

**Causal Factors in the Crime of Trafficking of Women for the Purpose
of Sexual Exploitation:**
**An exploration into push and pull factors relevant to women trafficked
from Moldova to Western Europe**

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Zusammenfassung

Der illegale Handel mit Frauen zur sexuellen Ausbeutung ist ein globales Phänomen. Hunderttausende Frauen (Mädchen, Jungen und Männer) werden über Grenzen transportiert, was oft forciert wird und mit illegalem Hintergrund geschieht, um Tag für Tag in der Sex-Industrie zu arbeiten (Hughes, 2004). Nach Schätzungen der Vereinten Nationen, werden jedes Jahr weltweit vier Millionen Menschen zu Objekten dieses illegalen Handels. Die Internationale Organisation für Migration berichtet sogar von Zahlen, die sich weltweit von 600 000 bis zu vier Millionen bewegen.¹ Seit den frühen 90iger Jahren und mit dem Zusammenbruch der Sowjetunion vergrößert sich die Welle von illegal gehandelten Frauen aus Süd- und Osteuropäischen Ländern. Der illegale Menschenhandel nimmt nun die Stellung der drittgrößten organisierten kriminellen Tätigkeit weltweit- nach dem Drogen- und dem Waffenhandel ein (Semini, 2003, UNODC, 2006).

Obwohl das illegale Handeln ein ausgiebig untersuchtes Phänomen ist, räumt man einen Mangel an empirischen und qualitativen Informationen der gehandelten Frauen selbst ein. Dieses Defizit unterstützt keine Akademiker, Politiker und Menschen deren Beruf es ist, sich in sozialer, legaler und psychologischer Weise um die gehandelten Frauen zu kümmern, den illegalen Sexhandel zu verhindern (Weitzer, 2000).

Die vorliegende Forschungsarbeit sammelte, obwohl begrenzt in Umfang und Entfaltungsmöglichkeiten, Erfahrungen und Stimmen der Frauen von Moldawien, die in Europa gehandelt wurden. Dies soll unser Verständnis dafür wecken, welche kausalen Faktoren für jene Frauen eine Rolle spielen, die aus einem Land wie Moldawien stammen.

Kausale Faktoren, die auch als ‚push and pull‘ Faktoren bekannt sind Elemente die Frauen aus Ländern ‚hinausdrängen‘, und sie in andere Länder ‚hineinziehen‘. Dadurch wird der Handel erleichtert und aufrechterhalten. Mit Hilfe einer feministisch-kriminologischen Theorie, untersuchte diese Studie die Wirkung und die Verbreitung einiger kausaler Faktoren, die Frauen betrafen, welche von Moldawien nach West-Europa gehandelt wurden. Einige dieser Faktoren waren hauptsächlich Ökonomie, Gewalt, Korruption und das Verlangen nach sexuellen Leistungen.

Kapitel I beginnt mit einer Einführung in das illegale Handeln und umreißt die Zielsetzung dieser Studie.

Kapitel II beinhaltet zum einen die Aufstellung ausführlicher Definitionen des Handels (legaler und anderer Art), zum anderen stellt dieses Kapitel eine Übersicht der Situation in Moldawien bereit. Kapitel III berichtet über den legalen Hintergrund in Moldawien. Der theoretische Rahmen der vorliegenden Studie wird in Kapitel IV thematisiert.

Mittels einer Qualitativen Methode, die unser Verständnis kausaler Faktoren erweitert, stellt Kapitel V die Methodologie der Studie vor. Kapitel VI und VII führen die

¹ Kelly, L. (2004). You Can Find Anything You Want: A Critical Reflection on Research on Trafficking in Persons within and into Europe. In IOM; F. Laczko & E. Gozdzia (Eds.), *Data and Research on Human Trafficking: A Global Survey*. Offprint of the special issue of International Migration Volume 43 (1/2) 2005 (pp. 235-266). Geneva: IOM.

Ergebnisse dieser Studie an. Diese unterstützen bereits bestehende Untersuchungen, die auf mühsame ökonomische Umstände und Erfahrungen mit Gewalt in der Familie als auch in der Gesellschaft basieren, und potentielle kausale Faktoren darstellen, welche Frauen dazu bewegen, ihr Heimatland zu verlassen um in die Zielländer zu gehen- direkt in die Hände der Händler. Ein Ergebnis meiner Studie war, dass einige der Frauen die Tatsache sogar als positiv erachteten, dass die Grenzen sowohl innerhalb der EU als auch außerhalb relativ einfach zu passieren seien. Man könne sie daher nicht davon abhalten, ihre Heimat zu verlassen, um im Ausland nach Arbeit zu suchen.

Die vorliegende Arbeit schließt mit Kapitel VIII ab, das einen Abriss über die Grenzen und die vorgeschlagenen Zukunftsrichtungen gibt. Dieser Abriss ist notwendig, um unser Verständnis in der Hinsicht zu erweitern, welche Rolle die kausalen Faktoren im dynamischen illegalen Handel von Frauen zur sexuellen Ausbeutung spielen.

Die Ergebnisse dieser Studie unterstützen andere, auf Beweisen basierte Literatur, die sich mit der Macht und der Verbreitung von Ökonomie und Gewalt als beherrschende Faktoren in der Dynamik des illegalen Handels befassen. Diese zwei Faktoren haben insofern Auswirkungen auf die Frauen in ihren Heimatländern, als ihre Entscheidung in signifikanter Weise beeinflusst wird, ihr zuhause zu verlassen. In den Händen von illegalen Händlern stellen sich somit selbst in eine Position der Verletzbarkeit. Zusätzlich wird in dieser Arbeit deutlich, dass die leicht zu passierbaren und durchlässigen Grenzen eine wichtige Rolle in dem Geschäft der sexuellen Ausbeutung spielen, da der illegale Handel mit Frauen erleichtert wird. Unter anderem wird geschlussfolgert, dass weitere empirische Untersuchungen erfordert werden, um die persönlichen Erfahrungen von mitschuldigen Amtspersonen, Klienten, Bordellbesitzern und gehandelte Frauen zu erfassen, um ein vollständigeres Verständnis zu bieten. Dadurch wird klar, dass es nicht möglich ist, ohne eine gewissenhafte Anstrengung auf die tiefere Ursache des illegalen Handelns zu zusteuern. So werden bestehende Nachteile, Armut, Arbeitslosigkeit und Gewalt fortbestehen. Diese Faktoren verbleiben als potentielle Elemente, die Frauen dazu drängen, ihre Heimat zu verlassen, um in anderen Ländern ausnahmslos an Händler zu gelangen, die sowohl sie als auch ihre Bedürfnisse ausbeuten.

Summary

The trafficking of women for the purpose of sexual exploitation is a global phenomenon. Hundred of thousands of women (and girls, boys and men) are coerced and transported, often illegally, across borders and forced to prostitute in the sex industry every day (Hughes, 2004). The United Nations estimates that four million persons are globally trafficked each year and the International Organisation for Migration reports global trafficking figures ranging from 600,000 to 4 million². Since the early 1990s and with the collapse of the Soviet Union, the wave of women trafficked from Southern and Eastern European countries have grown exponentially. Human trafficking has become the third biggest organised criminal business worldwide after drug trafficking and trafficking in weapons (Semini, 2003, UNODC, 2006).

Trafficking is an extensively researched phenomenon but acknowledged is a paucity of empirical and qualitative information from trafficked women survivors. This deficit does not assist academics, policy makers and practitioners in preventing trafficking, prosecuting offenders and protecting victims (Weitzer, 2000). Although limited in size and scope, this exploratory study gathered the voices and experiences of women from Moldova who had been trafficked throughout Europe in attempt to enrich our understanding of the role causal factors play for women trafficked from a prime country of origin such as Moldova.

Causal factors (also known as push and pull factors) are elements that push women out of countries and/or pull women towards other countries thus facilitating and sustaining the trafficking chain. Utilising a feminist criminology theoretical framework, this doctoral study explored the potency and prevalence of certain causal factors for women trafficked from Moldova to Western Europe, specifically economics, violence, corruption and demand for sexual services.

Chapter one offers an introduction to trafficking and outlines the study's purpose. Chapter two offers the array of extensive definitions of trafficking (legal and others) and an overview of the situation in Moldova. Chapter three provides the legal framework in Moldova and chapter four provides the theoretical framework for the study.

By means of a qualitative methodology this exploratory study enhanced our understanding of causal factors; chapter five outlines the methodology of the study. Chapters six and seven offer the findings of this exploratory study which support existing research such that strenuous economic circumstances and experiences of violence in the home and/or society are potent causal factors pushing women out of their country of origin and pulling them towards destination countries and consequently into the hands of traffickers. A serendipitous finding was that some women believed that since borders were fairly easy to cross within and outside of the European Union that did not deter them from leaving their countries in an attempt to seek employment elsewhere.

The study concludes with chapter eight which outlines the limitations and suggested future direction necessary for our understanding of the role causal factors play

² Kelly, L. (2004). You Can Find Anything You Want: A Critical Reflection on Research on Trafficking in Persons within and into Europe. In IOM; F. Laczko & E. Gozdzia (Eds.), *Data and Research on Human Trafficking: A Global Survey*. Offprint of the special issue of International Migration Volume 43 (1/2) 2005 (pp. 235-266). Geneva: IOM.

in the dynamic of trafficking of women for the purpose of sexual exploitation. This exploratory study's findings supported other evidence-based literature concerning the potency and prevalence of economics and violence as two predominant causal factors in the dynamic of trafficking. The impact of these two factors on women in countries of origin significantly influences their decision to leave home and therefore places them in a position of vulnerability into the hands of traffickers. Additionally, the study's findings supported the importance of porous borders being another factor facilitating the trafficking of women for the purpose of sexual exploitation. Further empirical exploration is required in order to best capture the personal experiences and motives of complicit officials, clients and brothel owners and trafficked women to provide a more complete understanding. Also realised is that without a conscientious effort to target the root causes of trafficking, continued disadvantage, poverty, unemployment and violence will remain as potent elements that push and pull women from their home countries towards others and invariably into the hands of traffickers waiting to exploit them and their needs.

Abstract

Through current research and governmental publications we learn varied yet staggering statistics concerning the numbers of women trafficked for the purpose of sexual exploitation around the world. The United Nations estimates that four million people are trafficked each year globally either because of choice, or coercion due to violence or the threat of violence, abuse of authority, debt bondage or deception (Caldwell et al. 1997; Specter 1998; Wijers and Lap-Chew 1997), along with estimates that up to 120,000 women and children are being trafficked specifically into Western Europe each year (European Commission, 2001:2) along with the recognition from non governmental sources that the number of victims is probably higher than the official statistics (Europol, 2000). The literature acknowledges the potency and prevalence of causal factors (IOM, 2001; MNHR, 2000; Scanlan, 2002; UN, 2000; OSCE, 2002) impacting women in the trafficking dynamic. Causal factors (also known as push and pull factors) are elements that push women away from cities and/or countries of origin into the dynamic of trafficking and/or pull women towards other countries and thus facilitating and sustaining the trafficking chain. Utilising a feminist criminology theoretical framework, this doctoral study explored the potency and prevalence of certain causal factors for women trafficked from Moldova to Western Europe. By means of a qualitative methodology, this exploratory study supported existing research in its findings such that strenuous economic circumstances and experiences of violence in the home and/or society are potent causal factors pushing women out of their country of origin and pulling them towards destination countries and consequently into the hands of traffickers. A serendipitous finding was that some women believed that since borders were fairly easy to cross within and outside of the European Union, it therefore did not deter them from leaving their countries of origin in an attempt to seek employment elsewhere.

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Chapter One: Introduction

“Trafficking in human beings is nothing less than a modern form of slavery.”³
Condoleezza Rice, 2005

The trafficking of women for the purpose of sexual exploitation is a global phenomenon. Hundred of thousands of women (and girls, boys and men) are coerced and transported, often illegally, across borders and forced to prostitute in the sex industry every day and around the world (Hughes, 2004⁴). Trafficking of persons occurs for migration, labour or marriage but exponentially it is the trafficking of women for the purpose of sexual exploitation that now constitutes one-fourth of the world trade (Richard, 2000). It is this particular form of trafficking which was the focus of this doctoral study; in particular, to examine what causal factors impact trafficking and their potency and prevalence from the victims’ or survivors’ perspective.

According to the United States (US) Department of State *Trafficking in Persons Report*⁵ (2005), 600,000 to 800,000 men, women, and children are trafficked across international borders each year, approximately 80 percent are women and girls and up to 50 percent are minors. The data also illustrate that the majority of transnational victims are trafficked into commercial sexual exploitation.

Along with that figure, the United Nations estimates that four million persons are globally trafficked each year and according to the Swedish non governmental

³ Secretary of State Condoleezza Rice as quoted in Tabor, N. (2005, July 13). Human Slavery and Pornography, at Home and Abroad: *The Conservative Voice*. Retrieved July 13, 2005 from DIGNITY@PETE.URI.EDU list server.

⁴ Hughes, D. (August 2004). Best Practices to Address the Demand Side of Sex Trafficking. Retrieved June 21, 2005 from http://www.uri.edu/artsci/wms/hughes/demand_sex_trafficking.pdf

⁵ US Department of State (2005). *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report 2005*. Washington, DC: US Department of State obtained June 11, 2005 from <http://www.state.gov/g/tip/rls/tiprpt/2005/>

organisation (NGO) Kvinna Till Kvinna⁶, 500,000 women from over the world are trafficked each year into Western Europe alone, whereas a large proportion of these come from the former Soviet Union countries. The International Organisation for Migration (IOM) stated in 1997 that an estimated 175,000 women and girls were trafficked from Central and Eastern Europe (CEE) and the Newly Independent States (NIS) [or Commonwealth of Independent States (CIS)] into Western Europe. Today the IOM reports global trafficking figures ranging from 600,000 to 4 million⁷. Also in 1997 the Transnational AIDS/STI Prevention among Migrant Prostitutes in Europe Project (TAMPEP) declared that there were one million prostituted women in Europe that year⁸. Stability Pact for South Eastern Europe Task Force on Trafficking in Human Beings claims that 700,000 to 2 million women and children are trafficked globally each year, with 300,000 to 500,000 said to be trafficked through South Eastern Europe into the European Union (Semini, 2003) and that trafficking within Russian borders (domestic trafficking) is “growing to menacing proportions” (Konrad, 2005)⁹. Although clandestine in nature and therefore difficult to accurately accumulate statistics¹⁰ on the numbers of

⁶ Information obtained June 1, 2005 from

http://www.iktk.se/english/thematic_info/trafficking/trafficking_faq.html

⁷ Kelly, L. (2004). You Can Find Anything You Want: A Critical Reflection on Research on Trafficking in Persons within and into Europe in F. Laczko & E. Gozdzik (Eds.), *Data and Research on Human Trafficking: A Global Survey*. Offprint of the special issue of International Migration Volume 43 (1/2) 2005 (pp. 235-266). Geneva: IOM.

⁸ For more information on TAMPEP’s mandate visit: <http://www.tampep.com/project.html#up>

⁹ OSCE Special Representative on Trafficking in Human Beings Helga Konrad quoted in Human trafficking on the rise in Russia – OSCE representative (2005, July 3). Message posted to DIGNITY@PETE.URI.EDU

¹⁰ The difficulties that surround accumulating statistics are multi-fold. Trafficking and in some areas, prostitution, is illegal and therefore practiced clandestinely. Secondly, accumulating figures on illegal activities has always been a challenge for criminologists (Kelly, 2005; Laczko, 2005) and dark figure of crime from official statistics. Thirdly, language barriers and danger to approach traffickers, pimps, brothels or prostitutes may also prevent researchers from gaining accurate insight and lastly, the non governmental organisations, police and governmental organisations are not always open to sharing their information and investigative savvy. Furthermore, NGOs are often protective of the women they assist, protecting them from outsiders who may inaccurately and/or insensitively portray their exploitative experiences thereby

trafficked women, what estimates do exist reveal that an extensive amount of women are being trafficked and sexually exploited throughout Europe.

Since the early 1990s and with the collapse of the Soviet Union, the wave¹¹ of women trafficked from Southern and Eastern European countries (SEE) to Western European countries has grown exponentially. Human trafficking has become the third biggest organised criminal business worldwide after drug trafficking and trafficking in weapons (Semini, 2003, UNODC, 2006). The Global Survival Network (1997) informed that Russian women are known to be in sex industries in over 50 different countries.¹² IOM reported that approximately 500,000 women are annually trafficked into Western Europe; that 120,000 women and children are being trafficked into the European Union¹³ each year, mostly through the Balkans wherein 10,000 women mostly from Moldova,

inflicting repeated trauma. Elaborating upon on any or all of these obstacles to data collection is beyond the scope of this project.

¹¹ Trafficking for the purpose of sexual exploitation is evidenced internationally with certain countries experiencing different trends, causes and legislation surrounding prevention, prosecution and protection; however, an increase in trafficking of women from Southern and Eastern European countries is considered the most recent wave of trafficking with regionally-specific trends and causes. Where historically, predominant waves of trafficking laid (and continues to exist) within Eastern Asia (to and from Cambodia, Laos, Japan, Korea, Mongolia, the Philippines, Thailand, and Vietnam); South America (to and from Argentina, Brazil, Columbia and Venezuela); Central America and the Caribbean (to and from Costa Rica, Cuba, Dominican Republic, Guatemala, Honduras, Suriname, Trinidad and Tobago); from and within African nations (such as Algeria, Burkina Faso, Ghana, Nigeria, Sudan, Tanzania, Togo and Zambia) to other nations and into Europe, the **fourth** wave of trafficking consists of women from Southern or Eastern European countries (such as Moldova, Ukraine, Romania, Russia, and Macedonia) being trafficked within their countries and/or into Western European countries primarily through the Balkan Region (Kosovo, Bosnia and Herzegovina) and into Western European states such as Italy, France, Germany and the Netherlands to name a few. Considered as a result of the collapse of the Communist system and subsequent high rates of unemployment and poverty, the rate of trafficking for the purpose of sexual exploitation has not stabilised but rather continues to grow and flourish in these countries and the causal factors therefore demand study.

