the repeated condemnations by the City Council.

In 2003, the *Prostitution Reform Act* (PRA), which officially legalized prostitution in New Zealand, was voted in 60 to 59. Eight years later, despite a government investigation showing the positive effects of this law which was essentially aimed at decriminalizing prostitution and deterring trafficking, an ideological debate on how to approach the problem continued. The political sphere remains divided on some specific terms of the text. Some Deputies, including women, do not hesitate to invest in prostitution venues. On the other hand, other Deputies wish to amend this law and admit to social difficulties, particularly regarding the increasing conflict between street prostitutes and residents, and tendencies that push prostitution into a clandestine position.

### **Divided public opinion and the exasperation of residents**

In “The New Zealand Herald” on April 6th, 2011, a survey of public opinion showed that 66% of people hoped for an amendment to the law allowing the end of brothels in residential zones. Furthermore, 50% expressed the wish to prohibit street prostitution. Criticism of the 2011 legislation mainly concerned the places where prostitution was practiced and on the venues’ locations. Prostitution is essentially concentrated in the largest urban centers. According to the 2007 study of the University of Otago, there were 230 street prostitutes in Auckland, 120 in Christchurch, and 45 in Wellington.

In Christchurch, the earthquake destroyed several buildings, including prostitution venues. The prostitutes, who used to work downtown, now declared a “prohibited zone”, moved towards residential neighborhoods whose inhabitants complained about the problems this relocation has caused. The cohabitation of prostitutes and private residents is complicated due to noise pollution, material damages, and undesired soliciting. The police defend their dialogue centered approach, and state that the sector is monitored, and that the legality of prostitution allows for it to be practiced in those areas. The claims and the actions of the residents have had no results as of yet. As for the prostitutes, the presence of rescue teams, and afterwards reconstruction workers, increased demand in the residential neighborhood of *Manchester Street*. Anna Reed, regional coordinator of a group of prostitutes, estimated that: “these problems should not occur

and a certain determined number of small venues already existed in that area long before the earthquake and without any complaint being ever lodged."

Conversely, other groups advocated for an amendment of the law in order to authorize brothels to set up in new zones previously prohibited, citing the destruction caused by the earthquake.

Over the past two years, the Auckland City Council received 23 private complaints against roughly twelve brothels located in residential zones. Since 2009, a group of residents has formed a movement called *Papatoetoe Reclaiming Our Streets* that advocates for the prohibition of street prostitution. They film the plates of the customers' vehicles and send letters to their homes. They also produced a documentary/report called *Hunters corner* that had a somewhat significant impact in New Zealand. Their approach was not to directly target prostitutes themselves but to "denounce anti-social behaviors" that prostitution may generate.

Aware of these problems, the Auckland City Council provided for the installation of an expensive surveillance system in the affected neighborhoods. This system proved to be ineffective, and did not generate the expected results: the prostitutes and their customers simply moved to un-monitored areas.

### **The combat of a Deputy to solve conflicts**

A lively debate invigorated the political arena regarding the proposition of the Council of Manukau City (Northern Island) to forbid and penalize street prostitution in some neighborhoods of Auckland. With 11 votes against 7, the Council of Manukau City first adopted the *Regulation of Prostitution in Specific Places bill*. Therefore, every person implicated in prostitution activities (prostitutes and customers) in a "no-go zone" was subjected to get a fine of 2,000 NZD (approximately €1,200). When legislators attempted to extend that proposition to the whole city of Auckland, they were confronted with fierce opposition by various stakeholders. At this time, the text has little chance to ever become a federal law and the Deputies do not wish to reopen the debate on prostitution. This amendment was declared non-applicable to the whole territory, dangerous for public health, and in contradiction with the *Prostitution Reform Act* of 2003.

### **The "pro-prostitution" advocates half-recognize of the existence of clandestine prostitution**

As is always the case before huge sporting events, the fear of an inflow of prostitutes for the Rugby World Cup unveiled a reality, which had, until then, been almost completely ignored. Immigration services multiplied the warnings against breaking the law and police increased control over the competition venues in order to limit clandestine prostitution.

Many cases of people, mainly Asian women (Chinese, Malaysians, Vietnamese), in possession of student visas, and therefore not authorized to practice prostitution, were discovered. Several motels were implicated in cases of illegal prostitution. Immigration services warned hotel managers of the prison sentences and fines to which they would be exposed if they

allowed foreign prostitutes to receive customers in their hotels. The managers swiftly replied that they were not obligated to check the passports of their guests and that prostitutes were, above all, considered "customers who come to rent a room." The legislation is clear that it is illegal for a visitor holding a student or temporary tourist visa to work in the sex industry. The sentences can be upward 7 years of imprisonment and/or fines of 100,000 NZD (approximately €60,000) for the owners of venues who hire clandestine prostitutes.

Some brothel managers reported having been contacted by suppliers offering prostitutes specifically for the duration of the championship (6 weeks). The prostitutes were mostly Chinese, but some Germans were also reported. Several of those managers described having received the offers from prostitutes themselves. In 2010, only eight clandestine prostitutes were identified by the immigration services.

In Hamilton, at least four illegal brothels were discovered. There were many testimonies of customers asking for sexual relations without protection, which is prohibited by law. Several investigations were opened following the testimony of residents or anonymous letters.

The inflow of Chinese prostitutes was a major concern for the "local" prostitutes. According to the *New Zealand Prostitutes Collective*, "the arrival of the Chinese led a decriminalized industry to once again become partly clandestine." For spokesperson Catherine Healey, the Chinese represented a third of the 1,500 to 1,700 prostitutes of Auckland in 2011, surpassing the "native" population (primarily Maori and Pacific Islanders).

The expansion of this phenomenon may be explained by the difference in price between the two groups. Since that time, the booklets of information and awareness efforts have all been translated into Chinese. It was assumed that the Chinese managed a third of the brothels and massage parlors in Auckland.

### **Perception and evaluation differences**

The existing documentation on the situation of prostitution in New Zealand, shows clear differences in perception and evaluation between those who wish to see the sex industry thrive and those who advocate limiting its impact on society.

According to the U.S. Department of State report on human trafficking, the situation in New Zealand is far from ideal: it exhibits cases of minor aged victims of trafficking for sexual purposes; its legislature contains no clear definition of human trafficking, and testimonies of victims describe cases of forced prostitution. The report describes New Zealand as a country of destination for human trafficking victims from Asia (Hong-Kong, Taiwan, Thailand, and China) and Eastern Europe. Trafficked minors are for the most part controlled by gangs, in the street, prostitution venues, or private apartments. The NGO ECPAT New Zealand counted at least 200 victims of human trafficking under the legal age of legal consent.

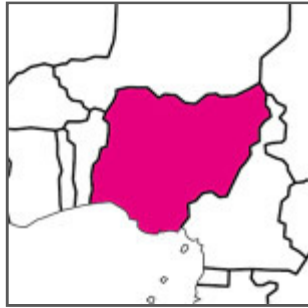
For the New Zealand government, the situation is very different; human trafficking is inexistent because the persons coming to practice prostitution arrive willingly and without any constraint. The country signed the United Nations Convention against international criminality, and the complementary protocol aimed to prevent, repress, and punish human trafficking,

specifically in regards to women and children. In a study published in 2008, the evaluation committee of the 2003 Law carried out an investigation based on the testimonies of 656 women. Only 4.3% of them stated having been forced to practice prostitution by a third person. This percentage climbs to 18% when the person interviewed was a minor when they began prostituting themselves. An evaluation of the 2003 Law carried out three years later, reported stability in the number of prostitutes and a universally positive perception of the *Prostitution Reform Act* (PRA) by the prostitutes.

On the website of the Ministry of Justice, the evaluation committee half-recognizes that forms of constraint are difficult to characterize, even when the prostitutes themselves are interviewed. It also admits some difficulties in regards to street prostitution and that it is not the committee's role to determine the conditions of practice within the prostitution venues.

## Bibliography

- « The Bordello brothers », *The New Zealand Herald*, April 9<sup>th</sup>, 2011.
- Abel G., Fitzgerald L., Brunton C., *The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers - Report to the prostitution law committee*, Department of public health and general practice, University of Otago, Christchurch, November 2007.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- House of representatives, *Supplementary order paper 2010 no 194*, Manukau City Council (Regulation of Prostitution in Specified Places) Bill 2010, April 19<sup>th</sup>, 2011.
- Leask A., « Keep brothels away from our homes-poll », *The New Zealand Herald*, April 6<sup>th</sup>, 2011.
- Ministry of Justice, *Prostitution Reform Act 2003*, Public Act 2003 no 28, Date of assent June 27<sup>th</sup>, 2003, Reprint as at November 29<sup>th</sup>, 2010.
- New Zealand Government, *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003*, Ministry of Justice, New Zealand, May 2008.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.



## Nigeria

- Population: 162.5 million
- GDP per capita (in US dollars): 1,452
- Federal regime
- HDI: 0.459 (156<sup>th</sup> rank among 187 countries)
- Member of the African Union since 1963
- No official national statistics on prostitution.
- All forms of organization (procuring, venues) and encouragement (instigation, constraint) to prostitution are prohibited.
- There are approximately 50,000 victims of sex trafficking, aged 9 to 17 in Nigeria<sup>1</sup>.
- A 2003 law, strengthened in 2005, condemns human trafficking with sexual intent to sentences of 10 to 15 years of imprisonment and/or a fine of \$1,250 (€961).
- There are between 8,000 and 10,000 Nigerian prostitutes in the streets of Italy (UNICRI) and, at least 20,000 Nigerians exploited in Mali (NAPTIP).
- There are 10,000 Nigerian victims of human trafficking every year (NAPTIP).
- Country of origin for trafficking to Europe (Italy, France, Spain, the Netherlands, Sweden, Germany, Switzerland, United Kingdom), the Middle East (Saudi Arabia, United Arab Emirates), and the African continent (Gabon, Mali, Libya, Ghana, Morocco, South Africa, Côte d'Ivoire, Burkina Faso).
- Country of destination for victims of sex trafficking (Togo, Cameroon, Chad, Niger, Central African Republic).

Nigeria is currently attempting to combat its image as the capital of human trafficking on the African continent. Ranked 143rd by the 2011 Transparency International report on corruption, the country committed itself to a challenging battle through the collaboration between the *National Agency for Prohibition of Traffic in Persons and Other related Matters (NAPTIP)* and multiple NGOs. However, socio-economic problems have undermined its progress. For many students, prostitution is a way to support their families, and victims are easily lured into trafficking to Europe with the promise of economic opportunity. According to an article in the April 2012 *Journal of Sciences Research*, out of 100 foreign victims deported from Nigeria, between 25% and 30% reach their destination while 53% of them die in the desert.

<sup>1</sup> Iferi B., "60% of prostitutes in Italy and Belgium are Nigerians", Daily Times, October 29<sup>th</sup>, 2011.

### **From Nigeria to Italy; from one hell to another**

The Italian association BeFree describes the journey of Nigerian girls and women from their recruitment in Nigeria until their arrival to the Italian sidewalks. It is hell to say the least. Between departure and arrival, months and even years may pass. They travel in stages, stopping at transit shelters in Nigeria, Niger, Chad, and Libya before embarking to the Italian island of Lampedusa. They have no option other than to keep moving and do what they are told. Identified and recruited by men or women from around their villages, they are sold by their families, who are lured by false promises of work in the western world. Sometimes, they leave their families to escape the overwhelming weight of traditions (i.e. excision, forced marriages). Some "mamas" (female pimps) who live in Italy make regular trips to Nigeria, accompanied by men for protection, easier border crossings, and, if necessary, to negotiate various arrangements. The transit shelters are well organized and the young victims are sold from one exploiter to another.

Prostitution often begins during the voyage and victims may stay in transit for years before reaching Italy. Drivers are paid by the traffickers to transport the girls with other illegal goods towards Tripoli, Libya. It is in this stage that many of the women begin sexual slavery. Their identification documents are confiscated and prostitution becomes the only way to pay back their debt (papers, food, transportation, housing etc.). Some of them stay in Tripoli up to 4 or 5 years to pay the already increased travel debt. Disoriented and without references, they can only obey their traffickers. Others stay in Libya for just for a few months before embarking towards Lampedusa, always under the control of an intermediary or a girl selected from within the group to supervise the others. Upon arrival in Lampedusa, they are given prepaid cell phones that can only receive calls from those who control them, who are their only connections in Italy. Since the tightening of airport security, traffickers mainly use land transportation (trucks, walk), particularly through the sub-Saharan desert.

There are between 50,000 and 100,000 Nigerians in prostitution networks in Europe by different estimates. According to the United Nations Interregional Crime and Justice Research Institute (UNICRI), there are 8,000 to 10,000 Nigerian prostitutes in Italy alone. According to Isoke Aikpitanyi, a trafficking survivor and president of the association *The Girls of Benin City*, there are probably 10,000 Nigerian "mamas" in Italy, and each of them "has two to three girls".

Aikpitanyi also stated that more than 500 Nigerian women were killed in recent years in Italy, all victims of human trafficking for sexual exploitation. In a *Daily times* article on October 29th, 2011, NAPTIP estimated 10,000 Nigerian women are victims of international human trafficking each year. According to the United States Agency for International Development (USAID), as many as 300,000 Nigerians have experienced the same fate since the beginning of the 90's.

While Western Europe is one of the more frequent destinations for Nigerian victims of sex trafficking (Italy, France, Spain, the Netherlands, Sweden, Germany, Switzerland, United Kingdom), Saudi Arabia and the United Arab Emirates are also mentioned. On the African continent, Nigerian gangs export young women to Gabon, Mali, Libya, Ghana, Morocco, South

Africa, Côte d'Ivoire, and Burkina Faso, mainly for prostitution. Nigeria is also a country of destination for the victims from Togo, Cameroon, Chad, Niger, and Central African Republic.

While cooperation between the Nigerian and European authorities has improved, the 2011 failure of a joint operation with Malian police forces to liberate sexual slaves located in Mali highlighted the obstacles encountered in implementation. In *The Huffington Post* on August 11th, 2011, NAPTIP stated that there are between 20,000 and 40,000 Nigerians in the brothels of Mali. In addition, sex camps were detected in the north, close to mining centers. The gangs exploiting the women are Nigerian, but the customers are citizens of Mali. In Burkina Faso, a couple was interrogated in regards to the trafficking of Nigerian girls and their exploitation in a mining center. The young women lured by false promises of work in France had their identification documents confiscated. Sold to the couple by traffickers for 3,000 CFA Francs (€457.35) each, the girls would be beaten when they failed to make enough money.

### **Internal human trafficking and local markets**

In the large urban centers (Lagos, Benin City, Abuja, Port-Harcourt, Enugu, Ibadan), prostitution appears ever more present, younger, and visible. Every day, young women are victims of trafficking within Nigeria, from one state to another. While most of the human trafficking routes converge in Lagos, according to the NGO *Sympathy Worldwide Foundation*, all the large urban areas are affected.

The popular Lagos market, *Alba Rago* is assumed to sport more than 2,000 prostitutes daily. At least, twice as many customers concentrate on the extension of the *Tiv Yam Market*. At nights, the sex trade replaces the daily trade of the market. It is not rare to find girls aged 12 to 16 soliciting customers. According to *Tribune Saturday* on March 31st, 2012, while most of the prostitutes come from surrounding tribes, some of them are citizens of neighbouring countries such as Niger and Benin.

In September 2011, ten female students were arrested and charged, according to the state legislation of Lagos, with the practice of prostitution, management of a prostitution venue, and inducement of sanitary risk. At this point, no study has made an accurate estimate of the number of female students involved in prostitution, although all observations point to an extensive problem in within multiple schools.

In Benin City, capital of the Edo State and home to the majority of prostitutes exploited in the west, the *Time Out Fun Paradise*, a large establishment on the road to the airport is described as one of the most "important sex markets in the world"<sup>2</sup>. Students, hotel employees, or waitresses during the day, the majority of the prostitutes come from the southern states. Some were previously exploited in Italy. According to *Courrier International* on February 3<sup>rd</sup>, 2012, 500 young women were assumed to be repatriated from Italy since the 2000's. Other venues of the same kind exist in Benin City. All forms of prostitution can be found. For instance, the *Daily Trust* on November 9th, 2011, described a luxury network managed by a "mama" who canvasses hotels and arranges young women for private soirées with wealthy men (celebrities, politicians,

---

<sup>2</sup> "Benin City prostitution ring is Nigeria's largest sex market", Nigeria News, February 24<sup>th</sup>, 2011.

businessmen...) who each may order dozens of prostitutes. The "mama" stated "I have more than 200 telephone numbers of young women immediately available." Bennie Iferi from the *Daily Times* stated that there are up to 50,000 victims of human trafficking for sexual purposes aged 9 to 17 years old in Nigeria.

### **A widely rejected proposition of legalization**

In October 2011, a senator asked for the examination of a proposition for the legalization of prostitution. Aware of the obvious difficulties in stopping human trafficking and the proliferation of the sex industry in the country, the proposition, supported by more or less thirty senators, stirred up controversy in the political arena, the press, and public opinion which was fiercely opposed. Arguing that registering prostitutes and granting licenses to prostitution venues would allow for better control over human trafficking for sexual purposes, the senators in support of the proposition referenced the failed attempt at prohibiting prostitution in Abuja, in 2010.

While a large number of prostitutes can support themselves and their families, the majority of Nigerian society remains deeply influenced by morals and religion and therefore leans away from legalization. Religious personalities and feminist groups are also firmly opposed. For several politicians who intervened in the debates, it is not the status of prostitution itself that must change but the socio-economic situation of the country. Extremely criticized for his intervention, the senator who introduced the proposition later claimed his statements were taken out of context and that he did not intend to encourage prostitution.

According to Joy Ngozi Ezeilo, Special reporter of the United Nations on human trafficking, all forms of organization (procuring, prostitution venues), coercion, and encouragement of prostitution are sanctioned today by Nigerian legislation. However, a prostitute alone, controlling the totality of her gains, and who is not under the control of an intermediary, is not exposed to any penalty according to the Nigerian law.

### **The government and NGOs remain active despite a lack of means**

The *Sympathy WorldWide Foundation* (SWWF), an NGO which has rescued dozens of prostitutes in Lagos since 2003, stated that alternatives must be offered to give the victims the means to fulfil their needs without prostitution. They must be able to benefit from medical care and professional training while receiving financial assistance. In 2011, SWWF organized a conference on the topic of human trafficking and prostitution, while also considering the implementation of awareness-raising tools.

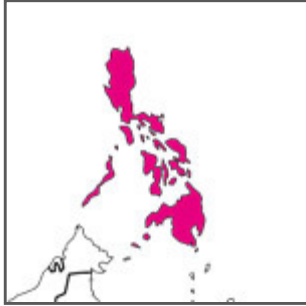
In 2011, NAPTIP managed 8 shelter housing a little more than 200 people at a time. The victims can stay for a maximum of six weeks, ten if they had experienced severe violence. There they may receive medical care, professional training, and are regularly supervised after leaving the shelter. In 2011, 563 new victims of human trafficking for sexual purposes were identified by the NAPTIP. The agency also stated that around 30 people were willing to give testimony or to participate in the investigations against the accused traffickers. The U.S. Department of State

report on human trafficking highlighted that no less than \$21,500 (€16,531) was confiscated from traffickers in 2011, which was used to benefit 45 victims. While the same report mentioned 279 new investigations in 2011 for human trafficking acts and 23 convictions, NAPTIP indicated the identification of 50 traffickers in 2011, a number which has been on the rise since it was first monitored. The 2003 Prohibition of Human Trafficking Law, strengthened in 2005, penalizes all forms of human trafficking with sentences ranging from 10 to 15 years of imprisonment and/or fines of \$1,250 (€961) for trafficking for sexual purposes.

The mobilization of the authorities and NGOs against all forms of human trafficking has expanded since the magnitude of the problem has been realized in recent years.

## Bibliography

- Adamu A., « Prostitution in Nigeria's ivory tower », *Daily Trust*, November 9<sup>th</sup>, 2011.
- Adunola O., *Child trafficking in Nigeria: causes, effects and remedies*, EgoBooster Books, Nigeria, February 2011.
- Bianchi F., « Bénin City, la ville qui vit de la prostitution », *Courrier International (La Stampa)*, February 3<sup>rd</sup>, 2012.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Duru E.J.C., Ogonnaya U.M., « Combating human trafficking in Nigeria: An evaluation of state policies and programmes », *Mediterranean Journal of Social Sciences*, Vol.3(3), September 2012.
- Fayemi A.K., « The Challenges of Prostitution and Female Trafficking in Africa: An African Ethico-Feminist Perspective », *The Journal of Pan African Studies*, Vol.3, no.1, September 2009.
- Ibrahim A., « The Dark Underbelly of Immigration », *The Huffington Post*, August 11<sup>th</sup>, 2011.
- Ife B., « 60% of prostitutes in Italy and Belgium are Nigerians », *Daily Times*, October 29<sup>th</sup>, 2011.
- Kleeman J., « The curse of 'juju' that drives sex slaves to Europe », *The Independent*, April 7<sup>th</sup>, 2011.
- Oarhe O., Sylvester E., « Women trafficking and violations of right to life in Nigeria », *Journal of social sciences research*, Vol.1, Issue 2, April 2012.
- Olabulo O., « Alaba Rago: Where prostitution has overtaken trading », *Tribune Saturday*, March 31<sup>st</sup>, 2012.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- Weiskircher B., Casagrande S., « A trip to hell », *Deutsche Welle*, June 29<sup>th</sup>, 2011.



## Philippines

- Population: 94.9 million
- GDP per capita (in US dollars): 2,370
- Presidential regime
- HDI: 0.644 (112<sup>th</sup> rank among 187 countries)
- Prostitution is illegal but active in brothels, bars, karaoke bars (called KTV), and massage parlours. Approximately 800,000 prostitutes.
- Principal locations of the sex industry: Manila, Cebu, Davao, Angeles, Bicol, and Batangas.
- Third unofficial destination for sex tourism after Thailand and Cuba.
- Tourism: 3.52 million foreigners in 2010.
- 26.5% of the population living under the poverty line in 2009.
- Prostitution is assumed to be the fourth largest source of revenues included in the GDP.
- Sanctions for procuring activities may go up to life imprisonment.
- 35% of the population was 15 years old or younger in 2011, 20% between 15 and 24 years old.
- 1.5 million children are live in the streets of Manila according to ECPAT.
- Between 60,000 and 100,000 children prostitute themselves (4th country where the number of child prostitutes is the most elevated according to UNICEF).
- A hub for online child pornography.
- Abortion is illegal in the Philippines

Sexual exploitation and prostitution are mass phenomena in the Philippines, which confirms the country's reputation as a destination for sex tourism. The situation may be partly explained by the presence of U.S. military bases such as Clark Field during the war in Vietnam. Sex tourism also increased during the dictatorship of Marcos, who encouraged the opening of the country. The withdrawal of American troops in 1991 led to the collapse of the system, which meant the end of a livelihood for 6,000 registered prostitutes (and up to 16,000 when the fleet was present).

Today, women must serve a large local and international clientele. Men want to test the "girlfriend experience", purchasing the illusion of sharing intimate moments, discords included, with a girlfriend for several hours or days. The customer must initially pay the pimp in order to let the girl leave the venue sooner. This amount is called a bar fine (or more precisely Early Work Release). In addition, the clients, particularly the very Catholic Filipino who refuse every

kind of protection, appreciate the organization of the system, which requires the prostitutes to carry a health certificate attesting that they are free from STDs and HIV/AIDS<sup>1</sup>. The Philippines are nevertheless assumed to confront an increase of the risk (the infections were doubled in a short amount of time), particularly in certain groups such as prostitutes.

The use of protection remains limited because the possession of condoms constitutes evidence of prostitution, according to a law which, has been called to be modified.

### **The plague of sex tourism: an increasingly denounced scandal**

In September 2011, the Ambassador of the United States in Manila, Harry Thomas, bluntly described sex tourism in the Philippines by stating that 40% of foreign men came to the country for sex. Although he expressed his regret, his declarations upset the Filipino society.

Sex tourism is nevertheless a deeply rooted phenomenon on the islands; with the expansion of the "Thai model" consisting of cheap sex to attract tourists from around the world (the average price is \$25 or €19 to spend time with a beautiful woman). Some hotels offer packages including sexual services and the western travel agencies offer sex-tours under the name of "adventures for foreign men seeking Filipino women." According to a 2007 ECPAT study on sex tourism in Boracay (a touristy island located 300 km south of Manila), 62% of the customers were foreigners, coming mainly from the United States, Korea, or Japan. The clients are often Asian businessmen. In 2011, a Korean procurer was arrested. He had recruited prostitutes for customers of his own country and pretended to be a tour guide. Similarly, a Japanese man, expert in computer technologies, was indicted in Davao because he had uploaded pictures of minors without their consent, claiming that they were seeking a husband.

As sex tourism often constitutes a pillar of the local economy, a lot of young women decide to get involved in this activity in order to pay for their education. According to the *Inquirer News* of November 19th, 2011 and the *International Justice Mission*, on the island of Cebu, 10 to 15% of the students offer remunerated sexual services to foreigners, not only to pay their tuition fees, but also to be financially independent.

The consequences of sex tourism are generally underestimated. Entire generations of children have a mother prostitute and an unknown foreign father. The Catholic faith, deeply rooted in the Philippines, firmly condemns abortion and these children are doubly judged in Filipino society for being a person of mixed race and having a mother who practices prostitution.

### **Children and teenagers: the main victims**

One of the specificities of the Philippines is that children are victims of a whole range of crimes related to sexual exploitation: human trafficking, prostitution, and pornography. Initially, young Filipinos often decide to work in order to help their parents financially. Although the minimum legal age for work is 18 years old, children use their older brothers' and sisters' ID

---

<sup>1</sup> However, the validity of the health certificates remains uncertain because the tests for STIs happen every week, and once every six months for HIV/AIDS.

documents to obtain work permits and apply for jobs as waiters/waitresses or dancers in the Philippines or abroad, though they are not fully aware of the implications. This, in turn, leads to human trafficking. Philippines Against Child Trafficking (PACT) estimated that 7,000 children were victims of human trafficking in 2011, one seventh of them in Manila. On August 3rd, 2011, following the submission of the petition organized by the Department of Social Welfare and Development alongside ECPAT<sup>2</sup> signed by more than 470,000 people against the trafficking of children and young people, President Aquino expressed the wish to make this issue a government priority.

Three years after the law against child pornography was passed (Republic Act 9775), sexual exploitation of children remains significant in the country because of the lack of a law powerful enough to protect the children. The pornographers, often Japanese citizens according to ECPAT, target the children within extremely poor communities and offer their parents the opportunity of a domestic or a factory job for their sons and daughters. Pornography is seen as the lesser of two evils when compared to prostitution. Poverty generates a vicious cycle, leading to the exploitation of children and to the ruin of the family. The children wandering the streets are the most vulnerable.

Almost 60,000 young women, mostly aged 15 to 20 years old, are assumed to be exploited through prostitution following contacts made in malls or residences where they began work as janitors or housekeepers. Due to several factors such as the poor economic development of the country, the lack of job offers, the large size of the families, the ignorance of the parents, and the dynamism of sex tourism, few choices exist for the young generation, especially if we consider that working in the agriculture sector pays \$200 to \$300 (€150 to €230) per month and prostitution pays \$15 to \$25 (€11 to €19) per day. To combat this scourge, local legislators were asked to prevent the reopening of shut-down venues that used to sexually exploit minors. A raid carried out in April 2011 in Cebu in the Club Jaguar KTV allowed for the rescue of 146 girls, 35 of whom were suspected to be minors, proof of the magnitude of the problem.

### **The danger of human trafficking and the expatriation of Filipinos**

According to the International Organization for Migrations (IOM), the Filipinos have a culture of emigration, mainly of women, at the rate of 51.1% in 2010. Yet, the young women looking forward to escaping from poverty usually answer to false job offers abroad. According to the 2011 U.S. Department of State report on human trafficking, Filipino prostitution is linked to Singapore, Malaysia, several Middle Eastern countries, and always to Japan and South Korea.

In South Korea, sexual exploitation of Filipinos has developed in clubs located close to American military bases. The district is nicknamed "The Ville". Approximately 3,000 Filipino women practice prostitution there for €200 to €300 per month and they cannot run away for fear of retaliation against their families. They are considered cheap and their proficiency in English is

---

<sup>2</sup> Global campaign begun in 2009 and ended in 2011, supported by The Body Shop and ECPAT to raise awareness in schools and strengthen the juridical system. This constituted a response to the Rio world congress on sexual exploitation of minors, in 2008.

appreciated. Manila decided to react by prohibiting female citizens with an E6 artist visa (a facade often used by traffickers) from going to South Korea without their work contract being duly checked and approved.

In Japan, the arrival of Filipinos followed the eruption of Mount Pinatubo in 1991 and the closure of the American military bases. Thousands of young women arrived in bars and venues managed by the Yakuza (Japanese mafia) to work as erotic dancers or "Guest Relations Officers" (GRO) using tourist or leisure visas. The recent Japanese restrictions have caused a progressive shift in the activities to Malaysia and Singapore. Recently, in Kuala Lumpur, approximately 30 Filipino prostitutes, coming from the poor provinces of Visaya and Mindanao, were given the death penalty for being drug mules for traffickers in order to make some extra cash. In Singapore, traffickers often make deals with travel agencies to produce fake airplane return tickets and the girls are forced to pay their recruitment and transportation costs, accumulating debts in order to survive.

The Philippines are a country of origin for human trafficking victims, and, to a lesser extent, a country of destination (from China, Russia, South Korea, and Japan) and of transit (from China).

The internal trafficking, from rural areas (Visaya and Mindanao) towards urban centers (Manila, Cebu), concerns the authorities. According to Americans, the government should continue its efforts, particularly in pursuing gangs. Since 2003 and the adoption of the *Anti-trafficking in Persons Act*, human trafficking for forced labor and sexual purposes is sanctioned. The Supreme Court made the resolution of trafficking cases and the addition of amendments two of its priorities. Nonetheless, corruption is an obstacle to effective prosecutions and the strengthening of laws. The Philippines already provide government assistance to the United Arab Emirates, Kuwait, Saudi Arabia, Qatar, Jordan, Singapore, and Malaysia but they experience difficulties in identifying victims. The *Strategic Plan of Action against Trafficking*, introduced in 2004, was updated for the period 2011-2016 and comprises three different components: prevention, protection (strengthening of laws and prosecutions), and integration (healing process of victims, repatriation). The *Inter-Agency Council Against Trafficking* (IACAT) had its budget increased from 10 million Pesos (€180,000) to 75 million Pesos (€1.35 million) in 2011. Partnerships with the private sector (shipping companies, transportation agencies) were organized.

### **The ambiguity of the political position of the Philippines**

While the authorities paradoxically fear a degradation of the image of the country, the sentences of foreign tourists remain infrequent. Following the statements made by the American ambassador, the senators encouraged the government to prosecute sex tour groups and to promulgate a law allowing for better protection of victims. However, the government is not leading a fight against the beauty pageants or gambling activities that often take place in venues where prostitution is practiced, such as bars and casinos. On a local scale, the government is also guilty of granting licenses to sex-clubs.

Moreover, the authorities must take into account the position of the Catholic Church, which exercises an enormous influence over a country where 83% of the population is Catholic and two thirds go to mass every Sunday. In 2011, the government wanted to introduce a law meant to grant free access to condoms and contraceptive pills to the poorest populations. The organization of sexual education classes within schools and for adults was also planned. The Catholic Church firmly opposed the initiative. The Priest Melvin Castro even made speeches about the fight "between Evil and Good" instead of focusing on the opposition between the Church and the government. Contraception is only accessible in urban centers.

### **A thriving cybersex industry**

Like many other countries, the Philippines are confronted with the exponential expansion of the Internet and the growing number of ways for minors to get caught in the vicious cycle of sexual exploitation online. The Philippines are the 17<sup>th</sup> country in the world for the number of Internet users. Half of these users are minors (17 years old or younger), which concerns the authorities. Cyber-pornography is already assumed to be the most important form of sexual exploitation in the Philippines. All the factors that favour the exponential growth of cybersex are present in the country: poverty, a deeply rooted sex market, and an English-speaking population able to chat live for a few dollars with customers located on the other side of the planet. Although illegal because equated with pornography, the cybersex market is expected to develop, inspired by the current thriving of telephone call-centers.

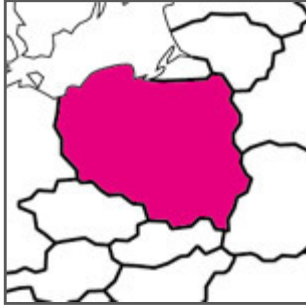
No law protects children from online predators, and parents are often too flexible when it comes to the use of the computer. In order to control criminal activity, a work team for the protection of children on the Internet was created in August 2011 by the Criminal Investigation Service. The mission of this team is the implementation of the program "Special Project Angel Net".

Nonetheless, it is very complicated for the police to investigate, with victims running away and websites being established abroad. The Filipino justice system has begun to act though. In May 2011, two Swedish citizens managing a cybersex network in the Philippines were sentenced to life imprisonment for the first time in the country's history. Not only declared guilty of human trafficking activities, they were also judged for their lack of respect towards women and for infractions committed against the law. Foreigners constitute the bulk of criminals. In April 2011, a British man named Ian G. was thought to have kidnapped a 6 year old girl while she was leaving her school in order to exploit her through cybersex and, when she refused, he is suspected to have murdered her.

### **Bibliography**

- « Child pornography remains prevalent in the Philippines », *The Manila Times*, September 12<sup>th</sup>, 2011.

- « Philippines : prison à vie pour deux ressortissants suédois », *Le Figaro with AFP*, May 11<sup>th</sup>, 2011.
- « Pinays hooked on prostitution, drugs », *The Manila Times*, September 2<sup>nd</sup>, 2011.
- « What I learned as a sex-worker », *Manila Standard Today*, October 14<sup>th</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Gay Ursal C., « Students by day, sex workers by night », *Inquirer News*, November 19<sup>th</sup> 2011.
- Kalibo A., « Child trafficking cases on the rise in Philippines », *The Manila Times*, August 10<sup>th</sup>, 2011.
- Lichauco de Leon S., « Philippines boosts efforts to fight human traffickers », *The Guardian*, June 28<sup>th</sup>, 2011.
- Luffman L., « Rise in HIV-AIDS infections in the Philippines », *SOS Children News*, August 27<sup>th</sup>, 2011.
- Mydans S., « Olongapo Journal: at an old port of call, a new scourge », *The New York Times*, April 23<sup>rd</sup>, 1988.
- National Bureau of Investigation, “A Japanese who acted as a pimp arrested - Press releases”, Republic of Philippines, Department of Justice, July 15<sup>th</sup>, 2011.
- Ojardias F., « Trafic de femmes philippines autour des bases américaines en Corée du Sud », *RFI*, December 7<sup>th</sup>, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- Yrasuegui M., Esselborn P., « Philippines: Women struggling to achieve sexual equality », *Deutsche Welle*, December 1<sup>st</sup>, 2009.
- ECPAT : [http://ecpat.net/Ei/Resource\\_newsclippings.asp](http://ecpat.net/Ei/Resource_newsclippings.asp)
- IOM, Philippines : <http://www.iom.int/jahia/Jahia/activities/asia-and-oceania/east-and-south-east-asia/the-philippines/lang/en>
- Special Project Angel Net: <http://cidgangelnet.ph/main/>
- Unicef Philippines: [http://www.unicef.org/philippines/support/sup\\_12.html](http://www.unicef.org/philippines/support/sup_12.html)



## Poland

- Population: 38.3 million
- GDP per capita (in US dollars): 13,463
- Republic
- HDI: 0.813 (39<sup>th</sup> rank among 187 countries)
- Member of the European Union since 2004
- Prostitution is legal, but brothels, procuring activities, forced prostitution, and prostitution of minors are prohibited.
- The sex industry in Poland is assumed to generate approximately 10 billion Zlotys (€2.4 billion) per year.
- Poland is a destination for sex tourism.
- Several clandestine venues and prostitutes along the border between Germany and Poland and along the main roads crossing the country.
- Country of origin, transit, and destination for the women and children destined for sexual exploitation.

Like in several countries that used to be part of the former Soviet bloc, Poland experienced an increase in prostitution activities at the beginning of the 90's, or at least a greater visibility of the phenomenon that was until then very discreet because of the communist regime. The development of tourism, business, and the arrival of foreign currencies were factors that encouraged the growth of the sex market. Poland was only a country of origin for trafficked women. For a long time, the trafficking of women and the affordable sex market in Poland had a solid reputation.

The situation evolved after the integration of the country into the European Union. Poland became a country of destination and transit towards Western Europe for young women destined for sexual exploitation coming from Bulgaria, Romania, and the republics of the former USSR (Ukraine and Belarus). Women coming from Africa or Latin America are still rare. The fact remains that Polish women are still being exploited outside of their country, mainly in Germany, Austria, the Netherlands, Italy and the United Kingdom.

### **A strong demand on the highways and along the borders**

Poland has a geographical situation that constitutes a crossroads between Russia, Central and Western Europe. Human trafficking for sexual purposes and prostitution is concentrated mainly along the important highways crossing the country, particularly between Warsaw and Berlin or along the border with Germany—for example, the Zielona Gora area where Ukrainian and Bulgarian prostitutes practice. The young women are very seldom identified as human trafficking victims but instead as persons who have entered the territory illegally. Yet, approximately 90% of prostitution along the roads devoted to truck drivers is thought to be controlled by organized criminal groups. According to the police, most of the women are probably 16 to 20 years old and come from poor socio-economic backgrounds. They are under the control of organized criminal groups or small networks that generally monitor the entire process, from recruitment to transportation.

This kind of prostitution is not recent, but it has begun to disturb residents. For example, in the area of Märkish-Pays in Oder, near the German border, the residents wish to see the prostitutes leave because they worry about the image of their region. According to the Belladonna association, an article in the *Märkische Allgemeine* mentioned approximately 80 active brothels along the Oder-Neisse line, assumed to house 1,500 prostitutes.

Even more worrisome is the upsurge in the exploitation of boys for German, Danish, or Swedish tourists. Unaccompanied children are the most likely to be used for prostitution activities. Even when they are rescued and placed in specialized housing centers, they escape from those places with the help of their pimps.

### **A sustained government commitment against human trafficking and sexual exploitation**

A Polish national plan of action against human trafficking had already begun in 2003. The next stage of this program was adopted on June 10th, 2011. Its main goals are to create the necessary conditions to prevent and combat human trafficking in Poland, to protect the victims, and to improve the legal tools. Four groups of experts were assembled and designated to work on the trafficking of children, prevention, aid to victims, and the gathering of data. Until then, crucial statistics were missing. After the improvement of victim identification, Poland saw their numbers increase. With the opening of German and Austrian borders for Polish workers on May 1st, 2011, the fight against human trafficking took on a new dimension.

Moreover, Poland celebrated the passage of the bill regarding child exploitation, sexual abuse towards children, and pedophile pornography during its presidency of the Council of the European Union during the second semester of 2011. The directive provides for more efficient judiciary prosecutions in transnational affairs, the removal and blocking of pornography websites implicating children, and an assistance and protection mechanism devoted to victims and their families. This legislation aims to increase the penal sanctions within the Union: forcing a child to participate in a sexual activity or to practice prostitution will be punishable by ten years of

imprisonment, three years in the case of possession of pornographic material implicating children, and one year in the case of viewing such material.

Often questioned on this matter, Polish politicians began to address the topic of child prostitution to such an extent that it became a real political stake. The team of the Head of the Government, Donald Tusk, decided to tackle the prostitution of minors by relating it to the economic downturn. Lech Jaworski, also member of the civic platform, denounced the disappearance of traditional values and the behavior of young girls in malls. Such a position was seen as a maneuver to attract the voters of the Conservative Party, Right and Justice, that always brandished family and tradition as its values.

### **The financial windfall of prostitution**

In Poland, the sex industry is assumed to generate profits of approximately 10 billion Zlotys (€2.4 billion) per year. Yet, prostitution is the only activity whose profits are not taxed (prostitutes do not pay taxes on their revenues). An insidious effect of this loophole was observed when one Polish citizen out of ten declared to the tax office that the majority of his money came from prostitution. The economic difficulties sometimes push women to cross borders daily in order to prostitute themselves. Some of them go to Germany and others travel through low-cost flights. In this context, an upsurge of Polish prostitutes in Schiphol Airport in Amsterdam was reported in 2011. They arrive in the morning and return home at night. They prostitute themselves in public bathrooms or in cheap hotels.

If ever a tax on prostitution existed, the financial gains for the government would be approximately 2 billion Zlotys (€480 million) per year. This is the reason why the Deputy Palikot, himself owner of an escort agency in Warsaw, suggested the legalization of prostitution in order to end the mafia's control of the money. Those statements shocked Poland and were rejected because prostitution and taxation are both taboo topics. Procuring activities are prohibited, but requiring a payment for a sexual act is not. Nonetheless, debating the legalization of prostitution was pertinent. As a matter of fact, Poland, host of the 2012 Soccer Euro Cup, already has a strong reputation as a sex tourism destination, and each new worldwide sports event causes an upsurge in the demand for prostitutes.

### **The 2012 Euro Cup, or the threat of an exponential increase in demand**

From June 8th to July 1st, 2012, the soccer European championship will take place in Poland and the Ukraine. Many associations organized communication and prevention operations concerning prostitution. The famous Ukrainian feminist group of activists "Femen" also protested in Warsaw in September to denounce sex tourism linked to the event using the slogan "Euro 2012: Corruption and prostitution."

Besides the usual exploding demand during soccer championships, the concerns focused mainly on the sexual exploitation of children on these occasions. Indeed, the organization of the games entails the movement of crowds from one city to the other. People enjoy themselves and

tend to drink a lot, surrounded by a complete feeling of anonymity. Minors, enticed by adventure, travel to foreign cities, unaccompanied and without money, where they easily become prey for pimps or criminal networks. The experts denounced the alarming lack of sexual education of Polish youth and the lack of preparation of the Ministry of Health and Education to tackle the predictable arrivals of thousands of prostitutes from other European countries and of thousands of supporters and potential customers.

The foundation Dzieci Niczyje launched its campaign "*Do not loose*" in urban areas, and in the airports of Warsaw, Gdansk, Wroclaw, Poznan, and Rzeszow, some of these cities being located in the borders. Written in different languages, the posters warned about the risk of 12 years of imprisonment in Poland if sexual contact with a child under the age of 15 is proven. A hotline was implemented as was training for the police and customs officers focused on unaccompanied children, particularly those crossing the borders. In the meantime, the foundation was also leading a campaign to protect children from sexual abuse on the Internet.

### **Sex, teenagers and pocket money**

In 2009, the movie *Galerianki*<sup>1</sup> by Katarzyny Rosłaniec sparked controversy by showing teenage girls prostituting themselves in large malls. Sex allows a great number of them to buy goods: new clothes, make up, perfume, and cell phones. This kind of prostitution is very popular and affects small towns and big cities, but also rural areas. The girls are under the illusion that such a practice is not really prostitution. The Polish legislation does not give a definition of prostitution. Getting sexual services from girls aged 15 to 18 is not punishable, only the encouragement of such services is. If the person consents to the act, then it is not a crime.

The teenage girls affected do not suffer from hunger or lack of financial means. They can even come from middle class or wealthy families. The sociologist Jacek Kurzepa sees this situation as a result of the economic development and the modernization of the society, incremented by excitement caused by consumption. The young girls want to sell their bodies in order to impress their friends. The Foundation Dzieci Niczyje investigated this matter between May and October 2011 with young people aged 15 to 18. For 48% of them, prostitution is motivated by the desire to have fashionable clothes, cosmetics, and gadgets. The Foundation actually criticizes such motivations, while it is more understanding of prostitution for survival reasons. 48% of them consider prostitution for pocket money to be a problem. During the previous survey in 2010, 24% of them answered that they knew at least one person who had sex in exchange for money or a good.

The young girls do not understand the abnormality of this situation. An 18 year old high school student called the police because a customer refused to pay her 14 year old friend (a minor at the time) who was practicing solicitation by phone. The psychological consequences of this kind of prostitution are lifelong, because the young girls often face violence and brutality.

---

<sup>1</sup> Neologism alluding to "the girls who prostitute themselves in the malls".

## The growing phenomenon of sponsorship

Sponsorship is another kind of prostitution affecting young people. It consists in offering long-term sexual services in exchange for regular financial support, for instance to pay tuition fees or rent. The contact with the customer is usually established through ads such as "Seeking sponsorship" that multiply in accordance with the school calendar. The young girls practicing such prostitution are often in situations of economic difficulty.

The sociologist Jacek Kurzepa carried out an investigation focused on 140 Polish students that used to prostitute themselves. The results showed that they mainly studied human sciences: 25% studied philology and 18% education. These future teachers often indicated in their ads how much they appreciated children, which constitutes a sign of tenderness and sentimentality that entices the customer. The prices vary from 500 to 1,000 Zlotys per night (€120 to €140) and from 5,000 to 6,000 Zlotys per month (€1,200 to €1,400). After graduating, most of them become luxury professional prostitutes speaking several foreign languages. One student out of five is assumed to sell her body through different kinds of prostitution.