¹² As cited in Hughes, D.M. (n.d.). *Supplying Women for the Sex Industry: Trafficking from the Russian Federation; Sexualities in Postcommunism*. University of Rhode Island. Edited by A. Štulhofer, T. Sandfort, V. Diehl Elias, and J. Elias. Obtained June 20, 2005 from <http://www.uri.edu/artsci/wms/hughes/pubtrfrep.htm>

¹³ The European Union since 2004 consists now of 25 European nations. Prior to that it Founded in November of 1993, the Union consisted of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, and the United Kingdom. Ten more countries have joined the European Union in January 2004 which include Cyprus (Greek portion), the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.

Romania and Ukraine¹⁴ are working in the Bosnia and Herzegovina sex industry (OSCE, 2002). In his book, Malarek (2003)¹⁵ poignantly describes the break up of the Soviet Union.

In 1991 democracy swept over the republics of this once oppressive Communist empire. It was a time of immense change and upheaval, yet the majority of the populace seemed up for the challenge. For many, it was the realisation of a lifelong dream. They were free, once and for all, to live as individual nations...Then reality marched in. For much of the population the dreams of a better way of life evaporated overnight. The move toward market reforms that was to shepherd these countries into the fold of global economy saw a massive flight of capital instead. Law and order were compromised by corruption, greed and graft. In no time, the economies of the new republics collapsed and the social safety nets that had provided a minimum standard of living for the bulk of the population were torn to shreds (p.2-3).

As a result of these changes in economic, political and civil systems, an increase in poverty, lawlessness and corruption soared and the trafficking of women flourished. He continues,

With the social structure in disarray, families broke down. Children were abandoned in the streets. Violence against women and children soared. And through it all, the women [sic] set out to find work to keep their families together. Even young girls with no families of their own went searching for jobs to feed younger siblings and parents. By this time, however, the unemployment rate for women had ballooned to roughly 80 percent. There were simply no jobs to be found. Enter the “saviours,” promising endless varieties of what, for these women, was nothing less than salvation. Jobs as nannies in Greece...domestics in Italy and France...maids in Austria and Spain...models in North America and Japan (p.2-3)

¹⁴ As was evidenced in this exploratory study, many of the women currently sexually exploited throughout Europe originated from these countries.

¹⁵ Malarek, V. (2003). *The Natashas: The new global sex trade*. Ontario, Viking Canada.

A 1998 survey¹⁶ found that 87.5 percent of the women trafficked into Germany were from Eastern Europe. Seventeen percent were from Poland, 14 percent from Ukraine, 12 percent from Czech Republic and 8 percent from the Russian Federation (Itar-Tass, 1999). The situation of armed conflict in the Balkans has likewise contributed to an increase in trafficking into the region (Coomaraswamy, 2000) whereas the increase of international persons, currency and spending and demand for sexual services are hypothesised as also contributing or causal factors for the increase.

Although accurate figures are difficult to obtain or the numbers may vary between agencies, the premise remains that this crime is abundant. “The situation is very dire,” said Jean-Philippe Chauzy of a migration organisation, which set up a Chisinau centre in Moldova to fight sex slavery. “It’s a lucrative activity; it’s a low-risk activity. The women who are trafficked have no one to turn to. It’s fair to say this phenomenon will not decrease anytime soon” (Baker, 2002, n.p.); unless consistent and conscientious efforts are made to address and eliminate the predominant causal factors will continue to drive people into the hands of traffickers and exploiters.

1.1 Deficits in the literature

There is an acknowledged paucity of empirical and qualitative information from trafficked women survivors and this deficit does not assist academics and practitioners in preventing trafficking, prosecuting offenders and protecting victims (Weitzer, 2000). With competent and valid empirical data, more information can be learned in regards to the causal factors of trafficking and then utilised to devise strategies to prevent and

¹⁶ Itar-Tass (1999). Most of Foreign Prostitutes in Germany Come From Eastern Europe. *Journal of International Affairs* 53, No. 2, 625-651 as cited in Hughes Donna M (2000). The ‘Natasha’ Trade: The Transnational Shadow Market of Trafficking in Women. *Journal of International Affairs* 53(2), 625-651.

combat trafficking, and to create programming to address all of the facets concerning trafficking including protection and prosecution.

The data collection methods chosen for this exploratory study partially served this purpose. Although limited in size and scope, this doctoral study gathered the voices and experiences of women from Moldova who had been trafficked throughout Europe as well as supplemental data from governmental, non governmental and other academic sources in an effort to address this dearth.

There is currently no unified and multi-lateral mechanism to systematically collect reliable statistics on the scale of trafficking across all European Union Member States (IOM, 2001), whereas the lack of data can be partially attributed to the low priority given by authorities to combating trafficking; legislation is either inappropriate or in transition, making the prosecution of traffickers difficult within each country and through cross-border cooperation. In some member states, particularly those new to the European Union and perhaps still in a transition from former legislative governing structures, a struggle in their admittance that trafficking is existent and a problem within their borders prevents any subsequent articulation within law and therefore could substantially prevent proficient prosecution of exploiters¹⁷.

Similarly, successful prosecutions are rare since they rely on witness/victim testimony and such testimony is often difficult to acquire and maintain, as victims of trafficking are either not recognised as such and are deported as irregular migrants, or are

¹⁷ According to the U.S. Department of State's annual *Trafficking in Persons Report* Released by the Office to Monitor and Combat Trafficking in Persons (June 5, 2006), the following countries are some which "do not fully comply with the minimum standards for the elimination of trafficking": Romania, Slovenia, Slovak Republic, and Turkey. Furthermore, the example the Republic of Serbia, which adopted a new criminal code in July 2005 and within differentiates between trafficking and smuggling and covers all forms of trafficking, provides us with another example that new laws, the operationalisation of such laws and their prosecution, are still rudimentary.

too afraid to testify against their traffickers. Any of the above factors impede rewarding and proficient investigation and prosecution.

Data collection is further hindered by the fact that many victims are reluctant to testify against their traffickers for fear of retribution or exposure to their families or communities, or that their illegal status in a country or engagement in prostitution is illegal in that country and/or they fear prosecution as a result.

Also relevant within the academic literature is the varied responses to prostitution and exploitation and a sense of moralising about the topic which overshadows objective research and in some cases a “gross distortion of the subject matter” (Weitzer, 2000 p. 3). Weitzer maintains that there are several major issues¹⁸ that are evidence for why more research concerning prostitution is needed. Firstly, Weitzer claims there are different kinds of [sex] worker experiences and varying degrees of victimisation, exploitation, agency and choice, which further supports the need for continued (and objective) research concerning prostitution. Secondly, overgeneralisations about the sex industry, prostitution and victim experiences are abundant and can often invalidate analytical as well as empirical work. “Scholars often fail to specify the subgroup on which their research is based, and instead refer to ‘prostitutes’ or ‘sex workers’ when their research is restricted to, say, a sample of streetwalkers in one city” (Weitzer, 2000 p. 3-4). Weitzer continues by noting that refraining from unwarranted generalisations also means avoiding [sic] essentialist evaluations of sex work. What unfortunately remains in many (but not all) analytical or empirical works is the presence of a moral position or tone. A

¹⁸ Weitzer supplies several but this paper offers only two for illustration of point. See Weitzer, R. (2000). Why We Need More Research on Sex Work. In R. Weitzer (Ed.), *Sex for Sale: Prostitution, Pornography and the Sex Industry* (pp. 1-13). New York, New York: Routledge for more detail.

researcher's personal position or moral belief system should find no place within objective empirical work and often time convolutes the primary goal of the study in the first place.

All totaled, information from a victim's perspective is substantially lacking in the academic literature. Additionally, since many victims of trafficking feel shame and fear to relive and describe their experiences, even while housed in NGOs where support and assistance can be given, limited amount of information from their perspectives exists. Regardless of these realities, there are hundreds of thousands of women across Europe who have been trafficked for the purpose of sexual exploitation and whose voices are not being heard, which if revealed, could contribute to a better understanding of this crime.

1.2 Purpose of the Study

Sociological theory has its roots from asking whether individuals, or social beings, are innately "good" or "bad". While psychologists look within the individual for a personal trait or characteristic to explain criminal deviance, "sociologists look to the social structure and social forces of society for their answers" (Winterdyk, 2005 p. 176). Sociology starts with the idea that all behaviour is social, that behaviour (including criminal behaviour) is shaped by the social structures that surround an individual, including institutions, networks, peers, and family. Sociology believes that human behaviour is a product of internalising social roles, learned within our society from interactions with the players and institutions within that society. It is from this theoretical foundation that this doctoral study's hypotheses were generated; namely, that economic circumstances and cultural norms and practices of violence against women conspire to

facilitate trafficking by “pushing” women out of their countries of origin and into the hands of exploitive traffickers.

This exploratory study focused on the specific issue of trafficking in women for the purpose of sexual exploitation from a predominant country of origin and from the perspective of women who have survived being trafficked for this purpose. Accurately understood, trafficking is a crime and a theoretical application has been utilised to explore the potency and prevalence of certain causal factors.

Noteworthy is the reality that many men, women and children are trafficked throughout Europe forcefully (kidnapped) or engage voluntarily and exploited for their labour, for child sex tourism, for migration, pornography mediums, organ transplants and drug trafficking; however, this doctoral study streamlined its focus to explore the causal factors of women who had been forcefully or voluntarily trafficked from Moldova and sexually exploited in other European countries.

This research had two inter-related pieces each combining quantitative and qualitative methodologies. The first piece aimed to assess the relevancy, potency and prevalence of certain push and pull factors (causal factors¹⁹) identified from previous research studies, an evidence-based literature review of various front-line non governmental service providers, and the researcher’s hypotheses and findings²⁰. Chapters two, three, six and seven articulate this piece.

The second piece augmented the current literature regarding what is commonly

¹⁹ Within the existing literature concerning trafficking various terms of used to describe factors which “cause” and/or facilitate the trafficking of women for sexual exploitation. Push and Pull Factors and Causal Factors are used interchangeably. The causal factors explored in this doctoral study were “economics”, “violence”, “corruption” and “demand for sex”. For detailed elaboration and definition of all, please consult Chapter 2.

²⁰ One of the studies referenced was the researcher’s Master of European Criminology Programme Thesis “The Other Side of the Coin: Utilising Feministic Criminology to Examine the Causal Factors of Trafficking in Women for Sexual Exploitation from Central and Eastern Europe” September 2001.

and uncommonly known about trafficking for sexual exploitation but has done so from the victims' perspective through qualitative interviews with the assistance of La Strada Moldova. Chapters six and seven provide insight into the victims' perspective.

1.3 Research Questions

In response to both pieces of inquiry, the following research questions guided the study in an attempt to enrich our understanding, from a victim/survivor's perspective, of causal factors and their relevance and potency.

1. Based on her experience, are the hypothesised push and pull factors relevant to trafficked women survivors, and if so, in what order of potency and prevalence?
2. Based on her experience, what other push and pull factors does she indicate are relevant and if any, in what order of potency and prevalence?

Chapter Two: Description and Definitions

2.1 Describing the State of Affairs in Eastern Europe

Lured with fraudulent promises of lucrative opportunities, women desire to migrate within and across borders for permanent or temporary employment. Whether the women travel voluntarily, or find themselves tricked into migrating, inevitably they end up bought and sold, sexually exploited and suffer human rights violations. Stripped of their passport, often unable to speak the language in the destination country, sold as chattel to brothel owners and pimps, and terrified of the local law enforcement authorities, [and in some countries violence, state complicity, detention, and deportation (HRW, 2001)] many women are bound in servitude.

At the United Nations and International Labour Organisation conference (1999) it was revealed that up to 6,000 women and children from Eastern Europe are brought to Britain, France, Switzerland and the Netherlands each year by organised crime groups. Most end up in the sex trade (Choudhury, 2002). They come from cultures where girls are not considered as desirable as boys; are not afforded equal opportunity for education or work; and where the selling of a young virgin girl can bring the family money for food and shelter (Johnson, 2002).

The European Commission reported in March 2001 that estimates of up to 120,000 women and children are being trafficked into Western Europe each year (European Commission, 2001:2). As with many estimates of victims of trafficking, the source for this estimate is not clear, although it seems to relate to estimates made by the United States Government in 1998, namely that circa 175,000 women are trafficked from CEE and CIS countries annually. Further study offers that some 120,000 women are

trafficked to Western Europe annually (Richard, 2001 as cited in IOM, 2001).

Trafficking into Bosnia and Herzegovina (BiH) for forced prostitution surged in the late 1990s. Because of the war and subsequent unstable government and rule of law, many organised crime groups set up brothels and supplied sexual services to the numbers of international aid and military workers and locals. Hundreds of women from the former Soviet Union and Eastern European countries, some of them promised lucrative employment opportunities in West European countries, found themselves sold into slavery-like conditions and held as virtual prisoners in café-bars throughout the Federation and Republika Srpska. The women had no legal redress; instead, local law enforcement officials in Bosnia and Herzegovina often forced the women to stand trial, fined them, and deported them merely across country lines, allowing traffickers to pick them up and sell them to yet another bar owner (HRW, 2001).

The Balkans and neighbouring regions appear to have become a predominant region of transit and destination for trafficked women since the mid 1990s in the wake of the humanitarian crisis and wars in the former Yugoslavia. Bosnia and Herzegovina and Kosovo are primary destinations for trafficked women, while Moldova, Romania, Albania and Bulgaria are the most significant countries of origin to these regions. An IOM study in the Balkans for the years 1999 to 2000 (IOM, 2001), which was a collection of information gathered from various sources that assist trafficked women, identified the nationalities of trafficked women. From a total of 4417 assisted trafficked women, 5% (or 44) originated from Moldova. The nationalities detected by official sources indicate that from a total of 5887 7% originate from Moldova and nationalities of

victims assisted by IOM itself from a total of 697 the majority at 46% were from Moldova all acknowledged that Moldova is a prime country of origin (UNODC, 2006).

The OSCE (2002) claims that ninety percent of foreign migrant prostitutes in the Balkan countries are victims of trafficking and particularly and at least 50,000 women are taken out of Russia each year to become slaves abroad. For instance, in Israel, which is the main market for Russian slaves, most of the victims range in age between 18 and 24 wherein 46% of prostitutes originate from Moldova; 25% are from Ukraine; and 13% from Russia and Central Asian Republics (Novostei, 2002). It is estimated that about 20-30 women and girls return to Moldova each month from being trafficked and most of them are coming back from the Former Yugoslav Republic of Macedonia, Serbia, BiH, Kosovo and Albania (Petersel , 2001) and that the largest groups of women trafficked to Western Europe through and from the Balkans are Moldovan, Albanian, Romanian and Ukrainian (IOM, 2001). Some estimate that criminal groups have smuggled between 6,000 and 10,000 foreign women into BiH, many of whom are working in nightclubs against their will (Kampschror, 2004).

Nearby countries in South Central Europe, along with Turkey, seem to have the highest numbers of illegal Moldovan immigrants. Those who have been trafficked are 'double victims' in that they have been abducted or tricked, and then forced to live illegally in a foreign country, exploited or forced to prostitute, and where they have little or no legal protection as a result. UNICEF reported that in the years 2000 to 2001, Turkey had by far the highest number of deportations of Moldovans, with 6,610 in addition to Germany (654), Greece (317) and Italy (232) being the next highest (UNICEF

, 2000). Additionally, the IARS Project²¹ found in 2000 that of its 125 referrals, 71 cases or 46.7% were from Moldova (IOM, 2000).

Depending upon the region studied, some factors reveal themselves to be more relevant than others to cause a country to be more adversely affected by trafficking. For example, war as a push and/or pull factor is Southern Europe (BiH), powerful and integrated organised crime systems in Asia, and cultural practices in West Africa of sending children to be reared elsewhere may be considered factors that facilitate or sustain trafficking since such factors can ‘push’ people into the hands of exploitive traffickers. But despite differences from countries, regions or cultures, a belief remains that some variables more than others are considered consistently relevant to women from certain regions, who become trafficked and sexually exploited (Kangaspunta, 2001). The situation in SEE considers specific factors such as unemployment as a major contributor to the trafficking of women for the purpose of sexual exploitation.

2.1.1 Moldova



As a new European state the Republic of Moldova has been struggling with a three-fold task: the strengthening of statehood, the transition to a market economy and the democratisation of its society (UNDP, 2000) in addition, key legislation for the protection of the rights of children and young people suffers from limited funding, strategic direction and implementation mechanisms in Moldova (UNICEF, 2000).

²¹ <http://iomtirana.org.al/Projktet/Completed/Inter-Agency%20Referral%20System%20.htm>

Generally, women pointed to appalling economic conditions and lack of opportunity in their own countries as the main reasons that they felt the need to migrate. Another trafficking victim interviewed by Human Rights Watch in Sarajevo said, “I am from Moldova, and it is hard in Moldova. There’s no money, there’s no work, and it’s expensive to study. There is a crisis in Moldova” (HRW, 2002, p.).

The problem is especially acute at the moment with women in Moldova and with the use of leaky Balkan borders as a transit zone (JHA, 2002). Because of its eographical location²² and current economic situation, Moldova has emerged as a major country of origin for trafficking in women and children. It is also a transit country from Ukraine and other countries of the former Soviet Union (Hughes, n.d.).



This map was retrieved June 11, 2005 from <http://www.un.org/Depts/Cartographic/map/profile/easteuro.pdf> but was edited for clarity by this doctoral study’s author on October 16, 2006

²² Moldova’s geographical location makes it a prime country of origin to traffic women in several directions. Women are trafficked into Western Europe either West through Romania, North through Ukraine or South through Bulgaria to Turkey and onto Arab or Asian states.

The economy, during the transition period in the 1990s, deteriorated and unemployment rose as the result of the delayed payment of salaries, collapse of pension and social benefits, the liberalisation of prices and inefficient use of labour so that 60 percent of the population was living below the poverty line. In this decade, almost 50 percent of its national income is earned by the wealthiest five percent of the population. This is in contrast to the poorest five percent who earn an equally low five percent of the national income and where as much as 66 percent of the Moldovan population lives below the poverty line (UNICEF, 2000).

Despite having the same level of training as men, 68% of the unemployed in Moldova are women, and when in paid employment, they are paid only 70 to 80 percent of the salary a man would receive for the same job (OSCE, 2002). One indicator of the sharpness of the economic decline in the Commonwealth of Independent States (CIS) is reflected in statistics reporting that in 1989 about 14 million people in the transition economies of the CIS were living under the poverty line of four dollars per day; by the mid-90s that number was about 147 million or one person in three (UNDP, 2000). “The collapse of the Soviet Union followed by the creation of a criminalised state and economy has resulted in ten years of severe economic decline” (Hughes, n.d. p.4). Today, more than 80 percent of its people (primarily women) live below the poverty line. For years, the government paid wages and pensions only sporadically, and until recently electricity was available just a few hours a day (Baker, 2002).

From 1994 to 1998, the economy was fairly stable, but continued to contract. In August of 1998, Russia defaulted on billions of dollars in foreign loans, causing banks to fail, and the value of the Ruble to collapse. After eight years of market economy, the 1999 Gross Domestic Product (GDP) was estimated to be 58 percent of the 1989 level. In 2000,

approximately 41 percent of the population lived below the poverty line or subsistence level of 1,138 Rubles (approximately US\$40) a month. The average monthly wage in Spring 2000 was 2,038 Rubles (approximately US\$71) per month.²³

By 1994, Moldova dropped 27 places in the Human Development Index (UNDP, 2000) for a grading of 102nd in the world and ranking 0.70 in the overall Human Development Index (HDI) score. Now, in 2005, Moldova's standing has dropped into the "medium human development" category where it now ranks 113th in the world (from a total of 177 positions) and owns an HDI score of 0.681²⁴ which is well below the world average of 0.729 and with neighbouring countries Ukraine (HDI of 0.777) and Romania (HDI of 0.778) ranking 70th and 69th respectively.

Experiencing a serious economic depression, Moldova's per capita gross domestic product (GDP) fell 25 percent from US\$462 in 1996 to approximately US\$350 in 2000²⁵, and is now one of the lowest among the countries Commonwealth of Independent States²⁶. While slight growth in the GDP occurred in 1997, the financial crisis in Russia resulted in worsening conditions: since 1990, and Moldova has recorded the second worst decrease in GDP for the region. Between 1996 and 1999, the government's external debt

²³ Russian and Eurasia Program, 2000 as cited in Hughes, D.M. (n.d.). *Supplying Women for the Sex Industry: Trafficking from the Russian Federation; Sexualities in Postcommunism*. University of Rhode Island. Edited by A. Štulhofer, T. Sandfort, V. Diehl Elias, and J. Elias. Obtained June 20, 2005 from <http://www.uri.edu/artsci/wms/hughes/pubtrfrep.htm>

²⁴ Projection over the last few years shows Moldova's index fluctuating. In 1990 it ranked at 0.736; 1995 at 0.684; 2000 0.673 and 2002 at 0.681. For further in-depth analysis of Moldova's ranking in human and income poverty, demographic trends, health, resources and access to services, water and sanitation status and more consult http://hdr.undp.org/reports/global/2004/pdf/hdr04_HDI.pdf July 11, 2005.

²⁵ No agreed level of per capita GDP for 2000 has been reached. The National Bank of Moldova quoted in the UN Common Country Assessment 2000 calculated it to be US\$350 while the Department of Statistics, 2001 calculated it to be US\$344 as cited in "The Situation of Children and Women in the Republic of Moldova 2000-2001: Assessment and Analysis" UNICEF Moldova 2000.

²⁶ Commonwealth of Independent States (CIS) was created in December 1991. In the adopted Declaration the participants of the Commonwealth declared their interaction on the basis of sovereign equality [from the Soviet Union]. At present the CIS unites Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan and Ukraine. Obtained June 11, 2005 from <http://www.cisstat.com/eng/cis.htm>

almost doubled from 30.7 percent to 56.9 percent of the GDP, with the total external debt standing at 126 percent. Moldova's debt is around the regional average, yet higher than the average developing country (Carter, 2000).

The unemployment rate for Moldova has been fluctuating but remains high. In 1998 it was at 1.9% and as high as 2.1% in 1999 and in 2003 was identified at 1.2%²⁷.

Phrasebase²⁸ in 2006 offered that 80% of the total population live below the poverty line. These steady rates have been consistent over the past decade and continue to be reality in 2006. Phrasebase offers the following economic overview:

Moldova enjoys a favourable climate and good farmland but has no major mineral deposits. As a result, the economy depends heavily on agriculture, featuring fruits, vegetables, wine and tobacco. Moldova must import all of its supplies of oil, coal and natural gas, largely from Russia. Energy shortages contributed to sharp production declines after the breakup of the Soviet Union in 1991. As part of an ambitious reform effort, Moldova introduced a convertible currency, freed all prices, stopped issuing preferential credits to state enterprises, backed steady land privatisation, removed export controls, and freed interest rates. Yet these efforts could not offset the impact of political and economic difficulties, both internal and regional. In 1998, the economic troubles of Russia, by far Moldova's leading trade partner, were a major cause of the 8.6% drop in GDP [gross domestic product: purchasing power parity]. In 1999, GDP fell again, by 4.4%, the fifth drop in the past even years; exports were down, and energy supplies continued to be erratic.

²⁷ UNECE Trends in Europe and North America. *The Statistical Yearbook of the Economic Commission for Europe* 2005. Retrieved September 17, 2006 from [http://www.unece.org/stats/trends2005/Sources/120_Unemployment%20rate%20\(%25\).pdf](http://www.unece.org/stats/trends2005/Sources/120_Unemployment%20rate%20(%25).pdf)

²⁸ Retrieved July 11, 2005 and September 17, 2006 from <http://www.phrasebase.com/countries/Moldova.html>

The Central Intelligence Agency's (CIA) *World Factbook*²⁹ (January 2007) concurs and identifies Moldova as one of the poorest countries in Europe despite recent progress from its small economic base. As a result of its agreements with the World Bank and the International Monetary Fund to promote growth and reduce poverty, the economy returned to positive growth in 2000, and has remained at or above 6% every year since. It is projected that further reforms will come slowly because of strong political forces backing government controls and the economy will continue to remain vulnerable to higher fuel prices, poor agricultural weather, and the scepticism of foreign investors.

The International Labour Organisation's (ILO) 2004 report³⁰ provided that as many as 64 per cent of persons who live under the poverty line do so in rural areas.

Government data show that the slow pace of economic restructuring was reflected in a gradual rise in unemployment from 1.8 per cent of the workforce in 1996 to 2.1 per cent in 2000. This is likely to be unrepresentative of actual unemployment levels. National statistics cover only registered unemployment, but unemployment benefits in Moldova are so meager that the majority of unemployed persons do not find it worth their while to register with the authorities. According to data calculated by applying ILO definitions, unemployment in Moldova averaged 8.5 per cent in 2000 (9.7 per cent for men and 7.2 per cent for women), an improvement over the unemployment rate of 13 per cent in the aftermath of the 1998 regional financial crisis. Any accounting fails to

²⁹ The Central Intelligence Agency (CIA) of the United States annually compiles various forms of information provided by Antarctic Information Program (National Science Foundation), Armed Forces Medical Intelligence Center (Department of Defense), Bureau of the Census (Department of Commerce), Bureau of Labor Statistics (Department of Labor), Central Intelligence Agency, Council of Managers of National Antarctic Programs, Defense Intelligence Agency (Department of Defense), Department of Energy, Department of State, Fish and Wildlife Service (Department of the Interior), Maritime Administration (Department of Transportation), National Geospatial-Intelligence Agency (Department of Defense), Naval Facilities Engineering Command (Department of Defense), Office of Insular Affairs (Department of the Interior), Office of Naval Intelligence (Department of Defense), US Board on Geographic Names (Department of the Interior), US Transportation Command (Department of Defense), Oil & Gas Journal, and other public and private sources. <https://www.cia.gov/cia/publications/factbook/index.html>

³⁰ Beckmann, S. & Rai, P. (2004). HIV/AIDS + WORK Republic of Moldova: The impact of HIV/AIDS in the world of work. Country profile produced within the ILO-GTZ partnership. Geneva Switzerland. Retrieved July 11, 2005 from http://www.ilo.org/public/english/protection/trav/aids/publ/cp_3_moldova.pdf

reflect, however, the fact that 10–15 per cent of the workforce are working only part-time or are on unpaid leave (Beckmann & Rai, 2004, p. 12).

ILO's report offered that Moldova's population has been in decline over the years. The total population of the Republic is estimated to have fallen by about 60,000 between 1995 and 2000, (from a total of approximately 4 million people³¹), and was projected to decline by about 25,000 more by 2005:

...the loss of population has been the high level of out-migration: the net migration rate projected for 2000-2005 is -1.9 per thousand. As this emigration is largely for work, it is persons of working-age who are leaving the country, which has meant that the dependency ratio inside Moldova has tended to increase, putting a strain on its social protection systems. Fifty-four per cent of the population lives in the rural areas (Beckmann & Rai, 2004 p. 12).

And further offers that “in 2000, the proportion of population that was economically active was only 45.4 per cent (47.4 per cent for men and 43.5 per cent for women). The highest unemployment rate was among 15–34-year-olds and persons over the age of 54” (Beckmann & Rai, 2004, p. 12).

Russia was rated the world's fourth most corrupt country in a survey by Transparency International, a Berlin-based think tank (Caldwell et al, 1997) and Moldova has been identified by Freedom House (2000) as Europe's fourth most corrupt country, and one of the 30 most corrupt countries in the world. Being a trade partner and that Moldova is dependent upon Russia for its primary imports put it in a precarious position. In its 2004 report, Freedom House ranked Moldova as a “partly free” country giving it a

³¹ Population figure and following information obtained June 11, 2005 from <http://www.turism.md/eng/section/38/>. The Republic of Moldova has a population of 4.2643 million and is one of the most densely populated European countries. Population density is 126.2 persons per square kilometre. Moldova is populated by different ethnic groups. A breakdown of major ethnic groups is as follows: Moldovans – 64,5%, Ukrainians - 13,8 %, Russians – 13 %, others (Gagauzians, Bulgarians, Jews, Byelorussians, Germans, etc.). A high ratio of the population lives in the rural area. The urban population represents 45%. The major cities of Moldova include the capital city, Chisinau (over 700,000 people); Tiraspol (apr. 200,000); Balti (160,000); Tighina (140,000).

political rights ranking of “3” and a civil liberties ranking of “4”.³² The extremely low salaries of public officials (an average monthly salary for a civil servant in 1999 was 350 lei or \$30 USD) and the existence of well-financed and large-scale organised crime interact to make corruption mutually beneficial. Poorly executed privatisation, unrealistic budgets, financial need and the porous Eastern border in the Transnistria region³³ create an ideal situation for exploitation.

Perhaps no place in Europe faces the wrenching problems of poverty quite as acutely as Moldova. Torn by civil war in the Transnistria region and lagging behind while the rest of Europe charges forward toward economic union, this landlocked former Soviet republic sandwiched between Ukraine and Romania has become a black-market hub of human trafficking (Baker, 2002). Bluntly stated, Moldova is in economic crisis with high rates of unemployment, few economic opportunities, lacking a positive economic outlook towards the future, ultra-high unemployment, hyper-inflation and corruption all feed a black market economy that sells goods as well as people.

The reality for women in this region is also under representation in politics, drastic unemployment and a re-emergence of traditional societal values constricting women’s emancipation.

³² Both measures are within a scale from one to seven, where the ranking one is designated to a country which is completely “free” such as Canada, Germany or Australia and the ranking of seven is designated to a country which is “not free” such as China, Saudi Arabia, or Sudan. Freedom House (2004). Freedom in the world country ratings 1972-2003. Retrieved July 11, 2005 from <http://www.freedomhouse.org>

³³ Transnistria region in East Moldova (also known as Trans-Dniester Region), between the Dniester River and the Ukrainian border is populated by a Russian and Ukrainian majority that objects to Moldovan-Romanian rapprochement. Armed clashes between Moldovan forces and Trans-Dniester secessionists (mostly Russians and Ukrainians) led to Russian army intervention on the side of the secessionists in the early 1990s, and the proclamation of a Trans-Dniester Republic, with Tiraspol as its capital. The republic has not been internationally recognized. A peace accord with the Moldovan government giving the region greater autonomy was signed in 1997. Beyond the control of any strong national government, the region has become an international transit center for smuggled goods. A Russian-sponsored peace plan for the region was rejected by Moldova in Nov., 2003, after Moldovan demonstrations against it; the deal would have permitted Russian troops to remain until 2020. Obtained June 11, 2005 from <http://www.bartleby.com/65/tr/TransDnst.html>

Underrepresentation within politics is symbolised by a disproportionate number of women holding high positions of political office (such as Ministers, Directors, and other Chiefs of State), which currently is only two women from a total of 27 positions³⁴, compared to the total population that is female (54.5%)³⁵ in Moldova who need female representation in social, political, civil and economic arenas.

Furthermore, the established societal values and attitudes that purport stereotypical division of gender roles and expectations continue to exist. Namely that women should remain home to care for children, elderly parents and a household; that women who do work can be expected to earn less money than their male counterparts; that women who work as subordinates to men can be expected to engage in sexual ‘responsibilities’ as part of their job description.

2.1.1.1 Economics

Increased social problems such as poverty, domestic violence³⁶ and trafficking in women have also accompanied the transition in Moldova. Strengthened levels of misogyny, discrimination and inequality have emerged fuelling traditional beliefs and relegating women to subordinate or subservient positions within society.

Such economic decline fuels the need to seek a better life and with such motivation, women seeking employment elsewhere place their trust in travel and

³⁴ Consult Appendix I for the complete list of Chiefs of States for Moldova retrieved September 17, 2006 from Central Intelligence Agency Chiefs of State and Cabinet Ministers of Foreign Governments <https://www.cia.gov/cia/publications/chiefs/index.html> and confirmed through a Moldovan contact October 19, 2006. In bold and italicised font the two women Ministers identified on this list are Minister of Justice, Victoria Iftodi and First Deputy Prime Minister, Zinaida Greciani.

³⁵ Retrieved September 17, 2006 from <http://www.phrasebase.com/english/countries/index.php?&cat=173&newpage=People>

³⁶ The study by Minnesota Advocates for Human Rights acknowledged that it is not clear, whether the actual rate of domestic violence is increasing or whether reporting of domestic violence has changed since independence (Minnesota Advocates for Human Rights “Trafficking in Women: Moldova and Ukraine” December 2000 Minnesota Advocates for Human Rights).

employment agencies offering opportunities for employment elsewhere and which in most cases turns out to be a front for trafficking into the sex industry³⁷. Another poll in Moldova by the Romanian Centre for Opinion and Market Studies (CSOP) found that 36% of Moldovans would like to leave the country and make money abroad for some time, while 26% want to leave ‘for good’.”³⁸ Other studies estimate 600,000 to 1 million Moldovans currently live abroad (IOM, 2001; OSCE, 2002) or 25% of working age Moldovans are employed abroad. With such strong numbers, the assumed ease and ability to find work abroad and/or the need and desire to leave Moldova for employment elsewhere may increase the risk of trafficking and exploitation.

For the rural population, migration is perceived as the only survival strategy evidenced in some villages where more than half of the population has migrated. Poverty is the driving force behind women willing to accept job offers abroad. The OSCE (2002) also reported that for Moldova,

net external migration of young people aged between 14-24 is estimated at 130,000, the third highest rate in the Central and Eastern European/Commonwealth of Independent States/Baltic Region [whereas] almost 90 percent of young people ages 18-29 would like to leave Moldova for at least a little while, over 37 percent would leave forever if they had the opportunity, with only 9 percent of young people wishing to stay in Moldova³⁹.

³⁷ Other agencies offer scholastic experiences abroad, marriage or women learn about these employment opportunities through friends, boyfriends, relatives or acquaintances.

³⁸ As cited in International Organisation for Migration (2001). *Victims of Trafficking in the Balkans: A Study of Trafficking in Women and Children for Sexual Exploitation To, Through and From the Balkan Region*. International Organization for Migration p.50.

³⁹ Interview with the UNICEF Assistant Representative, Giovanna Barberis, 24 July 2001 by the Organisation for Security and Cooperation in Europe (OSCE) as cited in Organisation for Security and Cooperation Europe (2002). *Trafficking in Human Beings in South Eastern Europe: Current Situation and Responses to Trafficking in Human Beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia, Moldova and Romania*, (LOC) UNICEF/UNOHCHR/OSCE-ODIHR, p.25.

Lack of opportunities is understood to be the main reason (OSCE, 2002), and where almost 30 percent of its total population (approximately 4 million) are children and youth under 18 years of age (UNICEF, 2000) thus one third of its population perceives itself to have little or no future opportunities and a desire to seek them abroad. Increasing official and illegal migration to seek employment in neighbouring countries or Western Europe has offset the small positive growth in the early and mid-1990s, and is now significantly contributing to population decline. In some communities only half the former population remains⁴⁰.

In a report produced by the International Organisation for Migration concerning their collaborative work in the Balkan Region with agencies such as the International Catholic Migration Commission (ICMC) (2000), the nationalities of all victims assisted by the agencies involved were collected. The report highlighted the disproportionate number of women originating from Moldova at 57% of a total of 117 cases. Of women assisted by the International Police Task Force in Bosnia and Herzegovina Moldova reveals to be the highest origin country at 48% from a total of 199 cases. Victims recognised by the Former Yugoslav Republic Of Macedonia Ministry of Interior in 2000 further identified Moldova as a prime country of origin at 23% from total of 75 cases following Bulgaria at 39%, and the nationality of women sheltered by United Methodist Committee On Relief in Kosovo also showed Moldova as a high origin country at 41% of a total of 188 cases behind the category 'Other' at 46%.