Sponsorship also affects an increasing share of male students. The demand is strong. Women appreciate the erotic ads of these romantic and intelligent men. More sexually demanding, the customers usually require a 5'9 male prostitute aged 28 or younger. The boys constitute a third of the "seksbiznesu", a reference to the young people prostituting themselves because of economic difficulties. A man can make up to 12,000 Zlotys per month (approximately €2,900). New technology offers a wide range of communication methods: cybersex, SMS, and erotic chat.

## Bibliography

- « Co dziesiąty polski podatnik pytany, skąd ma pieniądze, tłumaczy - z prostytutki », *Wiadomości*, February 14<sup>th</sup>, 2011.
- « Gegen Brandenburgs einzigen Strassenstrich an der Bundesstrasse 1 regts sich Widerstand », *Märkische Allgemeine*, June 7<sup>th</sup>, 2011.
- ECPAT International, Nobody's Children Foundation (ECPAT Poland), *Poland - Country progress card*, 2010.
- Jasińska A., « Seksusługi popularne wśród studentek. Najczęściej prostytuują się humanistki », *Polska*, May 20<sup>th</sup>, 2011.
- Jasińska A., « Słodkie studentki szukają bogatego pana... Nasila się zjawisko mieszkania za seks », *Polska*, September 27<sup>th</sup>, 2011.
- Kozerańska M., « Przeciw prostytutce na Euro 2012 », *Gazeta Wyborcza*, November 25<sup>th</sup>, 2011.
- Ministry of Interior, Poland, *National Action Plan against Trafficking in Human Beings for 2011-2012*.
- Szpala I., « Walka z prostytutką nieletnich czy o elektorat PiS? », *Gazeta Warszawa*, January 4<sup>th</sup>, 2011.

- Fondation Dzieci Niczyje : <http://fdn.pl/pl>
- Polish Presidency of the EU Council : <http://pl2011.eu/fr/content/succes-pour-la-presidence-polonaise-suite-l-adoption-par-le-parlement-europeen-de-la-directi>
- European Commission, Fight against human trafficking website, Poland file : <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Poland>



## Romania

- Population: 21.4 million
- GDP per capita (in US dollars): 8,405
- Parliamentary regime
- HDI: 0.781 (50<sup>th</sup> rank among 187 countries)
- Member of the European Union since 2007
  
- Prostitution is illegal.
- "Official" estimation: 2,000 prostitutes.
- NGOs' estimations: between 23,000 and 47,000.
- Prostitutes are regularly fined.
- Primarily a country of origin for human trafficking victims (towards Western Europe), but also a country of transit and a destination.
- Internal human trafficking expanding: from rural areas to urban centers.
- Law 678/2001, amended several times, outlaws all forms of human trafficking.
- New Penal code created in 2009 is coming into force in 2013. More strict towards traffickers and those who further trafficking.
- 203 traffickers sentenced in 2010.

In a 2011 interview, Roberto Saviano, Italian author and journalist specializing in mafia networks, estimated that the Italian mafia have succeeded in exporting themselves to the Balkan states and manage prostitution networks using Romania country as a bridge between the East and West. Although sexual exploitation persists within Romania today and traffickers continue to export a large number of women and minors to the prostitution markets of Western Europe, the Romanian government has recently increased its range of technical and human resources in an improved attempt to counter human trafficking. Their ability to measure, document and prevent prostitution, as well as their response and prosecution integration with other governments and agencies has improved exponentially. Despite continued tension between the Roma and Romanian communities and the prevalence of corruption, recent data shows that the country has engaged itself in a true battle against trafficking. With support from NGOs dedicated to prevention and victims' aid, the government has responded with all available means.

## Still a chaotic situation

While the profits of organized crime through prostitution in Western Europe remain greater than those made within the Balkan states, the numbers published by the Romanian national agency for the fight against human trafficking (NATIP) show that internal human trafficking has increased over the past three years: 34% of trafficking victims were internal in the first half of 2011, increasing from 26% in 2010. The NATIP statistics identified 488 victims, a steady increase since 2009 (343) for the same period of evaluation. Nevertheless, these numbers are significantly lower than those recorded between 2006 and 2008, where the numbers reported were double and even triple the more recent data. This means that either the traffickers have become more prudent or the measures implemented by the government to fight trafficking have become more effective. The reality is probably a combination of the two. Most of the victims reported were Romanian citizens exploited abroad (66%). Out of these 488 persons 264 (54%) were forced to prostitute themselves (compared to 42% in 2010), 253 were women, and half were minors. This large number of minors particularly worried authorities. The proportion of minors involved in prostitution has not decreased, neither in Romania nor among Romanian victims exploited abroad. Two age categories clearly stand out in these statistics: 14-17 years old, and 18-25 years old.

All forms of constraint are used to "tame" the victims: physical and psychological violence, sexual abuse (mentioned in 33% of the cases), deprivation of freedom, food and water, confiscation of IDs, and financial punishment (when customers complain). In 2011, the *Nejloveanu* network was dismantled by the English police and its leader was sentenced to 21 years in prison for human trafficking for sexual purposes. During the trial, one victim described the astounding physical violence imposed by the network: "one evening, one of the girls came back, and because she did not bring enough money, he tore out one of her eyes."<sup>1</sup>

Romania is generally a country of origin and transit for human trafficking victims, although it recently serves as the destination for some Colombian, Moldovan, and French women as well. The list of countries of destination is well documented. According to a 2012 IPRED study regarding the victims trafficked for sexual purposes Italy, Sweden, Spain, the Netherlands, the United Kingdom, Greece, Germany, Cyprus, Austria, and France were all reported as destinations for Romanian victims. According to multiple sources, Romanians represent a large segment of active prostitutes within those countries. For instance, in the Netherlands, according to the association *Scarlet Cord* cited on the website of the campaign *Not for Sale* in 2011, 75% of prostitutes are said to be Romanian, Hungarian, or Bulgarian. According to an article in *Jurnalul* on October 29th, 2011, in Germany, 70% of street prostitutes were reportedly Romanian or Bulgarian and a quarter of those were minors. In Switzerland, there are an estimated 1,000 Romanian prostitutes.

---

<sup>1</sup> CNN report on prostitution networks in Romania - shocking statement : A pimp takes out the eye of a girl for not bringing enough money - March 2011.

Romania is also a country of transit, particularly towards Western Europe, used by persons coming from a diverse and distant group of countries, such as Honduras, Afghanistan, or China<sup>2</sup>. Three main routes used stand out. The first departs Romania for central Europe, Austria, and Northern Italy. The second begins in the Caucasus States and ends in Eastern Europe through Hungary and other countries of the European Union via Romania. The third, southern route departs from the Caucasus states and leads to Eastern Europe through Romania and Moldova, the next stops include Bulgaria, Albania, Italy, and Greece.

The Romanian victims sent abroad, are lured by the false promises of work, from four main regions of the country. In the northwest, the Salaj and Bihor Counties are the most affected by human trafficking. Iasi County has the greatest number of victims in the northeast. In the south, the Dolj and Teleorman Counties stand out, and in the center, the Mures and Brasov Counties also account for a large number of victims. It has been observed that Iasi County is also a territory of origin and destination for internal human trafficking. In 2011, a network of six persons was dismantled in Iasi for kidnapping, human trafficking, and procuring activities involving minors. The network was exploiting around twenty persons, among them a 14 year old girl.

Bucharest remains the main point of convergence for the flows of internal human trafficking, but accurate statistics on the matter are not available. The number of prostitution advertisements in the capital is much higher than the other large urban centers of Romania. While the authorities officially recognize the presence of 2,000 prostitutes within Romania, different organizations believe the number may be 20 times that. According to the IOM, this number fluctuates between 23,000 and 47,000. The Streets, clubs, bars, hotels, massage parlors, and private apartments are the most common prostitution places mentioned in the press in 2011. Several police raids took place in the most affected areas of Bucharest, including its universities, during this same year. Unfortunately, those fined (more than €1,500 on average) are generally the prostitutes themselves.

### **A strengthened police action**

In the meantime, the number of opened investigations of human trafficking, and the increasing number of victims identified and receiving aid, are evidence of the government's determination to fight the exploitation of trafficked persons, and crack down on their traffickers. In 2010, the U.S. Department of State recorded 407 prosecutions against alleged perpetrators of human trafficking activities in Romania. These investigations resulted in 203 guilty verdicts, and 145 incarcerations. For the year 2011, 897 human trafficking cases were opened by the authorities, 480 trials took place (396 for prostitution), 276 traffickers were found guilty, and 192 of them were sentenced to imprisonment for durations of 1 to 15 years.

Law 678/2001, aimed at fighting all forms of human trafficking, which has been amended and strengthened multiple times, may lead to sentences of 3 to 15 years of imprisonment for the perpetrators of human trafficking. Expanded to include the concept of "vulnerability of the

---

<sup>2</sup> Batstone D., "Romania, a global center for human trafficking", CNN, February 17<sup>th</sup>, 2011.

persons", chapter VII of the new Criminal Code will, once it comes into force in 2013, strengthen the legal arsenal available during the prosecution of the traffickers of minors. This new amendment will no longer exempt the perpetrator legal responsibility if the victim was "willing". In 2004, law n. 211 officially demonstrated the willingness of the Romanian government to protect and help the victims. Despite the lack of public funds attributed to the help of the victims, 1,154 persons were identified and helped in 2010. 544 of them benefited from protection and reintegration programs (451 received a financial aid from the government, and 93 benefited from the assistance of NGOs working in the field). During the same year, more than a thousand victims participated, directly or indirectly, in the investigations and prosecutions of traffickers. This number is much higher than in previous years. The NATIP, in charge of coordinating and centralizing all available information, remains at the center of the struggle against trafficking.

Several recent coordinated police operations reflect an increased cooperation between the Romanian authorities and the neighboring countries (Bulgaria, Hungary, and Moldova). Cooperation is also in effect with some countries of the European Union (Norway, France, Sweden, United Kingdom, Austria, the Netherlands, and Spain). Thus, when the "Bois de Boulogne" network in Paris was dismantled, a coordinated international operation allowed for the arrest and interrogation of more or less thirty people suspected of procuring, six of them on Romanian soil. A large number of these victims were minors forced into prostitution.

An enormous Romanian network (the CLAMPARU network) was dismantled in Spain. Between 120 and 150 young Romanians were forced to prostitute themselves in the Casa del Campo neighborhood in Madrid. The pimps regularly patrolled the area to supervise them and every young woman was given a prepaid phone without any credit ensuring that it could only receive calls from the procurers to arrange rendezvous with Spanish customers. All profits were meticulously recovered from the girls, sent on the very same day to Romania through Western Union, and then laundered. Several apartments and luxury cars were seized during the raid.

Not all Romanian networks have such sophisticated structures or international ramifications, however. Usually, the police deal with cases of small fragmented networks, often family run and independent. Within these pyramidal structures the Roma are often found as both perpetrators and victims. In a 2011 report, the *European Roma Rights Center and People in Need* estimated that in Romania, 15% of victims of human trafficking for sexual purposes came from the Roma community.

### **The legalization of prostitution: a recurring debate**

After several unsuccessful attempts over the past few years, a new bill aimed at authorizing and regulating prostitution in Romania was launched under the direction of Deputy Silviu Prigoana who relentlessly repeated a list of arguments: "[...] it would bring revenues of €100 million per year [...], it would facilitate the access to medical care to prostitutes [...], it would allow to fight more efficiently against organized crime." These incessant suggestions caused a rebuttal: "we must not underestimate the social cost of such a measure", "this would increase the

sex tourism in Romania", "wherever there are prostitution venues, crime increases"...While the Ministry of Work estimated that "50% of the Romanians favored the regulation", the influential Orthodox Church said that "prostitution was a modern form of slavery". Thus, the bill was largely rejected. Nevertheless, several senators expressed the desire to carry out a complete study on the impact of such legislation.

### **The “webcam girl” phenomenon**

This relatively recent industry is thriving today. While customers pay \$2 (€1.63) per minute viewed, most of the money collected ends up in the pockets of the studios. The sexual services in front of a webcam are diverse, ranging from a mere striptease to coital relations with a partner. There are around five major studios in Bucharest, some employing hundreds of young women. While this activity has been legal since 2003 (law 196), it is prohibited for minors, and is closely regulated by the police. Some estimates suggest 40,000 young Bulgarian women are involved in the industry and earn an average of \$100 to \$1,000 (€816) per month. Many of them are independent, but for the most part the studios control this activity.

### **The dominating role of the government and NGOs**

Some corruption cases implicating members of the police or justice system emerge from time to time and cast a shadow over the image of a country which is attempting to prove its role in combating human trafficking to the European authorities. The initiatives undertaken in the past years do show a dedication to the cause. Romania has progressively established an institutional framework to fight against human trafficking. The creation of the NATIP in 2006 is the key symbol of these efforts. Put under the control of the Ministry of Administration and Interior, this institution, covering all areas of the fight against human trafficking, had 88 members divided between 15 regional centers in 2011. Despite a lack of means, the country has also implemented a system of supervision and evaluation of human trafficking activity (SIMEV) placed under NATIP, which every year gathers accumulates all available data on the subject. In its 2012 report on Romania, the Council of Europe's Group of experts for the fight against human trafficking (GRETA) confirmed that all SIMEV data was "judged reliable by all the stakeholders." The NATIP is also a partner and coordinator in several prevention actions. Thus, in 2011, two national prevention campaigns were launched: *Notice: selling women* (in partnership with a theater company against sexual exploitation), and *Open your eyes!* (in collaboration with the *Ratiu Center for Democracy* to inform the public on the risks of trafficking).

Foreign and Romanian associations also play a very important role in this fight, particularly regarding minors. Associations such as *Child Focus* and *Save the Children* are deeply involved in prevention and assistance actions. While street children remain target for traffickers, particularly for prostitution purposes, their number (between 3,000 and 5,000 in 2012) seems to be decreasingly steadily. However, cooperation between foreign and national associations has

been stronger than within the administration, which continues to "consider human trafficking victims as prostitutes". In addition, some legislative constraints seem to hinder legal action. Iana Matei, whose association has been housing young female victims of prostitution networks for several years, highlights the fact that "the law imposes the restitution of the minor victims to their families despite the fact that, in some cases, the family itself sold the victim to the traffickers." The U.S. Department of State mentioned that more than 1,000 victims were identified in 2011, and 417 of them were assisted by the public authorities.

## Bibliography

- « A new case "Alina". Romanian for 19 years, sold for 6,000 euros, issued from the hands of traffickers », *Jurnalul*, October 29<sup>th</sup>, 2011.
- Agenția Națională Împotriva Traficului de Persoane (ANITP), *Analiză privind situația victimelor identificate în primul semestru 2010*, Centrul de Cercetare și Informare Publică, 2010.
- Agenția Națională Împotriva Traficului de Persoane (ANITP), *Analiză privind situația victimelor identificate în primul semestru 2011*, Centrul de Cercetare și Informare Publică, 2011.
- Caunic I., Prelipcean G., « Romania: Origin, destination and transit area for trafficking in human beings », 2<sup>nd</sup> International Conference on Social Science and Humanity, *International Proceedings of Economics Development and Research (IPEDR)*, Vol.31, 2012.
- European Roma Rights Centre and people in need (ERRC) (The), *Breaking the Silence : Trafficking in Romani Communities*, March 2011.
- Europol, *Trafficking in Human Beings in the European Union*, Knowledge product, European Public Information, The Hague, September 1<sup>st</sup>, 2011.
- GRETA (Group of Experts on Action against Trafficking in Human Beings), Council of Europe, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Romania*, First evaluation round, GRETA(2012)2, Strasbourg, May 31<sup>st</sup>, 2012.
- Inspectoratul general al politiei române, Agentia nationala împotriva traficului de persoane, *Aspecte privind fenomenul traficului de femei în România*, Ministerul administratiei și internelor, România, București, 2009.
- Munteanu D., *Internetul și exploatarea copiilor*, Raport de cercetare – versiunea pentru copii, Cercetare realizată pentru Agenția Națională Împotriva Traficului de Persoane în cadrul proiectului REACT - Raising Awareness and Empowerment Against Child Trafficking, June 2010.
- Prigoană V.S., *Memoriu către oamenii politici români*, înregistrată la Senat sub nr. L751/2010.
- Serban M., *Ghid metodologic pentru implementarea - standardelor naționale specifice pentru serviciile specializate de asistență și protecție a victimelor traficului de persoane*, Agenția Națională Împotriva Traficului de Persoane, Ministerul Internelor și Reformei Administrative, România, 2008.
- Trueman P., Mulder C., *Why Legalized Prostitution Would Harm Romania*, Family Research Council, 2009.

- U.S. Department of State, *Trafficking in Persons Report*, June 2011.
- European Commission, Fight against human trafficking website, Romania file: <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Romania>
- Not for Sale Campaign Website : <http://www.notforsalecampaign.org/>



## Russian Federation

- Population: 142.8 million
- GDP per capita (in US dollars): 13,089
- Presidential regime with a federal organization
- HDI: 0.755 (66<sup>th</sup> rank among 187 countries)
- Between 150,000 (Ministry of Internal Affairs estimation) and 270,000 (Human Rights Commissioner estimation) prostitutes.
- 80,000 to 130,000 prostitutes in Moscow and 20,000 to 30,000 in Saint Petersburg.
- Between 17,000 and 50,000 minors prostituting themselves.
- Prostitution is considered illegal.
- Prostitutes are frequently punished with fines reaching up to 2,000 rubles (€50).
- Articles 240 and 241 repress the practice and the organization of prostitution.
- Article 127 punishes all forms of human trafficking with a minimum sentence of 5 years in jail for traffickers.
- Age of sexual majority: 16 years old.
- Country of origin, transit, and destination for the victims of human trafficking. A large number of those victims are sent to North-East Asia, Europe, Central Asia, and the Middle East.
- Prostitutes in Russia mainly come from Europe, Africa, and China.

For a long time, disinterested in an issue which it did not feel responsible for, the Russian government has taken some strides since 2010 to strengthen the fight against organized crime networks and its link to human trafficking. Nonetheless, the dismissal of a case obtained by approximately 60 members of a prostitution network during a lawsuit in July 2011 showed that corruption continues to curb the fight against sexual exploitation. Still today, the NGOs, essentially financed by international organizations or by foreign private donors, are the major forces that fight against sexual exploitation in Russia. In the meantime, the outlook remains bleak. The estimations of the number of prostitutes, although difficult to verify, are high. The percentage of minors involved in prostitution has not decreased: the victims, usually misled by fake ads, continue to flow to Western Europe, North-East Asia, and the Middle East. They tend to move from rural areas to large urban centers. Already exploited by prostitution networks, prostitutes are also the victims of an unjust police system that spares them when it is profitable and penalizes them when hierarchy requires it.

### A worrisome situation unfolding amidst indifference

Two articles of the law (240 and 241) theoretically repress all forms of practice and/or organization of prostitution. Although illegal in the Russian Federation, it is very prevalent, particularly when we look at the statistics. The Ministry of Internal Affairs estimated that 150,000 persons are exploited by the sex industry in Russia. According to a 2009 ECPAT report, several associations and official organizations agree, citing from 80,000 to 130,000 persons prostituting themselves in Moscow, and from 20,000 to 60,000 in Saint Petersburg<sup>1</sup>, without giving additional information regarding other major urban centers. Another estimation, which appeared in a 2006 study, mentioned 270,000 persons implicated in the sex trade. Regarding the minors involved in prostitution, all the information shows an increase in the phenomenon during the last few years, and the collected estimations range from 17,000 to 50,000 persons. Most of those implicated in the sex trade are engaged in prostitution to survive, as it allows them to ensure a minimum living wage and pay in some cases their drug dose.

From a more realistic point of view, the associations' speeches are sometimes pessimistic. Among the persons prostituting themselves in the streets, drugs and HIV are very common (one person out of three). Economic precariousness remains the major factor explaining the entrance into prostitution. Experts estimate a range of 3,500 to 5,000 of street prostitutes in Saint Petersburg<sup>2</sup>, which is assumed to represent only 10% of the total. The majority work in parlors or private apartments. 500 to 700 "specialized" parlors are estimated to exist in Saint Petersburg, with an average of 5 to 30 young women working there. The *Nashi* NGO, denounces the organization of prostitution through advertisements on the Internet and in newspapers, identified at least 152 prostitution venues scattered over 7 large cities. Even if the police knows of their addresses, the owners of prostitution parlors are almost always warned before a police raid happens. However, secret access to this information is assumed to cost between \$500 and \$800 (€386 and €618) for the owners each month. This highlights the corrupt relationship between the parlor pimps and the police.

According to *Esvero*, a prevention association that assists street prostitutes, male prostitutes usually begin their activity in Saint Petersburg before heading to Moscow, whereas young women usually take the reverse path. The women are on average 20 years old when they arrive in Moscow. Most of them come from all areas of the Russian Federation and particularly from rural areas or suburbs. A large number of them become addicted to drugs and are abandoned by their pimps because of their poor health. Then they head towards Saint Petersburg where the HIV rate is thought to reach 90%. Drugs represent the most significant part of their expenses.

Everybody profits from the system. Apartment owners who rent to persons willing to open "massage parlors" raise the payment rates. These apartments are estimated to be seven times more expensive than the average. The sex industry's annual profits are estimated<sup>3</sup> to be \$2.5 billion (€2.064 billion). One of the most important publishers of sexual ads is thought to make up

<sup>1</sup> « Новый законопроект: проститутки "погнали" на панель », *Newsland*, June 28<sup>th</sup>, 2011.

<sup>2</sup> « Ночные бабочки » выходят из тени, *Novayagazeta*, August 17<sup>th</sup>, 2011.

<sup>3</sup> « О легализации проституции: легко вычислить, кто выиграет », *Newsland*, November 15<sup>th</sup>, 2011.

to \$7 million (€5.781 million) per year. The prostitutes only keep, on average, 15% of their revenues. The rest is shared between procurers and corruption expenses.

### **Officials implicated: the weight of corruption**

The corruption market represents 164 million Rubles (€4.122 million) per day in Russia<sup>4</sup>. Transparency International ranked Russia 143rd among 182 countries in terms of the corruption perception index in 2011. Although the government strengthened its legislation, laws are seldom enforced. This corruption seems accepted and trivialized. Most of the administrative institutions are affected and the police are amongst the most affected sectors. Actually, police liaisons with the sex industry are numerous. The news is full of stories of policemen actively participating in sexual exploitation, either by organizing it, by turning a blind eye in exchange for bribes, or by exchanging police protection for remuneration or special privileges.

In April 2011, a military court sentenced a lieutenant colonel of the General Direction of Intelligence to 12 years of imprisonment for his participation in the sale of women to foreign countries for prostitution. Ten other members of this international network received sentences from 5 to 19 years of imprisonment. At least 129 women from Russia, Moldova, Ukraine, Uzbekistan, and Belarus were victims of this criminal group and were sent to Israel, Italy, Spain, Germany, Greece, the Netherlands, and the United Arab Emirates. Some of them were minors at the time. Several were beaten after trying to escape and one of them was murdered. The network even set up an illegal workshop in order to produce false papers.

A policeman who fined prostitutes alongside a highway in a Moscow's suburb cashed the fines but did not record the procedures or mention them to his superiors.

The leader of a police unit covered a gang of procurers that kidnapped young women with the purpose of prostituting them.

Another official who regularly extorted money from a prostitution venue in exchange for its protection, was arrested. Prostitution venues shut down after a police raid soon reopen in different locations.

When the system was functioning at its best, a lawsuit in Perm implicating approximately 60 procurers following a several-year investigation resulted in a lenient verdict: almost all the defendants left the court free. The network leader even made a triumphant statement in the media. The Ministry of Internal Affairs stated that it opened 46 investigations on human trafficking affairs during the first ten months of 2011. Only 17 individuals were sued. The Judiciary Department of the Supreme Court counted 32 persons convicted for human trafficking activities. Nineteen of them received sentences ranging from four to 19 years of imprisonment in 2011. Those numbers are much smaller to those of 2010.

Essentially two kinds of criminal groups have been revealed by the police services. The large networks that cover the entire spectrum human trafficking activities, including recruitment, production of false documents, transportation, and exploitation are the most structured; they have pyramidal hierarchies similar to those of mafia families.

---

<sup>4</sup> « Борьба с «социальной проституцией», Izvestia, June 14<sup>th</sup>, 2011.

The small groups organized as networks and specialized by the type of activity are the most common. They are more flexible, and more capable of adapting themselves to changes in situation, to actions of police forces, or to competition.

### **Propositions that aim to penalize prostitutes even more**

A proposition from the Ministry of Interior tried to change the age of sexual majority from 16 to 18. Opponents argued, "Innocent men could find themselves risking being jailed". The bill did not lead to a meaningful result. And with good reason: while the fight against pornography implicating minors increased during the years before 2011, experts estimated that at least 10,000 minors were still being used in the industry.

However, the "United Russia" party and the Communist Party agreed to increase the fines imposed on prostitutes. Although this project also proposed penalization of the customers (15 days of imprisonment or public works), only the first component was approved. Hence, the Parliament of Saint Petersburg suggested that the Duma upgrade the Administrative code and raise the minimum fine amount from 1,500 to 5,000 Rubles (€38 to €125). According to statistics provided by the police, 800 prostitutes are fined each year in the city. Some groups<sup>5</sup> advocated for the ban of street prostitution and suggested raising the fines to the deterrent levels of 500,000 to 1 million Rubles (€12500 to €25000 approximately).

Some human rights activists pointed out that international conventions advocate for a punishment of the organizers and the customers, not the prostitutes. According to the Institute of Discrimination in Gender Relations, "penalizing the prostitutes even more shows complete ignorance of the situation (...) The increase in fines would only lead to an increase in corruption".

Moreover, the legislation on prostitution, intensely discussed for some time in the media, was not drawing attention anymore. The sex industry generates such a high level of profit that the mafia does not intend to change its informal structure.

### **Human trafficking for sexual exploitation: a country of origin, transit, and destination**

In December 2010, Dmitri Medvedev, then President of the Federation, signed the 2011-2013 program to fight against human trafficking within the Community of Independent States. This program aims to ultimately establish a national strategy to fight against this crisis. In the meantime, the Ministry of Health and Social Development was given the responsibility of organizing a committee of multiple agencies, including NGOs, to work together in this fight.

The number of Russian victims exploited abroad by prostitution networks is difficult to determine. Nonetheless, according to a 2006 study carried out by Elena V. Tiurikanova, there are 4 destinations favored by criminal groups: North-East Asia (Japan, China), Europe (particularly Western Europe), Central Asia, and the Middle-East. The main paths used to transport the victims are those of the Baltic sea (through Lithuania) and Central Europe (Poland, Czech

---

<sup>5</sup> «Проститутки очистят Петербург от снега» (NGO «SCG» Cossack Militia), dp.ru, [http://www.dp.ru/a/2011/02/14/Prostitutki\\_ochistjat\\_Peter/](http://www.dp.ru/a/2011/02/14/Prostitutki_ochistjat_Peter/)

Republic) towards Germany, Scandinavia, and Western Europe; the Caucasus road, through Georgia towards Turkey, Greece, and the Mediterranean; the Middle-East path through Egypt towards Israel, and the Siberian road towards China that operates in both directions (Chinese criminal groups already invested the regions of South-East - Primorsky). 80% of human trafficking victims are women and minors and 70% of them are exploited through prostitution. Most of the victims are lured by false promises of jobs, and misled on the conditions in which they will have to repay their debt to the smugglers and/or the pimps.

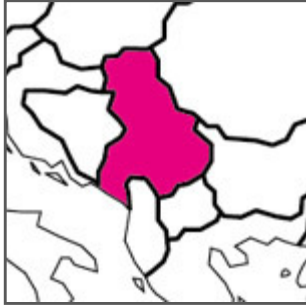
If, within the borders, many Russian women are sexually exploited, we may also find European and African (Ghanaian) citizens. Most of the prostitutes operating in large cities come from smaller neighboring cities and rural areas. More than 50% of prostitutes in Moscow will live there for less than one year, therefore showing the quick turnover practiced by the procurers.

### **Assistance to victims: associations have to cope alone...**

Most of the assistance brought to victims comes from the action of private associations. Government aid is reduced to financing some housing, most of which was shut down in 2011 due to lack of subsidies. Approximately 20 assistance centers are assumed to remain active in the country but are not limited particularly to prostitutes. A one-of-a-kind assistance center for victims of prostitution was established in Murmansk. According to the head of this center, "prostitution does not interest civilian society". It is therefore difficult to obtain governmental subsidies or public donations. The action of associations that specialize in health issues that aid the victims in the field also plays a significant role in the prevention of STDs.

### **Bibliography**

- Aral S.O., St Lawrence J.S., Tikhonova L., Safarova E., Parker K.A., Shakarishvili A., Ryan C.A., *The Social Organization of Commercial Sex Work in Moscow, Russia*, Centers for Disease Control and Prevention, Atlanta, Georgia, USA, January 2003.
- Beecher K., *The sexual marketing of eastern European women through internet pornography*, DePaul University, 2010.
- ECPAT International, *Sex trafficking of children in Russia*, Factsheet, 2009.
- Hughes D. M., *Supplying Women for the Sex Industry: Trafficking from the Russian Federation*, University of Rhode Island, 2005.
- Ttiurukanova E.V., *Human trafficking in the Russian Federation: inventory and analysis of the current situation and responses*, Institute for Urban Economics for the UN/IOM Working group on "Trafficking in Human Beings", March 2006.
- U.S. Department of State, *Trafficking in Persons Report*, June 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.



## Serbia

- Population: 9.9 million
- GDP per capita (in US dollars): 6,203
- Parliamentary regime
- HDI: 0.766 (59<sup>th</sup> rank among 187 countries)
- Country candidate to join the European Union
- Number of prostitutes: estimations according to different sources vary between 10,000 and 40,000.
- Prohibitionist regime: penalization of prostitution (according to section 14 of the Law on public order); article 388 of the Penal code prohibits human trafficking and the exploitation of human beings; article 390 prohibits slavery and servitude.
- Country of origin, transit and destination.
- Many Serbian victims but also victims, mainly women and children, coming from Montenegro, Bosnia, the Ukraine, Moldova, Albania, Turkey, Slovenia, Russia, and Austria.

Since the collapse of the former Yugoslavia, criminal networks have been thriving in Eastern Europe, Russia, and the Balkan countries. With the final destination for all kinds of illegal trafficking being Western Europe, the Balkan countries became a major hub for this underground economy. In conjunction with other forms of trafficking (drugs, weapons), Serbia transformed itself into a real "human trafficking corridor". The factors for the development of human trafficking networks were mainly wars, government corruption, and a perpetual economic crisis. Hence, networks in the Balkans act in close collaboration without any difficulty. The refusal of political leaders to cooperate with one another also contributes to the overall success of human exploitation operations. In 2005, journalist Jelena Bjelica wrote: "Neither the Serbians nor the Albanians have put any interest in stabilizing the situation in Southern Serbia. It is as if something like a war was being put aside." Nevertheless, this situation seems to be evolving thanks to the country's application to join the European Union.

Serbia's desire to be included among the 27 member states led it to strengthen the fight against sexual exploitation and to increase assistance to victims. Nonetheless, one obstacle hinders this movement forward: the police and the magistrates refuse to consider human trafficking as one of the criminal activities committed by organized networks. Hence, the NGO Astra indicated that human trafficking cases are not treated in the frame of organized crime.

### **Sexual exploitation: a poorly documented issue?**

Considered to be an illegal activity in Serbia, prostitution is prohibited by section 14 of the Law on public order (*Zakon o javnom redu i miru*) and is viewed as an immoral activity. Persons prostituting themselves may be punished by up to 30 days of imprisonment and by a fine. This notion of immorality, stronger than the notion of illegality, contributes to the denial of the existence of a problem. There is a considerable lack of data regarding the number of prostitutes. According to the last official statistics produced back in 2006, there were approximately 5,408 prostitutes in Serbia. In 2008, a Macedonian website mentioned different numbers: 1,000 registered prostitutes, 2,500 prostitutes estimated in the capital, and 10,000 in the whole country. A year later the Bulgarian site *novinite.com* indicated that there were probably 40,000 prostitutes in Serbia.

In October 2011, Stevan Bjelić, police commander in Belgrade, enumerated prostitution places in the capital - streets, hotels, lounges (former escort agencies that became illegal after the promulgation of a law in 2003), clubs, and night bars. According to him, the Internet was also playing a more and more important role of intermediary between the various stakeholders of prostitution. Additionally he said that during the previous ten years, the police had registered a total of 1,500 persons practicing prostitution in Belgrade, a number much lower than the unofficial estimations. The prices for sexual favors were accurately known though: between 1,500 and 2,000 Serbian dinars (approximately between €13 and €18) in the streets and between €200 and €300 for luxury prostitution services.

International resolutions have influenced the fight against sexual exploitation in Serbia. Since 2003, the fight against human trafficking has been strengthened by the introduction of a revision within the Serbian penal system. Since 2006, human trafficking has been sanctioned by the article 388 of the Penal code, slavery and servitude as well as by the article 390. According to ministerial data, between 2000 and 2008, there were 305 charges against 532 persons for a total of 357 infractions related to sexual exploitation and human trafficking. In 2011 alone, 258 charges related to 43 persons were leveled, regarding mainly sexual exploitation cases, begging activities, and forced marriages. The government indicated that the sentences handed down to traffickers in 2011 ranged from 6 months to 12 years. Only 15 of the 47 convicted persons were actually incarcerated.

### **Human trafficking at the heart of relations between Serbia and the neighboring countries**

The exponential increase in sexual exploitation in Balkan countries was significantly influenced by the presence of United Nations peacekeepers who settled in the region following the ethnic confrontations of the 90's. Before 2004, most of the victims of trafficking in Serbia were women coming from Russia, the Ukraine, Moldova, and Bulgaria.

It seems that, after the integration of Romania and Bulgaria in the European Union and the consequent exemption from visas, human trafficking has become more significant at an internal level than at an international level. According to the Serbian Ministry of the Interior, a

significant increase of Serbian victims has occurred since 2004. In 2008, 50% of the victims were minors. In 2011, 90% of the human trafficking victims were Serbian and the other 10% came from Montenegro, the Ukraine, and Bosnia. Nonetheless, criminal activities of Balkan networks showed significant human trafficking activity inside the "internal" limits of the former Yugoslavia. In August 2011, a female trafficking network between Serbia and Kosovo was dismantled. Some Serbian and Albanian criminal networks were suspected of having worked in cooperation to import Serbian women in order to be exploited in night-clubs in Kosovo.

Those cases of dismantled trafficking unveiled a strong cooperation between criminals coming from Serbia, Kosovo, Albania, and Montenegro. The major hubs of human trafficking are the regions near Kosovo, Central Serbia, and the cities of Novi Sad and Belgrade. Certain "roads" used for sexual exportation activities, well-known since the end of the 90's, were probably still in operation (Belgrade - Novi Pazar - Italy; Serbia and Montenegro - Croatia - Italy; Serbia - Hungary - Germany). According to an investigation carried out by Italian journalists, there are probably five major roads for human trafficking with sexual purposes in Europe; the most important of which is assumed to be the Balkan road. Victims coming from Bulgaria, the Ukraine, Russia, and Romania are probably brought to Serbia in order to be transferred through Kosovo and Croatia, with Western Europe as a final destination. However, there are probably also victims coming from Asia and Africa that would be forced to prostitute themselves, first in Serbia before being sent to other European countries.

### **Minors - more and more affected by prostitution**

According to the NGO "Astra", half of human trafficking victims are minors, on average 14 years old. The prostitution of minors has become more significant because of the development of new technologies. At the beginning of 2011, Serbia was shocked by a report produced by the Research Institute *Infologicistic*, which found that there was likely significant student prostitution in the schools of Novi Sad. The youngest minors implicated in this prostitution "web" were believed to be 10 years old. The computer systems security consultant and founder of the *Infologicistic* agency, Aleksandar Arsenin, explained to the German newspaper *Deutsche Welle* that there were some teen websites offering pornographic videos implicating Serbian minors. These specific sites were believed to offer videos with pedophilic material, as 20% of the pornographic material implicated children. The minors were assumed to come from urban centers as well as rural areas because only a computer and a camera were necessary to film the videos. The children were assumed to receive a modest amount of money, calculated by the number of visits to, as well as the time spent by customers on, each personal web page. While the minors are supposed to be paid approximately €50 per month, the profits from a website of this kind are probably close to €10,000 per month.

Forced marriages represent a significant portion of minors' sexual exploitation cases. In November 2011, a legal case of a sale for the purpose of a marriage was resolved in Sweden. A young girl of Roma minority was sold for €1,000 by her parents. The Swedish buyers offered the young girl to their mentally disabled son. The latter was able to enjoy his "present" for more than a

year, which was a year of non-stop abuse for the victim. Cases of forced marriages are not rare. According to a November 2011 investigation, 8% of victims of forced marriages in Germany came from Serbia, Kosovo, and Montenegro.

### **Violence towards women - an aggravating factor of sexual exploitation**

The place of women within society constitutes an important factor of sexual exploitation in Serbia. The economic vulnerability of women makes them dependent on strong male domination. In 2011, there were likely more than 1,600 women severely wounded as a result of domestic violence. Such violence led to the death of 26 of these women. According victim help services, 56% of adult Serbian women endured violence: 49% psychological violence; 34% physical violence; 9% sexual violence; 27% threats of physical violence; 19% harassment from their current or former partner.

Victims of domestic violence were also children. One sordid example involves the case of this father, living in the little town of Kanjiža, who was accused of raping and sexually exploiting his eight year old daughter. There were five children in this family and they were all forced to practice begging activities. After discovering the abuse, the children were placed in foster families.

### **Is there an improvement in the support of the victims?**

The movie *Sestre* ("Sisters") was released in 2011. Based on real events, *Sestre* tells the story of two sisters caught in the nets of sexual exploitation. The movie raised questions on the importance of helping reintegrate human trafficking victims into society, as well as the support provided during the judiciary procedure. It also highlighted the danger of the victims' falling back into the hands of traffickers, should support provided by social services be insufficient. The project received a donation from the IOM and the support of the Serbian government, as well as help from government and non-government organizations implicated in the fight against human trafficking.

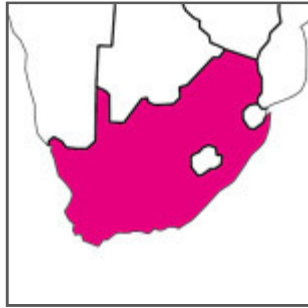
For the first time in March 2011, a social law defined human trafficking victims as a specific category. Institutions which take care of human trafficking victims are relatively scarce. The reception capabilities, as well as the psychological, social, and judicial services are not adapted enough to allow optimal assistance to the victims. The U.S. Department of State's report on human trafficking criticized the insufficient means given to the children victims of human trafficking. Nevertheless, projects aimed at developing adequate reception structures were more and more numerous thanks to the support of international organizations. In 2011, *Novi Sad Humanitarian Center* and the Social Center of Novi Sad developed a project called "Protection and integration of the victims of human trafficking in Vojvodina." This project received the support of the UNHCR, UNODC, and IOM. A part of the project was devoted to the opening of a housing center for female victims of human trafficking in Novi Sad in October 2011. The

project was created under the initiative of the United Nations to combat the human trafficking, with funding from Belgium, Switzerland, and the UN.GIFT.

Although international bodies highlight the willingness of public authorities to fight against human trafficking, the exchange of information between the government and NGOs remains modest, and that hampers the effectiveness of the actions taken.

### **Bibliography**

- Bjelica J., *Prostitution, l'esclavage des filles de l'Est*, Paris-Méditerranée, Collection « Documents et témoignages », Paris, 2005.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- Setimes : [www.setimes.com](http://www.setimes.com)
- Novi Sad Humanitarian Center : <http://www.nshc.org.rs>
- NGO Astra : <http://www.astra.org.rs>
- Ministry of Interior from Serbia, statistics : [www.webrzs.stat.gov.rs](http://www.webrzs.stat.gov.rs)
- [www.utrinski.com.mk](http://www.utrinski.com.mk)
- [www.dnevnik.rs](http://www.dnevnik.rs)



## South Africa

- Population: 50.0 million
- GDP per capita (in US dollars): 8,070
- Parliamentary regime
- HDI: 0.619 (123<sup>rd</sup> rank among 187 countries)
- Member of the African Union since 1994
- No official national statistics on prostitution.
- The number of 100,000 prostitutes has been mentioned several times in the press.
- 20,000 minors prostituting themselves according to the latest estimations in 2011.
- In Cape Town, police have a database of approximately 1,300 prostitutes.
- Major sex tourism destination.
- According to the "Country's Sexual Offences Act" prostitution is illegal. Procuring is forbidden, as is the ownership of prostitution establishments.
- Several prostitution establishments in large urban centers (Pretoria, Johannesburg, Cape Town, Durban).
- New legislation to fight human trafficking: "Prevention and Combating of Trafficking in Persons Bill (2010)" is still in discussion as of the end of 2011.
- Destination for human trafficking victims in the Southern African region.
- Victims are South African or from neighboring countries (Zimbabwe mainly), South East Asia (China, Thailand) and Eastern Europe (Ukraine, Bulgaria, Russia).

Despite the significant means used by authorities to fight human trafficking for sexual exploitation during the 2010 World Cup, South Africa remains highly ranked among countries below the minimum standards set by the U.S. Department of State's 2011 report on human trafficking. The sex industry continues to generate significant profits in South Africa, the country with the most developed economy in Africa and where, according to the "African Medical Research Foundation in South Africa", approximately 5.7 million people are HIV positive. Local gangs remain well established and exploit minors, South African women and women from rest of the African continent. International human trafficking is also omnipresent. Asian and Eastern European mafias continue to feed their own criminal networks with victims coming from their respective geographical areas. Those victims are lured by fake promises of work and are forced into prostitution once they arrive in the country of destination. Using several studies and

arguments, different lobbies are engaged in a merciless struggle in favor of or against the regulation of prostitution. As of the end of 2011, South African society seemed very largely reluctant to change the current regime, in which prostitution has remained illegal since the "Sexual Offences act" voted in 1957.

### **True or False: Prostitution Increased during the 2010 World Cup?**

A message used as a warning and read by several South African musicians and actors, highlighted the risk of an increase (up to 100,000 according to "ESPN Sports") in the number of victims from human trafficking for sexual exploitation before and during the 2010 World Cup. The message aimed to warn vulnerable persons of the dangers of traffickers, procurers and gangs. On the other hand, an association which assists prostitutes criticized the incongruity of such a message by arguing that for the World Cup that took place in Germany, the "level of fear" had been largely overestimated. There was an increase in prostitution related to the event, however as information showed, the actual number was lower than the alarming predictions.

According to a study from 2011 carried out by the "London Council" and by "GLE consulting", during the World Cup, the Cape Town police departments found 11 victims of human trafficking for sexual exploitation from abroad through an infiltration of a criminal network. It is fair to say that not all of the persons affected were necessarily identified and "recorded" by police services. The Salvation Army, for instance, turned over 70 human trafficking victims to police services. The heightened business during the World Cup had apparently been anticipated by the traffickers. In Johannesburg, the number of clandestine establishments is believed to have doubled in 2010. Once again, according to a study carried out by the "London Council" and by "GLE Consulting", a Security Officer based in Cape Town during the World Cup said that the number of foreign prostitutes had doubled in 2010: "persons coming from China, Mozambique, Zimbabwe, and from countries of Southeast Asia [...] were not here last year".

### **Extremely well organized national and transnational criminal networks**

South Africa plays the role of hub for several sex trafficking networks. If, as is the case with several other countries, South Africa can be considered a country of origin, destination and transit for this kind of trafficking, it is above all a crossroads for diverse, independent, transnational networks.

Internal human trafficking affects children, particularly girls coming from rural areas. They are exploited in illegal prostitution establishments located in large urban centers such as Johannesburg, Cape Town and Durban. South African gangs mainly exploit local young people, either for prostitution or forced labor. While in 2000, estimates by the Johannesburg police department reported around 38,000 children prostituting themselves in South Africa, other recent sources estimate the number to be closer to 20,000. Sex tourism plays a crucial role in sex

trafficking. In a 2011 study of the province of Eastern Cape, Callings Major Ngwira<sup>1</sup> showed that tourism centers which bring in a significant influx of visitors contributed to the rise of human trafficking victims. Customers were seeking "exotic" partners. In this province, traffickers have at their disposal an average of five to 15 victims, and each one of them must make between 1,500 and 5,000 Rand (approximately €135 and €450) per evening. In Cape Town, according to an "IOL News" report from April 26, 2011, police recorded approximately 1,300 prostitutes over a period of 11 months which included 250 street prostitutes, 964 working in specialized establishments and 30 male prostitutes.

The Nigerian mafia, widespread throughout Africa, controls the majority of African human trafficking. Women from South Africa, victims imported from neighboring countries, particularly Zimbabwe (where up to 95% of the population is unemployed causing some victims to be lured by false promises of work) and to a lesser extent Mozambique, are controlled by persons coming from the same geographical area.

The "zimdiaspora" has become particularly visible since 2011. Victims from Zimbabwe, generally controlled by procurers of the same nationality, are identified in most large urban centers. The latter do not hesitate in promoting their new recruits to their customers. According to the NGO Sweat, a hotel located in downtown Johannesburg has been described as "crowded with prostitutes native to Zimbabwe". According to Ngwira, several hotel managers do not hesitate to say that at the end of each monthly pay period their establishment is filled with prostitutes, most of them from Zimbabwe, who stay for some time before leaving. They are supervised by an older "mother" who takes care of transportation and regularly changes the locations. The Johannesburg police department confirmed that most of the prostitutes arrested during that period, were native of Zimbabwe. The U.S. Department of State's report on human trafficking also reports prostitutes coming from Swaziland, Lesotho and the Democratic Republic of Congo.

Chinese and Southeast Asia mafias are extremely well rooted in the country. A Security Officer from Cape Town stated that they had not seen so many prostitutes of Chinese origin in ten years of raids on illegal establishments in the suburbs of the city. Chinese networks mainly exploit women from China and to a lesser extent, Thailand, while the Eastern European mafia, mainly Russian-speaking, exploits persons from Russia, the Ukraine or Bulgaria. In this instance, exploitation follows the classical pattern; pressure from debt, violence, confiscation of passports and threats made to the victims' families.

### **The debate between "pro" and "anti" regulation of prostitution continues**

Prostitution remains illegal in South Africa. Before the 2010 World Cup, South Africans were asked to participate in the following survey: do you agree with the legalization of prostitution? Seventy-nine percent of respondents answered no. While the government had initially envisioned making an exceptional legislative change for the duration of the World Cup, in the end, it did not make any amendments. However, the debate between the two sides was

---

<sup>1</sup> Professor of Geography and Environmental Science at the University of Fort Hare.

ongoing as of the end of 2011, and many protests, scientific studies and other events have taken place. The pressure to decriminalize prostitution has been active for almost 20 years, but legislative modifications have not followed suit. In 2007, the "Sexual Offences Amendment Act" actually added the criminalization of customers to the legislation; however this update has not been widely used. The law "Prevention and Combating of Trafficking in Persons Bill", prepared in 2010 to specifically fight against human trafficking, has not been officially adopted as of the end of 2011. Authorities still refer to the "Sexual Offences Act" which punishes the sex-trafficking of children and adults. That Act, for instance, allowed for the 2010 conviction of a mother and her daughter for having forced several South African women into prostitution. That same year, a gang of nine Nigerians was dismantled for having coerced 12 South Africans to practice prostitution against their will. In 2011, the U.S. Department of State's report mentioned the opening of 22 investigations regarding human trafficking.

As of the end of 2011, most organizations or unions involving prostitutes were calling for decriminalization. The "African Sex Worker Alliance" for instance, estimated that for the majority of people practicing prostitution do so only to survive. In Johannesburg, the "Sisonka Sex Workers Movement" reminded the public of a case where a prostitute, who was killed as a result of repeated sexual assault, had not dared to report the abuse to the authorities for fear of potential sanctions. According to a 2010 study by the University of Malmö and commissioned by different groups in support of the decriminalization of prostitution, the stigmatization that weighs on prostitutes and their families is an aggravating factor and "the source of social issues". Through the use of several assemblies and press releases in 2011, the *Federation of Unions of South Africa* and the *Sex Workers Education and Advocacy Task-force* (SWEAT) was also among those groups clearly calling for decriminalization.

Conversely, many lobbies are strongly opposed to the regulation of prostitution, noting the perception of certain laws that criminalize prostitutes. Christian groups insist on reminding us that while persons enter into prostitution to fulfill their needs, other persons, sharing the same situation of poverty, do not follow that path. They also advocate for the penalization of customers. For the political group "Democratic Alliance", amending the law in favor of regulation would entail a significant economic cost partly because of the strong connections between human trafficking for sexual exploitation and organized crime. It believes that "decriminalization would only benefit procurers and prostitution establishment managers".

### **Assistance for the victims and social plans of action**

It is widely assumed that in South Africa, there are approximately one hundred homes and organizations devoted to assisting women and children who are the victims of abuse. In 2010, 13 such places were specially renovated in order to receive victims of human trafficking<sup>2</sup>. The *National Prosecuting Authority* (NPA) has participated to the production of documentation manuals on human trafficking for those implicated, and implemented, in collaboration with an NGO, a hotline to report human trafficking cases. According to the U.S. Department of State's

---

<sup>2</sup> Gender paper - Policy discussion document, ANC, March 2012.

report, the *Department of Social Development* (DSD) was designated to place victims in these homes and has trained approximately 270 social workers to assist them.

A study carried out by the "PLoS One" newspaper from July 20, 2012, focusing on the sexual behaviors of a sample of 1,645 men, has shown that those who purchase sexual services from prostitutes "were significantly more misogynistic, had well-marked attributes of psychopathy, were more sexually and physically violent towards women and were largely implicated in criminal activities". The authors of this study concluded that the notion of "sexual right" demonstrates that the hegemonic male nature is still largely widespread within the South African society.

## Bibliography

- « Prostitution, pimping ravages Zimbabweans in South Africa », *The Zimdiaspora*, June 4<sup>th</sup>, 2012.
- Allais C., *Tsireledzani: understanding the dimensions of human trafficking in Southern Africa*, March 2010.
- Barr J., « Concerns raised about illegal sex trade », *ESPN Sports*, January 7<sup>th</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Dolley C., « Teens ply their trade as prostitutes », *IOL News*, April 26<sup>th</sup>, 2011.
- Harper E., Massawe D. (SWEAT), Richter Marlise (SANAC Women's Sector), *Report on the 2010 Soccer World Cup and Sex Work: Documenting Successes and Failures*, September 10<sup>th</sup>, 2010.
- Jewkes R., Morrell R., Sikweyiya Y., Dunkle K., Penn-Kekana L., « Men, Prostitution and the Provider Role: Understanding the Intersections of Economic Exchange, Sex, Crime and Violence in South Africa », *PLoS One*, Vol.7, Issue 7, July 20<sup>th</sup>, 2012.
- Kelly L., Coy M., Davenport R., *Shifting Sands: A Comparison of Prostitution Regimes Across Nine Countries*, 2010.
- London Council, GLE Consulting, *The 2012 Games and human trafficking: identifying possible risks and relevant good practise from other cities*, January 2011.
- Mattisson E., Ekebrand H., *Behind the prostitution debate in South Africa – constructions of gender*, Examination paper in social work 15 points, Malmö University, Faculty of Health and Society, 2010.
- Minister of Justice and Constitutional Development, *Prevention and Combating of trafficking in persons Bill*, Republic of South Africa, January 2010.
- Ngwira C. M., *Human Trafficking in Eastern Cape Province, South Africa*, Department of Geography and Environmental Science, University of Fort Hare, March 2011.
- Sex Workers Education and Advocacy Taskforce (SWEAT), *Zim women survive on 'cross-border' prostitution in SA*, August 14<sup>th</sup>, 2011.
- *Trafficking, Sexual Exploitation, Lies & Deceit: What you haven't been told - A response to "Selling Sex in Cape Town"*, ISS and the Sex Workers Education and Advocacy Taskforce (SWEAT), July 2008.

- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- CIA Website, *The world factbook*, South Africa: <https://www.cia.gov/library/publications/the-world-factbook/geos/zi.html>



## South Korea

- Population: 48.4 million
- GDP per capita (in US dollars): 22,424
- Unicameral Parliamentary regime
- HDI: 0.897 (15<sup>th</sup> rank among 187 countries)
- Country of origin, transit, and destination for victims of human trafficking for sexual purposes.
- Victims mainly come from Russia, China, Thailand, Vietnam, and North Korea
- South Korean women are sent to Japan, the United States, Canada, and Europe.

Considering the three juridical conceptions of prostitution regulationist, abolitionist, and prohibitionist, South Korea has chosen the prohibitionist approach. Since the 2004 Law on the prevention of prostitution and the protection of victims, the South Korean government, more strongly than ever, follows a prohibitionist policy. Through the closure of brothels following the application of this law, the government clearly expressed its commitment to strictly prohibit prostitution.

Under this law, prostitution is defined as "receiving or being promised to receive an undetermined amount of money or other property rights, or the fact of committing one of the following acts (sexual relations or similar relations such as oral sex, anal sex, the use of parts of the body, or other tools), or all other forms than the before mentioned, or the act of becoming a customer or a procurer". Procuring activities are also punished. Indeed, each of the following three aspects are considered related to prostitution: procuring, soliciting, and encouraging or constraining. Some articles are included in order to deal with situations such as supplying a place for prostitution activities and giving funds, land, or a building knowing that they are destined for the practice of prostitution.

Some specific laws regarding prostitution, such as the "Special law for the repression of activities similar to procuring" and the "Law for the prevention of prostitution and the protection of victims" have been in force since September 23rd, 2004. These laws sentence to at least three years of imprisonment the encouragement of prostitution or human trafficking with sexual purposes, and allow for the confiscation of real estate purchased through procuring activities and for the prohibition of prostitution publicity. If the customers are caught in obvious offense,

indictment is automatic. New kinds of brothels such as the *Toipea ibalgoan*<sup>1</sup> and the glass booths are also repressed.

Before 2004, the "Law for the prevention of acts of perversion," claimed that prostitutes were dishonorable women. The 2004 Specific law on prostitution did away with this definition of prostitutes. By introducing the notion of victims of human trafficking, women forced to practice prostitution are protected and supported by the government.

More precisely, this law stipulates: "the debt related to prostitution is annulled even if there was a contract and/or moral obligations" in order to "avoid punishing the victims of prostitution".

The Korean pimps, however, have found a loophole. They do not lend money directly to the prostitutes anymore. Instead, the women must borrow the money from credit companies and give it to the procurers. The prostitutes must then pay back the debt.

Additionally, in July 2005, after several consultations, the Ministry of Justice and the Principal State Counsel's Office produced internal directives in order to favor the suspension of the sentences of prostitution customers. The Principal State Counsel's Office may decide that customers, who committed a first soliciting offense, will follow a training program in a *John School* (Customer School) and/or perform community service hours.

At the end of July 2010, 10,785 persons attended the training programs in the 39 customer schools of the country. The 2009 budget was 397 million Wons (€264,667). 30 to 50 people attend the daily eight hours of courses.

The application of the 2004 laws on prostitution had a significant impact on brothels. The police Commander of Yongsan<sup>2</sup> announced that, since the application of the law, only three brothels remained in the surroundings of the Yongsan railroad station, located in Seoul.

Areas where prostitution is practiced such as Youngdengpo, Miahri, Cheongnyangni, and Cheonhodong had their activities reduced by 85%. The five main prostitution places of Seoul, Miahri, Cheongnyangni, the Yongsan railroad station, Cheonhodong, and Youngdengpo were disappearing because of redevelopment projects affecting downtown Seoul, such as Newtown<sup>3</sup>. On a national scale, 39% of the brothels in the country shut down, and the number of prostitutes practicing their activity in brothels plummeted by 46%<sup>4</sup>.

This situation led to several demonstrations from prostitutes. In September 2011, across from Times Square of Youngdengpo, more than 450 prostitutes gathered half naked in order to protest and advocate for their rights and the reconstruction of the brothels. The atmosphere of these demonstrations was very violent. Several women even sprinkled themselves with gas and threatened to kill themselves. This event clearly shows that the South Korean government maintains a strong repression policy against prostitution, but its disengagement from helping the victims is unquestionable.

---

<sup>1</sup> "Decadent barbershops", meaning hairdresser parlors for men where women cut their hair and shave their beards, and afterwards have sex with them.

<sup>2</sup> A district of the city of Seoul.

<sup>3</sup> <http://www.dailian.co.kr>, September 16<sup>th</sup>, 2011 (in Korean).

<sup>4</sup> <http://news.kbs.co.kr/>, September 21<sup>st</sup>, 2011 (in Korean).

According to a report produced by the Ministry of Women and Families, the turnover of the sex industry in South Korea is of approximately 7.7 billion Wons (€5.33 billion), with more or less 45 million sexual favors per year, or an average of 140,000 sexual favors per day. Even though prostitution is prohibited in the Penal code, the phenomenon is largely present in the country's economy. When prostitution cases are detected, the sentences remain relatively lenient. 45% of the accused procurers benefit from a suspension of the judiciary action and only 10% of the customers are condemned<sup>5</sup>.

On September 8th, 2011, the *Telephone for the women of Kwangju* association organized a conference on the 7th anniversary of the passage of the law for the prevention of prostitution. The purpose of the conference was to expose the issues caused by the inefficiency of the law.

The organizer of the conference, Mirea Jung, who is the representative for the national solidarity against prostitution, stated that: "Restriction and government control are curbed by the initial law when prostitution becomes clandestine, and the number of new forms or variations does not stop increasing. Punishing the customers and the procurers is not enough. Moreover, appropriate administrative sanctions do not exist with regard to the diversity of services offered by prostitution." Mirea Jung also suggested sanctioning the industries related to new forms of prostitution.

According to Sung Suk Cha, leader of the security team of the GIST (*Gwangju Metropolitan Police Agency*), who participated in the debates of the conference, the annual renewal of the teams investigating prostitution cases tends to decrease the professionalism of the assistance brought to the victims. The annual renewal of the teams occurs in order to avoid police corruption and to maintain the integrity of the services.

According to the leader of the team for the protection of human trafficking for sexual purposes, if severe sanctions against the venue owners were taken and if the profits generated by the crime were confiscated in order to repress the diversity of the prostitution offered, the expansion of prostitution would be reduced.

According to Seunghui Sin, prosecutor of the Gwangju Regional Counsel's Office, the pimps, recruiters, and advertisers are punished, but the level of the sentences and fines is insufficient. He thinks that it should be raised.

The sex trade is extremely active because prostitution venues (*love hotels, massage parlors, bars...*) are clustered in the same districts. No administrative provision could limit this situation. S. Sin states that, in order to prevent the expansion of the sex industry, the judiciary measures must be synchronized with the administrative prosecutions<sup>6</sup>.

In the aftermath of the application of the law against prostitution, the number of brothels and prostitutes officially decreased in the entire country. Nevertheless, unofficially, prostitution thrives in a clandestine and creative manner. For instance, "office prostitution" consists of renting offices where the procurer sets up the prostitutes and manages an agenda of rendezvous with customers.

<sup>5</sup> <http://news.kbs.co.kr/society/2011/09/21/2359925.html>, September 22<sup>nd</sup>, 2011 (in Korean).

<sup>6</sup> Yonhapnews, September 8<sup>th</sup>, 2011 (in Korean).

Another example of such diversification occurs in Sillim-Dong, a district of Seoul where students gather to prepare for exams. "Masturbation rooms" are located in malls within the district specifically for the students. Such venues are sprouting up quickly, "like bamboo after rain."

Some Asian countries have developed venues such as the "Fetish room", the "Story room", and glass booths. These places are present all over South Korea. A venue manager stated the following: "We have changed our name to avoid government control, but the services demanded by the customers are not different."

#### **New and diversified sectors**

| <b>Sectors</b>           | <b>Content</b>  |
|--------------------------|---|
| <b>Massage parlor</b>    | Sexual relations under the guise of a massage   |
| <b>Masturbation room</b> | Masturbation of customers   |
| <b>Kiss room</b>         | Customers kiss the prostitutes present in these rooms   |
| <b>Story room</b>        | Sexual relations while having a discussion with the prostitute                                    |
| <b>Glass booths</b>      | Masturbation while looking at the women inside the booths   |
| <b>Fetish room</b>       | Sexual relation with prostitutes wearing uniforms (stewardesses, nurses...)                       |
| <b>Doll room</b>         | Sexual relations with an inflatable doll  |
| <b>Cuddling room</b>     | The customers hug and are allowed to have sexual relations with the women present in these places |

*Source: Fondation Scelles, June 2012*

The repression of prostitution is not an easy task because these venues are linked to the entertainment sector. Without meaningful evidence, it is difficult to prosecute and sanction the venues. Policemen go as far as looking for clues such as condoms. Some procurers do not hesitate to ask the prostitutes to swallow the used condoms in order to hide evidence. Due to lack of evidence, sanctions remain scarce.

With the purpose of overcoming these obstacles, an upgrade on the law for the repression of entertainment companies devoted to the public came into force on February 2<sup>nd</sup>, 2012.

According to the modified law, regulation and punishment are possible for anything resembling sexual activity. The venue owner risks a sentence of three years of imprisonment or a fine up to €20,000, with the obligation of shutting down the venue or changing the activity.

The police force does not always apply the implemented regulation. Some policemen do not even know that regulation updates affecting the entertainment industry exist. A Gangseo (Seoul

district) policeman confessed the following: "We received instructions on prostitution, but I never heard that the new law came into force."<sup>7</sup>

### **The status of prostitution in South Korea**

(according to the investigation carried out by the Ministry of Women and Families)

| <b>Type</b>  | <b>Estimation of<br/>the annual number of tricks</b> | <b>Number of<br/>prostitutes</b> |
|--|--|----------------------------------|
| <b>The 45 brothels in the country</b>                  | 8,020,000  | 4,917                            |
| <b>Prostitution venues such as<br/>karaoke bars</b>    | 35,160,000   | 137,331                          |
| <b>Diverse prostitution venues<br/>(kiss rooms...)</b> | 1,660,000  | Not estimated                    |
| <b>Prostitution through the<br/>Internet (tricks)</b>  | 1,210,000  | Not estimated                    |
| <b>Sex tourism</b>                                     | 940,000  | Not estimated                    |
| <b>Total</b>   | 46,990,000   | 142,248<br>+ Not estimated       |

According to the police, 12,212 persons were condemned in July of 2011. Among them, 1,184 were teenagers (9.7%), 908 boys among the customers (76.7%), 198 girls among the prostitutes (16.7%), 38 procurers or implicated persons (3.2%), and 15 teenagers arrested (1.3%). In 2007, 701 persons practiced prostitution through the web, 647 in 2008, 590 in 2009, 414 in 2010, and 212 in July of 2011<sup>8</sup>.

With regard to the prostitution of minors, a Supreme Court judge condemned a customer to a prison sentence because he accepted the online proposition of a minor prostitute. The teenager contacted the customer through an online chat forum and encouraged him to meet her in a karaoke bar.

The law protecting children and teenagers punishes "the act of purchasing the sexuality of children and teenagers" and punishes "the acts of proposition or encouragement" with at least one year of imprisonment or a fine of 10 million Wons (approximately €7,000).

Abiding by this article, the judge sentenced the customer to 32 months of imprisonment, with a suspension of 24 months and 120 hours of community service. Even though the teenager offered her services for remuneration, the law considers her as sexually immature. The acceptance of her services may indeed influence her development or strengthen her intentions to prostitute herself.

<sup>7</sup> [http://news.chosun.com/site/data/html\\_dir/2012/02/22/2012022200149.html](http://news.chosun.com/site/data/html_dir/2012/02/22/2012022200149.html), February 22<sup>nd</sup>, 2012 (in Korean).

<sup>8</sup> [http://n.ccdailynews.com/sub\\_read.html?uid=231572&section=sc3](http://n.ccdailynews.com/sub_read.html?uid=231572&section=sc3), Chungcheung ilbo, August 31<sup>st</sup>, 2011 (in Korean)

In order to understand the motivations of prostitution clients, 11 men aged from 20 to 40 years old, all graduates, were interviewed for a survey carried out by the Ministry of Women and Families. Two main reasons stood out.

The first reason is the *Jebdae Munhwa* (collective culture of reception): a superior can force every person in a company (junior employees, customers, collaborators...) to have a drink after work time. It is common for the evening to end with the company of prostitutes.

The second reason mentioned by the men interviewed during the survey is their sex drive. As a matter of fact, in a business atmosphere, prostitution appears to them as the only way of satiating their sex drive.

In addition, most of the men interviewed divided prostitution into two different categories. On one hand, human trafficking for sexual purposes, with threatening, constraining, and the prostitution of minors is considered negative. On the other hand, the other forms of prostitution are accepted because they think that the prostitutes did make the deliberate choice to practice prostitution. Such beliefs ease their conscience.

The most significant issue regarding prostitution in South Korea is the *Jebdae Munhwa* that causes the customers to not feel guilty about accepting the services of a prostitute, even if the law condemns them. The specific law on prostitution considers these women to be victims. As a consequence, the Korean society believes that the only prostitutes, one can meet practice this activity because they want to be prostitutes. However, the Korean men must understand that most of these women, Koreans or foreigners, have no other choice but to continue to be prostitute in order to pay back the money they owe their procurers, who charge elevated interest rates.

A person who could not bear to practice prostitution anymore to pay back her debt committed suicide. The pimp then transferred the debt to a second prostitute, arguing that there was a "solidarity movement." The second person committed suicide, and their two debts were transferred to a third prostitute. Thus, between July of 2010 and June of 2011, seven prostitutes committed suicide one after the other in Phang due to this "solidarity movement" imposed by their pimp. This tragedy had a huge impact on Korean society. Koreans thus had confirmation that the exploitation of women within the sex industry does exist, and that it does not take into account the dignity of women.

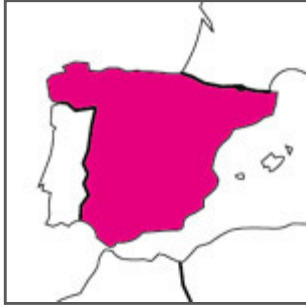
The prostitution of minors through the Internet is another issue because teenagers have extremely easy access to online networks. Young people running away from their homes, experiencing difficulties at school, coming from complex family situations, and prostituting themselves for survival reasons and are readily exposed to violence.

Cases of young people forcing other minors to practice prostitution were reported not long ago. Since brothels were closed thanks to the law of 2004, prostitution has changed and adapted by introducing itself surreptitiously into daily life.

In order to eradicate prostitution in South Korea, sexual equality, an improvement of the professional equality between genders, a reconstruction of moral concepts, and an aggravation of the sentences imposed on procurers and customers would be the first crucial step.

**Bibliography**

- National Centre of juridical information (South Korea), *La loi spéciale de la prostitution*, August 2<sup>nd</sup>, 2012.
- Ministry of Women and Families, *Enquête du rapport 2010 sur la prostitution en Corée*, 2012, Korean website :  
[http://www2.korea.kr/expdoc/viewDocument.req;JSESSIONID\\_KOREA=hchvPtDJwhDVyyH1QBnz1VRpXxhWBbHkGXGGMrpcNGLLnkpS3Z7Z!493390970?id=30852](http://www2.korea.kr/expdoc/viewDocument.req;JSESSIONID_KOREA=hchvPtDJwhDVyyH1QBnz1VRpXxhWBbHkGXGGMrpcNGLLnkpS3Z7Z!493390970?id=30852)



## Spain

- Population: 46.5 million
- GDP per capita (in US dollars): 32,244
- Constitutional monarchy
- HDI: 0.878 (23<sup>rd</sup> rank among 187 countries)
- European Union member since 1986
- No national official statistics regarding prostitution. According to different organizations, there are 300,000 to 400,000 prostitutes in Spain.
- Country of transit and destination, mainly for women coming from Central America, Southern Europe, and sub-Saharan Africa.

Human trafficking, prostitution, sexual exploitation of women and girls are acts of extreme violence and an attack against individual dignity. Due to the numerous social changes that Spain has undergone in recent decades, prostitution has evolved considerably. Until the mid eighties, Spanish women practiced "classical" prostitution in their regions. In the early nineties, Latin American women began to make a marked appearance in Spanish roadside prostitution. Then, African women victims of the human trafficking appeared. The Alternativas Foundation stated that street prostitution of European women appeared in the late nineties. Currently, more than 90% of prostitutes are victims of human trafficking in Spain. Prostitution is mainly practiced in closed venues. Spain is a country of transit and destination for the victims of human trafficking, mainly women coming from Central America, Southern Europe, and sub-Saharan Africa.

Although Spain is officially an abolitionist country, sexual exploitation of women and girls constitutes a profitable and thriving business. Of all illegal economic activities, prostitution generates the highest profit, more than arms or drug trafficking.

According to a report produced by the *Federación de las Mujeres Progresistas* (Progressive Women's Federation), the annual revenue of the sex industry in Spain is assumed to reach €18 billion.

There are no official statistics on the true extent of prostitution in Spain. However, several different organizations estimate the existence of 300,000 to 400,000 prostitutes. According to the APRAMP, *Asociación para la prevención, inserción y atención de la mujer prostituida* (Prevention, Integration and Attention to Female Prostitutes Association), some 300,000 women are victims of prostitution. Although the German population is twice as large as the Spanish

population, the European Institute for Crime Prevention estimated that the number of prostitutes in both countries is approximately the same<sup>1</sup>.

Solendad Becerril, *Defensor del Pueblo* (Public Defender) states that, according to the *Secretaría de Estado de Seguridad* (Safety Secretary of State) data, between 2009 and 2010, the typical profile of a woman exposed to human trafficking for sexual purposes in Spain was that of a Romanian woman aged 18 to 32 years old, or that of a Brazilian woman aged 33 to 42 years old. In 2011, Romanian, Brazilian and Paraguayan nationalities were mentioned. 47% of victims allegedly came from the Americas, 45% from Europe, and 7% from Africa. The same report also indicated that the number of identified victims of sexual human trafficking was underestimated with respect to the number of persons already detected to be in a situation of risk. Hence, in 2011, 14,730 persons in a situation of risk were detected and 1,082 were identified as victims of human trafficking. In 2010, there were 15,075 persons at risk and 1,641 victims of human trafficking.

These Spanish statistics confirm the UNODC estimations regarding Europe: only one out of twenty potential victims is identified as a victim of human trafficking for sexual purposes.

### **The law regarding prostitution in Europe**

Since the beginning, Spain has adopted an abolitionist position by adhering to the Convention of 1949. Neither the practice of prostitution nor the purchases of sexual services are considered crimes. The intervention of a third party, for purposes of profit, in prostitution activity -in other terms, procuring- is condemned by article 188 of the Penal code.

Spain also signed and ratified the Protocol of Palermo and the 2008 Convention of the Council of Europe on the fight against human trafficking. Spain launched its first comprehensive plan of action against human trafficking for sexual purposes for the period 2009-2011 (extended until 2012) and also approved a third Plan against the sexual exploitation of children and teenagers (2010-2013). In 2010, for the first time, a "human trafficking" offense was included in the Penal code, and article 59 of the law on foreigners was updated in order to incorporate a period of recovery and reflection for victims in an atypical administrative situation.

In October 2011, with the purpose of applying article 140 on the regulation of foreigners, the Spanish government, along with the Public Prosecutor of the State and the General Council of the Judiciary, signed the outline Protocol regarding the protection of human trafficking victims. This protocol implements a procedure of detection, identification, and orientation of potential victims and offers them assistance and protection. It also creates coordination mechanisms between institutional and social partners.

Nonetheless, all the juridical reforms carried out in the last years were determined to be insufficient by numerous organizations and NGOs, as a human rights perspective and a gendered approach, in particular, were not taken into account.

---

<sup>1</sup> Union General de Trabajadores de España (Sindicato UGT), *Informe "La prostitución, una cuestión de género"*, Madrid, January 13<sup>th</sup>, 2006.

Several civilian voices have called on the government to instate an adequate transposition of the Directive 2011/36/UE, to adopt an approach based on victims' protection. This transposition has not yet been carried out.

### Large Spanish organizations

Prostitution was not included on the list of priorities of the Spanish government in recent years. Neither human trafficking nor prostitution was integrated as a form of violence towards women in the Law of measures for total protection against gender-based violence (LO 1/2004) from December 28<sup>th</sup>, 2008. Spain gave itself a time limit of three years to ratify the Convention of the Council of Europe on the fight against human trafficking and has not adapted all of its legislation to the European requirements, particularly the 2011/36/EU Directive.

Nevertheless, throughout 2011, feminist associations for the defense of women's rights and assistance to women prostituting themselves did considerable awareness-raising work while continuing to fuel the political debate.

In this chapter, it is important to highlight the work achieved by the APRAMP, the *Commission de Investigación de Malos Tratos a Mujeres* (Abuse to Women Commission of Investigation)<sup>2</sup>, the *Plataforma de Organizaciones de Mujeres por la Abolición de la Prostitución* (Women for the Abolition of Prostitution Platform of Organizations)<sup>3</sup>, and the *Red Española contra la trata de personas* (Spanish network against the human trafficking)<sup>4</sup>, which comprises of a total of 22 associations dedicated to women and the defense of human rights. Thus, throughout 2011, several awareness-raising campaigns against sexual exploitation were launched. These include (please refer to the table in the Appendix):

- The Seville city hall campaign *No compras sexo, compras vidas* (You are not buying sex, you are buying lives)<sup>5</sup>, that emphasizes the customer's role and his responsibility in sexual exploitation;
- The campaign organized by the *Consejería para la Igualdad y Bienestar Social de la Junta de Andalucía y la Plataforma Andaluza de Apoyo al Lobby Europeo de Mujeres* (Ministry of Equality and Social Well-Being in Andalusia and the Andalusian Platform of the European Lobby of Women)<sup>6</sup>. The name of the campaign was *¿Aún no lo ves? las Mujeres no somos mercancías. No compres nuestros cuerpos* (Don't you see already? Us, women, are not material goods. Don't buy our bodies);
- The support of the *Red Española contra la Trata de Seres Humanos* (Spanish network against human trafficking) to the UNODC campaign *Blue heart campaign against human trafficking*<sup>7</sup>.

<sup>2</sup> <http://malostratos.org/>

<sup>3</sup> <http://www.aboliciondelaprostitucion.org/>

<sup>4</sup> <http://www.redcontralatrata.org/>

<sup>5</sup> <http://www.sevilla.org/ayuntamiento/areas/area-de-familia-asuntos-sociales-y-zonas-de-especial-actuacion/a-mujer/campanas-de-sensibilizacion/23-septiembre>

<sup>6</sup> [http://www.mujereslobby.org/index.php?option=com\\_content&view=article&id=361:campana-por-la-abolicion-de-la-prostitucion-20102011&catid=57:campanas](http://www.mujereslobby.org/index.php?option=com_content&view=article&id=361:campana-por-la-abolicion-de-la-prostitucion-20102011&catid=57:campanas)

<sup>7</sup> <http://www.unodc.org/blueheart/>

## **The prostitution "customer", or "instigator" of prostitution**

According to a report published in June 2011 by the *Commission de Investigación de Malos Tratos a Mujeres*, 99% of the demand for prostitution comes from men. 50% of Spanish customers are married or living with a companion and 40% are parents. The average age of clients ranges from 30 to 50. The Commission stated that "a minimum consensus does not even exist to question prostitution" which is trivialized, even though it is "an act constituting one of the most serious forms of violence against women" and an "attack to their sexual freedom and physical integrity." In September 2011, the Commission organized an international conference on prostitution in Almería. The name of the conference was: "Customer or instigator of prostitution? Invisible or responsible for prostitution?"

In September 2011, the APRAMP association presented a human trafficking for sexual purposes guide. Considered as a benchmark on the topic, it indicates that Spain is at the top of prostitution consumption in Europe (39%), followed by Switzerland (19%). Also it is ranked third globally, after Thailand (73%) and Puerto Rico (61%).

## **Criminalization of female prostitutes**

The practice of prostitution is not penalized in Spain. However, there are some local and regional laws regarding health, urban order, and road safety parameters devoted to regulating the activity in Bilbao (1999), the Autonomous government of Catalonia (2002), or Barcelona (2006). In August 2011, Badajoz joined the initiative by adopting a municipal law aimed at preserving the public space and penalizing the prostitutes and customers with elevated fines of €3000. The municipality of Badajoz intends to use the collected money to improve the social and economic situations of female victims of sexual exploitation. La Jonquère also attempted to impose fines on prostitutes soliciting in the streets. In 2011, 600 fines were imposed without ultimately obtaining any payment. Other Catalan municipalities followed the initiative (Castelldefels, Vila-Sacra, Vidreres, Sils, Figueras...). In 2012, it was expected that the autonomous government of Catalonia would begin to fine women for prostituting themselves along the road.

## **A proposition to prohibit prostitution ads in the printed press**

The large Spanish newspapers have a habit of publishing ads promoting sexual services. Only three national newspapers, *Público*, *20 Minutos*, and *La Razón* do not publish sexual ads. This situation is confirmed inside and outside of Spain. Foreign publications such as *The Economist* and *The Financial Times* denounced the fact that Spain is one of the European countries where almost 100% of the "quality" press prints such advertisements in exchange for large amounts of money (approximately €40 million a year).

Throughout 2010, a debate was sparked by feminist and women's rights organizations on the necessity of removing these ads from the printed press. In September 2010, the Congress unanimously accepted the proposal of a law aimed at accelerating the removal of these ads and ordered the Council of State to write a report analyzing the possibilities of action against such

publications. However, at the beginning of 2011, before the presentation of the report, a major shift occurred in the government, and the Minister of the Presidency Ramón Jáuregui, citing to the "sector crisis", advocated for the "self-regulation" of newspapers.

The Council of State report was blunt in regards to the prohibition of such advertisements: "it is plausible to forbid or restrain, at least in a severe manner, prostitution in printed ads", although it says that the government must determine the impact of this prohibition and particularly the possibility of extending such prohibition to other media (broadcast, Internet, etc.). Despite the production of this important report, the government did not take any initiative to forbid these ads, and newspapers are still self-regulating.

### **The abolition vs. regulation debate**

Throughout 2011, the historical debate between abolitionists and regulationists continued in the country, and the different points of view seemed to be more contradictory than ever. In January 2011, the important voice of the Public Defensor, María Luisa Cava de Llano, expressed a favorable opinion on the regulation of prostitution, based on arguments such as "prostitution has existed since historical times, and it has never been possible to completely abolish it" or "we are going to (...) regulate prostitution, in order to grant rights to those persons and to prevent procurers from profiting from their work".

Several women's organizations and those dedicated to the assistance of prostitutes, including the *Plataforma de Organizaciones de Mujeres por la Abolición de la Prostitución* (Women for the Abolition of Prostitution Platform of Organizations) responded fiercely by arguing that real political strength lies in the establishment of an effective equality among genders, and in the elimination of ancestral patriarchal practices of male violence towards women, which constitute real violations of human rights.

### **Bibliography**

- APRAMP, *Guía La trata con fines de explotación sexual*, 2011.
- Brufao Curiel P., *Prostitución y políticas públicas: entre la reglamentación, la legalización y la abolición*, Fundación Alternativas, Madrid, 2008.
- Defensor del Pueblo, *La trata de seres humanos en España : víctimas invisibles*, Madrid, 2012.
- Comisión de Estudios del Consejo de Estado, « *Informe "Posibilidad de establecer la prohibición de la publicidad de la prostitución en la prensa escrita"* », March 9<sup>th</sup>, 2011.
- Comisión mixta de los derechos de la mujer y de la igualdad de oportunidades, « *Informe de la Ponencia sobre Prostitución en nuestro país (154/9) - Aprobada en sesión plenaria de 13 de marzo de 2007* », Cortes Generales, Madrid, 2007.
- Comisión para la investigación de malos tratos a mujeres, « *Informe sobre el tráfico de mujeres y la prostitución en la Comunidad de Madrid* », Dirección General de la Mujer de la Comunidad de Madrid (subvencionado por la), 2003.

- Maestre Rebollo L., « *Trata de mujeres con fines de explotación sexual en España – Estudio exploratorio* », Federación de Mujeres Progresistas, Madrid, 2008.
- Ministerio de Justicia, Ministerio de Interior, Ministerio de Trabajo e Inmigración, Ministerio de sanidad, Política Social e Igualdad, Consejo General del Poder Judicial y Fiscal General del Estado, *Protocolo Marco de Protección de las Víctimas de trata de seres Humanos*, 2008.
- European Commission, Fight against human trafficking website, Spain file:  
<http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Spain>



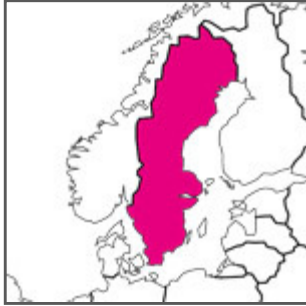
You are not buying sex, you are buying lives (*Seville City Hall*)



Don't you see already? Us, women, are not material goods. Don't buy our body (*Andalusian Platform*)



Blue heart campaign against human trafficking (*UNODC*)



## Sweden

- Population: 9.4 million
- GDP per capita (in US dollars): 56,927
- Parliamentary Monarchy
- HDI: 0.904 (10<sup>th</sup> rank among 187 countries)
- Member of the European Union since 1995
- There were approximately 1,500 prostitutes in 2006.
- Abolitionist regime. The purchase of sexual services is penalized since 1999.
- Victims mainly come from: Eastern Europe, Thailand, Nigeria.
- 660 clients of prostitution services were sentenced between 1999 and 2010.
- Country of origin, transit and destination of human trafficking.

### Sweden, a model country

In 1999, Sweden was the first country in the world to criminalize not the sale but the purchase of sexual services. Prostitution was already viewed as violence against women. Therefore, the prostitute is the victim who must be protected and the client is the aggressor.

In 2010, an assessment report on the effects of the law showed that this ban had achieved its expected results. In ten years, prostitution in Sweden did not increase. Street prostitution was reduced by half and did not deviate towards more clandestine locations. Human trafficking did not follow similar development patterns to those observed in neighboring countries, thus indicating that the law kept control over the development of organized crime.

For more than ten years, Sweden has been working restlessly to promote its model. The country hosts political figures or academics from various countries of the world to study its laws, as well as sends its own ambassadors to different parts of the world to attend conferences, exchanges, and travel studies. The goal is to encourage other countries to adopt the same kind of law: "No country can successfully fight alone, with its own national measures, against human trafficking", explained Beatrice Ask, Minister of Justice. "The international cooperation and the sharing of the best methods are crucially important." Norway and Iceland also already adopted a law prohibiting the purchase of sexual services. In 2011, Ireland increased exchanges with Sweden, as it was seriously considering adopting the same measures.

## A persistent debate

Despite its benefits, the law continues to give rise to reactions more than ten years after its implementation. Periodically, politicians, intellectuals, feminists or even prostitutes denounce the effects of the law on the purchase of sexual services and call for its repeal. Controversy is waiting to be reactivated at any opportunity. In January 2011, the sentencing of two soccer players from the Swedish national team for having purchased sexual services<sup>1</sup> brought about several reactions in the press as well as a call to reform the law. In April 2011, a forum by *Svenska Dagbladet*, "The prostitutes are victims", asking Parliament to grant victim status to prostitutes reopened the debate. Editorials and protests followed for several weeks.

In this context, advocates of the law remain confident. The 2010 evaluation report showed that the law is strongly supported by the Swedish population. More than 70% of the Swedish population is reportedly satisfied with the law penalizing the clients of prostitution. In an interview with the *Vancouver Courier* on March 7th, 2011, Gunilla Ekberg stated that the negative reactions was sparse and declared in March 2011 that in reality: "There are just three loud-mouths who are much loved by the media."

## Prostitution in Sweden: the 2011 outlook

According to Swedish police, each year in Sweden, between 400 and 600 persons are victims of human trafficking, mainly related to prostitution. Between 200 and 300 of them are exploited in Stockholm. The origin of these victims has evolved in recent years. Until 2010, the victims generally came from Poland, Russia and Estonia. Since then, victims have come from different countries in Eastern Europe, as well as Thailand and Nigeria.

The recent development of Nigerian prostitution in Sweden is assumed to be linked with the promulgation of the client penalization law in Norway. At least this was proposed during the trial of a Nigerian network (the first in Sweden) that took place in Stockholm in the fall of 2010.

Eight people appeared on trial including the *mama* of the network, a Cameroonian-born Swedish citizen. She was sentenced to six years imprisonment for human trafficking. The young women were sold through Internet ads and equipped with cell phones. The customers were received in private apartments. The victims were constantly terrorized by voodoo rituals and animal sacrifices. A witness in the trial pointed out that the young women seemed to be more afraid of these voodoo rituals than of the police interrogations. The youngest victim of this network was 16 years old at the time.

In October 2011, a prostitution network that owned several Thai massage parlors in Stockholm appeared in a Swedish Court. As of the end of 2011, there were likely some 190 Thai massage parlors in Stockholm. Many of these venues are assumed to be managed by criminal networks and to offer sexual massages. Nevertheless, Ewa Carlenfors, who manages the human

---

<sup>1</sup> One of them was condemned to pay a fine of 35,000 Swedish crowns (approximately €4,200), and the other one, who stated not knowing that the young woman was a prostitute, was nevertheless condemned to pay a fine of 2,500 Swedish Crowns (€300) because the Court estimated that the soccer player should have suspected that the girl was a prostitute considering her very strong Romanian accent.

trafficking division within the Stockholm police department, stated in an interview for *The Local* on October 24<sup>th</sup>, 2011, that it is very difficult "to prove in front of the justice that a sexual act actually happened." Police can only hope to catch these networks through investigations of fraud and money laundering.

Beside the private apartments, hotels, and massage parlors, prostitution is said to have occurred on ferries. An investigation of the boat lines between Sweden and Finland carried out by the tabloid *Expressen*, showed that, on the same ferry, there were five prostitutes and three men who had arranged a rendezvous through a website. As explained by one of the young women in *The Helsinki Times* on March 10, 2011: "It is much easier on ferries. Police work becomes more complicated because of different factors such as determining if the crime was committed in Swedish, Finnish, or international seas..."

Finally, the Internet today is also overrun by prostitution networks. These networks act from abroad, via personal ads which lead one to believe in the "independence" of the escorts. Social networking, forums, and other social media sites are also used to recruit young girls.

### **An alarming danger: the sexual exploitation of minors and vulnerable persons**

Sweden is also confronted by the sexual exploitation of an increasing number of minors and vulnerable persons, particularly the mentally disabled. This phenomenon was highlighted in September 2010 when a 2009 Swedish police report was published. The report findings which, confirmed by the 2012 U.S. Department of State's report on human trafficking, worried Kajsa Wahlberg, a National Reporter on prostitution and human trafficking.

According to this same report, one third of human trafficking victims identified in 2011 were children. The report also indicated that young Swedish girls are exposed to sexually exploitation within the country. Mentally or physically disabled people (adults or children), asylum seekers, and isolated minors are especially vulnerable. According to ECPAT Sweden, between January and June 2010, 660 minors seeking asylum disappeared.

Finally, the report described the persistence of the sexual assault of minors through sex tourism committed by Swedish citizens abroad. The police reportedly identified 50 Swedish citizens suspected of sex tourism. According ECPAT Sweden's 2008 estimate, 4,000 to 5,000 sexual assaults are committed each year by Swedish tourists while traveling abroad, in Brazil, Thailand, Cambodia, Norway, Estonia, or the Russian Federation, among other countries. In December 2011, a 45 year old man was sentenced to five years in jail by a Swedish Court for having sexually abused four children in the Philippines.

Those affairs are corroborated by other sources and recent news. An investigation carried out by the Institutional Council of the Swedish State (*Statens Institutions Styrelse* - SIS<sup>2</sup>) on the risks of prostitution and sexual exploitation of teenagers and young adults placed in one of its institutions, revealed that 7% of young people questioned (which represents 12% of girls and 4%

---

<sup>2</sup> The Institutional Council of the Swedish State (*Statens Institutions Styrelse* - SIS) assists young people in difficult situations (addiction, runaways, delinquency, etc...). "Many troubled Swedish youth selling sex: report", *The Local*, March 1<sup>st</sup>, 2011.

of boys) had sex in exchange for money, drugs, food, or shelter during the previous year. The average age of the first prostitution act is 15, even though one boy declared having prostituted himself at age eight. Some SIS shelters were also challenged for affairs regarding their residents in 2010. A mentally disabled 14 year old runaway was forced into prostitution by ten men. Another girl, aged 17, was one of the victims of Göran Lindberg, a model police officer, sentenced for rape and procuring activities.

2011 was also marked by an important pornography case involving children in Falun. This case deeply shocked the media, not only because it involved minors (teenage girls and boys, as well as very young children) but also because for the first time in the world, 23 women and only one man were on trial. The man seduced women through the Internet, distributed pornographic material - sometimes very violent – to them, and encouraged them to create films using their own children (for which three of the accused women complied). The women, most of them psychologically vulnerable, were nevertheless found guilty for their acts and sanctioned by fines ranging from 2,500 to 18,000 Swedish Crowns (€300 to €2,200). Those sanctions were considered relatively lenient, while the man was sentenced to one year of imprisonment.

It may be a coincidence, but when this trial was beginning, Swedish police were in the process of arresting 12 persons (11 men and one woman) as part of an operation (coordinated with 25 other European countries) on the fight against pornography implicating children. "We could probably arrest 20 of them each day!" commented a policeman in *The Local* on October 19th, 2011.

### **The concerns of international bodies and NGOs**

In 2011, the Swedish government presented its first report on the application of the optional Protocol to the Convention regarding the sale of children, child prostitution, and pornography implicating children (which came into force in 2002). This was the occasion for several international bodies and NGOs to alert the authorities and public opinion on the weaknesses of minors' protection policies in Sweden.

A few days before submitting the report to the public, ECPAT Sweden and 30 other associations for the defense of the children's rights, published an open letter to denounce the absence of substantial efforts by Swedish authorities to preventing the commercial sexual exploitation of children and improving the protection of minors. The tone was particularly severe: "We could have expected more from a country that was one of the first to ratify the Convention of children's rights and to host the first global congress for the fight against the sexual exploitation of minors in 1996." According to that report, "because of the lack of resources and the absence of priorities (and political willingness), cases involving the sexual exploitation of minors are ignored: pedophile tourists travel freely abroad, images of sexual abuse of minors circulate with total impunity and without any police investigation, child asylum seekers and isolated minors do not benefit from an adapted protection, the fight against pornography implicating children is not a priority, probably because the victims are not Swedish children", stated Helena Karlén from ECPAT in *The Local* on April 13<sup>th</sup>, 2011.