⁴⁰ At the beginning of 2000, there were thought to be around 600,000 Moldovan citizens abroad in search of a job or residence – UNDP “National Human Development Report 2000” as cited in UNICEF “The Situation of Children and Women in the Republic of Moldova 2000-2001: Assessment and Analysis” UNICEF Moldova 2000. The International Helsinki Federation for Human Rights in their “Women 2000” study also found that between 600,000 and one million persons (more than 20% of the entire population) left the country in the last few years to find work abroad.

2.1.1.2 Violence

A country of origin, in the dynamic of trafficking, is the country in which the women consider their place of residence prior to being trafficked and forced into sexual exploitation. For many, this place of residence is their birth place, their country of nationality but also the country from which they desire to leave. The literature presents several casual factors influencing why women wish to leave their home countries and experiencing violence is one such factor. Research must question “what is going on in this country that makes people so desperate to leave?” “How is it so terrible that risking one’s safety presents as a viable and suitable option?”

Compounded with the economic despair patriarchal attitudes towards women prevail in Moldova. Poverty, feminised poverty and normalised violence are considered other compounding factors behind a woman’s desire to migrate (OSCE, 2002) since many perceive that there are no options available to them and wish to escape the situation but are consequently victimised - the majority of people trafficked into sweatshops; domestic work and prostitution are women (MDHR, 2000). In such a country where women face the shortest life expectancy in Europe (UNICEF, 2000), venturing to the unknown does not present itself to be a substantial risk compared to remaining in Moldova and for many, they declare not that they long for wealth and a glamorous life elsewhere but would rather leave all that they know because it is so terrible and anything, anywhere would be better than home.

Violence against women in Moldova is sadly the norm and unfortunately civil, state funded and/or non governmental mechanisms are not securely established or if so, partially or minimally funded and supported. As of 2000, “the legal framework does not

address domestic violence specifically” (HRW, 2000, p. 317).

In 1997, the statistical evidence of women murdered in the context of domestic violence revealed that out of 70 cases, 40 involved wives murdered by their husbands, 16 cases of women murdered by their partners, nine were cases of mothers killed by their sons and two were cases of adult daughters murdered by their parents (HRW, 2000, p. 317).

Women wishing to leave abusive relationships do not have options in terms of where they could go for assistance and growing up in a patriarchal environment teaches women that what violence goes on within the family is “normal”, “acceptable”, and is to be tolerated. Society as a whole condemns the woman who wishes to leave her abusive situation, does not support her in reporting violent incidents, and brands her as a trouble maker while reinforcing the cultural norm that violence within the home is expected and normalised (HRW, 2000, p.318). “The very traditional attitudes towards women prevailing in society, extreme poverty and violence are behind the young women’s desire to migrate” (OSCE, 2002, p.25).

2.1.2 Moldovan Women

“Many people have suffered since the collapse of the Soviet Union, but women and children have suffered disproportionately” (Hughes, n.d., p.4). The feminisation of poverty has burdened women in post-Soviet culture to the extent that they are desperate to leave their country in order to find (any) work abroad. This unfortunately places them in a vulnerable position and susceptible to traffickers’ offers of (false) employment elsewhere. Due to the constitutional obligation to work in the Soviet Union (prior to the collapse of the communist system), the percentage of employed women was probably the

highest in the world. At the beginning of the transition to market economy, women's wages were only 70 percent of men's.⁴¹

The threat of sanctions or deportation also inhibits victims of trafficking from exposing themselves and keeps them dependent on and tied to their traffickers. And since prostitution is an offence against the Civil Code and socially condemned, women fear admitting they worked as prostitutes to assist police investigations because they fear they will go to jail and/or social stigma - these being potent reasons for the lack of prosecution cases, convictions and information on trafficking and its victims⁴².

Unemployment for women impacts extended family and children as well since most women bear the responsibility of caring for siblings, elderly parents and/or children of their own. In the late 1990s, women made up more than 80 percent of single-parent, single-income heads of families raising children and among that population group, over

⁴¹ Azhgikhina, 2001, p. 218 as cited in Hughes, D.M. (n.d.). *Supplying Women for the Sex Industry: Trafficking from the Russian Federation; Sexualities in Postcommunism*. University of Rhode Island. Edited by A. Štulhofer, T. Sandfort, V. Diehl Elias, and J. Elias. Obtained June 20, 2005 from <http://www.uri.edu/artsci/wms/hughes/pubtrfrep.htm>

⁴² Often the case, women are not aware of whether prostitution is legal or not in the country in which they have been trafficked but assume it is illegal and fear arrest and/or deportation because typically it is illegal in the country from which they originated. However, various countries across Europe have legalised or decriminalised prostitution. The Netherlands for example, has legalised prostitution but one must be a national of the Netherlands in order to work legitimately. Working as a prostitute is in itself legal in the Netherlands. "In October 2000, it was also made legal to employ sex workers and manage a sex business. However, there are still some restrictions, such as a prostitute must register with the city and pay taxes, and she/he must not work in a non-tolerance zone for example. Most migrant sex workers cannot simply start working in the Netherlands; they need adequate permits. Most importantly, migrants cannot obtain a permit specifically for sex work. EU nationals do not need an employment permit. Please consider that the new EU countries still do need an employment permit for the Netherlands (excluding the citizens of Malta and Cyprus). Non-EU migrants who want to work as prostitutes need a residence permit without restrictions on work. This permit can be obtained only through marriage, registered partnership or couples who are living together and are registered under the same address. A migrant sex worker cannot obtain a residence permit for the purpose of sex work. There is no specific employment permit - a precondition for obtaining a residence permit - for any type of work involving "sexual acts" or "sexual services" (whether self-employed or as an employee)." The project Femmigration is sponsored by the European Commission Directorate A-General Justice and Home Affairs, Unit A/5 Citizenship, Charter of Fundamental Rights, Racism and Xenophobia, within the Daphne Programme (2000-2003). This EU-Project has been realized in partnership with Amnesty for Women e.V. and the TAMPEP Network. The above information and quote was retrieved July 11, 2005 and updated November 5, 2006 from http://www.leuchttaktiv.de/images/_arbeitsproben/fem_start/index.html

80 percent were unemployed (Engel, 1998 as cited in Hughes, n.d.). Stanley (1998 as cited in Hughes, n.d.) revealed that the economic and employment situation for women remains so grave that in some regions there were reports of hundreds of women – formerly employed teachers, nurses, single mothers and school girls – going into prostitution to survive. Women are increasingly trying to go abroad for employment, haven given up any possibilities at home and in some cases wish to escape their situations and circumstances in hopes of something better.

UNICEF (2000) indicated that there is no direct data about trafficking in Moldova so estimates are often made from circumstantial evidence. While the only official figures available are inadequate, they do show a 250 percent increase in trafficking from 1997 to 1999. There are numerous reports by women trafficked from other countries and that many Moldova women are being forced to work as prostitutes abroad. By January 2000, Save the Children with assistance from the International Organisation for Migration and other international organisations had repatriated a total of 263 victims. INTERPOL repatriated 36 Moldovans over the same period and a profile of victims of trafficking in Kosovo found that 64 percent were Moldovans, with no other nationality represented by more than 15 percent (IOM, 2001).

2.2. Definitions of the Trafficking of Women for the Purpose of Sexual Exploitation

Trafficking in human beings is a multifaceted, ever-increasing problem of global scope. It requires a co-ordinated, interdisciplinary and international response. As a transnational crime, trafficking in human beings needs to be tackled through an integrated approach at national, regional and international levels. Countries of origin, transit and destination must work together in order to achieve significant progress (STPF <http://www.stabilitypact.org/trafficking/default.asp>)

“Trafficking does not occur in a vacuum. It is a crime as a result of various and combined social situations and circumstances, legal systems, people and their needs. Trafficking is not one event but a series of constitutive acts and circumstances implicating a wide range of actors” (Robinson, 2002⁴³). To extract one aspect of this equation would be futile⁴⁴ when seeking a solution to trafficking since the combined forces (or causal factors) would continue to act even with the elimination of one of its links. For example, simply addressing the legal aspect of trafficking by increasing border controls or making legal migration possibilities more difficult, would not prevent or deter women wishing to enter a country for employment since another aspect, such as poverty or economic despair would continue to exist in her country of origin thereby pushing her out in order to find work to survive and consequently into the hands of exploiters and traffickers.

Depending upon the agency addressing the issue, trafficking has been defined and considered from varying perspectives. Some consider it a violation of a woman’s human rights or another form of gender specific violence, in that she is considered a modern day slave through the use of intimidation and force, debt-bondage, withheld wages, limited freedom and independence, alienation and/or passport confiscation, condoned violence, objectification and second class citizenship. Addressing the issue as a violation of human rights means acknowledging that trafficking is a violation of the basic human rights to

⁴³ Robinson, Mary [1 #541] (2002, April 10). “Council of Europe Panel Discussion: Combating Trafficking in Human Beings – A European Convention?” Posted to *Stop-Traffic Digest*.

⁴⁴ By addressing and/or revising for example migration laws (making migration laws more strict thereby reducing the amount of appropriate applicants), would not completely address the issue of trafficking. It is hypothesised that since the factors that are causing women (and men) to leave their countries of origin remain prevalent (unemployment), restricting access to another country would not deter that person from migrating but rather indirectly encourage him/her to solicit illegal means of entry (and thereby subjecting oneself to increased risk and exploitation) or choosing another country in which migration laws are not as strict. Consequently, the trafficking of persons would continue regardless of amended migration laws.

which all persons are entitled - the right to life, to equality, dignity and security; the right to just and favourable conditions of work; the right to health, and the right to be recognised as a person before the law⁴⁵. These are rights which all are entitled irrespective of gender, nationality, occupation or any other identifier. A human rights approach also demands acknowledgment of the responsibility of governments to protect and promote the rights of all persons within their jurisdictions. This responsibility translates into a legal obligation on governments to work towards eliminating trafficking and related exploitation. Passivity and inaction are insufficient. Tolerance or complicity is inexcusable (Robinson, 2002).

Others consider it an issue of migration in that women have illegally migrated to another country – entered its borders without proper papers, permits or visas – and in effect have victimised the state. This perspective adopted by several governmental agencies considers the country to be the victim in this dynamic rather than the women who have been trafficked and exploited. Its conventions, declarations and legislation uses language that addresses issues such as illegal entries, deportation statistics, numbers of false visas issued, the amount of people staying over their visa-permitted time frame and criminal justice efforts (financial and otherwise) to deter, investigate, prosecute and protect those involved.

For others trafficking is an issue of prostitution. One cannot separate the trafficking of women for sexual exploitation without having consideration for prostitution for it is for the purpose of prostitution that these women are coerced, bought, sold and exploited. Different legal systems and practices among governments make it more

⁴⁵ The Universal Declaration of Human Rights proclaims that the rights set forth within each Article are a “common standard of achievement for all peoples and all nations.” <http://www.hrweb.org/legal/udhr.html>

difficult to come to an agreement on definitions and conventions/protocols for eradication. Some states apply a prohibitionist or abolitionist approach⁴⁶, while others practice legalisation or regulation⁴⁷.

Yet the attitude associated with examining prostitution in this sphere also varies with the agency or government involved. For if a government has legalised prostitution and brothels their input and activity toward the issue will be different from the government or agencies wishing to abolish prostitution. Considerably impactful is a government or agency's acknowledgment, or lack thereof, of demand as a relevant component in the equation of prostitution. Unfortunately a common perception among many is that women engaging in prostitution (regardless if they are forced to prostitute themselves and held in debt bondage), are the cause of the problem and "not respected or regarded as victims of crime" (Kelly, 2003, p. 105). Attention and focus towards the buyers, traffickers and solicitors of prostitution is subsequently not as pronounced. Detailed discourse and examination of the varying prostitution ideologies is beyond the scope of this doctoral study, however, acknowledged are the differences among agencies that deal with trafficked women and the impact that has on declaring a unified definition across borders.

Still others consider trafficking of women to fall within the purview of organised

⁴⁶ "A moral rejection and criminalization of prostitution assumes that prostitution itself is a violation of human rights as it results from an objectification and exploitation of the female body. This has resulted in prohibitionist legislation that penalizes both the prostitute and the pimp, or an abolitionist approach that criminalizes prostitution in general but not the prostitute herself. In France, for example, the strong abolitionist approach envisions all prostitutes as victims and seeks to entirely eliminate prostitution" (La Strada, n.d. *Gender Dimension*, retrieved July 11, 2005 from <http://lastrada.free.ngo.pl/>).

⁴⁷ "A decriminalization approach envisions prostitution as legitimate work and attempts to regulate the situation of exploitation that surrounds it. Thus, the prostitute is not per se a victim but instead a worker entitled to legal protection from exploitation according to national labor laws. In the Netherlands, prostitution is a registered form of labor and subject to standard laws, protections and entitlements" (Gender Dimension, n.d. retrieved July 11, 2005 from <http://free.ngo.pl/lastrada/page5.html#Naglowek>).

crime and its applicability to convention and cross border cooperation conventions and agreements. This approach stems mainly from governments or international bodies seeking a solution to the financial and legal victimisation of its members or countries. It considers trafficking of women as one of the many types of criminal activities carried out by organised criminal networks in addition to drug trafficking or weapons trafficking,. Although correct in its categorisation⁴⁸, to consider the trafficking of women *solely* as another aspect of organised crime activity does not give it the breadth and depth it deserves⁴⁹. In addition, this approach also considers the state the victimised party in the crime rather than examining the violence and human rights violations inflicted upon the trafficked women.

Of all the non governmental organisations, regional and local police forces, international and national agencies and other governmental and non governmental offices involved with investigating cases, prosecuting offenders, protecting victims, enforcing trafficking laws, adopting prevention and protection measures, they use no common unified definition of trafficking for sexual exploitation (Coomaraswamy, 2000). Several of these agencies utilise the United Nation's definition of trafficking⁵⁰ yet throughout the global attention and effort paid to the issue, not all agencies collaborate by using the same definition. Further indicated in Coomaraswamy's report is that historical characterisations

⁴⁸ Trafficking of women is often facilitated by organised networks but it can also be a result of minor players or individuals engaged in the dynamic in order to make some extra money. Persons such as friends and acquaintances of trafficked women, corrupt police and border patrol officers or fishermen, who accept much needed cash in exchange for allowing traffickers to use their boats, are at times involved and not necessarily belong to an organised criminal network.

⁴⁹ By limiting the scope of trafficking to include only organised networks removes investigative and legislative jurisdiction away from smaller cases of trafficking, internal trafficking or causal factors and preventative efforts.

⁵⁰ For further elaboration on the United Nation's definition of trafficking: The United Nations 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others and The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children listed below, please refer to section 2.2.2.

of trafficking are outdated, ill-defined and non-responsive to the current realities of the movement of and trade in people and to the nature and extent of the abuses inherent in and incidental to trafficking (Stewart, 1998).

For various reasons - political, ideological, economic, gender-focused - each agency has their valid reasons for choosing a definition⁵¹. Yet in an attempt for a world-wide collusion of resource to combat and prevent the trafficking of women for the purpose of sexual exploitation, a unified definition would be the place to start. As such, with varying definitions among varying countries and the governments and agencies within those countries, investigative and prosecutorial efforts, information campaigns, prevention and research goals, deportation and re-integration efforts lack cohesion and encounter many obstacles when attempting to work together (cross border) to eradicate trafficking as often times that main goal (eradication) does unite them all. Furthermore, trafficked women within such systems can be pushed further into a disadvantaged situation because they are often wrongly identified, categorised and registered, and as a consequence they unwittingly forfeit their right to receive proper assistance. Such conditions influence the accuracy of data on trafficking (IOM, 2001) and the means and methods utilised to study the crime and assist its victims⁵².

Apart from its lack of a unified definition across agencies and institutions, and the criticisms surrounding those definitions or perspectives, the trafficking of women for the purpose of sexual exploitation does enjoy competent definitions. The following

⁵¹ Often times the funding agent or agency associated with an organisation will dictate its agenda and consequent ideology and applicable definition(s).

⁵² If a police officer who raids a brothel does not identify a woman as being a victim of trafficking, she will not be afforded the measures available under protection acts or legislation which would provide her with psychological, medical, legal and reintegration assistance. Rather, she would be arrested, incarcerated and criminalised for her victimisation.

definitions are commonly utilised in the international community.

2.2.1 What is the trafficking of women for the purpose of sexual exploitation

The Global Survival Network has identified four types of situations that result in women's and girl's involvement in the sex trade (Galster, 1999). The first group includes women who have completely duped and coerced. Such women have no idea where they are going or the nature of the work they will be doing. The second group comprises women who are told half-truths by their recruiters about their employment and are then forced to do work to which they have not previously agreed and about which they have little or no choice. Both their movement and their power to change their situation are severely restricted by debt bondage and confiscation of their travel documents or passport. The third group are women who are informed about the kind of work they will be doing (providing sexual services). Although they do not want to do such work, they see no viable economic alternative, and therefore relinquish control to their trafficker who exploits their economic and legal vulnerability for financial gain, while keeping them, often against their will, in situations of debt bondage. The fourth group is comprised of women who are fully informed about the work they are to perform, have no objection to performing it, are in control of their finances and have relatively unrestricted movements (Coomaraswamy, 2000). The fourth group is the only situation that *cannot* be classified as trafficking for sexual exploitation.

“At the age of 18, Elena has graduated the lyceum but couldn't continue her faculty studies because of the lack of financial resources. Her former school - mate who also didn't manage to matriculate in University, have came with MAKLER⁵³ journal in which showed her an advertisement - an agency offered the most "legal" work contracts abroad and services in arranging all the necessary documents. "Why shouldn't we try?" asked her

⁵³ The name of a local news journal which carries various advertisements for employment etc.