Some of these accusations were repeated, to a lesser extent, by other bodies. In October 2011, the United Nations' Committee for children's rights and the Ombudsman of children<sup>3</sup> listed a certain number of malfunctions in the system of child protection in Sweden. They were particularly concerned by the fate of child asylum seekers and by the lack of action against sex tourism, in particular the absence of international cooperation to detect and prosecute sex tourists.

Confronting this criticism, Beatrice Ask, Swedish Minister of Justice, mentioned the inaccuracy of the information on which those accusations were based. The Swedish police, also accused by the findings, questioned the data used by the associations. The numbers mentioned were from 2008 and the police estimated that they did not take into account the most recent actions aimed at improving the protection of minors, such as the adoption of a law on child pornography promulgated in 2009, and the implementation of a strategic plan to strengthen children's rights in Sweden in December 2010. Following those attacks, the Swedish government presented to the Committee for children's rights, a report describing the progress accomplished since 2008: in particular the increase in the number of prosecutions and sentences for purchasing minors' sexual services and for pornography implicating children.

### **The combat of Sweden against sexual exploitation: a relentless effort**

As a matter of fact, despite these difficulties, Sweden is undeniably one of the most active countries in the fight against sexual exploitation, as shown by the means they invested. Between 2008 and 2010, in the fight against prostitution and human trafficking for sexual purposes, the Swedish government spent approximately 215 million Swedish Crowns (€26 million) to implement measures aimed at reducing the sex trade. This investment achieved visible results, as was shown by the presentation of the results between 2008 and 2010.

The number of prostitution client arrests increased. During the six first months of 2010, the Jämtland county police services (in the north of the country) reported that 770 men had been arrested for the purchase of sexual services. In 2009, the number for the same region over the same period was 148. This significant increase in arrests was not caused by an increase in prostitution activity, but by a strengthening of police surveillance. Indeed, the 2008 - 2010 strategy included the development of awareness-raising programs devoted to familiarizing police personnel with the different forms of "sex trade."

Also, the police observed an obvious evolution in the forms of human trafficking. Forced labor and begging, among others, were now more common than sexual exploitation, while the number of female human trafficking victims for sexual purposes remained constant. Such an evolution could thus be explained by the fact the police are better trained to identify the other forms of exploitation.

---

<sup>3</sup> The Ombudsman is a person responsible for the defense of a citizen's rights against public authorities in Scandinavian countries. This person is the equivalent of the mediator in France.

## The 2011 legislative changes

In order to make the fight against sexual exploitation more efficient and dissuasive, several changes were made to the law on prostitution. After having observed that 85% of the prosecuted clients were sanctioned by simple fines corresponding to an amount of 50 days of salary, the 2010 evaluation report recommended an increase in penalties for the crime of purchasing sexual services. Hence, two amendments to the 1999 law were adopted.

The punishments for the purchase of sexual services were heightened. The usual fine was to be increased to a maximum one year prison sentence (instead of 6 months). The purpose of this strategy was to allow the justice system to gradually adjust the sentences and to sanction more serious cases in a harsher manner. This measure came into force on July 1<sup>st</sup>, 2011.

Conversely, in order to make it easier for prostitutes to access help and social protection as victims, an amendment was created to allow them the possibility of claiming compensation. Apart from its practical reasoning, the law also serves to remind the public that prostitutes are victims.

## Bibliography

- « Child rights group slams Sweden on sex crimes », *The Local*, April 13<sup>th</sup>, 2011.
  - « Forced labor now more common than sex traffic », *Sveriges Radio/Radio Sweden*, January 15<sup>th</sup>, 2012.
  - « Police child porn sting snags twelve Swedes », *The Local*, October 19<sup>th</sup>, 2011.
  - « Prostitution thrives on ferry to Sweden », *The Helsinki Times*, March 10<sup>th</sup>, 2011.
  - « Thai massage parlours in sex trade raids », *The Local*, October 24<sup>th</sup>, 2011.
  - Ask B., « Sweden: Why we criminalized purchase of sexual services », *CNN*, March 31<sup>st</sup>, 2011.
  - Barnett L., Casavant L., Nicol J., *Prostitution: A Review of Legislation in Selected Countries* (Background Paper), Ottawa, Library of Parliament, 2011.
  - CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
  - ECPAT Sweden, *Alternative report regarding the Swedish initial report under the OPSC*, June 1<sup>st</sup>, 2011.
  - Ekberg G., Wahlberg K., « The Swedish Approach: A European Union Country Fights Sex Trafficking », *Solutions Journal*, vol. 2, issue 2, March 2011.
  - Hasiuk M., « Feminist lawyer outlines Swedish prostitution success », *Vancouver Courier*, 7 March 2011.
  - Pouille L., *Global Monitoring Status of action against commercial sexual exploitation of children – Sweden*, second edition, ECPAT International, 2011.
  - Swedish National Board Police, *Trafficking in human beings for sexual and other purposes – Situation Report 12*, December 2011.
  - U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- European Commission, Fight against human trafficking website, Sweden file :  
<http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Sweden>



## Switzerland

- Population: 7.7 million
- GDP per capita (in US dollars): 80,391
- Federal regime with a semi-direct democracy
- HDI: 0.903 (11<sup>th</sup> rank among 187 countries)
- Estimations vary between 10,000 and 25,000 prostitutes in the country.
- Regulationist regime. The freedom to choose the practice of prostitution has been juridically acknowledged since 1942 (article 27). Some legislative discrepancies do exist between cantons (minimum legal age, terms of control, regulation absence).
- Sexual constraint (article 189), encouragement to prostitution (article 195), and the illegal practice of prostitution (article 199) are illegal. All forms of human trafficking are outlawed by article 182 which came into force in 2006 and is in accordance with international standards.
- 19% of the male population is assumed to have purchased the services of a prostitute at least once (APRAMP, 2011).
- The revenue of the sex industry is estimated to reach approximately €3 billion per year<sup>1</sup>.
- 75 to 80% of prostitutes come from Eastern Europe and Latin America, but also Asia, Western and Northern Africa.

In its quest for a balance between regulation of the sex market, control of migratory flows, improvement of assistance to prostitutes, and the discontent of the residents of affected neighborhoods, the government has responded implementing more regulations on both federal and canton<sup>2</sup> levels.

The debate mainly focused on the minimum age of entrance into prostitution, which would be raised from 16 to 18 years old. Discussions that began in 2008 seemed to materialize after the country chose adhere to European norms of minor protection. While rulings on monitoring and regulation seem to have strengthened, the decrease in the number of prostitution venues in

<sup>1</sup> Büschi E., Le Breton M., *Gewalt im Sexgewerbe - Die Situation migrierender Sexarbeiterinnen am Beispiel des Kantons Basel-Stadt*, in: Seibel, F.W., Friesenhahn, G. J., Chytil O. (Hg.), *European Developments and the Social Professions, Community, Education, Research, Professionalisation. Europäische Entwicklungen und die sozialen Professionen. Gemeinwesen, Ausbildung, Forschung, Professionalisierung*, Boscovice, Ecspress Edition, 2011, pp. 303-324.

<sup>2</sup> Swiss Regional Governmental District.

certain cantons does not automatically lead to a decrease in the number of prostitutes. Despite all the precautions, illegal and clandestine prostitution is still present within the Swiss territory.

### **Raising the legal minimum age: a long ratification process**

After Switzerland's adherence to the Convention of the Council of Europe for the protection of children, the Federal Council was forced to consider updating the Penal code in regards to the legal minimum age for the practice of prostitution, and to write a text aimed at penalizing the customers of prostitutes under the age of 18, as required by the European Convention. Criticized at the same time on an international level by the U.S. Department of State report on human trafficking, and on a national level portions of its own population (according to *La Tribune de Genève* on June 9th, 2011, 95,000 persons signed a petition demanding to "overcome gaps in the law"), the government hesitated for a long time before making some concessions on this unique European specificity for a regulationist country. The new legislation, planned to be enacted in 2013, will allow for the prosecution of every person who has purchased sexual services from a minor under the age of 18 (instead of under the age of 16) without incriminating the victims. The customers will risk up to three years of imprisonment.

Encouraging the prostitution of minors (venue managers or pimps) will be punishable with a prison sentence of up to ten years. Minors will also be protected from pornographic representations: production, edition, and consumption of such material will be subject to sentences of up to three years of imprisonment. Today, it is challenging to say how many minors are affected. Simonetta Sommaruga, Chief of the Federal department of justice and police, who was the instigator of the demand for a revision of the Penal code, stated in *La Liberté* on August 19th, 2011: "minors tend to practice an occasional prostitution, [...] there is no reliable data."

Nevertheless, National Councilor (PDC/GE) Luc Barthassat, who has been working towards this penal update since 2008, stated in *Le Matin Suisse* on July 4th, 2012: "sex tourism of minors has developed in our country, and European customers come here to seek for these kinds of services." Certain cantons did not wait for this update. In 2010, Saint Gall and Geneva were the first to elevate the legal minimum age of entrance into prostitution to 18 years old. Other cantons are considering doing the same without waiting for the federal law.

### **A steady increase in the number of prostitutes, despite legislative barriers**

A study by the University of Geneva published in 2009 estimated the number of prostitutes in Switzerland to be somewhere between 13,000 and 20,000. In *Le Matin Suisse* on April 26th, 2010, made an estimate of up to 25,000 prostitutes, mainly foreigners, particularly from Eastern Europe (Hungary, Romania, Bulgaria), Latin America, North and Western Africa, and Asia (Thailand). According to this same study, the percentage of Swiss citizens in this category is assumed insignificant. Some women from Western Europe were also reported (French, German). The number of officially registered persons has continued to increase. *La Tribune de Genève* on April 7th, 2011, mentioned 800 registered prostitutes in Geneva in 2004; there were more than

3,000 in 2011. In the same newspaper on April 25th, 2011, it was estimated that there were 4,000 prostitutes in Zurich, of whom around a thousand arrived in 2010. Nevertheless, in those two cantons, authorities did not hold back: several aspects of the legislation have been updated in order to stop this progression. In Geneva, a newly implemented law forces all owners of prostitution venues to register so that they may be held accountable for the prostitutes practicing in those places. In practice, several lounges, apartments, and studios would not comply with the law, as their owners refused to adopt such a responsibility. Dozens of lounges shut down over the course of a few months. The police estimate that approximately 60 prostitution venues disappeared during that time. But has the number of prostitutes decreased in the same way? Where are they now? The risks of insecurity and clandestineness were immediately denounced by some associations, and several motions were brought forth against this new law. Nonetheless, in April 2011, the Federal Court decided to exempt the persons managing a venue from obtaining the agreement of the property owner, arguing that the Federal Constitution guarantees economic freedom.

In Zurich, a thousand persons arrived to practice prostitution in 2010, 50% of whom are assumed to be Hungarian. Romania, Poland, and Bulgaria were also mentioned as countries of origin<sup>3</sup>. Many press articles highlighted that out of the 56 official demands made between July and August 2011 to the Cantonal Office for the Economy and Work of Zurich to practice prostitution, 55 came from Hungarian citizens<sup>4</sup>. The authorities of the country of origin were concerned about the probable presence of minors among these migrants.

At the beginning of the year, the city of Zurich decided to suggest a new regulation aimed at putting street prostitution under a paid authorization and imposing fines on prostitutes and customers caught having sex outside the authorized areas. In addition, this regulation suggested that the licensed venues remain open. All these measures were supposed to curb the observed expansion of prostitution.

Wherever the sex trade shows signs of escaping the control of authorities, civilian society reacts. An article of *24 Heures Suisse* on May 20th, 2011 mentioned the fact that the municipality of Payerne (where there are 30 massage parlors for 8,700 inhabitants) was searching for ways to limit such activities.

Theoretically, nightclub dancers are not authorized to prostitute themselves. The foreigners must have a "L" permit for dancers in order to reside and work in Switzerland. This "illegal prostitution niche" that constitutes an entrance door for several foreign prostitutes is beginning to be fought by more and more cantons as they stop granting "L" permits to citizens not belonging to the European Union. In 2011, Fribourg and Tessin were respectively the 11th and 12th cantons to stop granting such permits. While the Federal Office of Migration (ODM) has considered the complete prohibition of such permits, many associations supporting prostitutes have spoken out against this prohibition and warned the authorities about the increased risk of forcing those persons into clandestine situations.

<sup>3</sup> Délèze T., « Sexe et libre circulation », *Tribune de Genève*, April 25<sup>th</sup>, 2011

<sup>4</sup> « Afflux de prostituées hongroises à Zurich », *24 Heures Suisse*, September 18<sup>th</sup>, 2011.

While foreign women represent a large portion of the prostitute population (from 75 to 80% according to some sources), this trend is also observed among male prostitutes. The association *Aspasie* explained in its annual report that "this growth is caused by a steep increase in the number of new active male prostitutes in Genevan territory", many of Romanians and Bulgarians.

Several cantons have still not adopted a legal position regarding prostitution as of the end of 2011. Legislative changes must go through a phase of discussion, testing, and voting before being ratified, which means there is a relatively long period between the moment that a bill is submitted and its application. The cantons have gradually adopted laws and regulations in order to better manage prostitution in their territories without upsetting their citizens, and, at the same time, trying to take into account the claims of the various associations, even if a compromise seems hard to find.

In this context, in the canton of Bern, where prostitution activity is widespread, the consultative commission of the Grand Council voted in favor of a new law regulating the practice of prostitution within the canton. Migration authorities will maintain the right to carry out inspections, the prefectures will be able to license prostitutes, and the municipalities will be charged with supervising venues and escort agencies. Only the police was given the task of monitoring illegal venues.

### **A growth that exacerbates tensions**

"Conflicts between neighbors", and cohabitation difficulties have increased. In Lausanne, the exasperated residents of Genève Street formed a neighborhood committee (called "the grey panthers") and installed a retractable barrier closing the street to traffic at night. Indeed, the comings and goings of the customers in their cars during the evenings had been constant. According to *La Tribune de Genève* on July 19th, 2011, the Genevan prostitution venues located in rental buildings are inconvenient for the inhabitants. Some of them do not hesitate to clearly display hostile posters: "No prostitution in our building!" Not long before the elections, and profiting from the discontent of a significant share of the inhabitants of the Genevan "red quarter", a political party suggested the prohibition of visible prostitution (soliciting activities, signs) within a 500m radius of schools. In Lucerne, the city also implemented measures due to the steady increase in street prostitution and the discontent of its inhabitants by closing three streets to traffic at nights. A new regulation was being prepared to determine "tolerance zones".

Many press articles focused on the sex drive-in affair in Zurich. The municipality voted for the installation of boxes, in an area outside the city, devoted to the prostitutes and their customers. It granted a subsidy of up to 2.4 million Swiss Francs (€1.97 million) to the project. The goal behind this action was the improved control over street prostitution. Nevertheless, opponents of the project consider prostitution to be a private activity that should not be financed by public funds. They asked for a cantonal referendum on the matter. A similar project has also been considered in Lucerne.

## **Human trafficking and procuring**

Several human trafficking and procuring affairs have shown that the government was vigilant in its fight against the development of illegal prostitution on Swiss soil. The numbers mentioned by the U.S. Department of State showed an increase in 2011 of the investigations opened on human trafficking. However, the number of cases related to human trafficking for sexual purposes and forced prostitution slightly diminished (119 compared to 161 the previous year). Fourteen traffickers were found guilty and some of them were sentenced up to 4.5 years of imprisonment. The number of human trafficking victims on Swiss soil was estimated to be somewhere between 1,500 and 3,000.

In May, an Eritrean woman, under threat of deportation, threw herself off a balcony out of fear of being pulled back into a prostitution network in Italy. The same month, a 45 year old Dominican prostitute was found laid down on an apartment floor with her wrists bound. In July, a 33 year old Hungarian pimp, active in the Zurich neighborhood of Sihlquai, was sentenced to 2.5 years of imprisonment for controlling prostitution and for physical abuse. In November, the lawsuit of a 63 year old Solothurn inhabitant, and several accomplices, in the Federal Penal Court uncovered crimes of encouragement of prostitution and human trafficking involving 143 Brazilian women, lured by false job ads, deprived of their passports and exploited in specialized venues.

## **The associations and the government: improving working conditions and helping the victims**

Switzerland has a strong associations' sector, mainly in large urban centers, and specialized structures for assisting prostitutes (juridical advice, housing, medical care). According to a 2012 study carried out by the University of Geneva, "112 organizations in Switzerland have among their staff persons dealing with sex trade issues, 62 have volunteers providing social and sanitary support, and 50 have persons working in the monitoring field." The U.S. Department of State report on human trafficking highlights, that one of major NGO received 164 human trafficking victims in 2011, of whom 80% were exploited in prostitution activities. More or less a hundred of those victims cooperated with the police in order to prosecute the traffickers. The first shelter devoted to victims of "forced prostitution" was opened in Zurich by putting an apartment at the disposal of the victims. Hence, five women may be housed there for the duration of six months. This pilot project has been managed by the Center of Assistance for Victims of Women's Trafficking (FIZ). It was also noted that the number of residence permits, for the short or long term, granted to victims was increasing.

In December, the government ratified the Convention of the Council of Europe for the fight against human trafficking and adopted the new federal law on extra-procedural protection of the witnesses. In this context, it was envisioned that funds were going to be allocated to the creation of a protection service exclusively for human trafficking cases. Witnesses cooperating with the

justice and whose life was threatened were going to be protected from that moment onwards. According to the FIZ spokesperson, the goal is above all to "break the link with the pimp".

## Bibliography

- APRAMP, *Guia La trata con fines de explotación sexual*, 2011.
- ASPASIE, *Nouvelles réglementations 2010 sur l'exercice de la prostitution dans le canton de Genève*, General Assembly, May 20<sup>th</sup>, 2010.
- Budry E., Toninato A., « Prostitution : les salons de massage disparaissent à Genève », *La Tribune de Genève*, April 7<sup>th</sup> 2011.
- Bugnon G., Chimienti M., Chiquet L. (avec la coll. de), *Marché du sexe en Suisse : Etat des connaissances, best practices et recommandations – Volet 1 : Revue de la littérature*, Sociograph, n°5a/2009, University of Geneva, 2009.
- Bugnon G., Chimienti M., Chiquet L., Eberhard J. (avec la coll. de), *Marché du sexe en Suisse : Etat des connaissances, best practices et recommandations – Volet 3 : Mapping, contrôle et promotion de la santé dans le marché du sexe en Suisse*, Sociograph, n°7/2009, University of Geneva, 2009.
- Bugnon G., Chimienti M., Chiquet L., *Marché du sexe en Suisse : Etat des connaissances, best practices et recommandations – Volet 2 : Cadre légal*, Sociograph, n°6a/2009, University of Geneva, 2009.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Chuard P., « Il était temps, la Suisse est montrée du doigt! », *Le Matin Suisse*, July 4<sup>th</sup>, 2012.
- Délèze T., « Sexe et libre circulation », *La Tribune de Genève*, April 25<sup>th</sup>, 2011.
- Duruz C., « 30 salons de massage à Payerne ? C'est beaucoup trop ! », *24 Heures Suisse*, May 20<sup>th</sup>, 2011.
- Fingal V., « La prostitution augmente en Suisse », *Le Matin Suisse*, April 26<sup>th</sup>, 2010.
- Imsand C., « Pas de prostitution pour les mineurs », *La Liberté*, August 19<sup>th</sup>, 2011.
- Maendly V., « Une mobilisation contre le trafic des mineurs », *La Tribune de Genève*, June 9<sup>th</sup>, 2011.
- TAMPEP, *Sex work in Europe : A mapping of the prostitution scene in 25 European countries*, TAMPEP International Foundation, 2009.
- Toninato A., « Un salon érotique comme voisin ? Des frictions en vue... », *La Tribune de Genève*, July 19<sup>th</sup>, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.



## Thailand

- Population: 69.5 million
- GDP per capita (in US dollars): 4,972
- Constitutional Monarchy
- HDI: 0.682 (103<sup>rd</sup> rank among 187 countries)
- 300,000 prostitutes according to the NGOs.
- 60,000 child prostitutes.
- 60,000 prostitution establishments.
- Prostitution is illegal, but informally tolerated. It is even regulated.
- Prostitution activity is concentrated in Bangkok, Pattaya, Phuket, Chiangmai, Koh Samui.
- Major destination for sex tourism.
- Country of origin, destination, and transit for human trafficking in Southeast Asia.
- Victims are mainly Thai, Burmese, Laotian, Cambodian, and some from Southern China.

During the sixties, Thailand became one of the first destinations for sex tourism in the world. Since then, prostitution establishments, resources and criminal networks have grown and diversified in order to further develop this market characterized by the sexual exploitation of women and children.

### **Prostitution, somewhere between illegality and economic convenience**

Paying for a sexual act is considered a crime in Thailand. Nevertheless, since the fifties and sixties, during the wars in Korea and Vietnam, American soldiers have contributed to the development and the transformation of the country into a "rest and recreation" haven.

Additionally, Thai society has never fiercely opposed the sex trade. During the seventeenth century, prostitution was even institutionalized because of the profits it generated. In addition to the demand from tourists, the Thai are also important consumers of sexual services. There are approximately 450,000 Thai customers per year, and brothels are considered places to go to socialize. Chuwit Kamolvisit, a former brothel owner in Bangkok, was even elected deputy not long ago (with the Rak Prathethai Party). The general acceptance of prostitution, which has actually been illegal since 1960, partly explains the weak institutional action against it. Nonetheless, under pressure from the international community, the fight against child prostitution has become a real battle for the Thai government.

Tourism represents 6 to 7% of the GDP and approximately 14 million foreigners visit the country each year. In order to fulfill a diversified demand, several kinds of establishments offer sexual services. The beer bars are the most common. Customers must pay a "bar fine" to the owners in order to spend time with a girl. Then they pay the girl who sets the price herself. The "body massage" is another kind of establishment that offers efficiently organized sexual services to tourists.

A new establishment created in 2011 by the activist organization *Empower*, the Can Do, advocates for the professionalization of sexual activity. In response, Virada Somswasdi recalls the feminist opinion, that declares, "prostitution is not a work like any other else: the woman's body is not a good". This position is not highly appreciated by those who make a profit from the sexual exploitation of others.

In a more clandestine manner, prostitution is concealed in massage parlors and karaoke bars. Unlike other establishments that offer alcohol and sexual services, karaoke venues do not depend on the Ministry of Interior, but on the Ministry of Culture. Therefore, control over such establishments is less strict. As of the end of 2011, there were 548 karaoke bars in Bangkok and 6,674 others throughout the rest of the country. Nearly half of those bars may have misappropriated their licenses. In February 2011, during a police raid of a karaoke venue in Chang Mai, 13 human trafficking victims were identified, 3 of whom were minors at the time. Brothels, well-known amongst the Thai population, are important venues of human trafficking for sexual purposes. The victims of such trafficking are mainly foreigners from neighboring countries.

### **Sex as a bargaining chip**

Most Thai prostitutes come from the north and northeast regions of the country. Prostitution for these women represents "a way of survival". They are often natives from the poorest regions such as Issan (the rice loft of Thailand). The women, with little education, turn towards prostitution in order to avoid the prospect of a life spent in the rice fields.

The hope of meeting a *farang* (a foreigner) and marrying him is also a key motivation within this society in which money and love are culturally linked. In addition to prostitution, a significant number of Thai women play the role of mistresses in exchange for travel and fashion accessories. Sex is, as a matter of fact, a very common way to exploit the body in order to gain social status and increase one's own wealth. This phenomenon serves as evidence of the rupture between traditional values and contemporary materialism. Economic and political changes further influence the evolution of the whole prostitution pattern. It seems that commercial intimacy has been showing new characteristics. A sociological report written by Sébastien Roux on sex tourism in Thailand opens a debate on the controversial question of the real willingness behind the commercialization of sex. Is the sale of the body really a willed action in the case of consent? How does poverty affect the free will of prostitutes and can we mention free will when it is the ultimatum of a unique choice?

### **Male prostitution and the complementary services in Thai cabs**

The evolution of sex tourism in Thailand has diversified male prostitution. On one hand, transsexual (lady boy) and homosexual prostitution already attracted a regular and loyal clientele. Men prostituting themselves come mainly from the poorest rural areas of Thailand, but also from Jamaica and Africa. On the other hand, straight male prostitution is also expanding.

Parallel to ordinary prostitution, taxi drivers also offer sexual services as a way to earn extra cash. However, the female clientele is indeed very limited and composed mainly of foreigners.

The reactions of the Thai government to transsexuality and homosexuality constitute evidence of a deep bond with traditional values. The censorship of the movie *Insects in the Backyard* by Tanwarin Sukkhapisit is an example. This film, in which the hero is a transsexual, was judged immoral by the Thai authorities. Nevertheless, this bond is less visible when it comes to the profitable use of feminine sexuality. Apparently, the commercialization of women is much less shocking than that of men.

### **A corruption present at all levels**

The Corruption Perceptions Index, published in 2011 by *Transparency International*, ranked Thailand 80th among 183 countries, which seems to partly explain human trafficking there. This is one of the conclusions of Joy Ngozi Ezeilo, special reporter in the United Nations on human trafficking, particularly in cases involving women and children. Her August 2011 report is a testimony of "deeply rooted" corruption within Thai culture. She mentions police corruption as one of the most dangerous in the world. Such a phenomenon is also denounced by the prostitutes themselves through the activist organization *Empower*. The deputy and former owner of a massage parlor, Chuwit Kamolvisit, has also mentioned the payments he had to make to the police in order to practice this activity without being disturbed. At the end of 2011, journalist Hoang Khuong wrote an article that stirred up a controversy; the article brought evidence of corruption in the traffic police. He was later indicted for attempted corruption. Regarding sexual exploitation, institutional corruption is significant and proportional to the profits generated.

### **Is there an increase in human trafficking activity or in its visibility?**

An increase in the number of entertainment establishments along the border of Malaysia has been observed recently. This can be explained by the development of the economic and political relations between the two countries and the extension of the closing time of the borders, from 8pm to 11pm. The perverse effect of such a change is the increase in trafficking for sexual purposes of women and children from neighboring countries.

Human trafficking involving both countries is significant. In April 2011, the Malaysian Royal Police found 797 victims of human trafficking during an operation in Putrajaya, Malaysia. There were 505 women, 223 men, and 69 children, from 20 different countries.

In November 2011, the Thai police discovered a human trafficking network in Chanthaburi during a raid in a massage parlor called Marina. The 67 victims, of whom 37 were minors, all

Burmese, had been trafficked in plain sight of the police just a few moments before. Migrants are the most vulnerable to human trafficking. Joy Ngozi Ezeilo encourages the Thai authorities to strengthen the legal frame of protection of migrants, rendering them less vulnerable to such a exploitation.

Nonetheless, it seems that the efforts remain focused on the fight against child trafficking, a topic largely denounced by the media and many NGOs.

### **Is child prostitution really decreasing?**

Following pressure from the international community, suppressing pedophilia and child trafficking has become a priority for the government. The *Prevention and Suppression of Prostitution Act, B.E. 2539*, which incriminates certain infractions related to child prostitution since 1996, was updated in 2008 by the law on the fight against human trafficking.

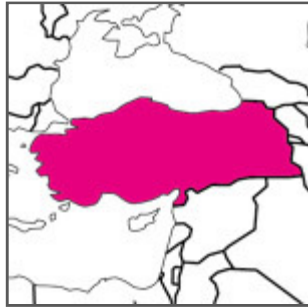
The dedication to the protection of minors is also visible in relation to any expression of their sexuality, even in cases that are not related to prostitution. Thus, in April 2011, the authorities condemned a video in which 3 teenagers (aged 13, 14, and 16 years old) were dancing topless.

Such a sanction coincided with the discovery of a young teenager's trafficking (aged approximately 13 or 14 years old) in the province of Ranong, in Southern Malaysia. *Child Protection Foundation* denounces the exponential growth of teen prostitution that is particularly prelevant in the northeast regions of the country and which involves minors younger than 15 years old (legal age of sexual consent in Thailand).

Thailand is a country of origin, transit, and destination for child trafficking. The number of Thai victims is decreasing while there is an increase in the sexual exploitation of children coming from neighboring countries. These trafficked minors now mostly come from Cambodia, Laos, Burma, China, and Vietnam. Children are then often sent to Japan, Australia, and to the Middle East (Malaysia and Bahrain). An increase in internal trafficking of the most vulnerable children such as migrants, stateless, or refugees, has also been observed. According to a report carried out by a coalition of NGOs, the *Universal Periodic Review of Thailand*, the law on Thai citizenship (B.E.2008) was updated in order to reinstate this citizenship to minorities who had lost it in 1972. Nonetheless, it seems that 480,000 persons, 66,000 children among them, still lack documentation. Even though section 7 of the International Convention for the Rights of the Child (ICRC) stipulates that birth certificates must be obtained for every child, it seems that several groups of refugees, whose members were born in Thailand, still lack birth certificates. The Thai government initiated a procedure to recognize stateless people as refugees. This procedure is expected to be applied to several groups of persons who lack legal status. Finally, it is estimated that 5% of newborns (approximately 50,000 per year) are not registered in the Thai public records office.

## Bibliography

- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Hevamange V., *Global monitoring, Statut of action against commercial sexual exploitation of children, Thailand*, second edition, ECPAT International, 2011.
- Johnson A. K., *International Child Sex Tourism: Enhancing the Legal Response in South East Asia*, International Journal of Children's Rights, Vol. 19, n°1, Ed. Martinus Nijhoff publishers, 2011.
- Ngozi Ezeilo J., La Thaïlande doit renforcer sa lutte contre la traite des êtres humains, *Centre d'actualités de l'ONU*, August 22<sup>nd</sup>, 2011.
- Roux S., *No money, no honey. Economies intimes du tourisme sexuel en Thaïlande*, La Découverte, coll. « Textes à l'appui », 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.



## Turkey

- Population: 73.6 million
- GDP per capita (in US dollars): 10,498
- Parliamentary system
- HDI: 0.699 (92<sup>nd</sup> rank among 187 countries)
- Country candidate for admission to the European Union
- Regulationist regime: prostitution is authorized and controlled. Brothels are licensed and authorized.
- Registration and sanitary monitoring are required.
- Promoting prostitution is punishable by 2 to 4 years of imprisonment.
- Article 80 of the Turkish Penal code punishes human trafficking for sexual purposes by 8 to 12 years of imprisonment.
- Entrance into Turkey to practice prostitution is prohibited.
- 15,000 prostitutes are registered with the police, 3,000 are registered in establishments, and 30,000 are waiting for registration.
- The most frequently mentioned estimation is about 100,000 prostitutes (ATO - 2004).
- Some cases of identification of minors during police raids. No real estimations, however.
- 56 licensed establishments.
- Diversified forms of illegal prostitution (private residences and apartments, streets, night-clubs, hostesses bars, massage parlors, saunas, hotels, casinos, Internet, boats, etc...)
- The revenue from the sex industry is estimated to range from \$3 to \$4 billion (€2.3 to €3.1 billion) per year.
- Country of destination and transit for human trafficking.

Many internal and external issues explain the complex situation of prostitution in this country of almost 80 million inhabitants. Turkey is essentially considered a country of destination and transit for the victims of human trafficking with sexual purposes. The inflows are significant and diversified (at least 15 nationalities are represented), and the outflows are specific (towards the Middle East, Asia, and Western Europe). The geographic position of this country strengthens and facilitates this aspect. It comprises 8 different land borders, 8,000 km of shores divided into four different seas, and an intermediary situation between the East and the West. In addition Turkey is the only Muslim country (along with Indonesia) to regulate prostitution,

which has been legal since 1923, as long as it is practiced in licensed establishments. Since the ascension to power of the Party for Justice and Development (AKP) and the death of Matild Manukyan (in 2001), the "queen of brothels" who used to own up to 32 of such establishments, some local governments seized the occasion to stop registering new prostitutes. The destruction of licensed establishments has occurred one after the other for the last ten years in order to avoid confrontation with religious parties. While the official volume of prostitution remains unchanged, at least 95% of prostitutes practice their activity illegally. Eager to please the European Union, and concerned about the U.S. Department of State's report on its management of human trafficking activity, Turkey has displayed its willingness to meet the European and international norms by multiplying police operations against traffickers and improving its tools of assistance to victims.

### **A significant and diversified clandestine prostitution**

During the last ten years, the AKP has shut down approximately twelve prostitution venues. In cities like Ankara and Bursa, local governments have ordered the destruction of brothels, usually accompanied by festivities and moralizing speeches. In some neighborhoods, the local residents have organized demonstrations in order to demand the closure of a brothel or to denounce an illegal establishment. In the meantime, the demand remains high and some prostitution establishments are very busy. In practice, such a state of things has devastating effects on the prostitutes who find themselves in clandestine situations, at the mercy of traffickers and procurers, and the customer's whim.

In 2004, the Ankara Chamber of Commerce estimated the number of prostitutes in Turkey to be 100,000. The statistics mentioned recently in the press and in other studies do not show any evolution. In the meantime, in an article by the *Pulitzer Center* on June 13<sup>th</sup> 2011, the official statistics only mention 3,000 prostitutes registered in establishments, 15,000 others registered with the police, and 30,000 waiting for registration. Ongoing sanitary monitoring is required, and registered prostitutes must undergo thorough and regular medical examinations.

What is most impressive when reading the 2011 press panorama is the amazing diversity of illegal prostitution locations: massage parlors, saunas, dance clubs, night-clubs, casinos, illegal gambling spots, hotels, private residences and apartments, streets, and even boats...If approximately fifty licensed brothels remain active today, the number of illegal establishments seems considerable.

In Istanbul, which remains the main entrance of the *Natashas* (the name locals give to prostitutes arriving from Eastern Europe), only 130 prostitutes are registered while the estimations of the *Pulitzer Center* on August 22<sup>nd</sup> 2011 mention at least 7,000 clandestine prostitutes in this city of approximately 13 million inhabitants. Police conducted simultaneous raids in several places in order to track and dismantle the networks. Throughout the whole country, the 2010 statistics mention 84 operations in massage parlors, 110 in night-clubs, 92 in hotels, and 340 in private residences and apartments. The total number of arrests was 4,260.

During the first 4 months of 2011, there were 752 arrests, 361 of which resulted in deportations to the borders or in deportations to the prostitutes' origin countries.

Corruption and arrangements with the police forces are frequent and many officials and policemen end up implicated in prostitution affairs during dismantling operations.

The 2011 U.S. Department of State report on human trafficking highlights the fact that many Turkish women are forced to prostitute themselves in rural areas. For the most part however, clandestine prostitution is still largely represented by Russian and Ukrainian women who practice in private apartments and in hostesses bars. The macho culture strongly influences certain foreigners who in most cases are automatically "assimilated" to prostitution. From the Eastern European countries, we may also find Moldovans, Romanians, and Bulgarians. A significant inflow comes from neighboring countries of the east (Georgia, Armenia, Azerbaijan) and more generally from the former republics of the Soviet bloc (Turkmenistan, Uzbekistan, Kirghizstan, Kazakhstan, Belarus). The Maghreb countries (Morocco, Tunisia), the Southeast Asian countries (China, Indonesia), the Middle East countries (Iraq, Syria) and even the Baltic countries (Lithuania) are also among the countries of origin of the rescued victims. Russians and Ukrainians constitute a majority of those discovered during different police operations.

The recruitment methods are always the same: false job offers, confiscation of passports, constraints, confinement, threats, and violence.

During police raids, the persons in illicit situations are systematically arrested. According to an article in *European Perspectives* in October 2011, 33,000 illegal immigrants were still in detention in 2009 and approximately 2,000 foreign prostitutes are sent back to their countries of origin each year.

The share of the informal economy is approximately 8 billion Turkish liras (€3.4 billion). Prostitution takes the first place in this economic sector with 1.8 billion liras (approximately €766 million), at more or less the same level as heroin trafficking, according to a report published in 2011<sup>1</sup>. Other estimations, published in the *Hürriyet Daily News* on July 31<sup>st</sup> 2011, mention the revenue of the sex industry to oscillate between \$3 and \$4 billion (€2.3 and €3.1 billion).

### **Families, local gangs, and international organizations**

The complexity of the situations, the diversity of the victims' citizenship, and the multiplicity of places of practice encompass a wide range of exploitation, from family procuring cases of young girls sold to traffickers, to local gangs, to an important share of women managing small networks, and to networks with international ramifications. The latter are usually Turkish but some of them are Russian or from countries that were part of the former Soviet bloc.

The criminal groups do not hesitate to exploit minors. Several cases came to light after police raids in 2011. As tourism is an important activity in Turkey, the traffickers make the

---

<sup>1</sup> « Suç ekonomisinin yıllık cirosu 8 milyar lira », Istanbul Chamber of Certified Public Accountants (İSMMM), *Milliyet.com.tr*, July 31<sup>st</sup>, 2011 ; Umut Foundation, « The magnitude of the economy of crime in Turkey! », August 2<sup>nd</sup>, 2011.

necessary investments in order to respond to a consistently high demand. In April 2011, a lawsuit concerning several members of a gang who used to organize the trafficking of orphans for prostitution purposes took place. Many policemen and officials were implicated and accused of varying degrees of complicity.

One phenomenon that tends to develop is that of the “telegirls,” prostitutes that can be reached through websites and/or cell phones. In 2011, several police raids uncovered networks using these new technologies to force persons in illicit situations to prostitute themselves. For certain websites, which are apparently legal, VIP codes are sent to users in order to access hidden parts of the site allowing arrangement of a rendezvous by phone.

Luxury prostitution is also very present in Turkey and several high profile raids showed to what extent those practices have been thriving. One such case involving a luxury yacht off Göcek (a seaside resort) uncovered a large international network led by a Kazakh businessman, who used to organize sex parties on the boat. During the police intervention, nine Russian and Ukrainian victims were rescued, of which several were minors at the time.

The organizers of the network were caught. Other cases led to links between show business and prostitution, and many local soccer stars were implicated as customers in some scandals widely covered by the media.

We can also mention several cases regarding transvestites, who fall victim to stigmatization and discrimination. Among those situations we may mention cases of violence exerted by customers, non-elucidated cases of murders, and police violence cases.

## **Human trafficking**

Article 80 of the Turkish Penal code punishes any organization of human trafficking with sexual purposes with 8 to 12 years of imprisonment. In 2009, 409 suspects between January and September were prosecuted under this article. 232 were released because of a lack of evidence. Only 16 suspects were actually imprisoned (sentences of 2 to 24 years). 26 other persons received prison sentences for other reasons within the article in question. The investigations regarding the members of the police forces implicated in human trafficking affairs were never completed.

The U.S. Department of State report mentions 82 victims identified in 2011, compared to 58 in 2010. 39 of them were later housed by local NGOs. Most of the victims chose to return to their countries, yet only two residence permits were granted. Since 2009, human trafficking victims benefit from free access to medical care.

## **Tools to fight against sexual exploitation**

In 2011, Fatma Sahin, Minister of Social and Family Politics, announced the unfolding of new standards of reception and housing for women who are victims of violence. Prostitutes who make an official demand can then be integrated into this plan of action. Such housing spaces,

depending on the municipalities and on the civilian society organizations, are from now on a requirement in cities of more than 50,000 inhabitants.

In the meantime, the government has invested more than \$150,000 (approximately €116,000) in the implementation of a hotline devoted to the victims of sexual violence, including prostitutes. This associative plan of action was broadened to include the police forces who automatically receive emergency calls, theoretically allowing them to intervene as soon as possible.

Additionally, being aware of the new dangers of the Internet, the government has implemented a site allowing the denunciation and the report of information regarding all facts related to cyber pedophile criminality.

## Bibliography

- « Gangs make billions on sex, drugs and robbery in Turkey », *Hürriyet Daily News*, July 31<sup>st</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- ECPAT International, The Body Shop, *Sex trafficking of children in Turkey*, Factsheet, 2009.
- European Commission, *Turkey 2010 progress report accompanying the Communication from the commission to the European parliament and the Council - Enlargement Strategy and Main Challenges 2010-2011*, Commission staff working document, SEC(2010)1327, Brussels, November 9<sup>th</sup>, 2010.
- European Stability Initiative (ESI), *Sex and power in Turkey: Feminism, Islam and the maturing of Turkish democracy*, Berlin – Istanbul, June 2<sup>nd</sup>, 2007.
- Karakus Ö., McGarrell E. F., *Association between migrant prostitution, trafficking in women and serious crime in Turkey*, International center for terrorism and transnational crime (UTSAM), *International Journal of Security and Terrorism*, vol. 1, 2010.
- Sussman A., « Dimming the red lights in Turkey », *Pulitzer Centre*, August 22<sup>nd</sup>, 2011.
- Sussman A., « Sex and the State: Islamist governance, Turkey's sex workers », *Pulitzer Centre*, June 13<sup>th</sup>, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- Vukašinović J., « Illegal migration in Turkey – EU relations: An issue of political bargaining or political cooperation? », *European perspectives, Journal on European perspectives of the western Balkans*, Vol.3, n°2(5), October 2011.



## Ukraine

- Population: 45.2 million
- GDP per capita (in US dollars): 3,615
- Semi-presidential regime
- HDI: 0.729 (76<sup>th</sup> rank among 187 countries)
- No national official statistics on prostitution. However, according to estimations from associations, the number of prostitutes in the Ukraine varies between 50,000 and 83,000.
- Prohibitionist regime.
- Country of origin, transit and destination for human trafficking.
- The victims mainly come from: Uzbekistan, Pakistan, Cameroon, Moldova, Germany, Albania, Czech Republic.

August 24<sup>th</sup>, 2011, marked the 20th anniversary of Ukrainian Independence. Just months before the Euro Cup of soccer and while an association agreement with the European Union was being actively negotiated (a first step towards the integration process), such a day should have been the occasion of a great festivities. Yet, this important anniversary was marred by significant protests against the deterioration of democratic freedoms since President Victor Ianukovitch took power in February 2010<sup>1</sup>, and the economic results of the previous twenty years. As a matter of fact, 80% of Ukrainians estimate that their life conditions have worsened since 1991.

Although some signs of economic recovery had been observed, and despite the important natural resources that exist in the country, as of the end of 2011, more than a quarter of the population were living below the poverty line, while the 100 wealthiest Ukrainians owned the equivalent of 61% of the GDP. Women are the first affected by poverty. In addition to economic difficulties, they must also confront the discrimination of a still traditional society. In January 2010, the *Committee on the Elimination of Discrimination Against Women* (CEDAW) pointed an accusing finger to the Ukraine on that matter. Non-equal access to the employment market, an elevated female unemployment rate, gaps between wages, the persistence of discriminatory attitudes from the employers, sexual harassment, etc... remained deeply rooted in the Ukraine.

Hence, in a country where the cost of life is almost as high as in Western Europe, and where the average monthly salary was approximately €240 in 2011, a large share of the population

<sup>1</sup> In the 2011, NGO Freedom House report, the Ukraine was downgraded from a “free country” to a “partially free country”

desperately hopes for a better life, whatever the price. An analysis carried out in August 2011 by GfK Ukraine for the International Organization for Migrations (IOM) showed that many Ukrainians are ready to accept risky practices in order to get a job or an attractive salary. Such practices would include, for instance, emigration (legal or not), illegal employment (whatever the activity and the employer), etc...

### **Ukraine, a victim of human trafficking**

It is estimated that more than 110,000 Ukrainians (men, women, and children) have been victims of traffickers since the collapse of the Soviet bloc, sold as slaves for forced labor and in particular for sexual purposes, around the world (in Russia, Western and Central Europe, the Middle East, etc...). Additionally, the Ukraine is a country of transit and, more recently, of destination for human trafficking victims coming from Uzbekistan, Pakistan, Cameroon, Moldova, Germany, Albania, and the Czech Republic.

Women, and particularly young women from 15 to 24 years old, are the most affected by this situation. Most of them have been exploited by the false promise of work, seduced, or sometimes kidnapped in the streets. But trafficking does not only involve violence or fear anymore. An increasing number of victims are recruited by a *mamachka*, a former prostitute now practicing procuring. A *mamachka* comes back to her village, loaded with jewelry and furs, telling everybody about her "success" abroad. She describes to the young girls the money one can make by practicing prostitution, and they end up following her "willingly".

### **Prostitution and sex tourism**

The Ukraine is assumed to have 50,000 prostitutes on its soil according to the Ukrainian Institute of social sciences of Kiev, and between 52,000 and 83,000 according to the NGO Alliance HIV/AIDS, of which 9,000 would practice their activity in Kiev. While the several estimations differ from each other, everybody agrees that those numbers, which do not take into account occasional prostitution, are probably underestimated.

According to a 2008 study carried out by the Ukrainian Institute of Studies in social sciences, 50% of female prostitutes questioned indicated that they exercise such an activity to meet the needs of their families. Moreover, prostitutes come from very different backgrounds: students, housewives, women who financially support their parents...They come from urban centers, from suburbs, or from other regions of the Ukraine. For instance in Odessa, 60% of the prostitutes come from other regions. According to another 2008 study, 51% had graduated from high school and had even begun college studies.

Such an important prostitution activity has turned Ukraine into one of the top destinations of sex tourism in Europe. In 2009 already, the Minister of Interior Lutsenko stated the following: "Ukraine has become a paradise for sex tourism". This prompt expansion involves several explanatory factors: the reputation of Ukrainian women, the opened entrance into the country for the citizens of the European Union, the low costs of the airfares, etc...

### **Minors under the risk of being sexually exploited**

One victim of human trafficking out of ten and one prostitute out of six are assumed to be minors. The majority of these child victims are wandering, isolated minors who constitute the most vulnerable population of the country. It is difficult to have a notion of their number because the authorities do not take a census of them. We only know, through the Ministry for Family, Youth, and Sports, that approximately 23,000 wandering minors were rescued in 2009. Although those numbers are significant, a relevant decrease was observed with respect to previous years (31,000 in 2008, 37,000 in 2007).

Abandoned, running away, escaped from orphanages, or coming from extremely poor milieus, those children are most susceptible to sexual exploitation risks (prostitution, human trafficking, but also pornography). In 2010, 18% of children's pornographic productions came from Ukraine. A UNICEF investigation from 2010 highlighted that of over 1,000 wandering minors aged 14 to 18 surveyed, 11% stated having shown their naked body, 10.4% allowed somebody else to touch their naked body, 7.8% had remunerated sex, and 3.2% were photographed or filmed naked.

### **The omnipresent AIDS threat**

With a prevalence rate of 1.1% (adults and children), Ukraine is the European country most affected by AIDS. In 2011, medical authorities counted 200,000 HIV positive persons with 1,700 new cases registered during the year (versus 580 in 2001). But these are official numbers, lower than the real ones. In an article from *The Guardian Unlimited* on June 8<sup>th</sup>, 2011, according to Tetiana Afanasiadi, regional coordinator of the NGO *Alliance HIV/AIDS*, there are 60 new cases of infection everyday in the Ukraine.

Prostitutes remain among the most affected groups, the prevalence rate being approximately 9%. According to a study carried out in 2011, 24% of prostitutes practicing in Kiev were HIV positive. They were 38% such cases in Donetsk versus 36% in 2010. The majority of them became infected through the injection of drugs. Moreover, a 2008 investigation from the Ukrainian Institute of Studies in social sciences showed that 31% of prostitutes did not use condoms on a regular basis.

Medical assistance for the disease is developing but at a slower pace than the growth of the numbers mentioned above. In January 2011, a law guaranteeing prevention of the disease through programs to reduce the risks, and the development of substitute treatments was adopted. However, the law did not seem to be actually applied because in June 2011, only 6,000 patients were taking a triple therapy, while according to the World Health Organization (WHO), there should have been 70,000 such patients benefitting from this medical treatment in the Ukraine.

### **The perspective of the 2012 Euro Cup...**

When the Euro Cup event was about to take place, NGOs, Ukrainian institutions, and European authorities expressed their concerns over the potential risks of sex tourism and human

trafficking during the event. On October 8<sup>th</sup>, 2011, activists from the feminist group Femen barged into the middle of the inauguration of the Kiev stadium shouting "Euro-2012 without prostitution" and "Ukraine is not a brothel". On October 18<sup>th</sup>, 2011, European Day for the fight against human trafficking, Myria Vassiliadou, European coordinator for the fight against that problem, reminded everyone that sporting events were historically used as hubs for traffickers and that the Ukraine was running the risk of being vulnerable to such activity. At the beginning of December, Olga Balakireva, Director of the Ukrainian Institute of Studies in Social Sciences, while mentioning the influx of prostitutes in Odessa during the NATO military exercises of 2010, predicted an increase in prostitution during the Euro Cup.

In May 2011 awareness-raising campaigns were already being organized. For the first time, the Ukrainian government worked in collaboration with agencies from the United Nations and with national and international NGOs (UNICEF in particular) to launch the operation Let's Do It Together destined to raise awareness among the Ukrainian population as to the dangers of human trafficking<sup>2</sup>. Among the actions, the operation displayed posters on public transportation in November and December, in the four Euro 2012 host cities.

Additionally, as the event was approaching, the Ukrainian government strengthened its legislative and judiciary arsenal to better protect the country from these dangers. In October 2011, Ukraine ratified the Convention of the Council of Europe on human trafficking. In February 2011, a few weeks after having extradited a trafficker of women, an American citizen hiding in the Ukraine, a bilateral cooperation agreement was signed with the United States in order to strengthen the fight against human trafficking. Finally, in September 2011, a law implementing mechanisms to fight human trafficking, and a national plan of action for the period 2012-2015 were adopted by Ukrainian Parliament, the Rada. This system complements the 2006 law on human trafficking which provides for sentences of 3 to 8 years of imprisonment.

### **What political willingness?**

Nonetheless, if we believe in what several NGOs, such as ECPAT Ukraine in particular, have to say, the commitment of authorities on these matters remains limited and ambiguous. All of the associations celebrated the adoption of a law on human trafficking, but many of them criticized the text and, furthermore, the extended inaction of the government regarding these matters. As a matter of fact, for the sake of administrative reform, one of the first actions of President Ianukovitch was to dismantle the Ministry for Family, Youth, and Sports that was in charge of the fight against human trafficking, the protection of the children's rights, and the defense of the gender equality, leaving all of those affairs without any direction or any plan of action for several months<sup>3</sup>.

---

<sup>2</sup> According to an investigation carried out by the IOM, 92% of the Ukrainians interrogated are aware of the existence of human trafficking with sexual purposes, while 70% of them think that they are not personally exposed to those risks (sample of 1,000 interrogated persons aged 14 to 65 years old).

<sup>3</sup> The previous plan of action for the fight against human trafficking had expired at the end of 2010.

The associations also criticized the government for having implemented those measures more in order to satisfy European Union requirements than to protect the populations at risk. The text, originating from a bill elaborated in 2008, was apparently hastily adopted, without taking into account the criticism it inspired, in order to accelerate the negotiations of an association agreement and to obtain a simplified visa program for the Ukraine.

### **The confrontation of law and corruption**

NGOs denounce the "indulgence" of authorities towards prostitution. Even if the activity has not been criminalized since 2006, prostitution remains illegal and, in accordance with the Administrative code, prostitutes and their customers are exposed to fines. In November 2011, the Cabinet of Ministers was even considering tightening the sentences against the prostitutes. Procuring, on the other hand, remains a criminal infraction punishable by 7 years of imprisonment. Those sentences are intensified when the victim is a minor. Nevertheless, brothels and street prostitution are frequent (and visible) in the Ukraine, in large urban centers and in villages. The law is not frequently enforced, so the customer is never bothered and traffickers are protected by corruption.

Corruption is one of the major blights of the Ukraine. In 2011, the country dropped from the 134th to the 152nd rank (among 183 countries) on the corruption perception index put forward every year by Transparency International. Corruption is present across all government institutions (judges, customs employees, police...) and at all levels (local, provincial, and even national) and allows, at the same time, the facilitation of trafficking activities and the prevention of prosecuting the traffickers. Several cases marked 2011. Three agents in the fight against human trafficking who had pocketed under-the-table cash from female prostitutes, in the total of €32,500, were sentenced to three and a half years of imprisonment. In July, a municipal councilor in the province of Volyn was prosecuted for having organized a criminal network for trafficking women towards Poland.

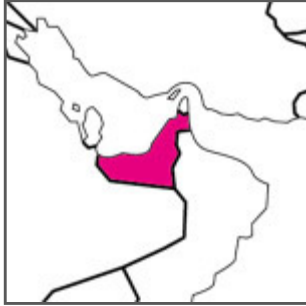
At the end of this chain of exploitation, prostitutes remain the eternal victims of violence. Without having any legal help, victims of bullying, they still have to pay members of police in order to ensure their own protection, even though this does not guarantee that they will avoid sexual violence at the hands of those same policemen, physical and/or psychological brutalities, blackmail, and false accusations. As if this was not enough, they are also stigmatized by society. According to an investigation from the Ministry of Health, 30% of the population stated that they tolerated prostitution, but many Ukrainians considered that prostitutes are "definitely tarnished"<sup>4</sup>.

---

<sup>4</sup> "Third of Ukrainians tolerant towards prostitution", *ForUm*, December 5<sup>th</sup>, 2011, <http://en.for-ua.com/news/2011/12/05/134343.html> ; N. Antonova, "Welcome to Kiev : city of beautiful women and a prospering sex industry", *The Guardian Unlimited*, April 24<sup>th</sup>, 2012, <http://www.guardian.co.uk/commentisfree/2012/apr/24/kyiv-beautiful-women-sex-industry-ukrainian?INTCMP=SRCH>

## Bibliography

- « Living with HIV in Ukraine », *The Guardian Unlimited*, June 8<sup>th</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Gobert S., « Ukraine : 20 ans après, l'amertume de l'indépendance », *Myeurop.info*, August 24<sup>th</sup>, 2011.
- Maran E., Souchet F.-X., Sakulpitakphon P., Upadhyay J., Bose A., Lucchi J., Altamura A., Shved O., Lideikis V., Capaldi M., *Global Monitoring Status of action against commercial sexual exploitation of children – Ukraine*, second edition, ECPAT International, The International Women's Right Centre, La Strada Ukraine, 2011.
- U.S. Department of State, *2011 Country Human Rights Reports: Ukraine*, Bureau of Democracy, Human Rights and Labor, May 24<sup>th</sup>, 2012.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- UNAIDS, *Ukraine Harmonized AIDS Response Progress Report (January 2010-December 2011)*, Kyiv, 2012.



## United Arab Emirates

- Population: 7.9 million
- GDP per capita (in US dollars): 45,653
- Federation of seven Emirates under a Monarchy regime
- HDI: 0.846 (30<sup>th</sup> rank among 187 countries)
- Prohibitionist regime
- The Emirate of Dubai is assumed to have more than 10,000 prostitutes.
- 58 cases of human trafficking were reported in the United Arab Emirates in 2011.
- Federal law 51 regarding the fight against human trafficking was adopted in 2006. It stipulates severe imprisonment sentences up to life in prison.
- Creation of a specialized crime department for human trafficking in 2011.
- The UAE launched the first Persian Gulf Forum for the fight against human trafficking in December 2011.
- Country of destination, and, to a lesser extent, of transit for human trafficking victims.

The United Arab Emirates' economy is one of the most prosperous in the world. It is a real hive of workers and the percentage of immigrants within the UAE active population is higher than 90%. Such an economic dynamism hides nevertheless a very different reality for tens of thousands of victims of human trafficking. This phenomenon remains taboo in society today. But this silence is gradually eroding due to the authorities' recent realization of the problem, and the opening of reception infrastructure devoted to the victims.

Women's sexual exploitation is the most urgent form of trafficking in the United Arab Emirates. They are mainly migrant workers<sup>1</sup> who, upon their arrival in the country, are violently forced to prostitute themselves. They usually come from Eastern Europe, Central, South, and South East Asia, and Africa; but also from Iraq, Iran, and Morocco. There are thousands of them offering their services in clubs or hotels. This worrisome situation has been denounced by the U.S. Department of State's report on human trafficking in 2011.

<sup>1</sup> Victims of human trafficking in UAE are mainly migrant women. However, some cases of human trafficking affecting men have also been detected in the past.

## **A well organized system**

In the United Arab Emirates, traffickers attract their victims through false promises of well-paid work (dancers, hairdressers, waitresses, etc...) in accordance with the wealth of this oil-rich country. The persons targeted are usually vulnerable due to their socioeconomic situation. Many of these women come from rural areas. A large portion report that they were lured by a fellow countryman or even a relative who played the role of bait for the prostitution networks. Sometimes, these networks use false marriage certificates to bring the women into the United Arab Emirates. Then, they are forced into prostitution.

Traffickers also use various techniques in order to escape from the police. They often falsify of their victims IDs by changing names, ages, and other personal details. Human trafficking networks constantly find new methods to catch their victims. Afterwards they use violence to force their young recruits to prostitute themselves. They are deprived of resources, their passport are confiscated when they arrive in the country. They resign themselves to torture and rape for fear of retaliation against their families.

Moreover, the situation of female migrant workers remains particularly worrisome in the United Arab Emirates. Physical and social isolation is one the key characteristics of their work environment. Several of them are sexually abused, if not forced or sold into prostitution.

## **Migrants under the control of the *kafils***

One method of enhancing the vulnerability of the migrant workers in the UAE begins with the use of the *Kafala*, a restrictive sponsorship system valid in certain countries in the Persian Gulf. Every migrant worker, but also every foreign company is under a guardianship, in the same way as children would be. Initially, the *Kafala* appears to be a delegation of parental authority for abandoned minors. This system applies to migrant workers today. More precisely, the *Kafala* is a management system of the work force in countries that are members of the Gulf Cooperation Council (GCC)<sup>2</sup>, valid in Lebanon and Jordan as well. According to the *Kafala*, migrants willing to work in one of those countries must be sponsored by an employer, the *kafil*.

The *Kafala* system, under which every migrant worker wishing to work in the UAE is submitted, entails real abuse from the employers. The latter can control all the movements of their employees and, as a consequence, render them vulnerable to sexual exploitation. The migrants end up under the control of the *kafil* who confiscates their passports and gives them work certificates to use as ID documents. The *kafil* retains full power over his "protégé".

## **A stop in Dubai: a prostitution hub**

The Emirate of Dubai is often considered the Las Vegas of the Middle East, and much more liberal than the neighboring countries. All kind of "businesses" are thriving there, among the sex industry included. As a matter of fact, the Emirate of Dubai is particularly vulnerable to

---

<sup>2</sup> The GCC is comprised of six countries from the Arabian Peninsula: Saudi Arabia, Bahrain, UAE, Kuwait, Oman and Qatar.

trafficking networks because of thoroughly lax administration. During the last few years, Dubai has become a prostitution center in the region and is assumed to contain more than 10,000 prostitutes.

The *Cyclone Club* was once one of the most popular clubs in Dubai. A wide range of nationalities could be found at this so-called “Disneyland for men”. Young women were meticulously placed inside the club according to their race. Therefore, this night club became a hotspot for soliciting prostitutes. Hundreds of prostitutes used to attract potential customers mainly coming from the United States, Europe, India, and the Arab countries. When the doors of the club closed, soliciting activities continued outside. The *Cyclone Club*, considered one of the most important brothels of Dubai, received the acknowledgement of the local tourism office for quite some time. For more than a decade, authorities turned the blind eye to this temple of international prostitution.

Prostitution continues in Dubai, despite the authorities’ closing, some years ago, of the *Cyclone Club*. However, this decision marked the end of authorities’ inaction towards criminal networks. But dozens of similar clubs supposedly exist in Dubai today. Such venues are much less extravagant though, such as hotels, where prostitution is omnipresent.

### **The realization of the authorities**

In January 2011, the Central Criminal Court of Abu Dhabi pronounced an unprecedented judgement. The judge announced a life imprisonment for a Syrian national and seven of his fellow countrymen. The criminals, judged in absentia, were accused of managing one of the most widespread prostitution networks in the United Arab Emirates. A life imprisonment sentence for human trafficking was pronounced only once before. Since that case, the Court judgments in the UAE against traffickers have increased. According to official reports, 10 cases of human trafficking were detected in 2007 in the United Arab Emirates, 20 cases in 2008, 43 cases in 2009, 56 cases in 2010, and 58 cases in 2011. Those numbers remain modest compared to the magnitude of the plague throughout the emirates.

Nevertheless, authorities finally seem to acknowledge their share of responsibility in the current situation and are making gradual efforts to remedy it. “We noticed a higher realization and relevant changes in the understanding of human trafficking among the police and the Courts of Justice,” explained Sarah Shuhail, manager of a shelter devoted to female victims of forced prostitution. In March 2011, Major General Al Hadeedi, police Chief of the Sharjah Emirate<sup>3</sup>, which is known for being significantly more conservative than the other Emirates, indicated: “The Sharjah police force is making enormous efforts in order to arrest the persons implicated in the sex trade. [...] People must inform us if they witness any illegal activity [...] (They can contact us by calling the 800 151 or by sending an SMS to 7999 or an email to [najeed@shjpolice.gov.ae](mailto:najeed@shjpolice.gov.ae)).”

The United Arab Emirates have implemented a series of measures aimed at controlling the problem. Nonetheless, some reports note the lack of rigour in the application of those measures.

<sup>3</sup> Sharjah has the third largest economy of the UAE, after Abu Dhabi and Dubai.

## Progression in the fight against human trafficking

The United Arab Emirates can't seem to give enough praise to the role played by the national authorities in the promotion and protection of human rights. "It is important to realize that Islam, and the Arab culture and ethnicity do not accept the offense of human trafficking in our society. In the United Arab Emirates, we are making efforts to eradicate it," explained in September 2011, Anwar Mohammed Gargash, Minister of State and President of the National Committee for the Fight Against Human Trafficking, adding that "the issue is more and more often mentioned publicly by the government and the media and constitutes one of the priorities of the UAE government".

At a national level, federal law 51 regarding the fight against human trafficking was adopted in 2006. It allows the government to tackle all forms of human trafficking (please refer to the box below) and, in addition, stipulates severe imprisonment sentences up to a life's sentence. In 2007, the National Committee to Combat Human Trafficking (NCCHT) was created. It is an institution coordinating all efforts related to the fight against human trafficking in all seven Emirates. On one hand, the Committee has the duty of promoting the application of the federal law 51, and of analyzing possible legislation regarding human trafficking with the ultimate purpose of a harmonization with international norms. In this context, a crime department that specializes in human trafficking was instated in 2011 in order to accelerate judicial procedures. On the other hand, the Committee organizes awareness-raising programs aimed at the public, as well as workshops and internships to strengthen the skills of the Penal Justice professionals.

At an international level, in December 2011 the United Arab Emirates hosted the first Persian Gulf Forum for the fight against human trafficking. The Forum allowed the presentation of a new approach based on human rights that was afterwards adopted as a method of fighting human trafficking. In 2007, the UAE ratified the United Nations Convention against international organized crime.

**Federal Law 51** defines trafficking as: *"recruiting, transporting, transferring, harbouring or receiving persons by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation."*

## Shelters for human trafficking victims

The Ewa'a Shelters for Women and Children constitute one of the most outstanding marks of progress in the country. More than a hundred victims coming from within the region, but also from Africa, Asia, and Europe were assisted there in 2010. These secure shelters offer medical, social, and psychological assistance.

The first Ewa'a shelter opened its doors in 2008 in Abu Dhabi. Two other shelters opened afterwards in Ras Al Khaimah in 2010 and in Sharjah in 2011. Considering the magnitude of

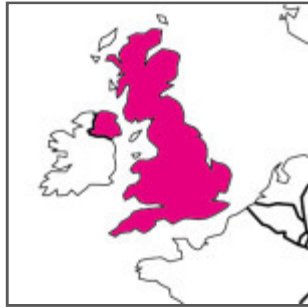
sexual exploitation across country, new shelters are expected to open in the other Emirates in order to expand the initiative over the entire territory. The Ewa'a shelters work under the authority of the Red Crescent and in cooperation with the National Committee for the Fight Against Human Trafficking. They are partially financed by the Sheikh Mohammed bin Zayed, Crown Prince of Abu Dhabi.

All these steps towards progress demonstrate the commitment of the authorities in the fight against human trafficking. Thus, the UAE appears to play a prolific role in legislative matters in the region. Its progress is obvious, but seems insufficient. In 2011, the U.S. Department of State report on human trafficking ranked the UAE as a tier 2 state. Nonetheless, the country had been regularly criticized by the report since 2006. The United Arab Emirates was included in the Watch list for 2006, 2007, and 2009, which shows the difficulty the authorities have had in curbing trafficking. In addition, the country seems to have suddenly committed itself to tackling the problem after the U.S. threatened economic sanctions if the UAE fell into the lowest tier 3 again.

Despite legislative evolutions, it has been reported that prostitutes are still subjected to arrest, as prostitution is still formally prohibited in the UAE. Victims of human trafficking escaping and lodge complaints continue to be exposed to sentences for prostitution and sexual debauchery.

## Bibliography

- « 1st time in UAE women are charged with forced labor », *AlArabiya*, January 25<sup>th</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Olarte O., « UAE efforts result indetection of more cases », *Khaleej Times*, March 9<sup>th</sup>, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- National Committee to Combat Human Trafficking : <http://www.nccht.gov.ae>



## United Kingdom

- Population: 62.4 million
- GDP per capita (in US dollars): 38,818
- Constitutional Monarchy
- HDI: 0.863 (28<sup>th</sup> rank among 187 countries)
- Member of the European Union since 1973
- Between 80,000 and 100,000 prostitutes, depending on the sources. Approximately 20,000 of them practice prostitution in the streets.
- In the four nations forming the United Kingdom (Scotland, England, Northern Ireland, and Wales) paying for a sexual service is legal only if the prostitute is not forced (whether the customer is aware or not), while complementary acts, such as soliciting, are illegal.
- Country of transit and destination for human trafficking victims; country of origin in some very rare cases.
- Victims usually come from Africa, Asia, and Eastern Europe.

Although the United Kingdom implemented several juridical reforms in 2011 to combat human trafficking inside and outside its borders, the reforms were largely criticized for their bureaucratic nature that limited the effect of government projects. The exchange of money for a sexual act is not illegal (except when the prostitute is constrained by a pimp) even if the soliciting practiced by the prostitute or by the customer is illegal. As a consequence, the laws protecting prostitutes and convicting the customers are complex, often confusing, and quite inefficient. However, the British government recently launched several actions to fight human trafficking.

### **An evaluation of the recent projects implemented by the United Kingdom**

In 2009, in compliance with the recommendations of the Convention of the Council of Europe for the fight against human trafficking, the United Kingdom launched the *National Referral Mechanism* (NRM) in charge, on one hand, of identifying and registering the potential victims of human trafficking and, on the other hand, of ensuring that those persons are receiving appropriate help. Between 2009 and 2011, 1,664 persons (among them 390 minors) were identified by the NRM as potential victims. Nonetheless, the NRM was largely criticized for its cumbersome process: only certain organizations were authorized to report potential victims and

they could do so only with the consent of the victims, which is often difficult to obtain. Additionally, a study published in 2011 by *Anti-Trafficking Monitoring Group* (ATMG) and by *End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes* (ECPAT UK) showed that the program favored English men. 95% of men were identified as victims by the NRM compared to only 41% for women, even if men represented a quarter of the total reports. In many cases, the help was denied to African women because they did not ask for it in time.

Regarding minors (boys and girls), the authorities did not fulfill their responsibilities: indeed, during the three previous years, approximately 300 child victims of trafficking disappeared from the supervision of local authorities. In July 2011, the *Child Exploitation and Online Protection Center* (CEOP) announced that it was taking the responsibility for these disappearances. The CEOP launched a training program for the police and an awareness-raising campaign for the public. In addition, the *Local Safeguarding Children Boards* (LSCBs) organized their own campaigns to focus public attention on these issues. The LSCB of Hillingdon, the administrative subdivision of London where Heathrow airport is located and from which a large number of children disappeared, used these campaigns. According to the Minister of Immigration, the number of children who disappeared in Hillingdon went down from 12% in 2009 to 4% in 2011. A share of this success can be attributed to the distribution in February 2011 of a booklet called *Trafficked Children Toolkit* comprising a chart summarizing the risk factors, conceived as a multiple choice quiz that professionals and volunteers could complete in order to identify potential victims.

The cornerstone of the fight against human trafficking in the UK is the action taken to stop trafficking at its borders. To achieve this goal, the government has decided to proceed to the "Paladin" operation. This specific police unit is in charge of investigating the trafficking of isolated minors who arrive at London ports. The "Paladin" operation cooperates with NGOs and airline companies to identify children. ECPAT UK applauded the progress achieved by the *UK Border Agency* (UKBA), an organization previously noted for refusing or even ignoring victims.

In 2011, while "Paladin" focused exclusively on trafficked children, the UKBA collaborated with the *UK Human Trafficking Center* (UKHTC) in the creation of new units specifically trained to identify the human trafficking victims. Nevertheless, the UKHTC depends on the competence of the *Serious Organized Crime Agency* (SOCA), and human trafficking only constitutes a small part of the actions of the SOCA<sup>1</sup>. Additionally, it is impossible to appeal the judgment of the UKHTC if it decides that a person is not a victim of trafficking. These divisions create a damaging rift in communication. These organizations also cooperate with NGOs and the other government offices, but a unified information system does not yet exist. As a consequence, many victims have slipped through the cracks.

---

<sup>1</sup> The UKHTC actually only has 37 employees. Two work for the UKHTC and the 35 others for the SOCA agency. This fact incited criticism among NGOs that ask for more attention from authorities on the issue of human trafficking.

## The new strategy to fight against sexual exploitation

Acknowledging the lack of effectiveness of its system, the British government released its new strategy for the forthcoming years. The most important aspect of these reforms will be the creation in 2013 of the *National Crime Agency* (NCA), that will be comprised of the CEOP, the SOCA, the UKHTC, and several units devoted to the protection of borders and to the fight of organized crime.

To improve communication and thus the efficiency of all the units, the NCA will be equipped with a unified platform of information devoted to external organizations such as the UKBA. Therefore, the confusion surrounding the identity of the human trafficking victims will be addressed; the administrations will be able to swiftly redirect the victims to the appropriate organization without needing further investigations. This will be particularly applied to children who present more risks of disappearing during the investigation. Moreover, the platform will allow the government agencies to detect and supervise the trafficking networks by putting all the information of the agencies in one place and by regularly updating the data regarding the suspected criminals. The ultimate goal of the new strategy to fight human trafficking is to stop the traffickers outside the national borders. The British government terminated the training of the UKBA *Risk and Liaison Overseas Network* (RALON) members, implanted in 50 different countries around the world in order to detect organized crime. Although the RALON succeeded in arresting several traffickers, such as a Nigerian trafficker arrested in Paris, the RALON is very criticized because it favors an anti-immigration policy instead of helping the human trafficking victims. The same criticism was invoked for the *Five Country Conference* (FCC), and to the *E-Borders*<sup>2</sup>. The FCC (United Kingdom, United States, Canada, Australia, and New-Zealand) organized a meeting to discuss illegal immigration, of which human trafficking only represents a very small share. In 2011, the *E-Borders* controlled 55% of the travelers who entered the UK, but this rate should grow to 90% by 2015. The goal is to deter traffickers from using the United Kingdom as a country of destination. The associations said that, even if the *E-Borders* succeed in stopping the entrance of traffickers, this will bring no help to the already trafficked victims.

In July 2011, the government also canceled the annual subsidy of £2 million (€2.47 million) granted to the *Poppy Project Eaves Charity*, an aid organization for women victims of sexual exploitation. The reason for this decision may be explained by the opposition of the organization to the deportation of victims. This subsidy was in turn attributed to the Salvation Army that committed itself to double the number of assisted persons while reducing the duration of the help. This decision caused several reactions. The Salvation Army does not have the same specialization as the *Poppy Project*. It was also said that the religious mission of the organization presented a risk of interfering in the help brought to the victims, for instance in access to abortion. In response to the critics, the government stated that the *Poppy Project* had sufficient funds at its disposal and that the Salvation Army needed support.

---

<sup>2</sup> *E-Borders* is a program allowing the registration of documents related to international travel to be controlled by the UK immigration services. The information collected is stocked for ten years in a database.

In order to strengthen its position as a leader in the fight against human trafficking, the United Kingdom backtracked on its decision of leaving the 2010 European Union Directive on human trafficking. After having been the target of the criticism from several groups of defense that denounced the delaying tactics of the government, Prime Minister David Cameron reaffirmed the commitment of the United Kingdom to the decisions of the European Union. The United Kingdom is able to prosecute its citizens for human trafficking anywhere in the world. Parliament also announced its intent to review the law regarding traffickers.

At the end of 2011, the *Home Office*, responsible for the immigration and the fight against drugs trafficking and terrorism, unified and enlarged the program *Ugly Mugs* that was implemented in several cities. It is a database containing information gathered through reports made by the police, and by prostitutes to the police, on clients who committed acts of violence against them. This information and the pictures of these clients are communicated by the police services. The purpose of this program is to help prostitutes avoid violent customers, but actually nothing can really prove its effectiveness.

### **The United Kingdom: the news throughout the four nations**

Although the four nations forming the United Kingdom share the same parliament and the same laws, each of them has a specific approach of the problem of sexual exploitation.

#### ***England***

Scotland Yard created a new unit called SCD9, specialized in the fight against human trafficking in preparation for the 2012 Olympic Games. In 2011, the SCD9 carried out several raids in prostitution venues and shut down 80 brothels linked to human trafficking activities in just one neighborhood of London. In spite of this, the SCD9 did not expect a significant increase of the number of prostitutes and victims of human trafficking during the period of the Olympics. However, the unit is still analyzing the advertisements displayed in telephone booths to find hints of human trafficking. An increasing number of Englishmen go to cities known for their brothels with the purpose of a stag party. BBC News interviewed some Englishmen who said that, for them, even if women in those brothels are trafficked, the evenings shared between men are part of the English culture. To avoid possible sanctions, a lot of them travel in Europe (Riga, Prague, Amsterdam...) to visit brothels.

#### ***Scotland***

In March 2011, Scotland was fiercely criticized for not having delivered a single sentence for human trafficking despite the existence of significant evidence of child trafficking with sexual purposes. As a consequence, for the first time, a British couple was explicitly sentenced to five years of imprisonment for human trafficking. The couple organized a luxury prostitution network in private apartments and in five different cities. Nonetheless, this condemnation caused

a new reflection on the definition of the human trafficking in Scottish law because the lawsuit could not prove that the couple used physical force on the prostitutes.

### ***Northern Ireland***

According to Helena MacCormick from the NGO *Northern Ireland Council for Ethnic Minorities*, it is in Northern Ireland that the sex industry is expanding faster than in any other nation of the United Kingdom. This is caused by new laws adopted in the Republic of Ireland in 2011 that caused the trafficking networks to move towards Northern Ireland. In February 2011, to combat the demand, the Minister of Justice David Ford relaunched the *Blue Blindfold Campaign* in cooperation with the Republic of Ireland. The campaign, in addition to organizing contests in schools and distributing information to the public, focused on the slogan *Open your eyes to human trafficking*.

### ***Wales***

In March 2011, Wales appointed for the first time a coordinator against human trafficking, Robert Tooby. The local government recognized its own inaction against human trafficking. In order to remedy the situation, it took the first measures to identify human trafficking victims. According to Robert Tooby, there were probably 2,600 women victims of human trafficking in Wales and England. In addition, the organization *Black Association of Women Step Out* (BAWSO) opened a new shelter in Northern Wales to integrate trafficked women and children.

### **The success of the Merseyside (England) model**

The number of rapes reported in Liverpool grew by 400% in 2010 and 2011. This is due to the increase in the number of reports instead of an increase in aggression itself. Rapes and aggressions on prostitutes have been considered since 2006 to be hate crimes. Thanks to this qualification, the condemnation rate for rapes on prostitutes was 75% compared to 6.5% for all kinds of rapes in the entire United Kingdom. The rate of condemnation for aggressions on prostitutes (including rapes) was 83%. The police of Merseyside in Liverpool also created a position of independent councilor on sexual violence whose role is to gain the trust of victims.

The actions of the government constituted a response to the murders committed by Stephen Griffiths, nicknamed *Crossbow Killer*, who, in 2010, brutally murdered and committed acts of cannibalism on at least three prostitutes of Bradford, and is suspected of being linked to the murders of three other prostitutes in Merseyside.

The mixed approach of the United Kingdom, somewhere between regulation and condemnation of prostitution, creates a unique situation in which the reforms are often less effective than they should be. Although the British government tries to control human trafficking, the efforts seem sometimes superficial.

## Bibliography

- Anti-Human Trafficking Unit (AHTU) of the Department of Justice and Equality, *Annual Report of Trafficking in Human Beings in Ireland for 2011*, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- ECPAT UK, *Off the Radar: Protecting Children from British Sex Offenders who Travel*, February 2011.
- Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland (HMG), *Human Trafficking: The Government's Strategy*, 2011.
- Home Office UK, *A review of effective practice in responding to prostitution*, 2011.
- Home Office UK, *Safeguarding children who may have been trafficked*, 2011.
- Lipscombe, S., *Human Trafficking: UK Responses*, UK Parliament, Standard Notes SN/HA/4324, March 16<sup>th</sup>, 2012.
- London Councils, GLE Group, *The 2012 Games and human trafficking: Identifying possible risks and relevant good practice from other cities*, January 2011.
- London Safeguarding Children Board, *London Safeguarding Trafficked Children Toolkit*, February 2011.
- Scotland's Commissioner for Children and Young People (SCCYP), *Scotland: A Safe Place for Child Traffickers? A scoping study into the nature and extent of child trafficking in Scotland*, 2011.
- U.S. Department of State, *Trafficking in Persons Report*, June 2012.
- European Commission, Fight against human trafficking website, United Kingdom file: <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=United+Kingdom>



## United States of America

- Population: 313.1 million
- GDP per capita (in US dollars): 48,442
- Presidential regime with a federal organization
- HDI: 0.910 (4<sup>th</sup> rank among 187 countries)
- No official national statistic on adult prostitution, but some NGO estimates mention approximately 500,000 prostitutes.
- Prohibitionist regime, except in 12 counties in Nevada. Among them, only 8 counties have brothels.
- According to the U.S. Department of State, the average age of entrance into prostitution lies probably between 12 and 14 years old.
- Approximately 17,500 persons are assumed to be victims of human trafficking each year.
- Country of destination for the victims of human trafficking.
- Victims come from Central America, Mexico, Eastern Europe, and some Asian countries.

Although the federal government adopted the *Mann Act*, a 1910 law that allows for prosecution in federal court of persons who exploit prostitutes across the country, there is no federal law prohibiting prostitution. Each state has its own legislation criminalizing prostitution (except some counties in the state of Nevada).

Many awareness-raising programs are focused on assistance to victims. Despite prevention efforts, the sex trade remains very profitable in the black market, particularly on the web.

### **A website that continues to facilitate illegal prostitution**

In 2010, *Craigslist.com*, a site publishing ads online, was ordered by the public prosecutors of 21 states to close its adult section, which had become the most important website for prostitution and human trafficking in the United States. This decision was a huge success for activists fighting against prostitution and human trafficking, but, after the removal of the adult section, the persons prostituting themselves and the traffickers rushed to a new website controlled by Village Voice Media. In August 2011, a new demand was formulated by the public prosecutors of 48 states for Village Voice Media to remove the adult section from its site. Instead of abiding, the private society launched a large campaign through its weekly alternative newspaper, *The Voice*, in order to defend itself.

Police investigated this website for several sexual exploitation cases implicating minors. This website owns 70% of the prostitution ad market shares in the United States<sup>1</sup>.

The site was named the biggest online sexual trafficking forum for underage girls. In August 2011, a man was sentenced to 20 years of imprisonment for the sexual trafficking of a 14 year old girl who was victim of rape and physical violence. In addition, because of this site, another man from Minnesota kept two minors in captivity and was indicted with eight charges of prostitution of minors.

Although most of the cases of illegal online prostitution are related to this website, Village Voice Media states that it maintains vigilance on its ads in order to reduce criminal activity. During the summer of 2011, Village Voice Media was fiercely criticized by the *Demi and Ashton Association* (DNA), a Foundation created by the actors Ashton Kutcher and Demi Moore.

DNA, alongside other personalities, launched the campaign *Real men don't buy girls*. As an answer, *The Voice* newspaper published an article titled *Real Men Get Their Facts Straight* in order to contest the numbers given by DNA. American Airlines put an end to its collaboration with Village Voice Media. The website and its owners are protected by the U.S. Constitution, but DNA considers that if the stakeholders and the public continue to boycott Village Voice Media, it is very likely that they will be forced to remove the controversial adult section.

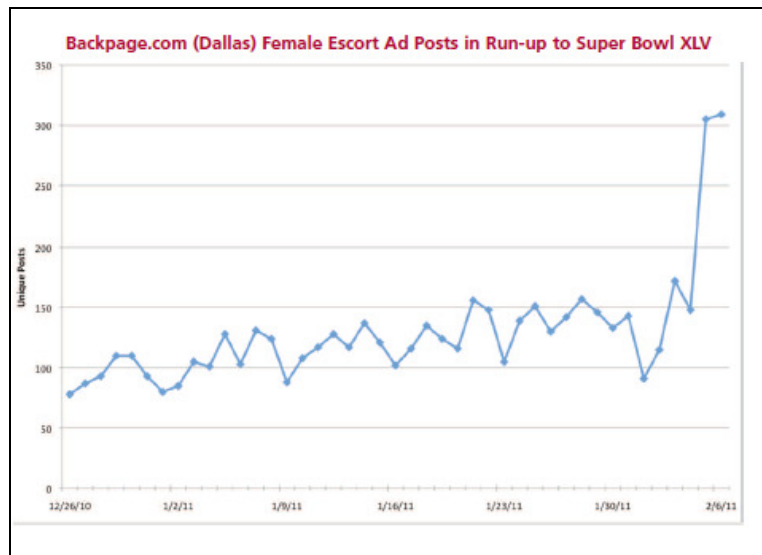
### **The Super Bowl and an increase in prostitution**

Research carried out by Dr Catherine Palmer with Durham University and the *Global Alliance Against Trafficking in Women* (GAATW) tried to demonstrate the link between large sports events and the increase in sexual human trafficking in the cities hosting those events. During the Super Bowl in Dallas, the police, defenders of child protection, and the airline industry worked in collaboration to fight against prostitution and human trafficking. The media joined the combat and the famous American football player, Jay Ratliff, led a campaign against the purchase of minor girls.

The University of Southern California launched a research project on this topic during the 2011 Super Bowl on February 6<sup>th</sup>, 2011. Their work consisted of listing the online ads from December 27<sup>th</sup>, 2010 to February 6<sup>th</sup>, 2011. All the ads, viewed in the subcategory "female escorts" on the Village Voice Media site, revealed that more than 300 escort ads were published on February 5<sup>th</sup> and 6<sup>th</sup>, 2011. The number of ads appearing on the website on the day of the Super Bowl increased by approximately 136%. Young women were brought to Dallas specifically for the event.

---

<sup>1</sup> Kristof N. D., "Village Voice exposed - 'Financiers and sex trafficking' ", *Villagevoicepimp*, April 2<sup>nd</sup>, 2012.



Latonero M., "Human Trafficking Online: The Role of Social Networking Sites and Online Classifieds", *USC Annenberg*, September 2011, p.24.

With the help of the *Immigration and Customs Enforcement (ICE)* agents and the Office of the Public Prosecutor of Texas, the police sent messages to advertisers, warning them that they were monitoring the infractions related to prostitution in Dallas. 59 arrests for crimes regarding prostitution were made during the week preceding the Super Bowl.

### Sexual exploitation in massage parlors

An increasing number of venues, under the guise of massage services, are actually brothels. This is the reason that the number of laws regulating massage parlors in several counties have increased. The Tulsa police estimated that approximately 90% of the parlors in town are involved in illegal activities. According to a 2011 Washington Engage study, a large number of massage parlors are located in malls, thus facilitating access for customers seeking sexual experiences. In these venues, Asian women who are victims of human trafficking are forced to practice prostitution in order to pay back their "debts" to pimps. Because of their culture and the language barrier, Asian women are less likely to seek the help of authorities, and therefore remain trapped in a vicious circle of horror and shame instigated by the traffickers, who threaten to tell their families about their activities in the United States.

It is also possible to find massage parlors through specialized websites displaying pictures of the prostitutes and the prices of their sexual services, thus allowing the clients to explore these services in a more discrete manner. Although the creators of such websites are not prosecuted, these sites help police to identify human trafficking situations.

Certain laws were implemented in order to identify potential victims and to regulate massage parlors. For instance, a Las Vegas order requires massage parlor owners to display the health certificates and licenses of the masseuses. That order also regulates the working hours and

conditions in parlors. A California law (SB 285) requests, without any obligation, the presentation of licenses in most counties.

### **A permeable border**

Mexico became a crucial supplier of human trafficking victims for sexual purposes for the United States. The 2009 U.S. Department of State report on human trafficking estimated that approximately 20,000 young women and children illegally cross the border towards the United States each year. The United States has started to cope with this phenomenon, but the incapacity to apply immigration laws and the lack of an efficient safety strategy along the borders are still at the root of the problem.

The juridical advisor to Mexico of the U.S. Ministry of Justice held a meeting in February 2011 with the purpose of combining the efforts of both countries. The U.S. experts in the fight against kidnappings and child exploitation of the *Secure Border Initiative (SBI)* and their Mexican counterparts collaborated to develop new programs in order to find the children who were kidnapped at the border.

### **The renewal of the TVPA**

The 2000 *Trafficking Victims Protection Act (TVPA)*, the only federal law against human trafficking, whose renewal occurs every 3 years, expired in September 2011<sup>2</sup>. If not renewed, the government efforts to protect the victims of sexual exploitation will be suspended. The bill introduced by the senate which is supposed to extend the TPVA until 2015 has not obtained a unanimous vote of Democrats and the Republicans. The legislators (House of Representatives and Senate) suggested amendments that would add more severe measures of enforcement and strengthen assistance to victims. Another amendment aims to reduce the assistance budget from \$191 million (€154 million) per year to \$130 million (€104 million).

In October 2011, a subsidy from the *Department of Health and Human Services (HHS)* allocated to 3 organizations to finance the assistance to domestic trafficking survivors was suspended by the Obama administration.

The administration argued that those subsidies were only granted to organizations able to guarantee access to all health services for victims. Yet, one of those 3 organizations, the Conference of Catholic Bishops of the United States, in accordance with the Catholic Church doctrine, refused to provide contraceptive pills and access to abortion for victims.

### **The new laws against sexual exploitation**

2011 was a landmark year for new legislation against sexual exploitation in several states, thanks to two different approaches.

---

<sup>2</sup> « Without renewal Trafficking Victims Protection Act expires, services end Sept 30, *Examiner*, September 27<sup>th</sup>, 2011.

On one hand, certain states voted several laws encouraging the broadcastings of information to the general public. In Pennsylvania, two new laws were suggested, *House Bill 235* and *Senate Bill 338 (National Human Trafficking Resource Center Hotline Act)*. These laws require a poster, indicating the phone number of the *National Human Trafficking Resource Center*, to be displayed in bars, hotels, striptease clubs, massage parlors, and rest areas along highways. Similar legislation in Tennessee, *House Bill 172*, was passed as well. Legislators hope that these measures will get the attention of the public.

On the other hand, some states followed the Swedish model regarding prostitution by focusing on the offer and the demand. These states offer assistance to the victims of prostitution and human trafficking. A new law in Massachusetts, *Senate Bill 24*, punishes pimps with a sentence of five years of imprisonment and a fine that could reach \$25,000 (€20,000); the customers are sentenced with two and a half years of imprisonment and a fine that could reach \$5,000 (€4,000). These sentences may be increased to a life sentence in the case of exploitation of minors. The initiatives coming from Massachusetts and Texas (*Protective Innocence Initiative*) finance the reception and reintegration of victims, while decriminalizing them.

Finally, legislators acknowledge the fact that prostitution is never a choice.

## Bibliography

- Goodman M., « American Football: Under-age sex trade booming at Super Bowl », *The Independent*, February 6<sup>th</sup>, 2011.
- National Conference of State Legislatures, *2011 Human Trafficking Legislation*, January 11<sup>th</sup>, 2012.
- Smith S., *Human Trafficking in Illicit Massage Facilities*, December 2011.
- Walter S., « Online Sex Trade is Flourishing Despite Efforts to Curb It », *The New York Times*, March 16<sup>th</sup>, 2012.
- Walters J., Davis P., « Human Trafficking, Sex Tourism, and Child Exploitation on the Southern Border », *Journal of Applied Research on Children: Informing Policy for Children at Risk*, March 15<sup>th</sup>, 2011.
- Trafficking Victims Protection Reauthorization Act, website : <http://www.ijm.org/justice-campaigns/tvpra>



# 2011

## MAIN TOPICS



For further information : [fondationscelles.org](http://fondationscelles.org)



# Choice of prostitution, topic and variations

A recent survey carried out by *Grazia* magazine showed that the majority of the French population is aware that prostitution is, largely, an enterprise of sexual exploitation. Therefore, they are not taken in by the often glamorous image projected in the media.

We hope that it is because of a lack of knowledge on the subject that journalists or filmmakers choose to sweeten the often harsh reality of prostitution. The discrepancy between the media's view on the subject and reality essentially serves to benefit human trafficking for sexual purposes. It is estimated that today, sexual exploitation is considered the third most common organized crime activity, just after arms dealing and drug trafficking. It is easy to see, taking into account the financial stakes, the means available to criminals to implement an enterprise of misinformation that both underestimates and trivializes the exploitation of an ever increasing number of vulnerable persons for the benefit and profit of a small number of criminals.

In most media reports, the fight against procuring activities is, intentionally or implicitly, assimilated to the fight of some "frustrated reactionaries" and moralizers against prostitution. The activity is presented by the media as the ultimate symbol of a sexual freedom that would itself constitute the paradigm of freedom.

We will analyze the place of freedom, free will, consent and the desire of persons who practice prostitution based on examples drawn from reality<sup>1</sup> and sadly representative of a large number of actual prostitutes.