M., her schoolmate. They left for Chisinau. At the office “a woman from that agency asked us if we have a passport and what do we can to do?” And because we haven't had the passport and no money, she has told us it's ok, because the agency will lend us the money, and we will give them back from the first salaries. Then we came with a man who made us our passports very fast. In two weeks they have told us that Visas are ready and we left.”⁵⁴

These four categories highlight the changing nature of the experiences of women who move or are moved, voluntarily migrate, are trafficked or exploited. Women's status does not remain fixed; their position may shift between the four categories and throughout the course of their movement, irrespective of how, why or where they move, women are subjected to various forms of violence and experiences as a result of the behaviour of traffickers, pimps, brothel owners, clients, legal systems and governments⁵⁵.

The vignettes here are used to define trafficking for the purpose of sexual exploitation in a colloquial manner. Katia's⁵⁶ story is one of thousands and strikingly similar in many ways to those of the many other women who have been trafficked from their countries of origin to another country and forced into prostitution. Other stories are factual case studies taken directly from the work of the International Center for the Protection and Promotion of Woman's Rights “La Strada” in Moldova⁵⁷. Sometimes these women willing go with the traffickers to seek new jobs and new lives (jobs and lives not involving prostitution), sometimes they are coerced or kidnapped, and sometimes they know they will be working in the engage in prostitution, albeit not under

⁵⁴ Portions of this story were retrieved July 8, 2005 from the La Strada Moldova website <http://www.lastrada.md> based on their work assisting survivors of trafficking.

⁵⁵ Negative government experiences that could shift a woman between categories would be if she was inaccurately labeled a criminal (for entering a country illegally) rather than as a victim of trafficking and subsequently treated as such through prosecution.

⁵⁶ This name has been changed but the story appeared in Stop-Traffic Digest, 22 June 2002 Volume 1 #576 based on an interview conducted by journalist Shasta Darlington for Reuters.

⁵⁷ Retrieved June 13, 2005 from the La Strada website <http://www.lastrada.md/>

what conditions (i.e., debt-bondage). Regardless of which scenario pertains to any of the thousands of women trafficked each year, trafficking for sexual exploitation involves certain key elements that define it as such: the use of coercion or deceit to obtain and transport women; deceit of intended destination and/or employment purpose and circumstances; confiscation of her papers or identity documents; physical, emotional and/or sexual abuse or the threat of such; and legal or illegal crossing of borders with recruiters or traffickers in tow.

“Katia, a petite green-eyed woman with a quiet voice, left her poor farming village in the former Soviet republic of Moldova at the age of 19 on the promise of work as a waitress in Italy. After travelling for days hidden in the back of a truck, she was delivered to a home in the northern Italian city of Bologna. ‘That was when I discovered I had been sold,’ she says, balling her hands up into fists. Instead of waiting on tables, Katia was dumped on a local highway to work as a prostitute and told to come home with a fistful of cash or she would be beaten with a stick that was prominently displayed in the living room. ‘I didn’t have papers or friends, I didn’t have any choice,’ she says, sipping coffee in front of a fireplace in one of the hundreds of safe houses set up across Italy for refugees from the flourishing international trade in young women and girls. Katia, like thousands of Albanians, Nigerians, Russians and Romanians are lured to Western Europe every year with promises of jobs, and instead are forced to have sex up to 10 times a night in cars.”

“I have met a boy at a discotheque. We were dating for a period of time, he was very nice with me. He seemed to be very worried about my life and one-day he has asked me whether I would like to leave abroad to work.” This girl did not even ask him what kind of work he was offered her, she liked the idea of receiving good money. All the necessary - the passport, Visa, transportation, were arranged in a week. “We were 3 girls, who have left to Germany...we have found ourselves in Albania where I have come with a group of 7 more girls, two previous being sold in Belgrade... We were living several girls in a house...we had to dance each evening and each night some one of us was selected and...”

“With the ‘representative of an agency’ car we have left for Iasi, where we were placed in a hotel for several days. Other men came, took us and we went with them until the Yugoslavian border, which we have crossed that night through the mountains. I have understood that promises to arrange all the necessary documents were false - we didn’t have any documents

and that's why we were forced to cross the border illegally... We have driving for two days, they have violated us by turn...I asked them to stop the car, because we have necessities and we were deceived...They have stopped just after a couple of hours, near a house, where there people were. I understood this after one of us (we were 4) asked the house owner to help her and gave him the money which she had kept hidden. The owner have took the money and then approached the driver and told him everything... They have beaten her cruelly, she couldn't even walk...”⁵⁸

Typically, a trafficker would seek out an individual, transport her to a different locality (within or outside of the country of origin), use force or coercion to gain access to and maintain control over that person with the intention to exploit her for financial gain; victims often endure a myriad of exploitative purposes to which they have not consented (Coomaraswamy, 2000). Trafficking specifically targets the trafficked person as an object of exploitation and inherently involves a violation of human rights. The purpose from the beginning of the process is to exploit this person and to gain a profit. Deception and coercion both play a role in trafficking (IOM, 2001).

A description of the “typical” case of a woman trafficked for the purpose of sexual exploitation is detailed below. This description is a fictitious compilation combined from various studies, interviews and the researcher’s experiences during the course of this doctoral study.

To become trafficked, a woman is initially recruited with the promise of a good job in another country and lacking better options at homes, she agrees to go, sometimes with the intent on permanently migrating or to work temporarily and return home with money. Often times this connection is made through an acquaintance, a friend, a boyfriend, or sometimes a stranger or through the local newspaper which advertises

⁵⁸ Ibid.

employment abroad⁵⁹. Unfortunately in many villages, rural areas or cities, success stories are common - of women and men, friends, distant family members or acquaintances who had successfully travelled to another country, worked and made good money and returned to the village or city in an improved state. Often times these stories are told by persons working for traffickers and trying to recruit new women to go abroad, and because of dire economic opportunities and placing trust in these people, women are willing to believe that better opportunities exist for them elsewhere despite any risks involved.

Reports of success abroad combined with lack of employment at home and general ignorance of life in other countries make a part of the population susceptible to exploitation. Three-quarters of single mothers expressed a desire to go abroad to gain employment to support their families, yet most of them admitted they knew little about social conditions abroad (UNICEF, 2000). There are also cases in which women are lured with false marriage offers through agencies that claim they set up young women with eligible and prosperous husbands-to-be in western nations. It is through any one of these methods that the women are recruited into the trafficking chain.

If through a travel or booking agency, the necessary travel documentation and paperwork are arranged (or appear to be arranged) and the woman is asked to submit her passport and other official documentation along with an agreed upon sum of money to facilitate the transaction and pay for transportation. It is here when she is told that she will be working, for example, cleaning house for a diplomatic family in Germany or working as a waitress in a café in Italy or taking English classes in the United Kingdom.

⁵⁹ Frequently these employment agencies are not legitimate but pose as so in order to traffic women into various countries across Europe.

Perhaps also the agent has told her that the arrangement costs are more than she is able to afford at that time and so the remaining amount will be withdrawn from her monthly salary. In many cases work permits are required for legitimate work, for entry into a country, and border crossing. The fee agreed upon between the agency and the woman is indicated to be placed towards purchasing such a permit. In some cases legitimate documents and work permits are obtained (under entertainment visas), or false documents which investigators discover or suspect are being manufactured through corrupt government officials. At other times, no papers are purchased at all, unbeknown or known to the woman involved.

Once the arrangements have been made, the woman is escorted via automobile, train, airplane or on foot, to her destination and delivered to an employer or to another intermediary who brokers her employment⁶⁰. The woman has no control over the nature or place of work, or the terms or conditions of her employment. At this stage many women learn they have been deceived about the nature of the work they will do, most have been lied to about the financial arrangements and conditions of their employment and all find themselves in coercive and abusive situations from which escape is both difficult and dangerous (Ralph, 2000).

Perhaps it is en route to another country that she discovers all is not what appears. For her escorts may not enter the agreed upon country or not stop at the agreed upon city when entering, or discussion begins to evolve that causes her suspicion. Either way, she is left without much option if the idea of stopping or changing her mind appears. For she

⁶⁰ What Europol and other investigating bodies have discovered is that many traffickers transport women across porous borders (not patrolled or monitored such as through forests or mountains or between neighbouring country villages) or with the assistance of corrupt border patrol officers who look the other way in exchange for immediate cash.

may not know where she is, does not have money, no longer has her passport or she may have trust in her escorts and want to believe in this new opportunity.

When they do arrive at a destination, it is then that she becomes certain of the deception. Some women report being taken to a barn or auditorium-like building where they are forced to strip and then paraded on a stage being shown to perspective buyers. The experience has been described as similar to that of a cattle auction where the women are considered objects, meat for sale and are prodded and examined for flaws and considered for their worth based on their age, country of origin and physical attributes. Other women have reported being taken directly to a café, brothel, hotel or private residence where they are sold to the owner, left by their escorts and forced into prostitution. Often violence is used at this point to ‘convince’ the woman of her obligations with beatings, rape or other sexual violence or the threat of such or threatening her family back home (for the traffickers do know from which village or city she has come). These attacks are often in the presence of other trafficked women to serve as a warning or to reinforce their compliance.

The woman is told she is now the owner’s property and will work on a daily basis in order to pay back the costs incurred as a result of her transportation and purchase. She is told that she will work and all monies earned will be taken to first pay this debt prior to her receiving any personal earnings. This debt-bondage solidifies her position of slavery. Also common is the use of emotional violence and manipulation where the owner will tell the woman that when she earns a specified amount of money she will then earn her freedom and she will be able to leave. This emotional blackmail keeps the women in a state of false hope. Or she may be threatened with arrest – that if she does not comply

with the owner's demands her will turn her over to the police who will arrest her because she is in the country illegally. Or she may be told that her family will be harmed if she does not comply or that they will tell the people in her home village that she is a prostitute, which will shame her and prevent her from feeling able to return or reintegrate⁶¹.

During the course of her exploitation some women are not permitted to leave the brothel without an escort and are not permitted any free time to socialise. In some circumstances food, cigarettes, menstrual supplies, and heat is withheld as punishment for non-compliance, in other circumstances violence is instigated and usually in the company of other women to act as an example to others. Some women report having some freedom and opportunity to leave the brothel alone and some women also report that no violence was used against them.

Time then passes (weeks, months or even years) and only *if* a government's mandate is to raid brothels seeking illegal workers or prostitutes, or *if* the woman manages escape, will she then be referred for assistance to a non governmental organisation (NGO) like La Strada or the International Organisation for Migration. It is then, depending upon the country in which she is in and its laws and perspectives on trafficking, that she must prove she was trafficked (coerced or forced to prostitute) which will result in her being identified as a victim of trafficking or an illegal migrant (it is here where diverging categorisation hides the actual number of women trafficked into a

⁶¹ What is often the reality is that in countries of origin such as Moldova, prostitution is illegal and those who engage in it are highly stigmatised. The cultural mores surrounding prostitution shame women and label them as unfit to be wives and mothers. Even in countries in which prostitution is legal, the social code or cultural norm is not congruent with the legislation. This reality acts as a fierce form of compliance to trafficked and exploited women for they have trepidation acknowledging their experiences to family and fear when attempting to return to their villages and home out of fear for public shaming and alienation.

country). Until this is achieved or even when it is not, she may be arrested and placed in a detention centre and scheduled for deportation.

The European Council adopted Directive 2004/81/EC of 29 April 2004⁶² concerning the granting of residence permits to victims of trafficking who cooperate with authorities. Countries such as Belgium⁶³ have adopted a system where in *if* the woman is willing to testify against their traffickers she shall receive a temporary residence permit to stay in the country, receive shelter and assistance from an NGO and obtain legal assistance free of charge. In other circumstances, where prosecution is not forthcoming

⁶² European Council Directive 2004/81/EC of 29 April 2004 on the Residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

⁶³ Under the Amnesty for Women EU-project sponsored by the European Commission, Femmigration, the Legal Agenda for Migrant Prostitutes and Trafficked Women on the Internet pertaining to Europe, retrieved July 11, 2005 from <http://www.femcities.at/004/Knowledgebase?kbid=163> informs that "if a sex worker [enters Belgium] is a victim of trafficking in women, the police may be interested in her statements as a victim or as a witness – for instance against perpetrators of trafficking in women, or against persons who have brought her into the country or to whom she has had to give part of her earnings. However, women who work as sex workers without the appropriate residence permits are committing an offence ("*misdrif*") (for further information on possibilities for legally entering and staying in Belgium. In this case, the woman is – as far as the police is concerned – both the victim of a crime (human trafficking) and the accused (because of contravening, *inter alia*, the law on aliens, the laws on the employment of foreign workers, or the laws on independent economic activity by foreigners)." In practice though, "if a woman has committed crimes caused by her vulnerable situation due to exploitation, trafficking etc., the police and prosecution service are mostly interested in catching the criminals, to stop organised crime such as human trafficking." Victims of trafficking have special rights which follow within a three phase system. As part of Phase one, "if a foreigner is apparently a victim of human trafficking, and was found by the authorities (police, social inspection, prosecution service ...) or a third party (individuals, NGO's etc.) they have to inform one of the three recognised centres for assistance of victims of human trafficking. The centres inform the apparent victim about her rights and possibilities. If she wants to think everything over before making a decision/a statement, she will receive a 45 days order to leave Belgium and the Schengen area. This is called the reflection period. One of the main conditions is that she break with her environment of exploitation and accept the assistance of a specialised centre." Phase two involves, "after she made a report/a statement, the supposed victim will receive a declaration of arrival ("*aankomstverklaring*") for 3 months; after one prolongation of this declaration of arrival an inscription in the register of foreigners (BIVR) which is valid for six months. With both these documents, she is allowed to work with a work permit C. The document will be prolonged as long as the conditions (co-operation with the judicial authorities and no contact with the environment of exploitation) are fulfilled and as long as the investigation is going on. She will also receive social welfare; have a right to education; have a right to legal and psychological assistance." Phase three involves "when the judicial investigation is finished and the case is going to court, a victim of trafficking in human beings has the right to be represented by a lawyer. Once the perpetrators are convicted there is a possibility that the victim can stay for an undefined period. If the prosecution service closes the investigation - for instance, because they cannot find the suspects, lack of proof etc. - the apparent victim will receive no more documents and has to leave the country.

for various reasons, arrangements are made to return her to her country of origin and *if* a referral and re-integration system is in place, she will be met by a NGO in her country and offered psychological, medical and employment assistance.

There are many *ifs* in this scenario and several links in the chain which could be missed all resulting in continued victimisation and exploitation of the women who are trafficked.

2.2.2 Legislative Definitions

Within the United Nations Office of the High Commissioner for Human Rights (OHCHR), the **Special Rapporteur on Violence against Women** in 2000, Ms. Radhika Coomaraswamy,⁶⁴ expressed her belief that an expansive definition of trafficking that encompasses the common elements of the trafficking process is necessary. The common elements are “brokering, accompanied by the exploitative or servile conditions of the work or relationship in which the trafficked person ends up, coupled with the lack of consent in arriving at that position”. Based on such parameters, for the purposes of her report (2000), the Special Rapporteur defined trafficking as follows:

“Trafficking in persons mean the recruitment, transportation, purchase, sale, transfer, harbouring or receipt of persons:

(i) by threat or use of violence, abduction, force, fraud, deception or coercion (including the abuse of authority), or debt bondage, for the purpose of:

(ii) placing or holding such person, whether for pay or not, in forced labour or slavery-like practices, in a community other than the one in which such person lived at the time of the original act described in (i).⁶⁵

⁶⁴ Ms. Radhika Coomaraswamy (Sri Lanka), 1994 - July 2003; Ms. Yakin Ertürk (Turkey), since August 2003. The current Special Rapporteur on Trafficking in Persons, especially Women and Children is Ms. Sigma Huda (Bangladesh).

⁶⁵ Coomaraswamy, R. (2000). *United Nations Commission on Human Rights Fifty-sixth session Agenda 12 (a) of the provisional agenda: Integration of the Human Rights of Women and the Gender Perspective:*

This definition covers all persons in the trafficking chain (beginning, middle, and end) with the intent to criminalise all parties involved in hopes of both preventing and punishing traffickers. The Special Rapporteur believed that

the definition should require that the movement or transport involved is such as to place the victim in an unfamiliar milieu where she is culturally, linguistically or physically isolated and denied legal identity or access to justice (Coomaraswamy, Radhika, 2000 point 15 p. 9)

This offers recognition that a woman's marginalisation may increase the risk of abuse, violence, exploitation, domination or discrimination by both the traffickers or by the State (police, laws, courts etc.) but what it also does is potentially eliminate within its scope women who are trafficked regionally, or internally within their country of origin. Yet the Special Rapporteur in her report did address this point by outlining current patterns of trafficking and indicating that trafficking does not necessarily involve the crossing of international borders but that internal trafficking also occurs.

She further extended that it is the combination of coerced transport and the coerced end practice that makes trafficking a distinct violation from its counterparts (such as smuggling or trafficking for forced labour). Its common elements, found in all of the trafficking patterns are: (i) the lack of consent; (ii) the brokering of human beings; (iii) the transport; and (iv) the exploitative or servile conditions of the work or relationship. Thus the definition is wide-ranging to include "forced labour or slavery-like practices", rather than narrowly focusing on women trafficked for prostitution or sexual exploitation. This viewpoint is similar to human rights organisations such as Human Rights Watch that

Violence against women. Report of the Special Rapporteur on violence against women, its causes and consequences. E/CN.4/2000/68: United Nations Economic and Social Council.

considers the trafficking of women for sexual exploitation one of many forms of potential labour exploitation rather than separating it from its trafficking counterparts and identifying its individualistic factors and elements.

The United Nations 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others⁶⁶ “stands as the sole international treaty on trafficking” (Coomaraswamy, 2000 p. 10.). Coomaraswamy declared that “it arises out of a prohibitionist approach to prostitution and trafficking and seeks to criminalise acts and third parties associated with prostitution, though not prostitution itself” (p.11). Her standpoint was that the Convention adopts a crime control model rather than a human rights approach as it does not regard women as independent actors endowed with rights and reasons; rather the Convention views them as vulnerable beings in need of protection from the “evils of prostitution”.