## **Somewhere between precariousness and poverty, where is prostitution placed?**

In France, prostitution is practiced by people of foreign origin in 80% of the cases. This figure is similar to what is noted everywhere else in the world. Women and minors constitute the overwhelming majority of the victims of prostitution. These people did not come willingly to France with the intention of practicing prostitution. Almost all of them are victims of human trafficking. For human trafficking networks, the main purpose is to find cheap "commodities": women, men and children.

Procurers have, indeed, understood the benefits generated by a sound organization of production and distribution lines. They have organized human trafficking according on the basis of an exemplary capitalist model. Outsourcing allows profits to multiply. Victims of human

---

<sup>1</sup> The majority of the cases studied are acquired through the Equipes d'Action Contre le Proxénétisme (EACP), a French association charged with aiding the of victims of human trafficking, and bringing civil action against procurers, [www.ecap-asso.org](http://www.ecap-asso.org)

trafficking are cheaply "produced" in poor countries, some of them plagued by armed conflicts or civil wars, and "imported" to more promising markets in terms of profit. In the same way as clothes are cheaply produced in Asia and sold with substantial growth margins in Europe, victims of human trafficking, sometimes bought for a few Euros, yield an average of €150,000 per year in the prostitution market in Western countries. This number only reflects an average: for instance, a young girl recruited abroad at a modeling agency had her services priced at the staggering amount of €25,000 per night. Nonetheless, over several months, she only pocketed a few hundred Euros.

Considering the sentences and fines handed out, the risks for traffickers are actually minor. In France, the average sentence imposed to persons practicing procuring activities with adults, without involving torture and/or barbaric acts, is six months of imprisonment and a fine of €700<sup>2</sup>, despite the fact the law authorizes sanctions of up to 7 years imprisonment and €150,000 in fines. Because of the relative leniency of the courts, procurement is a thriving activity. It will continue to have a promising future as long as sentences remain symbolic with respect to the injury sustained by the victims and society.

In most cases, prostitution is practiced under physical, psychological or economic pressure. Prostitutes are treated like mere goods. Expressions often used by procurers and customers are "suitcases", "packages", "material" as attested to in legal proceedings or in the now famous SMS texts linked to the so-called "du Carlton de Lille" case. Do goods need free will? Can we really consider that prostitutes were able to exercise their free will when they were lured abroad by fake work promises and opportunities for a better future, usually ignoring what this actually entailed? Are they exercising their free will when they are reduced to selling their bodies because the workforce is not worth anything anymore? Are they exercising their free will when they are sold by their families in order to get, for some time, a meager subsistence?

In Paris, within the networks exploiting Rom gypsy minors for begging purposes, the usual punishment for children who do not reach their daily goals is to force them to "walk the streets", in order to "learn". It is highly unlikely that these children, even if they had seen the media reports aimed at convincing us of the liberating power of prostitution, could actually obtain freedom. Instead, they see prostitution more as a terrible threat, one which they try to escape by doubling their productivity in the begging sector.

In the most extreme cases, victims of prostitution networks were uprooted from their "normal" lives. One example of such a situation involves a young Muslim woman from Bangladesh. After having been assisted by the EACP, whose feminist activities annoyed local fundamentalists, she was kidnapped and raped by some ten subordinates of these fundamentalists. She was released by her torturers but rejected by her community because she was considered untouchable. Her husband rejected her, her father died of a heart attack when he learned of her situation and she lost the child she was carrying because of the violence she endured. A family friend promised her a new life in Dubai in exchange for the deed to her house.

---

<sup>2</sup> Annual publication of the National Judiciary.

She ended up in a brothel from where she was finally able to escape with the help of a compassionate customer.

This example allows one to understand another tragedy that was reported by *Le Monde Diplomatique*. On September 2, 2010, a young Bengalese woman protesting the micro-credit that she believed had ruined her and her family, set herself on fire after someone retorted: "You are pretty, prostitute yourself!". She certainly did not perceive this activity as a way to open the door to economic and personal freedom, but instead as a fatal outcome regarded as degrading by society.

### **Customers' freedom has a price: the alienation of the victims**

People who successfully quit prostitution, remain haunted by the fear of being forced to return to practice the activity. Most of them also fear that their new social circles would learn about their past. What kind of respect can one expect from the others when the different terms used to designate prostitutes are among the most current insults in most cultures? What kind of romantic relationship can one expect to have when one is aware of the doubtful curiosity that such an activity, home of many fantasies, inspires, especially for men?

If prostitution fascinates people, it is because sex is traditionally subject to taboos that vary widely from one culture to the other, and therefore subject to large discrepancies with respect to time and space. Prostitution constitutes the frame within which all taboos and social bans are abolished; everything is tolerated. However, everything is tolerated for the customer because procurers very seldom grant a large range of choices to prostitutes.

The "typical" customer does not exist. The most recent studies indicate that we are a long way from the stereotype of the marginalized person who is looking to compensate for their sexual misery through prostitution. Today, clients are almost exclusively men, of all ages and from all social and professional backgrounds. The prostitution market continues to grow because of indirect promotional campaigns which praise a "liberated" sexuality, or even an unleashed sexuality, while hiding the realities of a prostitutes' situation. Encouraged by this ideal, customers make use of a freedom very far removed from the definition given by the French Constitution. A freedom which does not know any bound and does not stop where the freedom of the prostitute could in turn begin. The prostitute is only expected to bend herself – body and soul – to the whim of the client.

Potential customers must be "blinded" so that they are unaware that they are participating in a criminal activity, according to the legal definition, and contributing to a relentless activity which mentally breaks human beings. During the 10 minutes to an hour they spend with a prostitute, which seems trivial to the customer, they add to the chain of events which leads most victims towards a physical, sanitary, social and psychological decline, of which very few of them are able to overcome.

Testimonies of violent acts perpetrated by clients on prostitutes, who are supposed to comply with the old adage "the customer is king," are extremely common. A young Romanian woman, assisted by the EACP, spoke of the several attacks she had been victim to when she was

a prostitute. So many so that her customers thought that she was uncooperative. One man asked, "Why don't you laugh?" She replied, "I don't like what you do, this is just for money." She thus refused to play a role in this shared pleasure. As a consequence of her disobedience, she was raped by six of her pimps and was threatened with death if she ever lodged a complaint. She thus decided to escape this procuring network that had reduced her to slavery. Although this young woman has since found a social circle that knows her past, understands her, supports her and loves her, she still has tremendous difficulty opening herself up, trusting again, letting others touch her and learning to experience balanced, affective relationships again.

What could be said of a case mentioned by Amély-James Koh Bela, in which a man forced his dog to have sexual relations with a prostitute for the dog's birthday present? Has anyone ever thought of questioning that young woman about her real consent to have sex with an animal? Most prostitutes are not given the choice to decline certain sexual relations. Either they are forced by their procurers, or they have to comply with the requirement of maintaining a satisfying level of turnover.

How many adults and children are exposed daily to the risk of being infected with an STD after having sex without protection with a customer because they are paid better? Forced to comply with profitability requirements, are they really in a position to refuse such a relation considering the health risks?

A prostitute is assumed to do 10 to 15 tricks a day. These numbers are all the more staggering if we consider the fact that they represent just an average. An EACP psychoanalyst said the following: "A former prostitute told me that she had up to 96 tricks in 24 hours"<sup>3</sup>. Gynecological reports on the physiological ravages caused by repeated sexual relations at a steady pace over a long period of time are edifying.

The very same merciless principles imposed on those in the work market during an economic crisis are also imposed on prostitutes: to comply with requirements and to accept an increased precariousness in order to avoid the worst scenario.

Many human trafficking victims state that, in order to keep holding on to life, take alcohol and drugs: it allows them to forget who they are, what they do, who their customers are and just how many they have. It is common for procurers to force their victims into addictive practices, not because of "humanitarian" concerns but instead because, once the victims are addicted, they have to do tricks in order to, at least, ensure their daily dose of anesthetic.

### **Victims' silence and media turmoil**

In the Courts, as indicated by lawyer Patrick Rizzo, the "deafening silence of the victims" is even more striking. In most cases, only the voices of the lawyers representing the associations authorized to bring a civil action against procurers describe what the victims go through. In France, for instance, it is regrettable that sentences are only relatively high when the victim is physically present in Court. When the words and the body of the victim give a realistic character to the criminal acts, pimps are thus recognized as criminals, leaving no place for ambiguity.

---

<sup>3</sup> Statistics acquired by the psychoanalysts of the EACP.

Can we blame victims for their absence during a lawsuit? We must keep in mind that they are afraid of retaliations that could lead to their death or the death of their relatives. Victims who have the courage to testify against their procurer(s) are extremely rare. Even more so are those who dare to lodge a complaint in the first place.

Besides, even if the trial is won, that does not guarantee the victim a fresh new start in life. As a matter of fact, if legal plans of action do exist, material means are unfortunately extremely scarce. Can a victim be safely housed, far away from the networks which continually seek out their former victims? How can victims be integrated into society if they do not have, in most cases, a professional degree and/or, for some, a minimal proficiency in the language of the country where they have been "exported" to? How do they survive without resources? How do they live without any kind of health coverage? How can they integrate into society in a country in which their immigration situation is irregular? What solutions can be considered when, for most of them, returning to their native country would mean being snatched again by the same criminal networks or being faced with the extreme poverty that led them, against their own will, towards their destiny in the first place?

Society is not kind to former prostitutes. The societal perception of former prostitutes oscillates between a curious or unhealthy fascination and disgust. Prostitutes, having suffered from the human trafficking system, usually remain silent in court. When some of them testify, letting their painful pasts float back, they are often confronted by a lack of respect and a shocking indelicacy from the media. When the witnesses does not offer an interesting media story, their importance is simply erased, like a mere computer file. This is a reason why victims, in general, prefer to remain silent instead of being abused by the media.

Instead of focusing on victims who choose to remain discrete in order to protect themselves, the media often focuses on escort girls. The lifestyle and clientele of the latter, at first glance more glamorous, hides the most sordid aspects of prostitution transactions. This vision, intentionally ignoring drama, is meant to boost viewership: it encourages the voyeurism of the spectator and allows them to skip the anguish of the darker side of prostitution. Yet, what do we actually find behind the seemingly easy lives of hostesses and escorts?

### **Because she wants it to happen**

For her apparent personal desire, a young woman belonging to an upper middle class economic status, accepts the job as a hostess in a morally doubtful bar in the South of France. Prostitution for her is a way of strengthening her image as a woman. We can consider that this woman, who is willingly and psychologically finding a certain satisfaction in this bar, is living proof that prostitution can be a fulfilling activity. On the other hand, it is possible that she has repressed all of the emotional damage and psychological abuse prostitution has caused her. Far from being the choice of a man whose desire made her feel like a real woman, prostitution has perhaps reduced her to feeling like a mere object, exchangeable, a simple receptacle for the blind pleasure of unknown people who are passing by but never really stopping. This experience of real non-desire and the negation of her desire could leave her devastated. She was unable to

reconstruct a life of real affection and was constantly on the verge of a social breakdown, despite having a stable material situation. As a result, she willingly decided to prostitute herself. She had not been forced into it but in this case, without her noticing, prostitution has mentally damaged her. Nobody had been there to protect her from this overwhelming harm. On the contrary, the unfortunate meeting of that boyfriend had put her in a position of weakness.

A young foreign woman, represented by a lawyer belonging to EACP, had come to France in order to study and get a college degree. Without any suspicion, she ended up being swallowed by a terrible cycle. Her family could not afford to help her financially, so she began to work as a lap dancer. Indeed, it was a safe and very lucrative activity because her customers could "only look but not touch". Eventually she started to get in over her head: at first one regular client, then several of them. She practiced prostitution through the Internet, with the conviction that it was a temporary activity. She had not counted on neither the fascination of the easy money nor the inherent dangers. She got caught in the nets of a pimp who confiscated her passport, but fortunately she was able to escape by gathering sufficient evidence against her torturer. Today, she considers herself lucky to have not met violent customers or to not have been forced to practice extremely wild sex. Nonetheless, she hides this part of her life from everybody and bitterly regrets the immaturity that led her to choose the seemingly easy path of prostitution, having not perceived the dangers and the cycle that was going to swallow her up.

The European structured procuring networks "handle" girls using a well-proven circuit, passing through training places where the girls are raped, beaten, tortured and forced to consume drugs and alcohol. They are treated as mere goods to such an extent that one network dismantled in Spain tattooed bar codes onto girls' wrists in order to optimize the management of their tricks.

When one gets close enough to the intimacy of these lives and to the pains that have not been healed, one must admit that even if apparently it would seem that someone had accepted or chosen this activity, they did not in reality, want it to happen.

## Bibliography

- « Prostitution : les Françaises contre l'abolition », *Grazia*, n°146, June 28<sup>th</sup>, 2012. (Survey by *Grazia*, Harris Interactive – Study period from 25 to 26 of June 2012, given to a group of 811 persons representative of the French population).
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Fondation Scelles, EACP, The Cour of Cassation, *Lutter contre l'exploitation sexuelle : état des lieux, réflexions, propositions*, In honor of the 60<sup>th</sup> anniversary of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Paris, January 22<sup>th</sup>, 2010.
- Gouverneur C., « Microcrédit, le commerce de la misère », *Le Monde diplomatique*, April 2012.
- Koh Bela A.-J., *La prostitution africaine en Occident : vérités, mensonges, esclavages*, Eds Sircom/Yaoundé, Cameroun, 2004.

- Legardinier C., Bouamama S., *Les clients de la prostitution : l'enquête*, Ed. Presses de la Renaissance, Paris, 2006.
- Lévy J-D. (Directeur du Département Politique–Opinion), Desreumaux M. (Chef de groupe au Département Politique–Opinion), Lancrey-Javal G. (Chargé d'études au Département Politique – Opinion), *Les Français et la prostitution*, Grazia, Harris Interactive, juin 2012.
- Mathieu L., *La condition prostituée*, Editions Textuel, Paris, 2007.
- Perrin B., *Invisible Chains: Canada's Underground World of Human Trafficking*, Toronto, Viking, 2010.

## 2011 Judiciary Responses

The daily press review by the Fondation Scelles, as well as public reports released in countries such as the United States or France and data from the French criminal record, confirm the observations made in the previous year and even amplifies them.

### **Five kinds of observations may be proposed**

The general globalization of human trafficking is striking considering the diversity of countries where trafficking facts and their suppression occur, far beyond the traditional distinction between countries of origin and countries of destination or between regulationist, abolitionist, and prohibitionist countries: human trafficking is present all over the planet, is combatted everywhere, but with varying intensity and results.

The magnitude of the identified networks is astonishing, including in France where it is not uncommon to uncover networks involving tens of traffickers and more than a hundred victims. Some countries such as the United States and the United Kingdom regularly publish alarming statistics on criminal profits where the sentences do not correspond to the crime. Additionally, the judicial actions only mention the number of persons identified during the investigation but do not give, of course, any information on the real number of victims and traffickers.

This overview of media analysis of repressive action brings to light the diversity of organization patterns in human trafficking. As well as Internet use and network organization in which the nationalities of the victims, customers and traffickers are generally different.

Judiciary counter-attacks by participants in prostitution often linked to lobbying action attempting to change laws to favor the trivialization of the sex industry: for instance prostitutes may bring suit against the police or, conversely, victims may denounce their torturers.

Finally, the publicity of judiciary action constitutes an important aspect of the response of prosecutors and judges. Indeed, hearings may publicize phenomena which are, generally, kept secret as traffickers, victims and, above all, customers do not wish them to be revealed to the media. As only a low number of victims appear publicly due to the legitimate fear of confronting their traffickers or their irregular immigration status, associations dedicated to combating the sexual exploitation are all the more necessary.

However it is the media coverage of some affairs that is most likely to expose important personalities (such as in the Silvio Berlusconi, Dominique Strauss-Kahn and Zahia affairs, or the Carlton of Lille affair) or to reveal astonishing facts such as prostitutes in Spain who had had their wrists tattooed with bar codes by their traffickers.

**Overview of the CRIDES<sup>1</sup> press review for 2011,  
listing only affairs treated by justice internationally**

|          | <b>Kinds of affairs covered by the media regarding prostitution</b>   |
|----------|---|
| January  | <p>Dismantling of a Romanian and Albanian network (Spain)</p> <p>Death penalty for the head of a tea shops network in Chongqing (China)</p> <p>Dismantling of a Korean prostitution network (29 venues) in New York City and Washington D.C. (USA)</p> <p>Conviction of national soccer players as customers of a Romanian network (Sweden)</p> <p>Arrest of a Pakistani network prostituting minors aged 13 to 15 in Manchester (UK)</p> <p>Prosecution of a Frenchman involved in the prostitution of boys aged 10 to 15 (France)</p> <p>Conviction of two Belgian pimps controlling 132 Bulgarian women in hostess bars (Belgium)</p> <p>Prosecution of a woman forcing high school girls aged 13 to 16 to prostitute themselves (Indonesia)</p> |
| February | <p>Nigerian network utilizing voodoo rites - 17 procurers (Spain)</p> <p>Trial in Dubai against traffickers of Bengalese women (United Arab Emirates)</p> <p>Extradition of a Hungarian pimp (Canada)</p> <p>Conviction of a procurer of female minors through the use of his electronic mailbox (Canada)</p>   |
| March    | <p>Supreme Court Decree declaring lap dancing to be in prostitution (Canada)</p> <p>Organization of a "Popular Court" to judge commercial sexual exploitation (Canada)</p> <p>Trial of the owner of 35 prostitution venues in Northern Ireland and confiscation of £2 million (€ 2,422,390) (UK)</p> <p>Trial of a procurer and investigation of 427 customers (Sweden)</p>   |
| April    | <p>Opening of the Berlusconi trial "Rubygate" (Italy)</p> <p>19 years of imprisonment for the leader of a network "exporting" young women to Finland, Israel, and Italy (Russian Federation)</p> <p>Trial of an American doctor for sex tourism in Cambodia (USA)</p> <p>Lawsuit against the Minister of Interior by prostitutes for abuse of interpellation... (South Africa)</p>  |
| May      | <p>Annulment by the Federal Court of the acquittal of a brothel manager. Trial of a female pimp (UAE)</p> <p>Life sentence for two Swedish citizens (Philippines)</p>   |
| June     | <p>Trial of a network forcing minors into prostitution (GB)</p> <p>The Court of Ontario refuses to liberalize prostitution (Canada)</p> <p>Berlusconi trial (Italy)</p> <p>15 months of imprisonment for an organizer of "orgies" (Belgium)</p>   |

<sup>1</sup> Center of international research and documentation on sexual exploitation\_Fondation Scelles

|           |  |
|-----------|--|
| July      | The sex affair involving Dominique Strauss-Kahn, the IMF President (USA)<br>Arrest of pimps in New York City (USA)<br>Proceedings against a brothel on the grounds of a lack of safety by prostitutes (Australia)<br>Trial of a Spanish journalist involved in procuring activities (Cuba) |
| August    | The Vietnamese fiancées affair (China)<br>Network of minors aged 12 years in Chicago (USA)<br>11 years of imprisonment for human trafficking in Yarmouth (UK)<br>7 years of imprisonment for human trafficking by default (the Netherlands)  |
| September | Pedophilia and sex tourism in Cambodia (Leach affair) (UK)<br>Conviction of a Deputy for purchasing sexual services in Latvia (Norway)   |
| October   | Human trafficking network in brothels chains (Australia)<br>Compensation of a French woman unfairly registered as a prostitute (Switzerland)<br>Resumption of the Berlusconi-Rubygate trial (Italy)<br>Incarceration of the Russian "King" of prostitution in Chelsea (UK)                 |
| November  | Trial of a network controlling 143 Brazilian women (Switzerland)<br>Deportation of 102 Nigerian prostitutes (Mali)<br>20 female minors prosecuted for prostitution (China)   |
| December  | Execution of the prostitution "godmother" (China)<br>4 years of imprisonment for 2 Bulgarian pimps (Switzerland)   |

**Overview of the CRIDES<sup>2</sup> press review for 2011,  
listing only affairs treated by justice in France**

|          | <b>Kinds of affairs covered by the media regarding prostitution</b>   |
|----------|---|
| January  | The Assize Court judges Islamists who financed terrorist attacks through prostitution networks (Paris)<br>Indictment of Pakistanis forcing Spanish women into prostitution in massage parlors (Toulouse)<br>The JIRS ( Specialized Interregional Jurisdictions) examines the case of a Nigerian network controlling 40 prostitutes (Bordeaux)<br>Dismantling of a Romanian network (Caen)<br>Lawsuit against sexual slavery through the Internet in a village of the Jura region (Lyon) |
| February | Nigerian network using voodoo rites to control 40 prostitutes (Limoges)<br>Nigerian network detected through the fraud of residence permits (Grigny)<br>Network prostituting Cameroon women (Mérignac)<br>Arrest of pimps who shaved a female prostitute who was not profitable enough (Marseille)  |

<sup>2</sup> Center of international research and documentation on sexual exploitation\_Fondation Scelles

|           |  |
|-----------|--|
| March     | Trial of a female procurer recruiting through SMS and detected due to her opulent lifestyle (Coutances)<br>An Armenian procurer imprisoned for managing a network of "maids" (Nice)<br>Nigerian network (dozens of prostitutes) (Grenoble)<br>Network controlling 30 Brazilian prostitutes in the Ibis and Campanile hotels in Western France (Paris)<br>Lawsuit against Romanian pimps (Cannes) |
| April     | Trial of a procurer managing nudist massage parlors (Poitiers)<br>Trial of the murderer of two Thai prostitutes in the Saint Denis street (Paris)  |
| May       | Dismantling of a Bulgarian prostitution network (Limoges)<br>Conviction for men prostituting their "girl friends" (Toulouse)<br>Indictment of valets (vans) (Lyon)<br>Conviction of a policeman for not paying a prostitute (Lyon)   |
| June      | Dismantling of a Chinese prostitution network in the 10th district (Paris)<br>Conviction of the French TV Channel M6 for not blurring out an escort (Paris)  |
| July      | Dismantling of a prostitution network in the Fontainebleau forest (Fontainebleau)<br>"Gang rapes" trial (Carpentras)   |
| August    | 4 years of imprisonment for a Romanian procurer (Nice)<br>Trafficker denounced by "his" prostitutes (Nantes)   |
| September | Dismantling of a hotel procuring network (Avignon)<br>Trial of a procurer who used to recruit through the Internet (Montpellier)   |
| October   | Chinese network (Paris)<br>Beginning of the luxury prostitution affair in the Carlton hotel (Lille)<br>Trial of hostess bars (Bergerac)  |
| November  | Imprisonment of 4 procurers (Nîmes)<br>20 Romanian pimps imprisoned (Paris)<br>16 years of imprisonment for a lawyer who raped prostitutes (Marseilles)  |
| December  | Procuring affair in the libertine club "Les Chandelles" (Paris)<br>Acquittal of policemen accused of raping prostitutes and appeal against the decision by the State Counsel's Office (Nice)   |

French judiciary statistics show that suppression services focus on organized crime affairs. However, as the available means do not change (particularly those of the OCRTEH for Central Office for the Repression of Irregular Immigration and Employment of Foreigners without a work permit), the number of convictions remains constant (more or less 40 networks dismantled per year).

Some statistics give an idea of the specific judiciary actions against aggravated procuring activities in France:

|                               | <b>Convictions for aggravated procuring</b> | <b>All convictions pronounced per year, including all types of offenses</b> |
|-------------------------------|---|---|
| Use of remand                 | 40%   | 5%  |
| Duration of remand            | 8.3 months                                  | 5.3 months  |
| Duration of instruction       | 40.7 months                                 | 12.6 months   |
| Average imprisonment sentence | 27.2 months                                 | 8 months  |
| Age of convicted              | 78% are 25 or older                         | 61% are 25 or older   |
| Gender of convicted           | 28% of women                                | 9% of women   |
| Nationality of convicted      | 56% are foreigners                          | 18% are foreigners  |
| Average amount of fines       | €13,080                                     | €610  |

*Source: Direction of criminal affairs and acquittals*

This brief overview of the judicial responses that drew the attention of the media throughout the world clearly reflects the expansion of organized crime. However the scope of police and judicial responses, although constantly improving, are still insufficient to address the real challenges imposed by sexual exploitation today.

The point is not merely that the sentences delivered against the traffickers are seldom deterrent. It should also be highlighted that progresses in terms of judicial cooperation must be achieved (no important affair concerns only a single country). It is also highly necessary to grant human trafficking victims status that may bring them effective protection and allow them to reconstruct themselves.

# Cyber-Prostitution

Online prostitution is a thriving activity: hundreds of agencies exist across Europe. Tens of thousands of women are listed in online directories, and cell phone numbers of prostitutes are clearly displayed on the Internet. Through a simple click it is possible to access platforms with catalogues of escorts by country. Many of these sites are American. Captions are sometimes added to the pictures explaining that some of the girls are “independent”. The phenomenon is international and, although we can cite some emblematic legal cases that took place during the reference period, these sites either continue their activities despite investigations, or reappear under different names.

The trends analyzed in the previous report “*Rapport mondial sur l'exploitation sexuelle*”<sup>1</sup> are confirmed by the trivialization of the escorts' activities, often described as “independent”.

A common trait for escort situations in 2011 was to add value to the supposed relationship between the customer and the prostitute, by suggesting both the autonomy of the person being paid, thus easing the client's conscience, as well as the existence of a contract between two individuals, who negotiate a free and mutually-consented service without an showing excessive affection. This trivialized image conveyed by the Internet suggests that prostitution is a nice profession that allows for one to make very pleasant acquaintances and to experience moments of pleasure.

It should also be emphasized how easy it is through a single click, to access prices for sexual services, which vary across certain sites. For instance, a one-hour special known as a “quickly” is €250, the “temptation” special is €500 and the “week-end” special is €5000.

The media reported on some of the online procuring cases in 2011. At the legal level, some international networks were dismantled, however it should be noted that some of the incriminated sites remain active and present on the web.

## Examples of Cyber-Procuring Cases

On one frequently referenced website, pictures of naked girls in suggestive poses were posted under exotic screen names. The often very explicit details of their “services” and their rates left no room for misinterpretation.

The alleged Webmaster of this site which housed some 1,600 ads for women from all over the world, was arrested as after a long and meticulous investigation. After 48 hours in police custody, the 51 year old man from Nice was released to await trial for the charge of “aggravated procuring” in the Criminal Court of Nice. This was indeed a procuring affair, at least in the eyes of the law. While this former skipper did not receive any commission from the pricey services offered by the women, he was suspected to have received registration fees from young

---

<sup>1</sup> Charpenel Y., Fondation Scelles, *Rapport mondial sur l'exploitation sexuelle - La prostitution au cœur du crime organisé*, Eds Economica, Paris, January 2012.

women who wished to appear in the main window of the website. These women, some of whom had their face or certain parts of their anatomy blurred, were scattered across different cities: Paris, London, Madrid, Miami, the South of France - with 35 women in Nice, 28 in Monaco, 20 in Saint-Tropez, four in Toulon, only one in Fréjus, and another one in Corsica. Other escort girls, mostly foreigners, did pop star-inspired tour dates, such as one Brazilian girl who charged €200 per half an hour.

### **In this Case, the Host was Swiss and the Payment was Made in Estonia**

There are also escort girls who are placed at the "top of the list" on the site and even "graded" by the customers who leave reviews on the quality of their services, as if the women themselves were mere retail goods. Several of these women were interviewed by the organized crime division which, in collaboration with the unit specializing in cyber-criminality, had been investigating this network since the previous year.

The police, adapting to these new forms of prostitution, now look for procuring activities online as women begin abandoning the dangers of the streets for "web-sidewalks". However, detecting suspected cyber-procurers is often a difficult task as the computer servers used by these sites are usually located abroad, compounding the challenges of finding the pimps.

While the alleged creator and Webmaster of this site was located in Nice, his website host was located in Switzerland. The investigators compiled an inventory of around 1,600 women, of which 500 were "independent". The others were "placed" by specialized agencies that received huge registration fees, however the total amount was not revealed. The girls paid by credit card through an organization based in Estonia. Secure payment firms in France refuse to support these kinds of activities. On the website homepage, the Webmaster stated that it was "an information and advertising site" and not "an escort agency, and (that) it holds no connection to escort activities or prostitution." He indicated the following: "the site does not take any responsibility for the content or the actions of third parties".

### **Dismantling a Cyber-Procuring Network**

In the wake of an investigation related to drug trafficking, the police ended up neutralizing the illicit activities of a couple of procurers in breach of regulation. The police quickly put in place an effective surveillance system that led to the identification of the tenant and his girlfriend. Several investigations also revealed the illegal residence of two young women who, according to the initial reports from the investigation, were practicing prostitution.

From that point on, the investigation focused on dismantling an active prostitution network. The hunt revealed the use of a website specialized in general ads to entice clients. Many of these clients confirmed the existence of this network during the hearing. Financial investigations revealed that the accused individuals, without any declared source of revenue, actually enjoyed a more than comfortable way of life and that they possessed several bank accounts under fake identities. Police searched the apartment where they found the two suspects as well as the two

prostitutes. The apartment search led to the confiscation of 11 cell phones, six laptops, several fake Portuguese IDs, credit cards belonging to bank accounts opened under false identities, several receipts for €10,000 transfers to Brazil, and accounting files for several tens of thousands of Euros.

### **From the Point of View of the Specialized Interregional Jurisdiction of Paris (JIRS)**

During the reference period, this jurisdiction dealt with eight international cases of online escorting networks. The legal definitions upheld were mainly aggravated pimping and human trafficking.

The non-specialized Parisian jurisdiction, in turn, dealt with five cases during the same period, but they were complex and still considered virtual. The sentences were sometimes lenient as the degree of severity was not always fully comprehensible as to how they related to sexual exploitation. The presentation of these legal cases should allow one to make some conclusions regarding penal policies. An ultimate priority must be strengthen police service resources in order to increase surveillance of Internet activities, as more and more websites are showing elements related to procuring and human trafficking. These services remain largely underdeveloped despite the creation, more than ten years ago, of the Central Office for the Fight Against Criminality Related to Information Technology and Communication (OCLCTIC), the National Division for the Suppression of Damages Done to Persons and Goods (DNRAPB), and, within the Gendarmerie, the creation of the Technical Service of Judicial Research and Documentation (STRJD), equipped since 2010 with a cyber-criminality division.

Inquiries should be carried out alongside investigations into the cash flows generated by these illicit activities. Confiscating criminal financial assets must be a priority as the cyber-procurers are essentially motivated by greed.

Finally, it should be emphasized that henceforth the majority of human trafficking and procuring cases have a digital component<sup>2</sup>, mainly due to widespread access to the Internet. That cyber-criminality<sup>3</sup> can also cause some of the worst damages imaginable to human dignity, means that stronger training for investigators and judges is required.

### **Bibliography**

- Chalumeau D., « Nice : le site web abritait plus de 1 600 escort-girls », *Nice Matin*, January 28<sup>th</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Neuer L., « Internet, nouvel eldorado de la prostitution », *Le Point*, December 19<sup>th</sup>, 2011.
- Quémener M., Charpenel Y., *Cybercriminalité, droit pénal appliqué*, Economica, 2010.

---

<sup>2</sup> Cour de Cassation, criminelle, Criminal chamber, April 12<sup>th</sup>, 2012, 12-81.180, Original.

<sup>3</sup> Cour de Cassation, criminelle, Criminal chamber, November 9<sup>th</sup>, 2011, 05-87.745 09-86.381.

# Prohibiting the purchase of sexual services

For a long time, prostitution was presented as an activity whose existence was entirely attributed to the responsibility of the prostitute. From this point of view, the customer is the "eternal invisible", the one who is never talked about and who benefits from the leniency, and even from the collusion, of society. Being a "customer" of prostitution<sup>1</sup> was justified by male nature, by this "uncontrollable sexual need" of men that turns prostitution into a "necessary evil."

Sweden was the first country to question this traditional vision. In 1999, the country adopted a law that, far from targeting the prostitutes, punishes the purchase of sexual services: that is, the customer, no matter where the act of prostitution takes place (streets, private apartments, brothels, massage parlors, escorts agencies, the Internet; an extraterritorial stipulation<sup>2</sup> is even included in this law.) Sweden thus opened the door to a new approach to the system of prostitution: the act of prostitution is considered as an aggravated form of violence towards women, and the responsibility for this act lies in the customer. Through his act, the client perpetuates the existence of prostitution and the market for sexual exploitation.

## The Swedish model: the aftermath of the 2010 evaluation report

More than ten years after the application of the law prohibiting the purchase of sexual services and the implementation of a global policy to fight against prostitution as a form of violence against women (including plans to fight against human trafficking, awareness-raising campaigns, and debates), the Swedish government can be satisfied with its accomplishments. An evaluation of the effects of the 1999 law carried out in 2010<sup>3</sup> showed that prostitution diminished by 50%. The number of customers went down from 13.8% to 7.8%, the number of street prostitutes from 2,500 to 1,250. In addition, the law had a deterrent effect on criminal networks that, henceforth, avoided Sweden. Finally, 80% of the Swedish population is in favor of this law.

Nonetheless, despite its obvious success, the Swedish law prohibiting the purchase of sexual services continues to be criticized by some. According to a report published by Susanne Dodillet and Petra Östergren in March 2011, even if penalization of the customer caused street prostitution to decrease, it is assumed to have favored the stigmatization of prostitutes and the development of a clandestine indoor prostitution through the use of the new technologies (cellphones, Internet...).

---

<sup>1</sup> The word "customer" itself turns such behavior respectable and legitimate to the eyes of society.

<sup>2</sup> Swedish citizens may be prosecuted and sentenced for purchasing sexual services abroad if such country has a similar legislation.

<sup>3</sup> Please refer to "Sweden", in Fondation Scelles, *Rapport mondial sur l'exploitation sexuelle – Prostitution au coeur du crime organisé*, Economica, Paris, 2012, p.136.

Kajsa Wahlberg, National Reporter on prostitution and human trafficking, answers these criticisms stating: "cellphones and the Internet have changed a lot of things" and they have become the main contact tools between customers and prostitutes. Nevertheless, thanks to the 1999 law, the number of prostitutes hired through the Internet is lower than in neighboring countries.

Others highlighted the small number of convictions since 1999. Indeed, between January 1999 and December 2010, 3440 prostitution customers were arrested but only 650 of them were actually punished, and the sentences were limited to fines. The magistrates still show signs of reluctance when punishing such offenses. This is the reason why, in January 2011, the Swedish government decided to raise the maximum sentence, punishing prostitution customers with 6 months to 1 year of imprisonment (the new law came into force in July 2011), in accordance with the recommendations of the 2010 evaluation.

### **An international awareness-raising process**

The 1999 Swedish law triggered an awareness-raising process on the role of demand in the proliferation of prostitution and human trafficking. This, in turn, caused the international approach to change drastically. The 2000 Protocol of Palermo and the 2005 Convention of Warsaw strongly recommend that nations all over the world implement legislative or regulatory measures aimed at deterring demand for prostitution, which is a source of violence and exploitation of human beings.

More recently, a European directive from April 2011<sup>4</sup> regarding the prevention of human trafficking and the fight against this phenomenon, states the following demand: "the member countries should elaborate and/or strengthen their policies on prevention of human trafficking, including the measures destined to deter the demand which favors all kinds of exploitation" (article 25). More specifically, it asked the member countries to consider "adopting the necessary measures to give a penal infraction character to the act of using services subject to the exploitation targeted by article 2, while acknowledging the fact that the person affected is a victim of an infraction targeted by this article" (article 18 - paragraph 4).

### **Progress in all of the countries, but different approaches...**

Following Sweden, several European countries opened a reflection focused on the customer of prostitution and considered new legislation. In 2006, Finland also adopted a law punishing the customers of prostitution with imprisonment sentences. However this measure only affects the clients of "victims of human trafficking." Therefore, the police and the magistrates must produce evidence that the customer was aware of the constraints or threats imposed upon the prostitute, which makes its application complex.

---

<sup>4</sup> Directive 2011/36/UE of the European Parliament and the Council of the European Union on April 5<sup>th</sup>, 2011.

Norway in 2008 and Iceland in 2009 also prohibited the purchase of "sexual acts or sexual activities." Conforming to the Swedish model, the customers of prostitution are sanctioned but not the prostitutes.

During 2011, other countries progressed in their reflection on the significance of demand and the responsibility of the clients of prostitution. The government of the Republic of Ireland launched a study into the possibility of adopting a law criminalizing the customer of prostitution, following the Swedish model. Representatives of the Ministry of Justice and of the Irish police went to Sweden to discuss the effects and the impact of the law prohibiting the purchase of sexual services. In October 2011, the Ministry published a report assessing the Swedish policy and actually considered the application of such a law in Ireland. As soon as February 2011, a large campaign was launched by more than 30 civilian entities (NGO, trade unions...): *Turn Off the Red Light*. The purpose was to raise awareness among the public of the dangers of the sex trade and to encourage the government to adopt new legislation incriminating the clients: "The demand of men who buy sex feeds the trade of women and of young girl victims of trafficking and perpetuates a prostitution industry that generates approximately €180 million per year in Ireland."

Likewise, Scotland started a debate in 2011 on the demand and the responsibility of the client. Since 2007, soliciting a prostitute in the streets or in a public space (pubs, cafés, night-clubs, stadiums...) is criminalized in the country (*Prostitution Act of Scotland*) and sanctioned by fines up to £1,000 (approximately €1,250). The law does not, however, take into account indoor prostitution however (brothels, apartments, private residences...). This is the reason why Trish Godman, Deputy of the Labor Party, suggested amending the penal code and criminalizing all the customers of prostitution. However, this project was rejected twice. Since then, the Deputy organized a kind of referendum on this proposition. In February 2011, the *Scottish Women's Convention* (network gathering more than 300,000 women members of the Scottish organizations) strongly supported the proposition by reinforcing that prostitution, an extreme form of violence towards women, must be attacked at its roots: demand. A large campaign, *End Prostitution Now*, supports this combat and advocates the penalization of the customer.

These considerable advances of the Scottish government head in the same direction as policy carried out by the entire United Kingdom. In 2007, the British government considered the criminalization of the purchase of sexual services, following the Swedish model. Such an evolution seemed all the more plausible considering the fact that, since 1985, England and Wales punish motorized soliciting, the *kerb crawling*<sup>5</sup>. Nevertheless, in 2009, after months of debates, the British government finally adopted the *Policing and Crime Act* (which came into force in April 2010) when only targets the customers of prostitutes exposed to constraints (force, luring, threats, or any other form of coercion). Since the promulgation of this law, such customers are exposed to a £1,000 (approximate €1,250) fine, and their names are mentioned in the newspapers.

---

<sup>5</sup> Each person, located inside (or on) a motorized vehicle or just leaving their vehicle to approach a women with the purpose of purchasing her sexual services, is exposed to a fine up to £2,000 (approximately €2,500) (*Sexual Offences Act Section - 1*).

Even in the Netherlands, where prostitution is regulated, the reflection on the role played by the client is developing. Responding to a significant increase in clandestine prostitution and human trafficking with sexual purposes, the government prepared a bill with the goal of penalizing the customers of prostitutes who are not registered or who do not practice "their activity" within a legal frame. Men are encouraged to purchase the services of women, "in a responsible manner", who legally practice their prostitution activities. The *Crimestoppers Campaign*, launched in 2011, asked men who pay for sex to report any abuse while "encouraging" them to never use force or constraint when purchasing sexual services.

### **Northern Europe versus Southern Europe**

While several countries of Northern Europe began a global reflection on the role of the client of prostitution, the countries of Southern Europe are clearly lagging behind.

Spain, for instance, the largest consumer of prostitution in Europe (39%)<sup>6</sup>, did nothing to deter the demand. Prostitution is an accepted and trivialized fact. The debate does not take into account the violence towards women or exploitation, but focuses instead on the necessity of finding a solution to street prostitution, its visibility, and the neighborhood and/or public order issues that prostitution may generate. On a municipal scale, some cities (Bilbao, Barcelona, or Badajoz among others) implement regulations to control street prostitution. But most of these regulations target prostitutes and customers at the same time. Only Seville clearly advocates for a policy placing responsibility on, and even criminalizing, the client of prostitution. According to a recent municipal law that came into force on October 28<sup>th</sup>, 2011, men soliciting the sexual services of women are exposed to fines ranging from €750 to €3,000<sup>7</sup>. The prostitutes are not affected by any sanctions.

### **France, 2011: the debate over the penalization of the customer begins...**

In France, the reflection over the penalization of the customer of prostitution was marked by the Report of the Parliamentary Mission on Prostitution in France. This report, which confirms the abolitionist position of France when it comes to prostitution, considers the penalization of the customer according to the Swedish model. It provides for the introduction of a new article in the penal code aimed at punishing the purchase of prostitution services with 6 months of imprisonment and a fine of €3,000. It also provides for an aggravation of the sentence when minors or particularly vulnerable persons are implicated<sup>8</sup>. Danielle Bousquet, then President of the Parliamentary Mission, stated: "The goal would not be to incarcerate all the customers

---

<sup>6</sup> Asociación para la prevención y reinserción de la mujer prostituida (APRAMP), *La trata con fines de explotación sexual*, 2011.

<sup>7</sup> « El Ayuntamiento de Sevilla multa desde hoy a los clientes de la prostitución », *El País*, October 28<sup>th</sup>, 2011.

<sup>8</sup> As a reminder, the French law already punishes the purchase of prostitution services implicating vulnerable persons, including minors.

obviously" but to "indicate the potential consequences of their acts and their personal responsibility in the perpetuation of prostitution."<sup>9</sup>

On December 6th, 2011, the Deputies of the entire French parliamentary political panorama adopted a proposition of resolution confirming the abolitionist position of France with respect to prostitution and advocating for "the acknowledgment of the clients' responsibility." "The notion of uncontrolled sexual needs sends us back to an archaic conception of sexuality that could not legitimize prostitution, just as it does not justify rape" and "prostitution will only regress through a progressive change in mentalities and the patient work of prevention, education, and penalization of the customers and all of society."

In this context, "the law must clearly define the responsibility of everyone in the perpetuation of prostitution [...] It must also penalize the customers by clearly indicating their share of responsibility." Penalizing the client is "confirming the principle of unavailability of the human body and fighting against the inequalities and violence of which women are victims."

Soon after the adoption of the December 6th, 2011 Resolution, a bill was submitted. Its key measure was the creation of the purchase of prostitution services offense, sanctioned by two months of imprisonment and a €3,750 fine. The purchase of prostitution services implicating minors or vulnerable persons, already sanctioned by the law, should constitute aggravating factors. The debate regarding the prostitution customer remains open in France.

### **Concluding...**

There is still a lot to achieve in order for societal attitudes to evolve. Nonetheless, it is unquestionable that the Swedish example has changed the face of the debate over prostitution. In most of the European countries, at least in Northern Europe, an awareness of the client's responsibility has developed and continues to emerge.

It is the way each country envisions prostitution that will determine the choice of legislation regarding the penalization of the customer. The motives and the arguments may be very different: the defense of gender equality, the fight against all forms of violence towards women, the fight against the organized crime, peace in the streets and/or domestic security...

Nonetheless, the differences in the approaches and interpretations of the Swedish model remain noticeable and sometimes produce ineffective legislation; how does one prove that a customer was aware of the constraints affecting the prostitute?

However, the fact that countries with such different legislation regarding prostitution, such as the Netherlands or Sweden, decide to penalize the customer shows to what extent it is crucial to focus on the demand for prostitution and the responsibility of the client if we wish to effectively fight prostitution, sexual exploitation, and human trafficking.

---

<sup>9</sup> "Prostitution: des députés veulent punir pénalement les clients, comme en Suède", AFP, April 12<sup>th</sup>, 2011.

## Bibliography

- Bousquet D. (President), Geoffroy G. (Rapporteur), *Rapport d'information par la Commission des lois constitutionnelles, de la législation et de l'administration générale de la République, en conclusion des travaux d'une mission d'information sur la prostitution en France*, French National Assembly, n.3334, April 13<sup>th</sup>, 2011.
- Bousquet D., Geoffroy G., Ayrault J.-M., Jacob C., Sauvadet F., Cochet Yves, Buffet M.-G., Billard M., Zimmermann M.-J., *Proposition de résolution réaffirmant la position abolitionniste de la France en matière de prostitution*, French National Assembly, n.3522, June 9<sup>th</sup>, 2011.
- Bousquet D., Geoffroy G., *Proposition de loi visant à responsabiliser les clients de la prostitution et à renforcer la protection des victimes de la traite des êtres humains et du proxénétisme*, French National Assembly, n.4057, December 7<sup>th</sup>, 2011.
- Bucken-Knapp G., Karlsson Schaffer J., *The same policy, but different ideas: The ideational underpinnings of the Norwegian and Swedish Bans on the Purchase of Sexual Services*, 2001.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Dodillet S., Östergren P., « La loi suédoise contre l'achat d'actes sexuels : Succès affirmé et effets documentés », 2011.
- Fondation Scelles, *Evolutions juridiques en Europe: le client de la prostitution en question*, CRIDES Thematic Overview, 2008.
- Fondation Scelles, *La pénalisation du client en Europe et dans le monde*, CRIDES Thematic Overview, 2008.