As such, it does little to provide remedies for the human rights violations committed in the dynamic of trafficking, thereby increasing this trafficked woman’s marginalisation and vulnerability to further human rights violations. Trafficked women are exposed to various human rights violations throughout the course of their exploitation. Often times they are held in debt-bondage⁶⁷, in slavery conditions where food, water, cigarettes, and hygiene products are restricted and/or withheld. Their passports and papers are confiscated, their freedom is limited or restricted and they are constantly under surveillance. Concurrently, they are raped, beaten, threatened with rapes

⁶⁶ Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others Approved by General Assembly resolution 317 (IV) of 2 December 1949 entry into force 25 July 1951, in accordance with article 24 status of ratifications, reservations and declarations.

⁶⁷ Debt-bondage can be described as when a woman is told she was purchased for a specific price and/or the travel expenses acquired to bring her to the new country must be re-paid before she is allowed to keep any of the money she earns as a prostitute. Frequently we learn from trafficking survivors that this number often changes or seems to never go away or just before she has finally earned the amount to repay that debt, she is sold to another trafficker or pimp and the cycle continues.

or beatings and other women are forced to watch when their counterparts are raped and beaten. All of these are violations of a person's human rights and Commaraswamy's point is that within the framework of the definition of trafficking, there is limited space to acknowledge such violations which restrict any recourse survivors may have to legally address the treatment they received at the hands of their traffickers and pimps.

Coomaraswamy further criticised the Convention, by describing it as limited, which confines its definition to those women trafficked only for prostitution, and which consequently excludes vast numbers of women from its protection.

This definition is also an outdated one since it does not address the multi causes or factors we now recognise that lead women into trafficking and it allows for criminal charges against not only pimps and traffickers but brothel owners and landlords of property in which a brothel is run, which is contradictory to the sovereign laws of various Member States which have legalised prostitution and regulated brothels. The wide scope of this Convention allows for third parties to be charged under trafficking laws, wherein for example, a person who owns a building and rents it to another who then uses it as a brothel where trafficked women work, although not knowing that his renter is engaging in trafficking, may be charged under trafficking laws. And perhaps as a result of this parameter many Member States chose not to accede to the Convention from fear of accountability or perceived criminal responsibility because in those countries prostitution is regulated or legalised even though trafficking is not supported.

It does however support the prosecution of traffickers even in cases where the consent of the woman (who was trafficked) is claimed - arrest and/or prosecution is not deterred as a result of the woman having to prove coercion. This recognises that although

many women are unable to “prove” they were coerced, that many women agree to be trafficked or knowingly travel to engage in prostitution, do so from a marginalised position. That their economic vulnerabilities and diminutive position of power (lack thereof) does not afford them with informed consent and choice.

Lastly, the Convention’s focus is primarily on judicial matters such as extradition and cooperation across Member States and when indicating exploitation or abusive purposes as a required element, it fails to provide a precise definition of such which can lead to more debate. However, some 50 years later, an updated Protocol was created.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children⁶⁸, defines trafficking as:

(a) “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability (1) or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (2) forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

(1): The abuse of a position of vulnerability is understood to refer to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved.

(2): Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation.

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

Long overdue, the Protocol accompanies the United Nations Convention on Transnational Organised Crime⁶⁹ and was created at the meeting in Palermo Italy and

⁶⁸ Special Committee of the United Nations 6 October 2000 The Protocol to Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organised Crime.

was open to signature from 12 December 2000 to 12 December 2002. It entered into force on September 29, 2003 with 147 signatories; as of July 2005, with 106 ratifications⁷⁰.

The terms “exploitation of the prostitution of other” or “other forms of sexual exploitation” are not defined in the Protocol, which is therefore without prejudice to how States Parties address prostitution in their respective domestic laws and consequently leads to a disjointed approach on the matter. Unfortunately since such definitions are lacking, States Parties enjoy sovereignty is how they address prostitution in their respective domestic laws and whether parties wish to include it in their domestic law, they need to clearly define it which obviously can create heated political agendas. Furthermore, the Protocol’s intention was to distinguish between consensual and forced prostitution while not condemning prostitution, a move which consequently defines prostitution as acceptable (despite its related abuses). This can be assumed to be a result of legalisation in some States. It also recognises trafficking within and across borders with indication that domestic trafficking should be dealt with internally.

It does however acknowledge the three “Ps” of trafficking (prevention, prosecution and protection) and encourages a combined effort when applying each aspect. Furthermore it eliminates the necessity for the woman to prove threat or coercion – it recognises her vulnerability and that there is no burden of proof placed upon the

⁶⁹ Since December 2000, the UN Convention on Transnational Organized Crime and its accompanying Protocol on Trafficking in Persons, Especially Women and Children have been signed by more than 100 parties. These include the European Commission and all member states of the European Union (Regional Independent Media 16 July 02 “UK: Revealed - Scandal of the Teenage Sex Slaves.” Yorkshire Post as posted on Stop-Traffic List Server October 10, 2002 [Volume 1 #683].

⁷⁰ A minimum of 40 ratifications was necessary for it to be adopted.

victim in a court proceeding and her consent is also considered irrelevant in defining trafficking.

The Protocol covers various forms of trafficking rather than an individualised focus on sexual exploitation since it was felt necessary to include all forms of trafficking yet highlighted that of women in its wording (“especially the trafficking of women and children”).

The Protocol’s definition is adopted by most agencies and governments across various Member States. This Protocol allows for at least partial consistency across various countries. Yet the Convention and accompanying Protocol are primarily law enforcement instruments and do not operate from a human rights foundation⁷¹.

The crime of trafficking offered in the UN Convention and Protocol are distinct from the crime of smuggling which does not necessarily involve the recruitment, or the use of threat of force and/or coercion along with the intent of exploitation – once a person has been smuggled to the new destination, the business relationship or transaction is complete; whereas in trafficking there is a continued relationship of exploitation. Within the same Convention, a second protocol was established which addresses the transportation of illegal goods or people across borders to new markets. Article 3 of the

⁷¹ Both tools emerged from a desire to combat organised crime rather than address a form of violence against women. The Convention elaborates that duress, a transnational aspect (if it is committed in more than one state, committed in one but prepared in another; committed in one but involves organised crime that engages in activities in more than one state; or is committed in one but has effects in another) and a degree of international organised crime (a structured group of three or more persons existing for a period of time and acting in concert with the aim to exploit) are required before the Convention applies. These definitions materialise to create legal loopholes offering hindrance from effective prosecution of trafficking cases when so much is necessary to be proven and applied.

United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air⁷²

defines it as:

“(a) ‘smuggling of migrants’ shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;

(b) ‘illegal entry’ shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;

(c) ‘fraudulent travel or identity document’ shall mean any travel or identity document:

(i) that has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or

(ii) that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or

(iii) that is being used by a person other than the rightful holder.”

In principle, the smuggling of persons constitutes an illegal border crossing and is therefore a violation against the state. In contrast (to some), trafficking in human beings is a violation of the rights of the individual, so that the victims of the crime are the trafficked persons themselves and not the state. Yet some remain steadfast in the belief that in the trafficking of women, the state is the victim. Therefore the term “victim” is used throughout the anti-trafficking protocol whereas it is not mentioned in the protocol against smuggling (OSCE, 2002).

⁷² United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air (Smuggling Protocol), Supplementing the United Nations Convention Against Transnational Crime, General Assembly resolution 55/25, annex III, 55 U.N. GAOR Supp. (No. 49) at 65, U.N. Doc. A/45/49 (Vol. I) 2001.

The Convention on the Elimination of Discrimination against Women (CEDAW) and its Optional Protocol goes farther to define the exploitation of prostitution (perhaps within the trafficking dynamic).

Adopted in 1979 by the UN General Assembly, The Convention is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination⁷³.

The Convention defines discrimination against women as “...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;

to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and

to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

General Recommendation No. 19 specifically identifies that poverty and unemployment increase opportunities for trafficking in women. It identifies these as causes of trafficking and elaborates on other forms of sexual exploitation such as trafficking for sex tourism. It states that these practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity

⁷³ Retrieved February 3, 2007 from <http://www.un.org/womenwatch/daw/cedaw/>

(Coomaraswamy, 2000); they put women at special risk of violence and abuse. **Article 2 of the Declaration on the Elimination of Violence against Women**⁷⁴ defines violence against women:

“To encompass, but not be limited to, (b) physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.”

This definition deals with the human rights of women and a government’s responsibility to remove any obstacles which may be in place that will prevent a woman from enjoying the full extent of her rights in all areas of her life. To be free from violence and exploitation is also a right recognised in this definition and considered accountable to governments. Imbedded within the article is a provision requiring states to take all measures to suppress the trafficking of women. It does not wish to combat prostitution but the various forms of exploitation of prostitution as a result which may include trafficking for sexual exploitation, yet a definition of trafficking is actually missing.

Within the **Council of Europe, the Committee of Ministers adopted a Recommendation**⁷⁵ that also attempts to define trafficking in humans for sexual exploitation. It states that

“trafficking in human beings for the purpose of sexual exploitation includes the procurement by one or more natural or legal persons and/or the organisation of the exploitation and/or transport or migration – legal or illegal – of persons, even with their consent, for the purpose of their sexual exploitation, *inter alia* by means of coercion, in particular violence or threats, deceit, abuse of authority or of a position of vulnerability.”

⁷⁴ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the United Nations General Assembly

⁷⁵ Council of Europe Committee of Ministers Recommendation No. R (2000) 11 “Trafficking in human beings for the purpose of sexual exploitation”, adopted by the Committee of Ministers on 19 May 2000 and Explanatory memorandum.

This recommendation acknowledges the growth of trafficking as an industry, its causes, and its link with organised crime, further extended in the **Palermo Convention of December 2000**⁷⁶.

The Recommendation recognises that trafficking exists beyond national borders and seeks a collaborative approach to address it. Consent is identified as irrelevant in determining trafficking and most importantly recognises it as a human rights violation⁷⁷.

This Recommendation also encourages consideration of protection, assistance, prosecution, and prevention measures, and in particular, attention is given to the causes of trafficking in the form of prevention through education, combating stereotypes and dedicating long-term effort and financial commitment in order to change women's perceived social status and economic conditions. This is the only convention and definition in place that literally identifies the importance of causal factors impacting women who may be and are trafficked and also recognises the need to put in place long-term measures to address such factors and implement protection and assistance measures

⁷⁶ The Palermo Convention is the “first legally binding United Nations instrument in the field of crime. States party to the Convention would be required to establish in their domestic laws four criminal offences under the auspices of participation in organised criminal group; money laundering; corruption; and obstruction of justice. In particular two additional and optional protocols are offered by which countries must undertake in-depth measures to combat smuggling of migrants and the buying and selling of women and children for sexual exploitation.” Quotation retrieved October 14, 2006 from <http://www.unodc.org/palermo/convmain.html> . Consult footnote 68 for cross-referenced details.

⁷⁷ Interesting to note is that Germany and the Netherlands, two countries which have legalised prostitution, reserved their right to comply with a certain paragraph. “When adopting this Recommendation, the Representatives of Germany and the Netherlands indicated that, in accordance with Article 10.2.c of the Rules of Procedure for the meetings of the Ministers’ Deputies, they reserved the right, for their respective governments, to comply or not with paragraph 1.1 of the Appendix to the Recommendation.” Paragraph 1.1 is a definition of trafficking which “includes the procurement by one or more natural or legal persons and/or the organisation of the exploitation and/or transport or migration – legal or illegal – of persons, even with their consent, for the purpose of their sexual exploitation, *inter alia* by means of coercion, in particular violence or threats, deceit, abuse of authority or of a position of vulnerability” (Council of Europe Recommendation No. R (2000) 11 p.3-4),

to its victims. As a result of the Council of Europe's perspective and attention to trafficking of women its **Steering Committee for Equality between Women and Men (CDEG)** established a Group of Specialist to draw proposals for action to be taken in member States within the framework of the Council of Europe. In the resulting Plan of Action (Hirsch, 1996) the following definition of trafficking is proposed:

“There is trafficking in women when a woman is exploited in a country other than her own by another person (natural or illegal) for financial gain, the traffic consisting of organizing (the stay or) the legal or illegal emigration of a woman, even with her consent, from her country of origin to the country of destination an luring her by whatever means into prostitution or any form of sexual exploitation.”

Although this definition does not identify trafficking within a country, it does supplement the Recommendation and specifically identifies women as potential victims of trafficking.

In 2004 the **Council of Europe** brought together an **Ad Hoc Committee on Action against Trafficking in Human Beings (CAHTEH)**⁷⁸ which culminated in a **Convention on action against trafficking in human beings**. The aim of the Convention was to prevent and combat trafficking in human beings in all its forms (sex trafficking, organ trafficking, trafficking within and through national and international borders, and trafficking for forced labour). Most noteworthy is its recognition that it is a form of slavery, a violation of human rights and its focus is on the victim⁷⁹. Efforts to prevent and

⁷⁸ Council of Europe (CAHTEH) Convention on action against trafficking in human beings. Following the 5th meeting of the CAHTEH (29 June-2 July 2004). Strasbourg, 5 July 2004 CAHTEH (2004) INFO 4 Human Rights. Recent amendment to the Convention is CM(2005)32 Addendum 1 final 3 May 2005. Version 4.5 Council of Europe Convention on action against trafficking in human beings. Adopted by the Committee of Ministers on 3 May 2005 at the 925th meeting of the Ministers' Deputies.

⁷⁹ The signatories of this convention are Armenia, Austria, Croatia, Cyprus, Iceland, Luxembourg, Malta, Moldova, Norway, Poland, Portugal, Romania, Serbia and Montenegro, Sweden. San Marino signed and Iceland, Romania and Slovakia ratified Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention.

combat trafficking are implemented regardless of whether or not it is linked to organised crime, which is also a novel step since many other conventions link its mandate and resources within the definition of trafficking because of organised crime networks.

This Convention utilises the UN's Protocol as its definition of trafficking. As a political organisation (set up in 1949), the Council of Europe works to promote democracy and human rights continent-wide; it also develops common responses to social, cultural and legal challenges in its 46 member states⁸⁰. The Council of Europe's Convention has its foundation within a human rights framework and therefore recognises that the trafficking of women for the purpose of sexual exploitation is also a violation of a woman's human rights.

The **European Union** (EU) has several resolutions and actions concerning the trafficking of persons. One such important action was the **Joint Action on Trafficking in Human Beings and Sexual Exploitation of Women and Children**⁸¹. It acknowledges and gives regards to the efforts and resolutions of other EU instruments, those of the Council of Europe and the United Nations. It acknowledges the growth in trafficking and its causes and offers definitions of trafficking of adults and children for sexually exploitive purposes. It defines trafficking and sexual exploitation as:

- (i) any behaviour which facilitates the entry into, transit through, residence in or exit from the territory of a Member State
- (ii) sexual exploitation in relation to an adult, as at least the exploitative use of the adult in prostitution
- (a) sexually exploiting a person other than a child for gainful purposes, where:
 - use is made of coercion, in particular violence or threats, or

⁸⁰ For further information on the Council of Europe, its mandate and Member States, please consult www.coe.int

⁸¹ European Union 97/154/JHA: Joint Action of 24 February 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning action to combat trafficking in human beings and sexual exploitation of children. OJ No. L063 1997/03/04, pp. 2.

- deceit is used, or
- there is abuse of authority or other pressure, which is such that the person has no real and acceptable choice but to submit to the pressure or abuse involved

Its definition pays attentions to protection, prosecution and assistance measures and particular focus on the importance of judicial cooperation leading one to consider it more of a legal instrument than a human rights one identifying the state as the victim rather than the individual. Its perspective does identify the causes of trafficking, its growth, and the need for a multi-disciplinary approach when addressing it and devising preventative and combative initiatives and encourages a common definition and agreement among its Member States recognising the differences in prostitution and migration laws.

Another EU action was a Ministerial Conference which took place in 1997 in Den Haag, the Netherlands culminating in The **Hague Ministerial Declaration**⁸². It defines trafficking in women as:

“any behaviour which facilitates the legal or illegal entry into, transit through, residence in or exit from the territory of a country, of women for the purpose of gainful sexual exploitation by means of coercion, in particular violence or threats, or deceit, abuse of authority or other pressure which is such that the person has no real and acceptable choice but to submit to the pressure or abuse involved.”

Its efforts are similar to those of the Joint Action with talk of judicial cooperation, EU border vulnerability, the need to work with Interpol, the UN, and also the CEDAW. It acknowledges the need for preventative, investigative, prosecution, assistance and support measures and advises the training of civil personnel and governmental staff in

⁸² The Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation. Ministerial Conference under the Presidency of the European Union The Haag, 24-26 April 1997 (DCE/97-429)

the dynamics of trafficking and to appoint a National Rapporteur who would follow up and monitor all efforts and initiatives.

Later on, the **European Commission**⁸³ in 2000 offered a proposal concerning trafficking defining it

“to include the recruitment, transportation or transfer of a person, including harbouring and subsequent reception of and the exchange of control over him or her for the purpose of exploiting him or her in the production of goods or provision of services... and

- (a) use is made of coercion, force or threats, including abduction, or
- (b) use is made of deceit or fraud, or
- (c) there is a misuse of authority, influence or pressure, or
- (d) there is another form of abuse.”