# Organized crime and money generated by prostitution

## **Context elements extracted from a study carried out by the European Commission<sup>1</sup>:**

Human trafficking can take several forms and evolves with social and economic changes. This phenomenon affects women, men, girls, or boys in vulnerable situations. According to the latest estimations established by the International Labor Organization in June 2012 and covering the period from 2002-2011, the number of victims of forced work, including forced sexual exploitation, reached 20.9 million on a global scale<sup>2</sup>, of whom 5.5 million are children. Furthermore, those are cautious estimations.

Human trafficking constitutes a lucratively profitable form of criminality, whose leaders make tens of billion Euros each year<sup>3</sup>.

According to the 2010 United Nations Office on Drugs and Crime (UNODC) report, 79% of identified victims from human trafficking are subjected to some kind of sexual exploitation, 18% are victims of forced labor while 3% are victims of other forms of exploitation. Among those victims, 66% are women, 13% are girls, 12% are men, and 9% are boys<sup>4</sup>.

As in previous years, organized crime remains at the heart of prostitution and human trafficking activities. Legislation, police activities, and judicial sentences on the governments have been based for a long time on the prohibition of these activities and on the enforcement of penal sanctions such as imprisonment sentences, and/or fines imposed on procurers and criminals. Nonetheless, modern states, particularly France, have gradually become aware of the importance of more efficiently confiscating the financial assets generated by such activities. They have progressively equipped themselves with necessary legislative tools and institutions to seize and confiscate the profits generated by illegal activities.

For a long time, criminal groups benefited from the complexity or non-existence of procedures allowing the seizure and confiscation of crime products.

<sup>1</sup> Final document COM(2012)286: Communication of the Commission to the European Parliament, to the Council, to the European economic and social regions Committee.

<sup>2</sup> International Labor Organization, "ILO 2012, Forced work estimation around the world", June 2012. This report indicates that human trafficking can be considered as forced labor, and its estimations therefore take into account all the diverse forms of human trafficking with purposes of forced work and sexual exploitation (p. 13).

<sup>3</sup> The annual profits in a global scale from the exploitation of the human trafficking victims with the purpose of forced labor are estimated to \$31.6 billion (25.843 billion Euros). A share of this amount \$15.5 billion (€12.676 billion), corresponding to 49%, are generated in the industrialized economies (Belser, "Forced Labor and Human Trafficking: Estimating the profits", work document, Geneva, International Labor Office, 2005).

<sup>4</sup> "Globalization of the criminality: evaluation of the threat instigated by the transnational organized criminality", UNODC, 2010.

The first international convention foreseeing stipulations to allow the establishment of the "crime does not pay" motto, was the **Convention of Vienna on drugs**, adopted in 1988<sup>5</sup>. It came into force on November 11<sup>th</sup>, 1990. Limited to the assets generated by drug trafficking, this Convention was implemented in France by a 1990 law<sup>6</sup>, which referred to the civil enforcement procedures. Although drug trafficking is handled by the penal action of each state, the mechanisms allowing the seizure and the confiscation of profits generated by that activity were civilian mechanisms and therefore unfamiliar to penal specialists, expensive, and unadapted.

Two years later, in 1990, in Strasbourg, the Council of Europe adopted the Convention regarding the laundering, detection, seizure, and confiscation of crime products. It came into force on September 1<sup>st</sup>, 1993 and its application extends to all infractions and the seizure and confiscation of profits generated by pimping and human trafficking activities. The Convention was signed, enacted by France and enforced by a 1996 law<sup>7</sup> that preserved the same mechanism of referral to the civil enforcement procedures. Nonetheless, the scope of this Convention remained limited.

Organized crime has experienced an evolution similar to that of other economic sectors. Globalization, now allows investment of criminal profits in activities located in other countries. Additionally, this globalization was facilitated by the opening of borders (Schengen Agreement enforced on June 19<sup>th</sup>, 1990) and by the opening and simplification of financial transfer mechanisms necessitated by global economy.

### **A global awareness of the necessity of fighting against dirty money**

Gradually, the international community (UN), Europe (Council of Europe and European Union), and individual governments became aware of the advantages and the importance of fighting against dirty money, particularly the necessity of confiscating products generated by procuring and human trafficking activities. As emphasized by the previous world report on sexual exploitation, corruption and money laundering were at the heart of prostitution and human trafficking activities. These topics were highlighted in the conclusions of new international conventions.

Therefore, on a global scale, the UN has promoted many international conventions during the last decade, in particular of the *Convention of the United Nations against transnational organized criminality* adopted in Palermo on December 12<sup>th</sup>, 2000. Ten years later, the French minister of Justice would make the following statement during the UN session devoted to the outcome of the convention<sup>8</sup>: "As of today, 157 countries are a part of this convention. This

---

<sup>5</sup> *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, Vienne, December 20<sup>th</sup>, 1988.

<sup>6</sup> *Law n.90-1010 (November 14th, 1990) portant adaptation de la législation française aux dispositions de l'article 5 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, Vienna, December 20<sup>th</sup>, 1988.

<sup>7</sup> *Loi n°96-392 du 13 mai 1996 relative à la lutte contre le blanchiment et le trafic des stupéfiants et à la coopération internationale en matière de saisie et de confiscation des produits du crime.*

<sup>8</sup> Statement made on October 18<sup>th</sup>, 2010 by Jean-Marie Bockel, French secretary of Justice.

significantly large adhesion is an unquestionable sign of the appropriateness of this tool and of the international community's willingness to fight in a determined manner against all forms of transnational organized criminality."

The Convention of the United Nations against corruption, adopted in Merida on October 31<sup>st</sup>, 2003, established the international basis of the fight against corruption. The United Nations Protocol regarding the Human Trafficking, called the Palermo Protocol<sup>9</sup> completed the Convention of the United Nations against organized transnational criminality.

At a European level, the Council of Europe and the European Union adopted several tools as well:

- the Convention on the fight against human trafficking from the Council of Europe, adopted in Warsaw in 2005<sup>10</sup>.
- the Council's framework decision 2002/629/JAI on July 19<sup>th</sup>, 2002 regarding the fight against human trafficking.
- the recent 2011/36/UE Directive from the European Parliament and the Council on April 5<sup>th</sup>, 2011 regarding the prevention of human trafficking, the fight against this scourge, and the protection of the victims.

Other specific tools were adopted in order to fight against child sexual abuse and child pornography (framework decision 2004/68/JAI from the European Union in 2004, the Convention of the Council of Europe on the protection of children against exploitation and sexual abuse enforced on July 1<sup>st</sup>, 2010 and the 2011/93/UE Directive of the European Parliament and the Council from December 13<sup>th</sup>, 2011 regarding the fight against sexual abuse, child sexual exploitation, and child pornography).

All these tools require the nation members of these conventions, or other nation members of the European Union, to introduce legislation allowing for the seizure and confiscation of crime products.

Additionally, other more general tools recommend the development of services for the identification of criminal assets or imposition a harmonization of the measures of seizure and confiscation of criminal products and the mutual international recognition of decisions regarding "freezing assets" and confiscations.

---

<sup>9</sup> *Additional Protocol to the Convention of the United Nations against the transnational organized criminality aiming at preventing, repressing, and punishing human trafficking, particularly the trafficking in women and children.*

<sup>10</sup> *Additional Protocol to the Convention of the United Nations against the transnational organized criminality aiming at preventing, repressing, and punishing human trafficking, particularly the trafficking in women and children*, vol. 2237, p.319; Convention of the Council of Europe for the fight against human trafficking (STCE 197), Warsaw, May 16<sup>th</sup>, 2005.

Traditionally, we make the difference between seizure and freezing measures (those two terms being equivalent) from decisions of confiscation.

Seizure or freezing measures are transitory measures, ordered within a non-contradictory context (the person, suspected of having committed a crime or an offense, is not previously warned of these measures in order to avoid disappearance of the goods which are set to be seized or frozen). Those measures are conservatory decisions (their only purpose is to avoid the hiding of the goods) and are generally ordered by the Judge of freedoms and detention or by the Judge of instruction. The suspect remains the juridical owner of those goods (except when the goods are likely to lose their value) which are kept by the government while awaiting for a decision of confiscation or restitution.

The decision of confiscation is a sanction which entails a transfer of property, usually to the government that executes the confiscation decision. This decision is dictated by an impartial jurisdiction (independent from the lawsuits). It is refutable (the person can be interrogated on the origin of the goods and deny the accusation that they are products of an infraction) and always susceptible appeal. In an international context, the confiscated good is generally sold and shared between the government of condemnation (the one that ordered the confiscation) and the government of execution (the one that executed the confiscation decision).

At a national level, French Parliament adopted a very important law (2010-768 from July 9<sup>th</sup>, 2010) to simplify the seizure and the confiscation in penal terms. This law deeply changed seizure and confiscation mechanisms. In the first place, the law suppressed the use of civilian procedures of confiscation only applicable for 20 years which were imposed to put in place complex conservatory measures, well-known by civil law specialists, but seldom used in penal matters. Hence, it was necessary to proceed to the use of mortgages in order to "seize" real estate, and periodically renew those mortgages.

Otherwise, criminals and outlaws used to swiftly hide the goods before it was even possible to proceed to their confiscation. The same kinds of procedures were used for bank accounts that needed to go through conservatory measures. The 2010 law introduced a new procedure. The penal seizure permits hindering every act of disposal coming from the owner's side such as the sale or exchange of real estate, to freeze the amounts available in bank accounts in a very short time through a quick and specific penal procedure. Secondly, this law transposed the framework decision regarding the mutual recognition within the European Union. This mechanism allows French authorities to ensure the execution, in the other member countries of the European Union, of all confiscation decisions pronounced by the French jurisdictions and, conversely, to ensure the execution in France of a confiscation ordered by other jurisdictions within the European Union.

This law from July 9<sup>th</sup>, 2010 also codified, in the Code of penal procedure, the 1990 and 1996 laws (adopted with the purpose of implementing the Conventions of Vienna and Strasbourg alone) by granting them a very general scope, applicable to all conventions considering seizure or confiscation of goods. Hence, it is possible to confiscate real estate, bank accounts, and more generally "all the personal and real estate properties, whatever their nature, divided or undivided,

that were used to commit the infraction or that were meant to commit the infraction, and of which the convicted is the owner or of which he has free disposition, subject to the rights of the bona fides owner", wherever the assets are, in France or abroad. This law also replaced the referral to civil enforcement procedures by the new procedure of penal seizure.

Since July 2010, the confiscation of goods in an international context may lean on one of the four main international conventions already mentioned (Vienna, Strasbourg, Palermo, or Merida) and on their Protocol, on the bilateral conventions signed and enacted by France, and even, in the absence of an international convention, on the simple principle of reciprocity. Therefore, it is possible to confiscate all money generated by procuring or human trafficking (or by any kind of infraction) even if the product of these infractions was transferred to another country.

Finally, this law created an institution in charge of the management of the seized and/or frozen goods and of the confiscated goods, the Collection Agency of Seized and Confiscated Assets (AGRASC)<sup>11</sup> whose role is to fight against all forms of delinquency generating profits.

### **A coherent and complete plan of action to seize and confiscate the money generated by prostitution and human trafficking**

At the end of a decade of legislative evolution and newly implemented institutions, France had at its disposal a coherent and complete plan of action to identify, seize, and confiscate the money generated by prostitution and human trafficking and manage the assets seized and confiscated. Created in September 2005 within the Central Office for the Suppression of Large Financial Crime (OCRGDF), the Central Directorate of the Judicial Police (DCPJ), and the Directorate of the National Police (DGPN), the Platform for the Identification of Criminal Assets (PIAC) is an investigation service depending on the judicial police, on a national scale. This platform works in collaboration with all the police and gendarmerie services in order to systematize the secured assets. If required by the judicial authority requires so, this platform can carry out investigations or bring advice and assistance to the investigators. 700 interventions of operational or telephone assistance were carried out in 2011. It centralizes and integrates information regarding criminal assets. It also ensures training.

### **Some penal dispositions allow for seizure and confiscation of money generated by procuring and human trafficking in an effective manner**

European legislation provides for two mechanisms of confiscation: simple confiscation and extended confiscation. France has legislation in perfect harmony with European requirements allowing for the seizure and confiscation on an even larger scale, of money generated by those who commit criminal or offensive acts:

---

<sup>11</sup> On July 5<sup>th</sup>, 2012, the AGRASC was nominated to the Victoires 2012 organized by the *Acteurs publiques* magazine in order to encourage innovation within Administration.

- simple confiscation: the Penal code stipulates that the tool or the direct/indirect product of every kind of infraction, punished by an imprisonment longer than one year, can be seized and confiscated
- the extended confiscation: the European Union tools require that seizure and confiscation may also expand to goods that are not the direct or indirect product of the infraction for which one person is sentenced. It is just necessary that those goods result from similar infractions or that the person committing these infractions is not able to justify the origin of those goods
- the confiscation of goods coming from a legal and justified origin: in certain determined infractions of a particularly serious manner, such as terrorism, procuring, or human trafficking, the Penal code allows for the possibility of a general confiscation of all assets, which is much larger than the confiscation of the tools and products of the infraction, or the product of other infractions. As a matter of fact, it authorizes "the confiscation of all or part of the goods belonging to the convicted." This is the case, in particular, for human trafficking and procuring acts, and for other closely related infractions (art. 225-25 of the Penal code<sup>12</sup>).

The AGRASC, a public administrative institution, placed under the double supervision of the Ministries of Justice and Budget, facilitates seizure and confiscation in penal terms. This agency allows to better manage profits generated by delinquency and organized crime.

#### **The seizure of criminal assets: a reality and an encouraging outcome**

The AGRASC's first annual report, submitted on April 18th to the Minister of Justice, emphasized the fact that the sanctioning of assets became a crucial component of penal investigations and it continues to develop. Weakening criminal organizations and dismantling their structure constitutes its essential function. During the first years of its existence, the AGRASC centralized more than 13,000 seized or confiscated goods, representing 8,000 cases and estimated amount of €204 million euros in total.

Its sole account at the Caisse de dépôts et consignations (a French Fund deposit institution) registers a cash flow of more than €200,000 per day, corresponding to the seized amounts related to the penal procedures.

AGRASC also noted an unprecedented growth in the real estate seizures, considerably facilitated due to the new penal procedure in the law of July 9<sup>th</sup>, 2010: 202 real estate seizures were registered in just one year. Since the beginning of 2012, at least one real estate is seized every day by a judge on French soil.

#### **A mutual acknowledgment of seizure and confiscation decisions on a global scale**

France has modernized the disposition of the Penal procedure code. It recognizes and enforces sentence decisions pronounced by foreign authorities, even when those confiscations

<sup>12</sup> Article 225-25 of the Penal code: " the natural persons and corporations convicted under the infractions considered by the 1bis and 2 sections of the present chapter, with the exception of the one considered by the article 225-10-1, also incur the complementary sentence of confiscation of all or part of the goods belonging to them or of which they have a free disposition (subject to the rights of the bona fides owner), whatever the nature of these goods, personal or real state property, divided or undivided."

result from a judicial decision of confiscation without condemnation (which exists in certain determined countries such as the United States, the United Kingdom, and Italy) despite the fact that such an option of confiscation without penal condemnation does not exist in France.

### **Bibliography**

- Arnaud D., *Lutte contre le crime organisé : l'AGRASC fait ses preuves*, French Ministry of Justice, DICOM, October 19<sup>th</sup>, 2011,  
<http://www.textes.justice.gouv.fr/dossiers-thematiques-10083/loi-du-90710-saisie-et-confiscation-penales-11914/lutte-contre-le-crime-organise-lagrasc-fait-ses-preuves-22993.html>
- UNODC, *La mondialisation de la criminalité: évaluation de la menace que fait planer la criminalité transnationale organisée*, 2010.

# Society at risk, endangered youth

With the development of new technology, modern society seems to get caught in the viciously accelerating consumerist cycle, sometimes at the expense of the moral code. The most vulnerable and victimized are the children: (11-13 years old), teenagers (14-17 years old), and young pre-adults (less than 20 years old).

During these seminal years characterized by questions, doubts, and fears, young people need beliefs that will strengthen and comfort them. Paradoxically, our youth is exposed to all kinds of intense solicitations, among which they are supposed to develop and to make choices in order to build their own vision of the world.

Representations of power and domination through gender and economic disparities have characterized sexual solicitation of the 21<sup>st</sup> century. Therefore, 2011 could have been an ordinary year if a series of serious scandals affecting all social and professional milieus and all ages throughout the world had not revealed the spreading trivialization of the violence against human beings and the sexual excesses which are characterized by the exploitation of women's and children's bodies.

## Images, violence, and games: from potentiality to reality

Online games lead to a paradoxical situation because they remove the players from society while at the same time, include them in virtual networks of meetings and false friendships. The first rule of most of these video games is fierce competition. The winner is the strongest and the most violent competitor within a system of gain and loss, and of strength and elimination. In such a vision of the world, there is hardly a place for the female element. Females are usually depreciated to passive or excessively sexualized stereotypes. According to a report by Calysto and the NGO La Voix de l'Enfant, 51% of the 13 to 15 year old teenagers and more than 60% of the 15 to 17 year old teenagers regularly download films from the Internet. 50% of the 15 to 17 years old think that these videos are shocking.

Uncensored videos may be released on the web and particularly on the websites which are most visited by the youth. As a consequence, young spectators are overfed with violent, raw, cruel, and perverse images that could seriously influence their perception of the world.

A survey carried out in France in 2005<sup>1</sup> showed that 58% of the boys and 45% of the girls watched pornographic images for the first time before they were 13 years old. 58% of boys and 42% of girls estimate that their own sexuality is influenced by pornography.

The virtual characters of adult movies (featuring dominant and degrading behaviors, brutality, insults...) become a model of reality for young people. The limits of dignity and respect can thus vanish from their minds.

---

<sup>1</sup> Marzano M., Rozier C., *Alice au pays du porno. Ados: leurs nouveaux imaginaires sexuels*, Eds Ramsay, Paris, 2005.

The easy access to games and pornographic movies on the Internet perpetuates the danger of an accessible habit or addiction. An uncommunicative young person may be cut from the realities of our world. This may prevent his/her construction of identity, and his/her social integration.

Blogs and social networks may expose our youth to dangerous situations at many levels: they spend several hours per day surfing on the Internet and become addicted to it. Those minors reveal themselves on the Internet through publishing personal pictures, sometimes extremely intimate, which become available to any potential sexual predator.

According to *La Voix de l'Enfant*, approximately 25% of the 11 to 15 year olds spend more than three hours per day on the MSN, 26% of them admit communicating with unknown people, and 10% already met adults through this tool. 75% of the 13 to 17 year olds have their profile in a social network, 87% of the 11 to 13 year olds do not protect the privacy of their profile, and 60% of the 15 to 17 year olds have already published pictures.

In 2011, the efforts made by the networks' operators to protect data and profiles show that they are indeed concerned, but those efforts seem insufficient in terms of changes in youth behavior.

In April 2011, *Courrier International* told the story of a 6 year old Filipino boy. At the request of a well-known TV entertainer, the child had to dance while stripping in order to earn the equivalent of €160. In the room, the audience enjoyed the spectacle of the crying child encouraged by the entertainer's jeers: "Such is life! Jan Jan [child's name] is forced to learn macho dancing at his age in order to meet the needs of his family." The article portrays this child as a part of "show business and yearning for celebrity story." We rather think of this article as a story of social domination, humiliation, and exploitation of poverty. In Europe, only the broadcasting of movies, videos, and images which show extreme situations of degradation and danger for minors are censored. In France, the Public Prosecutor can seize the documents and prosecute the authors when and if they are known.

### **The development of child pornography**

Legislations are, sometimes, far from being compatible. What is tolerated, and even resulted, in one country, is not always so in another country.

An article published by the *Nouvel Observateur* on February 24th, 2011, quotes a Japanese story: the development of child pornography which broke an all-time record and resulted in a 45% increase in criminal action implicating minors and teenagers according to the Japanese police. As a matter of fact, in Japan, as in Russia, the private possession of pornographic material implicating minors is tolerated. A 1999 Japanese law prohibits the commercial production of videos, pictures, and other pornographic documents exploiting minors. Nevertheless, since 2010, manga and cartoons are not included in this legislation. In these documents, the child's representation is not controlled. Only the encouragement to raping, to committing incestuous and violent sexual acts involving children is penalized. As a consequence, Japan is the main producer of child pornography in the world.

***Eroticization of the image: from Lolitas and mini-misses to the beauty salons for little girls***

At the end of 2010, *Vogue* magazine published shots of young girls under the age of 10 years old, who wore make-up and dressed as adults and appeared in lascivious postures. The scandal allowed the disclosure of a set of practices that trivialize the sexuality of minors' bodies. Another example, are the "mini-misses competitions" or beauty pageants in which the little girls must "seduce" the adult judges. In France, the Organization for the professional regulation of publicity (ARPP) and the Council for the ethics of publicity (CEP) reacted strongly to those pictures. But these organizations only express advice which the authorities and advertisement organizations are free to follow or not; they can choose to suppress, withdraw the images, or pay fines.

An additional consequence of the eroticization of little girls' bodies is the early learning of seduction through the parameters of adult beauty. Spas, beauty parlors, fitness clubs, make-up and face care salons for little girls and beauty products specifically conceived for children are multiplied on the market without raising concerns among the parents.

These different forms of conditioning can degrade a young girl's developing conscience and her representation of herself. Turned into an object of seduction, the young girl no longer sees herself through her own eyes, but through the image of seduction reflected by adults, particularly men. Additionally, subjected to the laws of looks and competition, it will be difficult for her to establish, with the other girls, any relationships outside of rivalry.

***Pole dances, lap dances, and exotic dances: different aspects of the same problem***

Pole dances<sup>2</sup> are mainly practiced in "hostess bars" almost exclusively reserved for men. Such a practice encourages the consumption of alcohol, often leading to lap dances, and/or to stripteases.

In 2011, some countries, such as the Netherlands and Germany where prostitution is regulated, are worried about the development of such "services" and about the young age of the women who practice them. In Canada, a law passed in 2011 which prohibited these dances. In the province of Quebec, some controls, sometimes leading to the closure of venues, rapidly produced dissuasive effects.

A scandal in the United Kingdom in July 2011 allowed an estimate of the trivialization of these practices. In Bolton, a dance school was offering pole fitness classes to girls as young as 12. In Nottingham, a venue called Make me Fabulous taught pole dance to little girls from 3 to 10, in order to "teach young girls limbering-up exercises with the purpose of seduction". Under the pressure of religious organizations, the dance school of Bolton was closed, while Make me Fabulous was prosecuted.

Such offers, made by extra-curricular leisure establishments (which are probably more ill-informed than deliberately malicious), require increased monitoring by government institutions

---

<sup>2</sup> Erotic dance along a vertical bar. When practiced by foreign young women it is called exotic dance.

and NGOs, particularly to raise awareness among the parents of the drawbacks of such activities whose long term consequences may influence self-image as well as respect for others.

### ***Gang banging and sexting: easier transmissions***

In 2011, the media warned the public of the role played by mobile phones in relation to the release, within schools, of pornographic texts and images of minors, as well as sexual attacks by teenagers.

Gang banging<sup>3</sup> has almost become a rite of passage among young people, a way of asserting themselves in front of their peers. However, such practices constitute the collective rape of a girl who is often put at the disposal of friends by her boyfriend. Similarly, sexting consists of sending, via a mobile phone, videos of teenagers appearing in dangerous, compromising, or even pornographic situations. The resulting images may be used by former boyfriends looking to get their revenge. Considering this trivialized phenomenon called teen porn, we note the worrisome lack of awareness among adults, and the complete ignorance by youth of the limits of the others' and one's privacy. The oversupply of images and pornographic films, degrading visions of human relations, stereotypes, and sexually aggressive clichés may cause trauma among prepubescent young girls as young as 8 to 12, a latent period for learning. There is no need to mention the anxiety of performance among the 13 to 15 years old boys who have to go through the same stage of self-seeking and training of the body. The confusion generated by confrontation with adult sexual fancies places children and young teenagers in situations leading to outbursts of violence against society (in the best scenario), or against themselves (in the worst scenario). We must recall that, according to the French Inter-ministerial program of September 2011, 50,000 young people under the age of 24 attempt to commit suicide each year.

### **Child and teenager prostitution**

There is a fine line between pornography and prostitution. Poverty and ignorance are brought forth to explain, if not justify, the merchandization of children through prostitution. In a society in which everything can be sold or bought, with the added background of economic crisis, loneliness, frustration, and lack of reference, new forms of prostitution and procuring are emerging.

### ***New kind of procurers: the Loverboys***

When the "first love" is at stake, the very young girls still dream of their "prince charming." Loverboy is the name they give to their "boyfriends" for whom they would do anything. It is also the name of a serious phenomenon affecting all the countries throughout the globe, from Thailand to Taiwan, from Canada to Germany, and recently occurring in France as well. This scourge was denounced for the first time in 1995 in the Netherlands following a sensational

---

<sup>3</sup> Group sexual practice.

lawsuit. The process is always the same<sup>4</sup>. A young man, generally aged 18 to 25, stands by a high school gate and "spontaneously" meets a vulnerable 13 to 15 years old girl he previously picked out. He is polite, courteous and generous towards the teenager; he offers her expensive gifts in order to seduce her. He uses this same persuasion strategy over and over, playing with her emotions and his charm, he afterwards tells her about some temporary economic difficulties he is allegedly experiencing and convinces her to sell her body to a man for the first time. The young girl is in love; she only wants to help her lover boy. Soon men came one after another several times a week, and then several times a day. After a while, the young girl does not attend school anymore; she is isolated from her family and friends, and caught in a vicious circle of prostitution.

Rianne Verwijs, a researcher from Utrecht, the author of a report on this issue, states that such strategy constitutes "a specific form of human trafficking", because the young girls are quickly "sent" to other regions, and later on to other countries. The researcher also insists on the authorities' incapacity in the face of the magnitude of the problem. "From 200 victims in 2008, the number reached 800 in 2009, 1,500 in 2010, and 3,000 in 2011." The Dutch police already mentioned 5,000 victims in 2010. They also reported cases of Lovergirls who pushed their boyfriends into prostitution.

Similar cases occur in France as well. In February 2011, a 17 years old procurer who employed three girls aged between 15 and 17 in Marseille, was convicted to 18 months' imprisonment. In Toulouse, two pimps aged 19 and 22, were judged for prostituting two 16 years old girls. In August 2011, a 19 years old "little pimp" was tried in Lille for prostituting his girl-friend who was the same age. Making a census of all the cases would be an endless job.

### ***Student prostitution***

In the United States, college fees are extremely high, ranging from \$30,000 to \$50,000 (€23,000 to €38,000) per year. While some students benefit from a scholarship, a large majority take out a student loan, which is almost a lifetime commitment. Even if most of them get a job to make a living, their financial difficulties are significant and aggravated by the current global economic crisis.

As a response to students' financial instability, more and more websites publish ads offering to put a male/female student called a "sugar baby" in touch with a mature "donor" called "sugar mommy/sugar daddy"<sup>5</sup>. The wealthy "donors" are selected depending on the financial guarantees they may offer, their generosity, and their conditions. The students are selected according to age and availability. The "sugar mommy/daddy" will finance his /her protégé's tuition fees, daily expenses, home rent and sometimes trips, cars, or even luxury items. The young people know very well what is expected from them.

---

<sup>4</sup> Krahe D., "Schoolgirls controlled by loverboys", *Spiegel Online*, September 7<sup>th</sup>, 2010. Please refer to Stoploverboy.Nu.

<sup>5</sup> Solomon A., "Gimme some sugar: student skips loan, finds sugar daddy", *Redandblack*, September 25<sup>th</sup>, 2011.

In France, the National observatory of student life estimated that there are 45,000 students in situations of extreme poverty, and 225,000 experienced difficulties paying for their tuition. Such observations might explain the increasing number of young people who resort to occasional prostitution. According to a 2011 study published by *Deutsche Welle* on May 20<sup>th</sup>, 2011, 18.5% of students in Kiev, 29.2% of students in Paris, and 33% of students in Berlin claimed that they were seriously considering prostituting themselves. Beginning as waitresses, then hostesses in bars, and finally escorts for executives, these young women get soon caught in the cycle of prostitution. According to an article published by *Métro* on April 18<sup>th</sup>, 2011, some female students from Montpellier spoke out against this confinement in "a downward spiral." They were working in a downtown bar and had to encourage customers to consume alcohol. Some customers asked for fondling and even for sexual relations. From the moment they accepted these propositions, the young women got trapped. Dependent on this quickly earned money, they ended up abandoning college in order to devote themselves entirely to the job.

### **Policies confronting the increase of pornographic websites**

When it comes to cyber-pedocriminality, we may say that minors' protection is on nearly every agenda around the globe, but the emergency, social and economic priorities, cultural habits, and the place of children within societies slow down or even block the implementation of measures to control or prevent danger.

Some countries, such as Canada, under the pressure of the feminist lobbies, take action and/or support innovative actions from NGOs and official organizations. Thanks to associative networks, authorities prioritize informing of parents and educating children, through films or games shown in schools.

Child pornography and child prostitution have complex political dimensions (economic, social, and academic), but there are important differences from one country to another. Let us consider the censoring of pedo-pornographic websites for instance. France and some countries of Southern Europe implemented a control of the sites by encouraging the suppliers of Internet access (FAI) to block the reported addresses.

An article in *Le Monde* dated May 6<sup>th</sup>, 2011 explained that a black list of child pornographic websites was produced in accordance with strict criteria. In Norway, the Internet suppliers access adopted, as early as 2004, an "open" filtering system, by isolating the sites containing child pornographic material; they also explained the reasons for the block through a message to the web surfers who viewed those sites. Sweden and Denmark soon followed the same model. Since 2006, the Netherlands have tried to implement a voluntary filtering system of the websites by the suppliers of Internet access (FAI) according to a list established by the authorities. But the initiative was considered inoperative. In contrast, Germany favored the suppression of the content by the FAI rather than blocking the sites.

The policies are varied, whether they consist of control, prohibition, or repression of websites, venues, or organizations; directly or indirectly, which promotes dangerous activities threatening to young people and children. The governments, regardless of their political

tendencies, commit themselves to methodological "attempts", sometimes succeeding, sometimes failing, and sometimes facing a boomerang effect. Nonetheless, the violence and the excessive eroticization of children seem deeply rooted in the current liberal consumer society.

## Bibliography

- « J'ai travaillé dans un bar à hôtesse du centre ville », *20 Minutes*, April 18th, 2011.
- « La pornographie infantile continue de progresser au Japon », *Le Nouvel Observateur*, February 24th, 2011.
- « Marseille : le proxénète n'avait que 17 ans », *Metro France*, February 21st, 2011.
- « Red lights aflame as European students opt for sex work », *Deutsche Welle*, May 20<sup>th</sup>, 2011
- Abéla F., « Condamnés pour avoir prostitué leurs copines (Toulouse) », *La Dépêche du Midi*, May 27th, 2011.
- Calysto, La Voix de l'Enfant, *Enfants et Internet Baromètre 2009-2010*, 2010.
- Centre de recherche et d'information des organisations de consommateurs (CRIOC), *L'hypersexualisation*, Bruxelles, June 2011.
- Checola L., Loup D., « Contre les sites pédo-pornographiques, des politiques tâtonnantes », *Le Monde*, May 6th, 2011.
- Dottridge M., ECPAT International, *La traite d'enfants à des fins sexuelles*, 3<sup>ème</sup> congrès mondial contre l'exploitation sexuelle des enfants et des adolescents, Rio de Janeiro, November 25th to 28th, 2008.
- Poulin R., *Marchandisation des femmes et des fillettes et sexualisation précoce*, Conférence Université d'Ottawa, November 2008.
- *Programme national d'actions contre le suicide (2011-2014)*, Programme interministériel, September 2011.
- Specq D., « Prison pour le petit proxénète (Lille) », *Nord Eclair*, August 2<sup>nd</sup>, 2011.
- Symons E.-K., « Comment la télé dégrade l'image de l'enfance », *Courrier International/ The Australian*, April 28th 2011.
- Verwijns R., Mein A., Goderie M., Harreveld C., Jansma A., *Loverboys en hun slachtoffers – Inzicht in aard en omvang problematiek en in het aanbod aan hulpverlening en opvang*, Utrecht, Netherlands: Verwey-Jonker Institute, December 2011.

# Health and prostitution

Since the 90's, which were characterized by the spread of HIV, no significant epidemiological investigation has been carried out. Not a single clear statistics report was produced regarding the health issues within the prostitution environment. The main sources of information come from occasional studies, forensic reports produced in the frame of law-suits against procurers, and the testimonies of specialized associations. These elements have led to the conclusion that the violence (in its multiple forms) to which the large majority of prostitutes is exposed, is not a fiction but a terrible reality.

## Violence against prostitutes

Vulnerable populations are the most at risk of getting caught in the nets of prostitution. First of all, national or foreign minorities, inarticulate in the local language, are socially isolated and far away from their families. They also are most likely to have their human rights infringed upon. For similar reasons, teenagers in conflict with their families and psychotically or mentally disabled persons are targeted by pimps.

### *Conditions of great precariousness*

The harm caused by an instable life can be found in the majority of prostitutes: malnutrition, damaged teeth, untreated infectious diseases. Additional risks may also include STDs and health consequences related to smoking, alcohol, and drugs addictions. Consumption is frequently imposed by procurers; it also may be voluntary and appears to be an automatic consequence of prostitution: "It helps to hang on". Concerning transsexual prostitutes, the health risks are made worse by the use of hormones. The side effects are all the more devastating when the medical monitoring is often missing. Studies carried out in the 90's, which are still the major source of information for recent publications<sup>1</sup>, highlighted the close link between prostitution practices, suicide rates (75% of escort girls try to kill themselves), and death rates (40 times higher than normal). This trend is confirmed by several recent studies<sup>2</sup>. According to a 2008 report produced by the European deputy Maria Carlshamre, a prostitute has 60 to 120 times more risks of being attacked or murdered than the general population. Homicide is the main cause of death among prostitutes (17% of the total number of deaths). The same proportions of homicide were

<sup>1</sup> *Pornography and prostitution in Canada: Special Committee on Pornography and Prostitution*, Canadian Government Pub Center, 1985, p.350. P. Chesler, "A Woman's Right to Self-Defense: the case of Aileen Carol Wuornos", *Patriarchy: Notes of an Expert Witness*, Monroe (Maine), Common Courage Press, 1994.

<sup>2</sup> J. Raphael and D. L. Shapiro, "Violence in indoor and outdoor prostitution venues", in *Violence against women*, Vol. 10, no 2, 2004. Sex Work, HIV/AIDS, and Human Rights in Central and Eastern Europe and Central Asia, Central and Eastern European Harm Reduction Network, 2005. G. Bugnon, M. Chimienti with the coll. of L. Chiquet, "Marché du sexe en Suisse. État des connaissances, best practices and recommandations - Volet 1", in *Revue de la littérature Université de Genève*, Genève, 2009.

observed in Canada while procuring was criminalized<sup>3</sup>, and in the Netherlands where prostitution is legal. Consequently there is probably no meaningful difference in terms of risks between street prostitution and "protected" prostitution in legal venues.

### *Physical violence*

In this world, managed more than 80% by procurers looking for maximum profits, violence is considered a means of management. Reducing the "exploitation costs" causes a drastic reduction of "operating and maintenance expenses" such as housing, food, clothes, medical care and monitoring. Living conditions of most prostitutes are extremely dangerous. This danger is aggravated in the emerging countries and/or within the best organized criminal networks.

Increasing revenue also means "increasing the market shares", which in turn improves the customers' improved satisfaction. With this goal, prostitutes are professionally trained, whether at an almost industrial scale, or at a hands on level. While the degree of brutality may vary, the means implemented are always the same: repeated beating, injuries, rapes, sometimes gang rapes. In addition, coercion, confinement, blackmailing of families, debt reimbursement, forced addictive practices, insults...

Once conditioned, the victims are in no state to oppose to their pimps' requirements anymore. In a comparison of the global average number of intercourse per day between the independent escort girl decides to turn 2 or 3 tricks a day which the prostitutes', controlled by tough networks whose testimonies mention insane rhythms, sometimes exceeding 50 tricks a day. Additionally, in order to "diversify the offer", procurers offer a wide range of extreme "sexual services": sadomasochistic practices, zoophilia, coprophilia... The lack of discipline incites punishments for "rebel slaves" or for their families and can lead as far as the murder of the victim. This is a phenomenon more common than the media's silence depicts. For instance, in Marseilles in 2009, a young Bulgarian prostitute was tortured with an electric truncheon by her pimps and suffocated to death by a plastic bag on her head<sup>4</sup>.

Customers are also responsible for this display of violence, either by directly using it, or by contributing to the perpetuation of the system. Stories of abuse, theft, and rape perpetrated by the clients are often described in the testimonies of prostitutes, whether controlled by a pimp, a trafficker or not. According to a study carried out in Minneapolis, 78% of the prostitutes have been victims of rape (on an average of 49 times a year)<sup>5</sup>. In the US, 53% have been victims of sexual abuse or torture<sup>6</sup>.

The prostitutes on the two extremes of the prostitution chain are least likely to escape from their customers' requirements. Several reasons may explain this, from the pressure of the offer and demand on destitute persons, to the exorbitant amounts paid to the pimps for the luxury

---

<sup>3</sup> Since then the Supreme Court of Ontario invalidated laws criminalizing the prostitution activities.

<sup>4</sup> <http://www.20minutes.fr/marseille/387710-Marseille-Les-proxenetes-meurtriers-condamnes.php>

<sup>5</sup> Raymond, Janice (1999), *Health Effects of Prostitution* [online], Kingston, University of Rhode Island, The Coalition Against Trafficking in Women.

<sup>6</sup> S.K. Hunter, K.C. Reed, "Taking the side of bought and sold rape", speech for the National Coalition against Sexual Assault, Washington, D.C., July 1990.

escorts. This was the case of two young prostitutes from Venezuela, rented for €25,000 for one night by a son of the former dictator Mouammar Khadafi and his friends<sup>7</sup>. Another form of violence, presenting a particularly elevated sanitary risk, arises from the unprotected sexual relations more and more often required by the customers.

Police forces constitute, in certain situations, a source of violence against prostitutes: harassment, rape, beatings and humiliation are not uncommon. The seriousness of such facts varies greatly from one country to another and even from one region to another. This phenomenon is specifically amplified when a national policy of protection of human trafficking victims does not exist and/or when the police are not properly trained.

These repetitively violent methods, endured for many years, leave physical and psychological effects on bodies all the more fragile as the average age of "entrance into prostitution" occurs in the teenage years.

Regarding minors, UNICEF reports the arbitrary nature of imprisonment measures, the detention durations, and the abuses during confinement they suffer from in several countries. Police forces appear to forget they are minors. When the law takes such element into account, they must be protected before being punished and treated as mere criminals.

### ***Moral violence***

Reduced to the status of objects, sometimes seen as waste, many prostitutes have difficulty taking care of themselves when they leave prostitution. This problem can be first explained by the precariousness of these persons who succeeded in getting out of prostitution. While the famous former escort Zahia has become the new fashion star inescapable in the media, the majority of former prostitutes have a hard time finding a stable and decently paid job. Many of them do not have any professional qualification. They are uprooted people, with no proficiency in the language of the country they live in. It is also difficult for them to admit to their past which the public judges severely.

These social factors combine with psychological factors. The denial of what happened in the past, and the denial of the resulting physical or psychological suffering, constitutes the only ways of enduring the unbearable. Forgetting and forgetting oneself go together.

In addition to the physiological results of the frequency and the nature of the sexual relations, prostitutes are often handicapped by somatic disorders not linked to the physical wounds.

Some authors, such as Melissa Farley call those somatic problems post-traumatic disorders equating their relation with the syndrome presented by soldiers and war veterans. The principle, which consists of connecting symptoms to illnesses, is questionable. During the psychological treatment of former prostitutes, their different symptoms need to be considered an alarm signaling a very deep suffering.

---

<sup>7</sup> The association *Les Équipes d'Action Contre le Proxénétisme* constituted itself plaintiff in the "Carlton de Cannes" affair to be judged in Marseilles at the end of October 2012.

Among the most common symptoms encountered, we must mention disruption of tactile sensitivity and pain tolerance, which can result in generalized numbness. According to Muriel Salmona, the dissociation of the body from the mind, a self-defense mechanism that protects prostitutes in their activity, goes on and leads, in a paradoxically perverse effect, to a higher pain tolerance, violence, and aggressiveness.

How to live with possible self-disgust and social stigmatization? How to restore the loss of confidence in other people, who are too often perceived as potential threats? How to recover or invent the terms of a possible social or romantic relationship when relations were not based on the enigma of desire, but always on the obligation of forced or accepted consent and to the pleasure of the other in a powerful position?

In many cases, serious devastation cannot be handled and relieved without a personalized and multidisciplinary treatment. It is a long, complex and expensive process; therefore it is difficult to have it accepted by institutions subject to profitability constraints.

On an economic level, to combat prostitution, one must look at the causes and effects. However, without the means necessary, or a professional future, former prostitutes reintegration into society may remain only a dream..

### **The concept of sexual assistantship and prostitution**

A few countries (Germany, Denmark, the Netherlands, and Switzerland) have created a status of "sexual assistant for disabled persons". In France, this issue consumed the attention of the media in 2011. In December 2011, after several media statements, the former Deputy of the UMP political party, Jean-François Chossy, submitted to the government a report describing a general view on disability and calling for the creation of the profession of "sexual assistant for disabled persons". As early as January 2011, the Minister for Solidarity and Social Cohesion Roselyne Bachelot-Narquin declared she was totally opposed to that initiative arguing that this sexual assistance was a kind of prostitution. The debate continues today.

Our society hardly tolerates the misfortunes of those who do not correspond to the model of the young person, dynamic, attraction, and satisfied with his/her social and emotional life. This normative totalitarianism of perfection affects all fields, including the sex trade. This ideal feeds the fantasies with which every one of us invents his/her own sexual "solution". In a word, being modern amounts to being cool and ready to test everything.

The great difficulty in admitting to the sexuality of those excluded from that norm is a symptom of this intolerance. The sexual life of the elderly, of the disabled, of the incarcerated is taboo, except in some cases<sup>8</sup>. However, nobody can deny the aspiration of each individual to an emotional and sexual well-being. If medical tools and treatments could allow persons deprived of their sexual functions to recover those faculties, if clear information on the means of a possible

---

<sup>8</sup> The film *Si on vivait tous ensemble* (If we lived all together) tackles the issue of the 3rd age's sexuality. *Mare a dentro* focuses on the difficult question of the choice of putting an end to one's life. Regarding the sexuality of imprisoned persons, very little is known; we can only mention some TV series such as *Oz* that insist on sexual abuses occurring in detention centers.

sexuality for the disabled could be produced instead of abandoning those persons to their despair and isolation, we would be delighted...Nonetheless, is it absolutely necessary to implement systems of professionalized assistantship and to legislate the matter? A standardized answer cannot be a solution to that question: fantasies and physical pleasures cannot be dissociated from the action of human sexuality.

Legislating this issue would mean defining a right to sexuality, which in turn would logically implicate allowing everybody to have access to pleasure and sexual happiness.

Thus, either the law provides the criteria in the terms of the assistantship, which would introduce a concept of "sexual normality" and a communitarian character to the law or, it becomes a universal right. On that assumption, experts warn against the misinterpretations that would inescapably follow: procurers would know how to find out juridical biased solutions in order to give a legal legitimacy to their activities under the cover of assistantship.

There should be a debate on that matter now, paying attention to all direct and indirect consequences of the authorization of commercial use of the body, beside the specific field of the disabled persons' sexuality.

### **Is sexual dependence a specific pathology?**

The notion of sexual addiction which appeared in the medical and psychological fields<sup>9</sup> towards the end of the 70's, recently drew the media's attention due to the troubles of Dominique Strauss-Kahn with the law in the United States and in France. In November 2011, the former IMF director allegedly "admitted being sick" and in need of a medical treatment. A few days later, *Le Figaro* dated November 21<sup>st</sup>, 2011 published a set of articles about that topic in its health section.

This article tells that sex addicts are men in most cases. The newspaper describes the addictive character as "the favoring of sexual activity over any other form of social activity because the dependent addict cannot stop. In the same way as for alcohol or tobacco". Currently it's suggested that nothing indicates that sexual addiction has a physiological cause and may originate in childhood trauma.

Psychoanalysis teaches us that it is "natural" for human beings to have traumas; each of us structures himself/herself despite and thanks to what was traumatic. Trauma can be real, an act or a word presenting an aggressive character, but it can also be the traumatic interpretation of a trivial fact or seemingly innocent words. This interpretation reveals how an individual constructs his fantasized conception, which is specific to him out of what the others expect of him. Starting from the enigma "What do you want from me?" the neurotic structures himself: he invents his own personal way of "doing" in the absence of a standardized answer. From that question arises the difficulty of tackling the sexual field for the human being who has to struggle with the other's desire, in a transitive and intransitive manner. The desire is thus never satisfied and the individual has to cope with that embarrassment.

---

<sup>9</sup> P.Carnes, *Out of the shadows: understanding sexual addiction*, Ed. Hazel-den Information & Educational Services, 1st Ed., 1983.

To exert his power on the other is the same as reducing the other's desire to nothing and evading the insolvable question of the other's alleged desire. Buying sexual services amounts to offering oneself a total control, which has a real physical and financial aspect but also an illusory symbolic aspect. It allows avoidance of everything that brings to question one's capacity to satisfy the other and ability to fulfill his or her presumed expectations.