This seems to be an extension of previous documents and also agrees with the UN definition and its Protocol. It includes all victims of varying types of trafficking yet highlights trafficking of women for sexual exploitation. However there is no mention regarding the issue of consent as in the UN definition, where the victim’s consent is irrelevant in proving and prosecuting trafficking. Also, and unfortunately, as with all of the EU definitions and documents, it concerns itself with trafficking that only penetrates the borders of the European Union (EU). Although this may be self-evident that the EU would confine its definition within a tool used to address concerns solely within the EU, in reality we know that trafficking is a global phenomenon and that many victims are trafficked either from within the EU (as countries of origin) onto other non-EU countries and/or trafficked through the EU (as a transit destination) onto other EU or non-EU countries. In its extensive effort to combat trafficking, the EU-generated definitions fall

⁸³ Commission of the European Communities Communication from the Commission to the Council and the European Parliament “Combating Trafficking in Human Beings and Combating the Sexual Exploitation of Children and Child Pornography” Proposal for a Council Framework Decision on Combating Trafficking in Human Beings (COM 2000/JHA 854 final) Brussels 21 December 2000.

short in embracing its responsibility for what happens beyond their borders (by and to EU citizens) and has as its focus the EU as the victim⁸⁴. To evolve the interpretation with the aim of expansive cross-border and cross-continent cooperation could more fully address trafficking. The Commission perspective has an organised crime element indicating firstly that it accepts organised criminal groups as integral to trafficking and secondly that their existence must be proven in order for the definition to be valid and applied and consequently arrest and prosecution of persons involved in trafficking supported. This can be limiting because in many cases women are trafficked by unorganised players/persons looking to make a quick dollar rather than organised criminal groups comprised of three or more persons as subscribed in various other EU documents addressing and defining organised crime.

As a result of this communication the European Parliament in 2000 offered “**A Resolution for Further Actions in the Fight against Trafficking in Women**”⁸⁵ wherein several acknowledgements and recommendations were made. It acknowledges the UN and IOM’s estimates of four million people as victims of trafficking worldwide and

points out that, as a rule, prostitution is not the result of a lifestyle choice, but is a phenomenon closely linked to the economic, social, political and cultural possibilities open to women in a given social environment and, in one way or another, is forced upon those who carry it out, and that sexual exploitation is a serious crime.

⁸⁴ A common theme one may read from various EU-generated documents, definitions, Recommendations and Conventions, is that the European Union describes itself as the victim in the dynamic of trafficking. The EU is the victim since their borders have been penetrated illegally, illegal documentation restricts the numbers of tax paying nationals and other forms of organised crime, corruption or illegal migration tax their criminal justice systems since trafficked women are occasionally viewed as illegal migrants rather than victims.

⁸⁵ European Parliament resolution on the communication from the Commission to the Council and the European Parliament ‘For further actions in the fight against trafficking in women’ (COM(1998) 726 – C5-0123/1999 – 1999/2125(COS))

It condemns trafficking and recognises it to be a violation of a woman's human rights and consequently a criminal act. It calls upon Member States to harmonise national laws and methods of detection and prosecution and articulates 35 additional specific recommendations and acknowledgements.

Also within the European Union, the **Convention of Europol**⁸⁶ of 1995 defines trafficking as follows:

“Subjection of a person to the real and illegal sway of other persons by using violence or menaces or by abuse of authority or intrigue with a view to exploitation of prostitution, forms of sexual exploitation and assault of minors or trade in abandoned children.”

Europol uses language such as “threat” to EU borders amplifying its perception of the state as being the victim of trafficking in the form of illegal migration rather than prostitution or a human rights issue. Despite this shortcoming Europol does acknowledge causal factors as negatively impacting the vulnerability of potential victims (such as organised crime, victim naivety and poverty).

The Organisation for Security and Cooperation in Europe's Report (OSCE)
“**Trafficking in Human Beings: Implications for the OSCE**”, defines trafficking in human beings as:

“all acts involved in the recruitment, abduction, transport (within or across borders), sale, transfer, harbouring, or receipt of persons;

⁸⁶ Established within the Maastricht Treaty of the European Union of 7 February 1992, Europol started limited operations on 3 January 1994 in the form of the Europol Drugs Unit (EDU) fighting against drugs. As of 1 January 2002 the mandate of Europol was extended to deal with all serious forms of international crime as listed in the Annex to the Europol Convention (illicit drug trafficking; illicit immigration networks; terrorism; illicit vehicle trafficking; trafficking in human beings including child pornography; forgery of money (counterfeiting of the Euro) and other means of payment; money-laundering. crimes against persons, financial crime and cyber crime). The Europol Convention was ratified by all Member States and came into force on 1 October 1998. Following a number of legal acts related to the Convention, Europol commenced its full activities on 1 July 1999.

by the threat or use of force, deception, coercion (including abuse of authority), or debt bondage;

for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, forced or bonded labour, or in slavery-like conditions,

in a community other than the one in which the person lived at the time of the original deception, coercion or debt bondage.”

The OSCE’s Action Plan to Combat Trafficking in Human Beings, adopted at the December 2003 Maastricht Ministerial Council has as its basis human rights. Its priorities and considerations are those that subscribe to and/or violate the human rights of persons throughout Europe. It considers the trafficking of persons to be a form of violation against a person’s human rights. In this definition trafficking encompasses all persons with no specific attention paid to the exploitative nature of the trafficking of women for sex but it stresses the nature of coercion, debt-bondage, and forced labour as found in many situations of women who are trafficked and sexually exploited. This definition also encompasses all activities perpetrated with the aim of exploitation yet without mention of internal trafficking or woman-identified causes or experiences⁸⁷.

The intergovernmental organisation **The International Organisation for Migration (IOM)** considers trafficking in human beings to occur when:

“a migrant is illicitly engaged (recruited, kidnapped, sold, etc.) and/or moved, either within national or across international borders;

intermediaries (traffickers) during any part of this process obtain economic or other profit by means of deception, coercion and/or other forms of exploitation under conditions that violate the fundamental human rights of migrants.”

⁸⁷ 19 October 2006, Eva Biaudet a Finnish Member of Parliament, was appointed the new OSCE Special Representative on Combating Trafficking in Human Beings.

IOM is “committed to the principle that humane and orderly migration benefits migrants and society.”⁸⁸ It is an organisation that supports and believes in the safe migration of persons and its mandate involves implementing various aspects of this belief in the form of capacity-building, advocacy and protection services to victims of trafficking exploitation. Their views of trafficking concern all types of trafficking that involve men, women and children and defines it to involve all activities that promote, facilitate or sustain the exploitation of persons wishing to migrate within countries or worldwide. Concerning the particular form of trafficking of women for sexual exploitation, IOM considers it another form of violence against women and considers closed borders and restrictive migration policies of governments as partially responsible for the exploitative nature of trafficking.

The United States of America’s Department of State Office to Monitor and Combat Trafficking in Persons is another government body which monitors and assess the trafficking of persons globally. Each year the Office is required by law to supply a report to the United States Congress on foreign governments’ efforts to eliminate “severe forms of trafficking in persons.”⁸⁹ Annually the department releases the **Trafficking in Persons Report**, which categorises the governmental efforts of 150 countries according to a three-tier structure. The Department of State considers itself to provide “the most comprehensive worldwide report on the efforts of governments to combat severe forms of trafficking in persons, [and declares that] the aim of the report is to raise global awareness and spur countries to take effective actions to counter trafficking in persons.”⁹⁰

⁸⁸ http://www.iom.int/en/who/main_mission.shtml

⁸⁹ Quotation retrieved February 2, 2007 from <http://www.state.gov/g/tip/rls/tiprpt/2006/65983.htm>. A thorough definition of “severe forms of trafficking” is found below.

⁹⁰ Quotations retrieved January 27, 2007 from <http://www.state.gov/g/tip/>

The US Department of State's scope of evaluating trafficking is primarily focused externally; that is the United States examines and evaluates governmental efforts worldwide; however, critics claim that minimal attention is paid to the trafficking situation within the borders of the United States. Nevertheless, the Report adopts of broad and encompassing definition of trafficking as is provided below.

The Department annually updates its database by requesting information from each country's protection, prevention, policing and prosecution sources and agencies. An interim evaluation is also conducted which monitors countries which may be at risk of slipping a tier (from Tier 2 to Tier 3 for example) and if so, offers assistance and guidance on how to avoid this ranking.

Along with its multi-country assessment, the Department of State recognises that combating trafficking and assisting victims cannot evolve unless victims are rightly identified as such. Through its efforts, the Department collaborates with the United Nations in the recognition of forced exploitation through supporting the United Nations *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children*. The United States has also established the **Trafficking Victims Protection Act** (TVPA) which provides a legal framework surrounding the recognition, protection and assistance of victims of trafficking. The Act emphasises the need of policing agents to screen vulnerable groups of people in order to identify victims of trafficking and that relying on self-identification or a "complaint-based" system of identifying trafficking crimes and trafficking victims is futile.

Assuming that an individual victim of trafficking will report the crime to appropriate authorities or will identify his or her status as a trafficking victim at the first opportunity, these governments respond only to reported cases. This reactive approach to trafficking is not adequate and does not

fulfil the TVPA's standard for victim protection⁹¹.

Rather, the Office recognises that few victims are willing to identify themselves upon initial contact with law enforcement authorities. They are fearful of real or imagined reprisals and are still undergoing trauma from the exploitive experience. Therefore the standard is to encourage governments to provide law enforcement authorities with supportive training in order to implement proactive measures which would identify trafficking victims through mindful interviews and counselling. Additionally, protection measures should include granting victims temporary shelter where they will be offered counselling and other re-integrative options such as vocational training and the opportunity to cooperate with prosecution efforts where necessary.

The **Trafficking Victims Protection Act** defines "severe form of trafficking in persons" as:

- (a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

"Sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

"Commercial sex act" means any sex act on account of which anything of value is given to or received by any person.

"Coercion" means

- (a) threats of serious harm to or physical restraint against any person;
- (b) any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or,
- (c) the abuse or threatened abuse of the legal process.

⁹¹ Quotation retrieved February 2, 2007 from <http://www.state.gov/g/tip/rls/tiprpt/2006/65983.htm>

“Involuntary servitude” includes a condition of servitude induced by means of

- (a) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or
- (b) the abuse or threatened abuse of the legal process.

“Debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt, or the length and nature of those services are not respectively limited and defined.

2.2.3 Non Governmental Organisation Definitions

The La Strada Network⁹², comprised of eight other NGOs from Central and Eastern Europe (in addition to one in Moldova), is the first association of its kind in Europe⁹³. The Network established a Common Declaration on March 31, 2004 in Chisinau Moldova (please consult Appendix II for the entire Declaration).

The La Strada Network supports the definition of the United Nation's Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime along with the collective definition as proposed by the Global Alliance Against Trafficked Persons (GAATW), the International Human Rights Law Group, and the Foundation Against Trafficking in Women (STV). The La Strada Network defines trafficking as:

“any act or attempt involving the recruitment, transportation within or across borders, purchase, sale, transfer, receipt or harbouring of a person

1. involving the use of deception, coercion (including the use or threat of force or the abuse of authority) or debt-bondage
2. for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude (domestic, sexual or reproductive), in forced or bonded labour, or in slavery-like conditions, in a community other than

⁹² The La Strada Programme, or La Strada Network, involves front line NGOs located in other Central, Eastern, and Western European countries/cities. Countries and agencies involved include Poland (La Strada Foundation Against Trafficking in Women); Ukraine (International Women's Rights Center "La Strada Ukraine"); the Netherlands (Dutch Foundation against Trafficking in Women); Belarus (Young Women Christian Association of Belarus); Bosnia & Herzegovina (Women's Development Center "La Strada BiH); Bulgaria ('Animus Association/La Strada Bulgaria); the Czech Republic (La Strada Czech Republic, o.p.s.); The International Center for Woman's Rights Protection and Promotion "La Strada Moldova; and Macedonia (Open Gate - La Strada Macedonia). Please consult Appendix II for the entire Declaration.

⁹³ For further information concerning the La Strada network please consult the following webpage: <http://www.lastrada.md/parteneri/adrese/en.html>

the one in which such person lived at the time of the original deception, coercion or debt-bondage.”

This definition involves all acts in the trafficking chain, acknowledges the potential for national as well as international trafficking and amplifies that trafficking is exploitation for another’s profit regardless if the victim is paid or not. It mentions various forms of slavery-like or involuntary servitude conditions to fall within the umbrella of trafficking which highlight its nature as a human rights violation. Although it does not mention the aspect of consent, since it is linked with the UN Protocol consent of the victim can be assumed to be considered irrelevant when defining trafficking.

The International Center for Woman’s Rights Protection and Promotion “La Strada” Moldova⁹⁴, considers trafficking in women to be a contemporary form of slavery. Founded in 2001, La Strada Moldova is a human rights non governmental organization that exists to counteract the trafficking in women phenomenon in the Republic of Moldova through prevention, assistance and lobby actions. Its principles include:

“La Strada aspire for a society based on the human rights respect principles, aware of the trafficking in human beings problem, where favorable conditions for victims' (re)integration exist.”⁹⁵

⁹⁴ As articulated previously, please consult the La Strada Moldova website: <http://www.lastrada.md/>

⁹⁵ Furthermore, La Strada states: “We consider the trafficking in human beings as a violation of human rights; We respect any person's right to decide in whatever concerns his/her private life; We consider as being essential providing of an adequate, operative and efficient assistance to the trafficked persons; We consider the rights, interests and necessities of the trafficked persons as imperative in all the areas of activities of "La Strada" Center' partners; We believe that the consolidation of the trafficked persons and at-risk persons state, especially women, is essential in encouraging their capacity to obtain and protect their rights; We consider the educational efforts in women/human rights as an integral part of our activity; We consider the confidentiality, security, non-victimization and non-discrimination as basic principles in work with trafficked persons and persons at-risk.

Despite the plethora of instruments, recommendations and conventions, there is no one clear, all-encompassing or internationally acknowledged and agreed upon definition of trafficking for sexual exploitation; although the UN Protocol is more recently considered. In some, there is little mention of trafficking causes, some do not acknowledge it as a human rights violation, and few consider it a specific form of violence against women. Even fewer address its link with prostitution and the causes and demands, and some require the element of organised crime to be involved. Rather, an assumption seems to have been made by the international community of a shared understanding of trafficking. What that consensus is, is difficult to interpret and which provides even further ambiguity when considering the women as victims of this type of trafficking.

2.3. Causal Factors

Not all victims of trafficking are naïve unsuspecting or defenceless women, but rather are people who are looking for alternatives to their present living conditions. Leaving means breaking with one's family, loved ones, friends, job, village or city, region, country, culture, food, climate, one's home. In short, when people leave, they leave everything behind – and often it is all they have ever known in their lives. We may therefore ask what factors impel them to leave 'home', no matter what the costs involved are? (Robinson, 2002, n.p.)

Mary Robinson⁹⁶ poignantly highlighted the need to examine the causes behind a person's need to leave her home for another, and such a question should continually be asked and consequently studied in order to identify and respond to those factors which increase vulnerability to trafficking. In particular, focus towards certain causal factors needs to remain constant, for it is revealed by many in the academic as well as judicial

⁹⁶ United Nations High Commissioner for Human Rights 1997-2002.

literature, that causal factors work to sustain the trafficking of women for the purpose of sexual exploitation. Causal factors, also known as push and pull factors, can be varied depending upon the region or country's characteristics. For example, in some African countries, the cultural practice exists of sending young children to be reared in another country by distant relatives. This practice virtually places these vulnerable persons in the hands of dishonest traffickers ambitious to sell the children to brothels or foreign (and illegal) adoption agencies. This practice is less evident in Southern and Eastern European countries, but what is apparent is the immense poverty and rates of unemployment as a result of the collapse of the communist system.

These factors (such as poverty and unemployment) are considered highly impactful in the trafficking of women from Moldova to Western Europe (Hughes, n.d.). Kristiina Kangaspunta (2001) also supports the importance of acknowledging and examining causal or push and pull factors in the dynamic of trafficking. She validates the relevance that push factors prevent women from staying in their countries of origin and include factors such as poverty, women's inferior status, limited opportunities, economic and social marginalisation. Furthermore, pull factors such as increased opportunities for work, perceived and improved quality of life elsewhere in addition to a demand for a sex industry elsewhere all collude to place vulnerable women in the hands of traffickers.

“In source countries of Russia, Ukraine, Moldova and Eastern Europe, the illegal trafficking of women is fuelled by a desperate need for a better life. In the destination nations, it is driven by an insatiable, self-indulgent appetite for purchased sex. The force that brings them together is organised crime [and] unlike the illegal trade of guns and drugs, the risks for criminals are minimal and the profits extremely high.” (Malarek, 2003 p. 45).

In a speech commemorating the twentieth anniversary of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Deputy Secretary-General Louise Fréchette recognised how violence and discrimination against women pushes them to society's margins, that most countries affected with trafficking have experienced severe economic and social decline. Unemployment, inflation, income differentials and poverty have increased and as a result of conflict and economic change, living conditions and access to services have all deteriorated.

The combined effects of transition from conflict to post-conflict situations, the presence of the international community and peace keeping forces, and the transition to market economies have brought a greater diversification of economic status and social position, as well as unstable economies and diverted social welfare programmes. Also common is the lack of rule of law, inappropriate judicial systems and difficult economic situations which have allowed black market economies to flourish in such regions. Smuggling of goods, arms and people, corruption of state employees, organised crime groups and acceptance of illegal ways to earn money, as well as unregulated migration, have become to new norm (OSCE, 2002, Hughes, n.d.).

The Government of Sweden is another institution that recognises the negative consequences as a result of the changes within Eastern Europe. It notes that the feminisation of poverty; declining public health; new forms of organised crime and Mafia-like networks have increased the number of women and girls being victims of prostitution and trafficking (Winberg, 2003)⁹⁷.

⁹⁷ Sweden's advanced attitude towards protecting the rights of women culminated in the creation of a new law. This law "Gross Violation of a Woman's Integrity" encompasses domestic violence, assault and trafficking and prostitution to name a few. "In short, gross violation of a woman's integrity, means the following. If a man commits certain criminal acts (assault, unlawful threat or coercion, sexual or other

2.3.1 Why Study Causal Factors?

Europol comments that the overall number of victims trafficked in the European Union is still unknown; only estimates are available based on Member States reports and overall, trafficking is routinely underestimated (IOM, 2001). What is clear is the fact that the number of victims is much higher than the official statistics from investigated cases in Member States (Europol, 2000) since their research is limited to study only those cases brought to the attention of officials, and despite the growing awareness of the international community to human trafficking, many issues remain ambiguous and under-researched (Monzini, 2001).