This is the reason why resorting to prostitution is not characteristic to only the most sexually and socially needy people. For certain "powerful" persons, used to exert power, it is the favorite and paradigmatic form of the manifestation of the full power they imagine themselves to have, and enables an escape from the enigma of desire. During orgasm, when the individual escapes from a conscious state, the problem is swept aside.

Many people search for this loophole in sex. Others find it in alcohol or drugs. It is comfortable, they believe they are in control of the process; "It is when I want, as I want". Nevertheless, nothing is solved and a dead end is revealed through the most extreme forms of sexual addiction.

Masturbation allows, during the sexual act, to remove the other; leaving only a place in the fantasy which fuels the sexual act. Compulsive masturbation shows that, while the sexual act provides pleasure, it does not satisfy the individual and actually imposes him ("This is stronger than me") a new research for the autarkic satisfaction of an ephemeral self-oblivion.

Studies of prostitution customers show that any sexual relation is a fool's bargain in terms of desire- pleasure. Indeed, even in the frame of the paid sex which theoretically define the service and when the satisfaction of the explicit demand is achieved through orgasm, customers experience a feeling of frustration. Their latent desire is unconscious and persistent. There appears to be something necessary to make the act bearable or pleasant. This is why, although they are aware of the forced nature of the sexual act of prostitution, many clients do not seek "abnormal" relations. They wait and hope for something that would make them unique and special to the prostitute who, paradoxically and in contradiction with the human psychological structure will, given in most cases, remain a stranger.

Sexual addiction is often given as the cause of a "deviant" behavior with respect to effective sexual norms. Instead of seeing it as a cause, it should be considered an effect among others, an answer to "not knowing how to handle "the enigma of sex which has obsessed many since childhood.

Pleasure versus desire, certainty versus enigma, modernist ideology favors the former at the expense of the latter. It is the why addiction to sexual pleasure has a promising future as an obscure answer to the question; it is a symptom of the modern forms of the "ill-being in the midst of civilization" that Freud and Lacan described.

## Bibliography

- « DSK "malade" : "Un homme brisé" au bord du divorce », *France-Soir*, November 14th, 2011.
- Chossy J.-F., *Passer de la prise en charge... à la prise en compte. Evolution des mentalités et changement du regard de la société sur les personnes handicapées*, novembre 2011.

- Conseil national du Sida, *VIH et commerce du sexe. Garantir un accès universel à la prévention et aux soins*, September 2010.
- Farley M., Cotton A., Lynne J., Zumbek S., Spiwak, F., Reyes (E.) M., Alvarez D., Sezgin U., *Prostitution and trafficking in nine countries: an update on violence and posttraumatic stress disorder*, Journal of Trauma Practice, Vol.2, no.3-4, 2003.
- Leclair A., « *Le sexe, une addiction comme une autre ?* », *Le Figaro*, November 21st, 2011.
- Parlement européen, Commission des droits de la femme et de l'égalité des genres, M. Carlshamre (rapporteure), *Projet de rapport sur la prostitution et ses conséquences sur la santé des femmes dans les États membres*, 2008.
- Salmona M., *Mémoire traumatique et conduites dissociantes*, February 2012.
- Sandis F., Dumonteix J.-B., *Les sex addicts. Quand le sexe devient une drogue dure*, Editions Hors Collection, 2012.

# Immigration and prostitution

One of the obvious consequences of the Globalization of human trafficking is the increasing risk of opposition between two public policies: one granting priority to the fight against human trafficking by improving assistance to the victims whereas the other one aims to control the flow of migrants.

The circulation of persons across all the countries of the planet almost never ceases; among them, there is an undetermined number of persons involved, willingly or unwillingly, in human trafficking activities; this leads to an inescapable confrontation between two logics that may be in opposition. One of these logics consists in protecting vulnerable victims of organized crime; mainly foreign citizens, often in a delicate position because of their immigration status. The other aims at ensuring that all persons present on national ground comply with the immigration laws enforced in the country.

## A topical question

A constant dilemma. The government places the fight against illegal immigration at the heart of its priorities. However it cannot ignore the dangers to which the victims of human trafficking maybe exposed in the case of deportation to their native countries. In regards to the prostitutes themselves, it is difficult to impose upon them an active cooperation against their traffickers without providing real protection for them in the long run.

The European directive 2011/36/UE from the European Parliament and the Council of Europe was adopted in 2011 after an agreement reached in November 2011. It enhanced harmonization of systems intended to fight against human trafficking by improving the protection and assistance to victims, particularly medical care, housing, and juridical aid.

Before April 6<sup>th</sup>, 2013 the European member countries must now improve the delivery of residence permits (even if the victims do not cooperate in penal investigations), define a period of useful reflection for the victims, include specific consideration of the minor victims, and implementation of a more effective information policy focused on victims of human trafficking.

It is urgent that these provisions be generalized; this is illustrated by the increased media attention to the link between the human trafficking networks and illegal immigration organizations.

Such was the case of several Chinese women, natives of the province of Sichuan sent to Paris with legal job contracts, but soon transferred to the Democratic Republic of Congo where they were forced to prostitute themselves in karaoke bars of Kinshasa frequented by Chinese nationals working in the mining industry.

It was also the case of an affair in the town of Angouleme, in March 2011. Colombian women legally brought to Europe through Spain, were forced to prostitute themselves by a couple from Carcassonne who sold them on the Internet through the “TGV prostitutes” technique

(TGV is the name of the French high-speed trains): the victims travelled to many cities across the French provinces.

A Europol report published in May 2011 showed how organized crime develops its trafficking activities across Europe utilizing, in particular, the increase of illegal immigration through Greece.

This same report emphasizes a new organizational system used by criminal gangs from the South of Italy. They "manage" counterfeiting, weapons trafficking, drugs and toxic waste trafficking together with the illegal immigration, in cooperation with other groups present all over the world.

### **The normative outlook**

International provisions depend on the conjunction of two major concerns: the respect for victims' rights and the fight against organized crime.

The UN 2009 global report on human trafficking shows that priority is given to the fight against child trafficking motivated by the search for a cheap labor force, sexual exploitation, or illegal adoption.

The OSCE (Organization for the Security and Cooperation in Europe) has also mobilized. Its coordinator for the fight against human trafficking gave three examples of the current stakes:

- on one hand, the need for coherence amongst legislation of the 56 member countries and the 12 partners in regards to victims' protection and migratory policies;
- on the other hand, the increasing vulnerability of the human trafficking victims due to the implementation of restrictive migratory policies (as in Canada or the United Kingdom);
- finally, the necessity of the fight against prejudices regarding human trafficking such as the propensity to favor the illegal migrant's status over the trade victim's status.

The Council of Europe relies mainly on the provisions of the Warsaw Convention, dated May 16<sup>th</sup> 2005, to evaluate the policies implemented by its 47 members, meant to supervise the legality of migrations, the identification of victims, and afterwards the guarantee of their rights.

Besides the reports produced by the independent experts of the GRETA, the decisions of the European Court of Human Rights define the European standards on the matter and thus contribute to raising the threshold of normative requirements, particularly the definition of the respective conditions of migratory policies and those fighting against human trafficking.

The French provisions, which are being evaluated by the GRETA in 2012, depend on the adhesion to international conventions and on the action of specialized investigation services such as:

- the Central Office for Repression of Illegal Immigration and Untitled Foreigners' Employment (OCRIEST) specializing in illegal immigration channels and relevant offences,
- the Central Office for Repression of Human Trafficking (OCRTEH), specializing in human trafficking for prostitution, which dismantled no less than 44 international networks in 2011 by targeting the organizers in their countries of origin and striving to deprive them of their profits.

In December 2009, the National Consultative Commission on Human Rights (CNCDH), in Recommendation 26, claimed the "absolute character" of the protection of foreigners against human trafficking and exploitation.

### **The French assessment**

The observation made by specialized associations, on the occasion of the November 2011 seminar organized by the Collective Against Human Trafficking, deals with certain deficiencies.

The infrequent use of the term "human trafficking" term in lawsuits mainly results from the old and effective practice of procuring incrimination; the latter's aggravated characteristics allow similar levels of prosecution and sentences to those regarding human trafficking, the constitutive elements of which have not yet been examined and secured by the case-law of the Court of Cassation.

The right granted to the victims by the Code of the Entry and Stay of Foreigners and Asylum Right (CESEDA) has not generated meaningful effects. In the current state of French legislation on immigration, two CESEDA provisions may be applied to foreign prostitutes in illegal situations:

- provision from the L. 316-1 article that puts the attribution of a temporary residence permit under the condition of lodging a complaint against the trafficker. If the trafficker's condemnation is definitive, a normal residence permit is allotted.
- provision from the L. 313-141 article that allows a Prefect to deliver a residence permit for humanitarian reasons.

The vulnerability of persons experiencing these situations, overworked departments that deal with foreigners' cases in the prefectures, and the long waiting for a definitive condemnation (3 years approximately) jeopardize the effective attribution of the permits which condition the access to legal work and, therefore, the possible integration of human trafficking victims.

All the involved associations (for example l'Amicale du Nid, the Secours Catholique, or the Committee against modern slavery...) denounce, the absence of a public policy that could simplify the enforcement of the prostitutes' rights. French state services simply use the usual argument of the victims' irregularity to implement the legal measures of deportation.

These strong constraints may explain the fact that the statutory reflection time is very seldom granted. They may also explain the rare resort to the temporary wait allowance.

Additionally, the global cost of assistance to those persons trying to obtain residence permits is fully paid by these associations, who are confronted with a significant decrease of the public subsidies.

By contrast, grassroots associations note that trafficking networks effectively assimilated the French administrative constraints. For instance, these networks urge prostitutes to systematically submit an asylum request. The unlikely success of such enterprise is less important than the temporary permit and the time extension obtained to safely practice their activity for several weeks in the French territory.

The observation regarding traffickers on the paradoxical use of a provision from the Code of criminal procedure may be added to the previous observations.

### **The issue of identification of the human trafficking victims**

This is a central issue that requires specific policy and means. The sooner the status of human trafficking victim is defined, the better; this will allow them to claim the assistance mechanisms and also, to assess the possible role of the victim in the network operations, her possible risks of being pursued and priority within the immigration legislation.

The capacity of detecting in an immigrant person a potential situation of victim of sexual exploitation is obviously crucial. It allows to bring an answer to the victim's distress and to stop the risk of misuse of the protection system by the traffickers.

### **Some recommendations**

The work achieved by all associations concerned with the victims of human trafficking led to define some recommendations intended to alleviate the negative impact of migratory policies:

- the relevance of the convention is called to mind in order to encourage France to adopt measures that are more protective than those of the current domestic law.
- the necessary enforcement of the laws in order to give a relevant content to the existing provisions, and the willingness to identify victims.
- the reaffirmation of compatibility between the policies of assistance to the trade victims and those related to immigration.
- the necessity of helping the victims of human trafficking even when they have not expressed the desire of being assisted, in order to take into account their constrained situation, intrinsic to the human trafficking milieu.
- to anticipate the deadline of April 6<sup>th</sup>, 2013 set by the Directive 2011/36/UE in order to implement the national plan. This plan was worked out in 2010 by the Ministries of Interior and Justice in partnership with French organizations but has not yet been approved.

An information report from the National Assembly produced in April 2011, observing the important number of prostitutes of foreign origin and in an illegal situation in France, suggested four main propositions with respect to the impact of immigration policies:

- to improve the access conditions of human trafficking foreign victims to residence permit, in particular by extending the reflection time up to three months and by granting ipso jure the victim a permit automatically renewable during all the procedure (proposition no 8);
- to make aware and train the agents of the French Office for the Protection of Refugees and Stateless persons (OFPRA) in the specific character of human trafficking victims (proposition no 9);
- to favor the professional training and to reduce taxes, under the condition of giving up all prostitution practice (proposition no 10);

- to guarantee a substitution revenue to human trafficking victims by allowing them to receive the Active Solidarity Revenue (RSA) and the temporary wait allowance (proposition no 11).

Therefore the stake of the forthcoming months will be the organization of a parliamentary debate: it will deal with the transposition into laws and facts and will allow our country to get closer to European standards by organizing, at last, an effective public system of identification and support of human trafficking victims in close collaboration with the acknowledged associations.

The International Day of the Migrants on December 18<sup>th</sup>, 2011 constituted an additional opportunity to show the specific vulnerability of migrant prostitutes who are confronted with violence and risks of deportation to the country where they were often sold.

Beyond the necessary improvements in order to establish and disseminate good practices for protecting human trafficking victims in France, the global news in 2011 regarding sexual exploitation showed the inescapable necessity for a better international cooperation; it should be able to make differences between the requirements imposed by a necessary control of migratory flows and the awareness of the specific fate of human trafficking victims, wherever they come from and wherever they go.

*"When their rights are violated, when they are marginalized and excluded, migrants cannot bring anything, neither financially, nor socially, to the society they have left or the one they are joining. By contrast, when migrations are supported by an effective policy and human rights' protection, they can constitute a factor of progress as much for the persons as for the countries, whether they are countries of origin, transit, or destination."*

Ban Ki-Moon, UN General Secretary, December 18<sup>th</sup>, 2011.

## Bibliography

- Bousquet D. (President), Geoffroy G. (Rapporteur), *Rapport d'information par la Commission des lois constitutionnelles, de la législation et de l'administration générale de la République, en conclusion des travaux d'une mission d'information sur la prostitution en France*, French National Assembly, n.3334, April 13<sup>th</sup>, 2011.
- Collectif contre la traite des êtres humains, *L'impact des politiques migratoires sur la lutte contre la traite des êtres humains*, Seminar, November 7<sup>th</sup>, 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2011.
- Europol, *EU Organised crime threat assessment – OCTA 2011*, European crime threat assessment, May 2011.
- UNODC/UN.GIFT, *Global report on trafficking in persons*, February 2009.

# On-screen images of prostitution

Fiction creates imaginary and complementary representations of lived experiences. This phenomenon is especially true in the film industry where the camera lense acts as a substitute to the eyes of the spectator. Yet, for a phenomenon as fuzzy as prostitution (of which we usually only know the "shop-windows" if we spend time in the districts of Belleville, Pigalle or the highways surrounding Paris), the screen acts as the major carrier of its representation. Thus, there is an ideological stake in showing prostitution in films, TV movies and series broadcast to a large public, because these productions create the illusion of a certain familiarity with a phenomenon unknown in its full realities. What image of prostitution do recent productions show to the general public?

## Prostitution, fiction and opinion

A CSA survey carried out in 2010 concluded that 60% of the French population is in favour of reopening brothels in France. Could this public opinion be partly attributed to the glamorous image of prostitution conveyed by fiction? A fiction that is in turn fed by a vaguely perverse curiosity of observing the revival of a world fantasized as iconic? The debate regarding the reopening of brothel and, to a larger extent, the debate over the regulation or the abolition of prostitution, found an audience with the series broadcast of *Maison Close* in September 2010. This observation attests to the impact of media (fiction and news media since the series' ambiguous poster sparked a controversy in the press) on an ethical and juridical topic. Yet, a significant number of productions that describe prostitution and, *a fortiori*, the universe of brothels romanticized by an end-of-century fantasy, tend to embellish reality. In order to emphasize the plot, the psychological development of the characters and the eye candy, fiction deviates from the hard facts on prostitution. On the other hand, the book *Carnet de bal d'une courtisane* by Grisélidis Réal (2005), with its poetical title does not allow for any anticipation of the harshness of a text characterized by a fierce and synthetic realism: the alphabetical ranking of a prostitute's customers following an unchanging and monotonous order: name, age, services, prices. But for major productions, incorporating a prostitute character in fiction is a means to display sex, violence and pathos— elements that secure the productions' profits.

## Prostitution at the heart of the blockbusters: the case of the thriller

The modern thriller has found an all-time favourite topic: prostitution networks. Sex, drugs, violence, money and organized crime offer an ideal background. For instance, *Taken* (2008), a Pierre Morel film starring Liam Neeson, inspired by American action movie aesthetics, takes us into an Albanian mafia network. While the movie mainly focuses on the archetypal character of the justice-seeking father whose daughter has been kidnapped, it also offers an entire panorama

of human trafficking, from sexual tricks for a few bucks to the auction of prostitutes to millionaires. The film also depicts the links between sex and drugs (one is linked to the other by the simple fact that the girls are drugged before prostituting themselves), and the political authorities (corruption of the interior defense) and the financial milieu ("It's just business" are the last words of a crook caught by the hero). The documentary-style film inspired by real facts, *Sex Traffic* (2006), by David Yates, tackles the topic of the forced immigration of Eastern European girls from Moldavia to London. Yates denounces the corruption of the financial and police circles: police raids destined to "sell off the [human] stocks", a powerful company that hides its collaboration with the prostitution market... In this genre of film, we are constantly presented with an image of society in which prostitution is inescapable: merciless and corrupted, the authorities very seldom find conscientious objectors. *Eastern Promises* (2007) by David Cronenberg offers a more intimate vision of a Russian prostitution network in London thanks to the main character interpreted by Viggo Mortensen. Nevertheless, the nearly total absence of prostitute characters on-screen, substituted simply by a voice-over of a prostitute with a Russian accent whose personal diary is discovered, accompanied by melodramatic violins, clearly gives the film a more pathetic than realistic outlook. This mixture of pathos and suspense is also found, to a lesser degree, in *X* (2011), an Australian film by Jon Hewitt. The film with its unlikely races through modern-day Sidney revives the idea of a big city seen as a den of vice: a shady, violent and harsh world, populated by marginal secondary characters and framed by corrupted authority. The symbol is somewhat heavy-handed, but it depicts efficiently the ideological background of jaded thrillers: when the young heroine arrives in town with the intention of becoming a hooker, she shortens her tee-shirt by cutting through the inscription *Dreamland*.

### **Prostitution at the heart of the drama: an erroneous use of the fascination aroused by the image of the prostitute**

If the thriller enhances the violence and injustice of a society that allows the sexual exploitation of women, the drama, in turn, focuses on the prostitute as a person. Fascinating and emotional, the prostitute is usually a gorgeous young woman - archetype of an ideal movie character - joining vulnerability and strength of soul. This constitutes a delightful contrast which feeds the eternal fantasy of a women's femininity. The juxtaposition of the two antagonistic poles, the whore and the Madonna, alongside the inherent degradation related to this kind of financial exchange are also found in *L'Apollonide*, which depicts the image of the aptly-named Madeleine as a distressed Madonna. The cinematographic production does not stop feeding the fascination between empathy and admiration. These insidious forms of sharing put the audience in a comfortable position because they combine complacency with compassion.

A genre of aesthetically-oriented films with nostalgic airs was thus born in the tradition of *La Petite* (1978) by Louis Malle or *Flowers of Shanghai* (1998) by Hou Hsiao-Hsien, using a bittersweet style can also be found in *L'Apollonide (souvenirs de la maison close)* (2011) by Bertrand Bonello. Taking place at the end of the XIXth century and during the last years

preceding the closure of the whorehouses in France, the film exploits the topic of the decadence, symbolized by the image of the rose losing its petals at dawn on the last day of the Apollonide. It is an adulterated world on the path towards obsolescence, and in which luxury is in contrast with the trivialities of the prostitutes' daily lives. This world is no less intriguing exactly because of this contrast, a familiar aesthetic since the days of Baudelaire. Instead of displaying the prostitutes' harsh lives under a sordid light, the aesthetically-appealing photography preserves the charm of these women as victims and valorous. The ambiguity of the prostitute's status, both oppressed and attractive, lies in the fact that her seduction comes from oppression: emancipating her would mean breaking the charm: for the purpose of showing the misfortunes of the "girls" (Clotilde gradually kills herself with opium), and the injustices of which they are victims (Madeleine's disfigurement, playing on the horrific legend of Jack the ripper, maintains the fantastical style), we once again find that authorized complacency in the frame of a speech superficially critical of the institution, and we allow ourselves to be seduced by the heady perfume of this ambiguous atmosphere. This double-dealing in "atmosphere films" on prostitution, to quote the expression used by Max Chaleil in *Prostitution: the mystified desire*, is also present in a more obvious but less effective way in the TV series *Maison Close* directed by Mabrouk El Mechri, through the topic of the ideal escape of the *Paradis* girls. This series does not succeed in masking the satisfaction of the spectator's dream of intruding on a universe where he can, at his pleasure, give free reins to his voyeuristic desire.

However, some films show the ambiguity of this fascination and this hypocritical complacency. We think of course of *Eyes Wide Shut* (1999) by Stanley Kubrick, a film which plays with a dumbfound curiosity for the strongly ritualized erotic mysteries of wealthy, initiated characters, but in which the artificial game of erotic profanation turns into real anguish for the intruder who has tried to immerse himself in it. In the same vein, *Sleeping Beauty* (2011) by Julia Leigh, places the practice of prostitution of a young woman in a milieu of initiated characters whose cleanliness and elegance, alongside the purity of the features and the charismatic indifference of the heroine, spare us for a moment from the horror, until the final scream of anguish. The voyeurism of the viewer is distanced by the deceptive final scene; a film capture of the forbidden room where elderly people indulge the fantasy of the captive sleeping beauty. Far from showing the spectacle of perverse atrocities, it only displays the motionlessness of death. *Chloé* (2009) by Atom Egoyan also plays with the angelic face of a young escort, contrasting it with her psychological opacity. Hired as a temptress by a woman suspecting her husband of adultery, the girl enters into the couple's perverse game, but, emotionally implicated, affection overtakes her initial role of investigate instrument, giving her a disturbing depth and fragility. The middle-class wife who hired her services (subtly played by Julianne Moore) progressively discovers her own moral implication in the future of the young woman. The movie *Chaos* (2001) by Coline Serreau is praiseworthy as well in that it points out with great strength, through the encounter of a middle-class milieu with prostitution, a revolting wait-and-see policy. That strength is all the more significant by the fact that here the prostitution is not a high level one, and not one symptomatic of a psychological instability, but one that is surrounded by the

violence of an organized exploitation. As a matter of fact, there is a huge gap that separates movies taking profit from the charismatic potential of a prostitute character by immersing the character in a refined aesthetic, from movies giving up this aesthetic and erotic dimension (that leads to a certain form of consent from the spectator), and reporting not only the concern inspired by prostitution but also its sordid characteristics. Therefore, the ultimate goal would not be to play with a primary fascination, but to describe a human reality. Movies like *Or (Mon Trésor)* or *Mes Chères Études (Student Services)* respond to that goal.

### **From the realistic point of view: the social drama**

*Or (My Treasure)* (2004), an Israeli film by Keren Yedaya inspired by a true story, is set around a mother working as a prostitute and her daughter. The latter, after having tried to steer her mother away from prostitution, ends up entering into the sex market herself. The realism of this movie allows for empathy without any complacency, and reexamines the representation of the prostitute as the eternal victim by showing the addiction of the mother to the streets. Facing distress and isolation, mother and daughter take refuge in giving their bodies, with a remuneration or not. *Mes chères études* (2010), a TV film by Emmanuelle Bercot, in the same vein as *Mauvaises fréquentations* (1999) by Jean-Pierre Améris, investigates the most sordid aspects of student prostitution. Here however, there is no sexual exploitation by a third party with an emotional control over a young and malleable psyche, but instead there is a choice made by the young woman, which becomes more and more painful and degrading however, in front of a society where the poor student, in order to be able to consume, must be consumed. Her first customer tells her: "It is society that wants this to happen. Everything can be bought nowadays". Even her boyfriend tells her at a restaurant that: "It is as if each part of the meal had the same value as one part of your body". This TV film, based on a real testimony, provides an illustration of the student prostitution scandal revealed by the SUD-Étudiant union in 2006. The similarity between this film and its realistic portrayal and analysis of events effectively brings awareness to such a phenomenon. Although certainly minor considering the proportion of global prostitution, the denunciation of this phenomenon is quite meaningful because it is more likely to be understood by a large public than fictional interpretations analyzing unknown or distant realities.

### **When prostitution is seen from the bright side, or the equivalent of a questionable feminism**

It sounds daring however, a certain number of productions tend to make prostitution look like a fulfilling job. These productions turn the woman making money using her charms into the archetype of a modern and uninhibited woman. The most remarkable among this kind of production is the series *Secret diary of a call-girl*, in which the heroine, disassociates herself from the stereotypes linked to prostitutes from the very first episode. Neither drugged nor raped during her childhood, she shows herself as a strong and independent woman: "I like to be my own boss". She has a taste for luxury and enjoys sex. This last element leads to a recurrent

confusion in the series between uninhibited sexuality and prostitution practices, as if there were only a small gap between selling one's own body and assuming the fact one likes sex and money... This insidious mixture claims to adhere to a doubtful feminism that hijacks feminine stereotypes (taking care of one's looks, having an influence on men through the existence of a sexual demand) by claiming them as fulfilling. Hence, it is this dimension of glamour (by the way it was largely stigmatized by media and by feminist associations when the broadcasting began in 2008 in England) that is enhanced by the series. In adopting such a strategy, the series gives the illusion of joining the *Sex and the City* philosophy, taking a feminine heroine, spiritual and in control of her sexuality, who breaks taboos by showing them under a funny or attractive side. That blurring of the lines between personal sexuality and sexuality for sale is symptomatic of a very current sex industry reorientation. An illustration of this phenomenon can be seen in the transformation of the *Sexodrome*, located Place Pigalle in Paris, into a gigantic sex shop with bright colours and doors wide open to young people looking for an easy slum in and some fun.

Another aspect which is especially significant in productions depicting a prostitute as a modern and fulfilled woman is the notion of professionalism. The heroine of *Secret diary* uses her talent, becomes an independent escort girl and then creates her own firm. It is a success story that grows season after season. The dimension of job and professional requirements can also be found in *The Girlfriend Experience* (2009) by Steven Soderbergh. In the context of an economic downturn, a high level call girl looks forward to developing her business. She seeks advice from her customers, most of them New York financiers. The movie then unfolds through a sequence of dialogues, approaching prostitution through the principles of marketing development. In this highly unlikely scenario, prostitution is represented as a profession and it seems to have some advantages: the customers are regular, clean, respectful, and most of them handsome and young, while the heroine enjoys a stable relationship with a man who respects her job. Nonetheless, an interview with a journalist brings to light her incapacity to define herself as a person: "armored", she refuses to give away her "inner self". The heroine of *Sans queue ni tête* (2010) by Jeanne Labrune, portrayed by Isabelle Huppert, begins by displaying an appearance of strength and independence (she declines in particular to prostitute herself in clubs) before admitting to herself the feeling of being reduced to an "empty armor", an "anaesthetized body". Through a parallel between prostitution and psychoanalysis (paid service, in a lying down position, a place where fantasies and complexes are expressed), what began as a good-tempered satire of the psychoanalysis of the Parisian milieu turns into an acknowledgement of common distress.

### **Harmless prostitution**

But the most common representation of prostitution, and possibly the most dangerous, is still the one that sweetens it, reducing the prostitute to a mere element of decoration. We just need to think about the *topos* of the striptease club, a prerequisite of the American teen movies, acclimatizing the audience to a practice which is often combined with that of prostitution. Even more worrisome is the observation that seemingly the use of prostitutes may constitute a sign of power and of attractive nonchalance for several male characters. We think of Chuck Bass from

*Gossip Girl* (an American series broadcast since 2008), a provocative character who gets his charismatic aura from a string of anonymous sexy girls wearing refined lingerie. In *Two and a Half Men* (an American series starring Charlie Sheen and broadcast since 2003) this phenomenon is highlighted even more because it is less related to a deliberately inflammatory cynicism than to an opposition between the cool guy, who alternates between casual hook ups and the company of prostitutes, and the uptight man, restrained by his moral values. This demonstrates an increasing preference for a male character whose attractive power lies in morally reprehensible qualities, positively (and artificially) acquired by anti-conformism. This kind of leading male character, surrounded by prostitutes reduced to mere elements of decoration, represents a contrast to the anonymous clientèle portrayed in movies in which the prostitute herself is the heroine. This is the sign of an intolerable identification by the audience of either the character of the prostitute or the customer. In this perspective, two possibilities arise: the customer has to be either depraved or a loser, or the prostitutes have to be anonymous characters without any psychological depth, thus with no chance that we could detect a hint of moral grief in them.

Nonetheless, of all the productions that perniciously sweeten prostitution, the most conspicuous may actually be the most well known: the one about which Julia Leigh (director of *Sleeping Beauty*), who fiercely protested against the ban of her film to audiences under the age of 16, used to say: "The movie that truly deserved to be banned was *Pretty Woman*, because seeing that girl prostituting herself and at the end getting the guy and the money, was much more of an incentive to the prostitution!".

If we have not mentioned male prostitute figures, it is because they are rarely on-screen. As a matter of fact, if *American Gigolo* (1980) by Paul Schrader has made history, the screens definitely prefer to focus on feminine figures for the role of the prostitute. Such dichotomy between the oppressed female and the male oppressor takes us back to a gender power relations, both sexual and financial, supported by centuries of cultural representations and that the media continues to feed. This power relation is particularly crystallized in the figure of the prostitute facing the client or the pimp. However, this oppressed woman, in order to preserve her fascination with power, must not lose her looks and follow the path of the character of Fantine from *Les Misérables* who, after having sold her charms, literally sells the attributes of this charm: her teeth and hair. Hence, the figures of ugly or deformed prostitutes are extremely uncommon. One such character however, is displayed in the movie *Monster* (2003) by Patty Jenkins. But behind the tomboy look of the heroine, the spectator has in mind the ideal figure of Charlize Theron... As a last resort the defiled femininity retains its assumed ultimate attribute: beauty.

# Roma criminal networks

Today the Roma community is the largest ethnic minority of Europe. It is comprised of approximately 12 million people. Originally from India, the Romani populations settled in the European continent during the eleventh century. The given name of Romani populations varies by European country. Popular names are: Manouches, Gypsies, Tziganes, Romanichals, Bohemians and Sinti. In 1971, the first "Tzigane World Congress" took place. This conference established a flag and a National TziganeDay (April 8<sup>th</sup>) for the Tzigane Romani people. At this Congress, a national anthem was created: *Djelem, djelem* (I traveled). In the public's eye, the Romani are nomadic people. However, today 95% of them have settled down without moving. Those that are nomadic are motivated exclusively by economic reasons. To understand the specific way Roma criminal networks function it is essential to be familiar with the organization of the community itself, including its strengths and its weaknesses. Like any other criminal organization (Italian or Chinese mafia, Colombian cartels...), Roma criminal networks have their own codes and specific activities (among them trafficking). However, criminological studies regarding human trafficking are not as developed as the ones regarding thievery. Understanding how the victims are trafficked is essential to the dismantling of the trafficking networks, the protection of the human trafficking victims, and the prevention of human trafficking.



*Roma flag*

## Social organization of the Roma community

In the Roma tradition families and communities are patriarchial. The second level of organization of community is the clan (Kaldaraši, Jonešti, Bumbulšti, Miheješti, Saporrioni...). The third level is the sub-ethnic group. For the Roma belonging to a sub-ethnic group is more relevant than belonging to the ethnic group in general. The sub-ethnic groups (Lovari, Sinti, Mačvaja...) share common traditions, culture, and specific professions that bring them close together. In each family the parents of the man are the ones to enforce the rules (the laws making the difference between Good and Evil; between what is fair and unfair...). The man is an integral part of the family. Outside the family he feels insecure. In the case of a dispute between two families, the elderly men of the clan decide the verdict of the dispute. These elderly men are usually the oldest and most respected members of the clan. Indeed, within each sub-ethnic group

there are wealthier families, like in all societies. In Bulgaria, for instance, the privileged "Court of wise members" is called the *méschéré*. Such Court is able to judge divorce affairs, rapes, or any other kind of infraction committed within the community. The power of such an organization is more relevant in countries where jurisdictional systems are unstable. In the past the *méschéré* used to pronounce material and body sanctions. Today the members of the Bulgarian *méschéré* state that, except for the most severe sanction (the banishment of the community), there are only financial penalties. Nonetheless, according to some police sources, several death penalties were executed in the 90's. The Bulgarian *méschéré* sits until the disclosure of the verdict, which can last for more than 12 hours. The families involved in the conflict pay the *méschéré* members. The transmission of the traditions and culture is crucial for the community. The education of children varies according to their gender. The Roma community structure leans on the family frame. Marriage is one of the most significant social ceremonies. The marriage tradition, and the rites that go along with it vary according to the different sub-ethnic groups. Arranged marriage is a very common practice that acts as a contract between two families. Today, arranged marriages are often forced marriages.

### **The gap between reality, tradition, and popular imagination**

The dangerous aspect of the "judiciary sub-system," specific to the Roma communities, is the privatization of justice, which can be unfair for poor families. Certain determined infractions, human trafficking for instance, are not clearly sanctioned by this archaic judiciary system. The exploitation of women may be viewed as a normality because culturally the woman has, first of all, duties with respect to the family and, in addition, an obligation of submission to the man. Within this social organization the woman's role is predefined. Marriage is considered to be a contract, or even as a trade transaction, between two families. The bride is often purchased. In return, she must produce a yield on the investment. The woman has, among others, the task of educating the children. The man must financially support his family. Traditionally each clan was specialized in one of several crafts, such as the horse breeding, or agriculture (seasonal jobs...) Nevertheless, the economic context pushed some Eastern European clans to specialize in several criminal activities. At the end of 2011, there was media coverage of an incident that occurred in the little Bulgarian village of Katunitza. The event ignited public outrage and entailed social turmoil. The media exposed the ethnic confrontations between the Romani and the Bulgarian people. The journalist of the Bulgarian TV Channel TV7 Nikolaï Barekov even compared the Kosovo conflict with the events of Katunitza. Such a suggestion was more of a sensationalist move than an objective report of the real facts. It actually was a corruption and impunity affair related to several crimes committed by the oligarch Kiril Rashkov, who has Romani origins. Extremely wealthy, Rashkov was member of the Romani aristocracy and used to have important relations with the authorities at both the local and national level. Following those incidents, the reasons behind the popular uprising were disclosed; Rashkov was the leader of a large international begging and prostitution network. The profits generated by those activities allowed him to claim himself as the Romani governor within a political system presenting feudal

characteristics. In the 90's, the media referred to him as Czar Kiro, and he truly embraced this nickname. In addition to all the activities of Rashkov, we must mention the bribery implicating some other members of the community. The Roma oligarchs, among them Rashkov himself, are assumed to have sought support of local officials by selling the votes of people under their influence. This kind of clan way of functioning is well described in the movie *Time of the Gypsies* by Emir Kusturica. During the incidents of Katunitza, members of the Roma community were also infuriated with the impunity bought by the Roma criminals. Indeed, their crimes often incite the anger of the population and play a significant role in the stigmatization of the Roma minority in general.

### **The Roma networks specialties**

The organization of the Roma criminal networks is inspired by the social organization of the community itself. The networks lean on family links involving a specific clan. Several 2011 affairs confirmed the ties of paternity between members of Roma networks. The most frequent crimes committed by the Roma networks are thievery, forced begging, and forced prostitution. The victims belong to the community and are selected according to their social status and their vulnerability. The most exploited people are women, children, and disabled, belonging to the poorest families.

There are cases of parents selling their daughters for "marriage". As an example, we can mention the case of a 13 year-old Serbian girl with Roma origins, who was sold by her parents for €1,000 in order to become the wife of a 25 years old mentally disabled Swedish man.

In November 2011, 20 Romanian procurers were arrested in France. They were members of Roma networks established in La Courneuve, in the outskirts of Paris. The police forces identified 40 victims (most of whom were minors). The traffickers seduced the young girls and convinced them to immigrate by promising them a pleasant life in "wealthy" Western Europe. The organization of the network was based on three clans, and the clan leaders were the commanders of the network.

On one hand, we have the traffickers taking profit from the victims' families and mentally manipulating the loyalty of the victims. On the other hand, they take advantage of the fear that the victims feel towards the outside world. According to a research study carried out by the University of Niš, Serbia, the members of a Roma community are assumed to chiefly trust other members of their community. This phenomenon is illustrated by the fact that apparently 50% of the Roma community of Albania would not accept to having Albanian neighbors.

The dissolution of these networks is not an easy task because the confusion between Bulgarian, Roma, and Romanian networks generates an under-estimation of the level of organization of the Roma criminal networks. The clan way of functioning is the same for all Roma networks whatever their country of origin (Bulgaria, Romania, Serbia...). The threats and the extreme violence used by the traffickers against the victims characterize their methods.

The profits generated by these criminal activities are sent to the country of origin and often used in political corruption. In 2011, the lawsuit of Ilia Iliev commenced. She is the mother of

the leader of the Roma Bulgarian party. Since 2006, the Italian authorities were investigating human trafficking, child begging exploitation, and forced prostitution which assumed to be commanded by members of Ilia Iliev's family. More than 200 children were identified as victims of this network. According to Italian authorities, the parents of the Roma leader were assumed to have earned more than €10 million in three years. The money was probably used to elect Ilia Iliev as Municipal Councilor of the Bulgarian capital, Sofia. Such an election became possible when Tsvetan Tsvetanov, the then Vice-Prime Minister and Bulgarian Minister of Interior, registered the leader of the Roma party in the electoral roll of the GERB party, the ruling party at that time. The pressure of the European organizations advocating for the integration of the Roma populations may also explain this political choice. This same Roma party (DROM), whose leader is assumed to have links with the Roma criminal networks, fights for the rights of the Roma people at national and international level. The claim of this party ensures judiciary immunity to its leader.

### **Endemic poverty and vulnerability of women and children**

The Roma victims of sexual exploitation are often subjected to abuse and/or sold by members of their family. Many affairs confirm the implication of the family in the exploitation and human trafficking of Roma women and children. The men are often victims of forced labor. Within the Roma society, early marriages are the norm. At 13 years old, a girl can be married and have children. Therefore the education of young girls is not a priority. Thus, they become easy prey for the traffickers. They even accept exploitation because they are convinced that it is the only way to meet the needs of their families. Even if a victim is identified and taken out of the trafficking situation, the likelihood of them returning to the hands of the traffickers is extremely high. The main reasons for this are the fear of the police, weak assistance from by the public authorities, and the daily discrimination they endure. The stigmatization of the victims leads them to return to the very same environment where they were initially recruited. Additionally, some jurisdictions, particularly the Serbian Courts, when confronted with cases of return to sexual exploitation, would readily attribute the guilt to the victims, even if consent does not count in respect to the constituted offense, is described by the Palermo Protocol<sup>1</sup> and by the 2011 European directive<sup>2</sup>.

In addition, there is no "ethnic" data regarding human rights. However, *European Roma Rights Centre and People in need* recommends in a 2011 report, the implementation of standards for the collection of international comparative data on trafficking (ethnic group, gender, physical condition, and other characteristics of the victim) to allow a better coordination between the stakeholders in the fight against human trafficking. The European Commission against Racism

---

<sup>1</sup> Additional protocol to the Convention of the United Nations against international organized criminality, aiming at repressing human trafficking affecting particularly women and children, was adopted in New York on November 15th, 2000. It is also known as the Protocol of Palermo.

<sup>2</sup> Directive 2011/36/UE of the European Parliament and of the Council on April 5<sup>th</sup>, 2011 regarding the prevention of human trafficking, the fight against that scourge, and the protection of the victims. It replaces the framework decision 2002/629/JAI of the Council.

and Intolerance (ECRI) observed that the laws regarding the protection of data are wrongly interpreted as an insuperable obstacle to the collection of data based on the ethnic groups. UN also criticizes the lack of relevant data. It constitutes a relevant obstacle to the implementation of specific policies aimed at fighting the victimization of Roma women and children, the most vulnerable members of modern European society.

### **Bibliography**

- European Roma Rights Centre and People in need, *Breaking the Silence: Trafficking in Romani Communities*, ERRC, Budapest, March 2011.
- Romaninet, *History, tradition and customs of Roma*, European Commission, Education and Culture DG, Lifelong Learning Programme, 2011.
- Todorović D., Miloevic L., Đorđević D.B., *Social distance of romas of southeastern and southwestern Serbia towards members of other nations and national minorities*, University of Nish, 2002.
- Todorović D., *Roma in the Balkans and Serbia*; Драган Тодоровић, *Ромина Балкану и у Србији*, Универзитет у Нишу, University of Nish, 2011.

# The Fondation Scelles' Story

The Fondation Scelles, officially recognized in 1994, was created in 1993 by Jean and Jeanne Scelles, Christian Democrats, who donated their fortune to the project.

Jean Scelles, a member of the French Resistance, was imprisoned in 1941 in Algiers. There he discovered prostitution while listening to a pimp – a fellow prisoner – explained how he would “tame and punish rebellious girls.” Narrowly rescued, Jean Scelles promised to dedicate his life, alongside his wife, to the protection of human dignity by improving public awareness, lobbying within the political sphere, and enforcing the prosecution of traffickers.

Between 1953 and 1973, 40 lawyers associated with the “Action Teams against procuring” filed more than 300 lawsuits against pimps. These teams continue to fight tirelessly against procuring, filing an average of 15 lawsuits per year.

When Jean Scelles died in 1996, his nephew Philippe Scelles, who had helped him create the Foundation, became President. Since then, the Foundation has developed consistently, thanks to the dedication of numerous collaborators and volunteers.

Yves Charpenel, Deputy General Prosecutor of the Supreme Court of France, has been President of the Foundation since 2010.

Prostitution, human trafficking, sexual tourism, and pornography; are all cause for outrage. The commercial sexual exploitation of children and adults is insufferable.

Our duty and mission is to uncover, understand, and fight against this terrible scourge and to create a world free of any form of commercial sexual exploitation.

## **Our goals:**

**Increase public awareness to magnitude of this challenge.** Prostitution affects us all. Values as fundamental as the respect of others, equality, and development are infringed upon by sexual exploitation. Refusing the use of prostitution as a system of human exploitation preserves our respect of these values.

**Change the perception of prostitution.** We call on public opinion to acknowledge the reality of this system and to disapprove of what may seem to be a certain and everlasting fact. We want prostitution to be seen as a consequence and cause of socio-economic, as well as gender disparities, in order to incite a true change in public opinion.

**A coherent global policy.** The only way to effectively fight against sexual exploitation is through the coordination of social services, health care, police, and judicial services.

**Obtain the harmonization of European policies.** In Europe, as borders disappear every day, the harmonization of national legislation based on the clear principles of respect, equality and the disapproval of any kind of legalized pimping, is essential.

**Introduce a sense of responsibility into the minds of the client.** Clients of prostitution represent a very important part of the system of violence endured by sex workers. Their responsibility should be at the center of public debates and policies regulating prostitution. The Scelles Foundation does not exercise any moral judgment and it does not question the prostitute's free will. We fight on behalf of all prostituted persons for whom the "choice to work as a prostitute" is nothing but an illusion.

**Fondation SCELLES**

14 rue Mondétour – 75001 Paris (France)  
Tél. 00 33 1 40 26 04 45 – Fax. 00 33 1 40 26 04 58  
E-mail : [fondationscelles@wanadoo.fr](mailto:fondationscelles@wanadoo.fr)

***“Prostitution concerns us all.  
We need your help to fight it”***

Yves Charpenel, President



Connaître, Comprendre & Combattre  
l'Exploitation Sexuelle

[www.fondationscelles.org](http://www.fondationscelles.org)

Fondation Scelles, reconnue d'utilité publique depuis 1994



Sensibilisation des jeunes aux risques de prostitution

[www.passe-passe.org](http://www.passe-passe.org)

Fondation Scelles, reconnue d'utilité publique depuis 1994



Centre de Recherches Internationales et de  
de Documentation sur l'Exploitation Sexuelle

<http://crides.fondationscelles.org>

Fondation Scelles, reconnue d'utilité publique depuis 1994



L'actualité de la prostitution

<http://infos.fondationscelles.org>

Fondation Scelles, reconnue d'utilité publique depuis 1994

*For the second consecutive year, the Fondation Scelles has developed an overview of prostitution all over the world: here 54 countries and 10 topics have been analyzed through the news.*

*This overview of our societies' dependence on a disoriented globalization process shows the complexity and seriousness of this particular form of violence against the most vulnerable people.*

*Today, we are all affected in some way in France, Europe, and the world, as prostitution plays the dignity of the most vulnerable against the greatest forces in our countries, as they attempt to withstand the temptation of the commercialization of the human body.*

*The global economic downturn and the increasing distortion of the common values that should inspire us, have, as never before, disrupted the way we view the realm of sexual exploitation.*

*Although this book also addresses an "economic horror", its foremost concern is human suffering. Of course, there are torturers who abuse and sell, and accomplices who purchase or remain silent, but, above all, there are victims who are too often invisible.*

*This book attempts to describe rather than explain, and aims to inspire further thought and investigation.*

\*

\*   \*

**The Fondation Scelles**, an acknowledged association of public utility since 1994, aims to ensure that every human being may prosper without resorting to prostitution. Through analysis and awareness campaigns among the policy makers and general public of France and Europe, the Fondation Scelles, in partnership with several other associations, fights to uncover, understand, and combat this form of violence.

Cover photo: © Gérard Sanz ([gerard.sanz.pagesperso-orange.fr/contact.htm](http://gerard.sanz.pagesperso-orange.fr/contact.htm))  
[www.gerardsanz.fr](http://www.gerardsanz.fr)

[www.economica.fr](http://www.economica.fr)