When evaluating and studying the trafficking of women for sexual exploitation one finds an abundance of policy and legislative literature from international, inter-governmental and national level agencies. Information and research involved notes official sources of information such as police and immigration statistics concerning prosecution cases, arrest records, organised crime investigations on trafficking routes, means and methods and the like but little focus is paid towards causes of trafficking and the experiences of victims involved.

Non governmental organisations working with trafficked women survivors also

molestation, sexual exploitation, etc) against a woman to whom he is or has been married or with whom he is or has been cohabiting, he shall be sentenced for gross violation of the woman's integrity, instead of for the crime that each of the acts comprise. A necessary condition for sentencing for the new offence is that the acts were part of a repeated violation of the woman's integrity and were suited to seriously damage her self-confidence. The punishment is imprisonment for at least six months and at most six years." Additionally, under the new law, the definition of rape was widened to "include other sexual acts, if having regard to the nature of the violation and other circumstances, the act in question is comparable to forced sexual intercourse. This means that certain acts which under present legislation are defined as sexual coercion, for example so-called fist-fucking, will therewith be considered as rape" and the Prohibition on the Purchase of Sexual Services was included. This new law criminalises the buying of sexual services (the client or john) and not the woman. "Obtaining casual sexual services (prostitution) against payment is to be prohibited. The punishment for this offence is to be fines or imprisonment for up to six months. The attempted offence is also to be made punishable. The offence comprises all forms of sexual services, whether they are purchased on the street, in brothels, in so-called massage-institutes, etc." (Quoted segments obtained June 20, 2005 from <http://www.prostitutionresearch.com/swedish.html>).

develop reports which address the demographic statistics of the women they assist - her country of origin, age and identifying psychological and medical needs, some attention to causes, in addition to routes, means and methods of trafficking, advocacy and prevention campaigns. However, since trafficking is an underground and illegal activity, and victims fear information sharing for various reasons, accurate and in-depth data collection is difficult and often lacking are the victims' perspectives (Kangaspunta, 2000) as to her reasons and beliefs involved in her desire to migrate and her experiences while in the dynamic of trafficking. Of particular significance are the reasons she may have to willingly leave her country for another and the systems in place facilitating her victimisation as a trafficked person. This paucity is an area in need of filling in order to fully provide the issues of prevention, prosecution and protection of trafficking with appropriate information.

Her reasons to willingly leave her country for another can be described as causal factors, or push and pull factors – factors that influence her decision to leave her country and choose another. What factors or circumstances 'push' a woman out of her country and what factors or circumstances 'pull' a woman towards another country? These casual factors are believed to be at the root of trafficking. For without these circumstances, a woman is not willing to leave her country and thus place herself in a position of vulnerability to persons or agencies capitalising on her needs (for a job or to escape violence) and the demand for a sex industry. Moldova is a relatively new country, proclaiming its sovereignty in 1990 and gaining its independence from the Soviet Union on August 27th 1991. Yet despite the benefits of this independence almost one-quarter of the population now lives below the poverty line. Women account for nearly two-thirds of

people unemployed nationwide, but as much as 85 or 90 percent in some regions of the Russian Federation. In 1996, 87 percent of Russia's employed urban residents whose monthly income was less than 100,000 Rubles (€2886.81EUR or \$3505.08US⁹⁸) were women (Caldwell et al., 1997). Supported by others studying in the field, this research found that factors such as poverty and unemployment are the major or most relevant factors causing women to leave their countries of origin and consequently end up being trafficked into prostitution.

When motivated to fight trafficking, laws are enacted and legislation ratified to facilitate criminal justice system cooperation among other things; however, focusing an abundance of attention to the legal aspects of trafficking is paying attention to only one half of the equation. To understand any crime and to create effective means of deterrence and prevention, the causes of a crime must be understood in order to eliminate its potency. A doctor does not only offer medicine to a patient for her heart attack, but attempts to educate the patient on the disease's causes (excess weight, high cholesterol, high blood pressure, stress) in order to facilitate change – change being the elimination or reduction of future heart attacks. The same analogy can be used when analysing crime. By offering only reactive solutions to trafficking (increasing sentences, facilitating closer law enforcement cooperation, restricting migration) only half of the equation (and impact of the crime) is being addressed – in essence the crime is not experiencing the full advantages of criminological analysis and application.

By seeking out and studying the causes of trafficking and understanding those elements in terms of influence, impact and relevance, and combining those with legal

⁹⁸ The figures quoted were those represented in Caldwell et al's work but the more recent currency conversion was completed June 2005 which does not take into account the currency rates for 1996.

measures, the equation becomes complete. Only when evidence and empirical information is gathered and substantiated regarding causes, in particular from those involved in the dynamic of trafficking, can efficacy be realised. Therefore analysis of such causes must be undertaken in order to fully and completely understand the dynamics of trafficking for sexual exploitation (the reasons it occurs) and subsequently initiate and implement effective prevention, prosecution and protection measures.

These and other push and pull factors are evidenced by many different types of actors in the field of combating trafficking, making the study and analysis of such factors a worthy venture. Continuing on this theme, this research, as a result of various academic and legislative efforts, has identified several push and pull factors believed to be primarily relevant to women who are trafficked for the purpose of sexual exploitation. Because trafficking is an issue encompassing varying perspectives, legislative issues and social-political concerns, it is difficult if not impossible to diminish the bevy of interrelated factors towards a specific list of push and pull factors influencing women in the dynamic of trafficking. Yet, certain factors do reveal themselves to be more consistent and predominant than others, in particular from certain regions, and a basis for supporting causal factors as relevant in the dynamic of trafficking must begin somewhere. Therefore this research hypothesised that four push and pull factors were relevant to women who are trafficked for sexual exploitation from Moldova. These included economics, violence, corruption and the demand for sex.

2.3.2 Causal Factors Studied

Economics as a causal factor in the chain of trafficking for sexual exploitation, involves that reality that high rates of unemployment, poverty and limited or no

opportunities for work collude to prevent women from obtaining gainful employment thereby “pushing” her from her country of origin towards another which promises employment. **Violence** as a causal factors involves the belief that high rates of violence against women, violence that is normalised within a community or culture and the desire the escape a violent history or life, compound a woman’s desire to leave (“pushed” from) her country of origin and be “pulled” towards another, simply for the desire for a peaceful life. **Corruption** as another causal factor indicates the belief that corrupt officials, border patrols, police, and visa and passport office workers collude to facilitate the illegal trafficking of women. Often in collusion with organised crime, their existence in countries of origin “push” women through the borders towards another country in which other agents “pull” her into and sustain her within the trafficking chain. The **demand for sex** is a global reality and responsible for prostitution being “the oldest profession” in the world, for without the existence of men continually willing to pay for sexual services (the demand), there would be no need to traffic and prostitute women (a supply). Trafficking women for the purpose of feeding a sex industry is a supply and demand trade (Hughes, n.d⁹⁹). This simple economic equation of supply and demand resonates with prostitution and trafficking for without a demand for sexual services, prostitution would not exist and without a demand there would not be a constant need for a supply (namely women from around the world to be exploited as prostitutes); this forever present demand continuously “pulls” women into trafficking for sexual exploitation. This research proposed that the four named causal factors impact women to the extent that they are pushed out of Moldova and pulled towards other countries for the purpose of sexual exploitation.

⁹⁹ Hughes, D.M. (n.d.). *Supplying Women for the Sex Industry: Trafficking from the Russian Federation; Sexualities in Postcommunism*. University of Rhode Island. Edited by A. Stulhofer, T. Sandfort, V. Diehl Elias, and J. Elias. Obtained June 20, 2005 from <http://www.uri.edu/artsci/wms/hughes/pubtrfrep.htm>

Chapter Three: Legal Framework

3.1 Prostitution

No longer is prostitution an offence in the Penal Code but adopted in March 29, 1985 the **practice of prostitution** and **incitement to prostitution** fall within the Administrative Offences Code of the Republic of Moldova. Legislationline.org informs the two articles are as follows¹⁰⁰:

Article 171/1 The practice of prostitution

The practice of prostitution shall be punished with a fine in the amount of fifty to seventy five minimal wages or administrative arrest for up to twenty days.

The same actions, committed the second time during the course of one year after the administrative sanction was imposed, shall be punished with a fine in the amount of seventy five to one hundred minimal wages or administrative arrest for up to thirty days.

[Punishments under Art.171/1 according to Law Nr.42-XIV of June 4, 1998]

[Art.171/1 amended according to the Law of February 23, 1993]

[Art.171/1 introduced according to the Disposition of July 27, 1987]

Article 171/2 Incitement to prostitution

Incitement to prostitution via periodic publications, broadcasting outlets or in any other manner shall be punished with a fine in the amount of one hundred to one hundred and fifty minimal wages accompanied by confiscation of the means that served for the incitement.

[Art.171/2 introduces by Law Nr.42-XIV of June 4, 1998]

[Art.171/2 deleted by the Law of February 23, 1993]

The Moldovan parliament on May 26, 2005 passed a resolution calling for amendments to the two articles to strike off prostitution from any criminal implication.

¹⁰⁰ Retrieved February 7, 2007 from <http://www.legislationline.org/legislation.php?tid=178&lid=985>

Prostitution has been decriminalised¹⁰¹ to the extent that while it is against the law to solicit prostitution services in Moldova, as is pimping, it is not against the law to pay for those sexual services.¹⁰² Prostitution has been decriminalised as a method to fight human trafficking in that the other legal perspectives can better support and protect victims of trafficking by removing criminality from the victim (the person who has been forced to prostitute). These two articles were then amended by Decision #376-XVI December 29, 2005 which stated that persons engaging in prostitution as a result of being a victim of trafficking would not be held accountable to the Administrative Offences Code as stipulated in Article 165¹⁰³ and Article 206¹⁰⁴ of Penal Code (personal communication, February 7, 2007).

One can rationalise that the decriminalisation process has been instated as a means to deter trafficking and not punish the victims through a criminal arrest and/or conviction, and which also recognises that victims of trafficking are indeed victims and who have not willfully engaged in prostitution. However, when considering those who society or government may choose to describe as willfully engaging in prostitution, are they in fact making a choice? Another question arises. We know that often women in Moldova and other countries with similar economic disadvantages, engage in prostitution because there are no other legitimate economic opportunities to support themselves and their families, and therefore if they are fined after being caught engaging in prostitution, how will she determine to gather the money to pay for that fine? In a sense, one could ask

¹⁰¹ Retrieved February 3, 2007 from <http://www.legislationline.org/news.php?tid=1&jid=35>

¹⁰² Minnesota Advocates for Human Rights “Trafficking in Women: Moldova and Ukraine” December 2000 Minnesota Advocates for Human Rights.

¹⁰³ Article 165 of the Penal Code is the *draft* law on the Prevention and Combating of Trafficking in Human Beings. Please consult Appendix III for the law in full.

¹⁰⁴ Article 206 of the Penal Code is regarding Trafficking in Children retrieved February 7, 2007 from <http://www.legislationline.org/legislation.php?tid=178&lid=1014>. Please consult Appendix IV for the law in full.

whether the government is aware that they might be facilitating prostitution while at the same time they are intending to deter and prevent it.

Although somewhat a contradiction, it is a relevant example of how laws, and societal acceptance of such laws, have been in place to secure a sexual service industry while hypocritically punishing the seller of those services (the prostitute). A foreign prosecutor suggested at a law reform conference that a law against those who pay for prostitution services might help curtail the problem. In response, “the men just laughed” (MNHR, 2000).

Pimping on the other hand is an illegal act under Article 222 of the Penal Code and remains a criminal offence and upon conviction, persons can be sentenced anywhere between 1 to 5 years imprisonment with the possibility for the judge to confiscate property as proceeds of crime. However, few cases are brought to court or result in conviction due to lack of evidence¹⁰⁵.

3.2 Conventions Signed and Ratified

Moldova is party to several inter-governmental conventions and agreements which focus on human trafficking, sexual exploitation, slavery and labour of children and adults.

Most importantly on September 16, 2005, Moldova signed and ratified the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially*

¹⁰⁵ Mamaliga, Ludmila for Welcome Magazine (March, 2002). *Prostitution: Prosperous Purgatory* retrieved February 4, 2007 from <http://www.welcome-moldova.com/archive/032002.shtml>. WELCOME magazine, the first English language publication, has been in press in the Republic of Moldova since the end of 1994. WELCOME gives a possibility to learn about independent points of view on various issues. WELCOME covers topics related to culture, education, business, economy, science, entertainment and other facts related to life in Moldova. This site is operated by WELCOME magazine. WELCOME is a registered trademark of WELCOME SRL, an independent private entity established in the Republic of Moldova. For more information please visit: <http://www.welcome-moldova.com/index.html>

Women and Children., and the *UN Convention against Transnational Organized Crime* (New York, November 15, 2000; entry into force September 29, 2003). As of September 19, 2005, 110 States are parties to this *Convention* as well as the *Protocol against Smuggling of Migrants by Land, Sea and Air*, both supplementing the *Convention against Transnational Organized Crime*.

Moldova has also ratified the ILO (International Labor Organisation) *Convention 182, Elimination of Worst Forms of Child Labor*. Moldova is listed as only a signatory to the *Optional Protocol to the Convention on the Right of the Child on the Sale of Children, Child Prostitution and Child Pornography*; as signing and ratifying the *Optional Protocol to the Convention on the Rights of the Child in Armed Conflict*; and that it has ratified the *ILO Convention, 29 Forced Labor* and *ILO Convention, 105 Abolition of Forced Labor*.

In February 2006, Moldova ratified the *European Convention on the Legal Status of Migrant Workers*, which establishes equal rights for migrant workers and trafficking victims inclusive of equal employment remuneration, equal working and living conditions, and provisions for social assistance in the case of unemployment and illness. The *European Convention on the Legal Status of Migrant Workers* has been offered for signing on November 24, 1977 and become valid on May 1, 1983; the Republic of Moldova having signed it on July 11, 2003 and it was put into force October 1, 2006. Currently the *Convention* is signed by 13 states and ratified by 8.¹⁰⁶

The ratification of this *Convention* will contribute to the extension and diversification of the international legal cooperation of the Republic within the scope of the European Council and will facilitate the continued relationships with European

¹⁰⁶ The Convention is ratified by France, Italy, Netherlands, Norway, Portugal, Spain, Sweden and Turkey.

Community member states, which, in their turn, have ratified the document¹⁰⁷. Of additional importance is the *Law on State Protection for Victims, Witnesses and Other Persons who assist in Criminal Proceedings 1998* (see the subsection titled Protection below and Appendix V for more information).

Signed on May 16, 2005 in Warsaw and ratified into law on May 19, 2006 the Moldovan Parliament adopted the *Council of Europe Convention on Action against Trafficking in Human Beings*. The *Convention* has received further signatures (France, Latvia, San Marino, Serbia & Montenegro, Slovakia and Sweden) in May 2006. The *Convention* has now 29 signatures and one ratification. Nine more countries need to ratify the *Convention* in order for it to enter into force. The aim of this *Convention* is the creation of an integral framework for protection of victims and witnesses of human trafficking, and promoting the international cooperation in combating this adversity. The *Convention* refers to all forms of trafficking in human beings and obliges the signatory parties to adopt the necessary legal measures, which must qualify human trafficking as criminal.

Of significant progress is that on February 9, 2005, Moldova approved a draft law on fighting human traffic. It is the first draft law of its kind in Moldova which regulates the activity of every state structure in prevention and fighting human trafficking. The law encompasses that prevention and the fight against human trafficking will be carried out under the auspices of the three-year National Action Plan (see below). The plan sees complex actions held within the social and economic fields, as well as the protection of victims, and the collaboration with international bodies as essential to its success. In keeping with its agenda, the law will require the state to direct increased attention to

¹⁰⁷ La Strada Moldova retrieved January 28, 2007 from <http://www.lastrada.md/en.html>

those most vulnerable to human trafficking, programmes to inform about the labour market and employees' rights, measures to stimulate the labour force, and the creation of centres of assistance and protection of victims.

3.3. The National Action Plan

With the enlargement of the European Union (EU) in May 2004, has come opportunity for the EU and Moldova to solidify a relationship that goes beyond inter-governmental cooperation but rather extends to measures of economic integration, political and judicial cooperation. The European Neighbourhood Policy¹⁰⁸ of the European Union sets ambitious objectives based on commitments to shared values and effective implementation of political, economic and institutional reforms. Moldova's relationship to the EU is further strengthened by its implementation of jointly agreed policies and priorities such as its National Action Plan.

Implementing the Action Plan is a first step in this process. The EU Moldova Action Plan is a political document laying out the strategic objectives of the cooperation between Moldova and the EU. It covers a timeframe of three years and its implementation will help fulfill the provisions in the Partnership and Cooperation Agreement (PCA) and will encourage and support Moldova's objective of further integration into European economic and social structures. Implementation of the Action Plan will significantly advance the approximation of Moldovan legislation, norms and standards to those of the European Union (pp. 2-3)¹⁰⁹.

The Action Plan sets out a comprehensive set of priorities and one of which is attention towards organised crime, migration, border management and trafficking of

¹⁰⁸ For more information on the European Union's Neighbourhood Policy please visit http://ec.europa.eu/world/enp/policy_en.htm

¹⁰⁹ European Commission (2005). The European Commission's Delegation to the Republic of Moldova Action Plan. European Commission. Retrieved February 6, 2007 from http://ec.europa.eu/world/enp/pdf/action_plans/moldova_enp_ap_final_en.pdf

human beings. Section 2.5 is Cooperation in Justice and Home Affairs and which includes the following sub-points (these have been directly taken from the Action Plan¹¹⁰). All of these sub-points are relevant toward understanding, combating, preventing and prosecuting trafficking of women for the purpose of sexual exploitation, and as can be seen, reflect strongly on Moldova's commitment and ambitions to meet international standards. The next step is for Moldova to incorporate this plan in the form of financial support to front line agencies up through to judicial governing bodies.

Migration issues (legal and illegal migration, readmission, visa, asylum)

(44) Assess the scale of illegal migration to, via and from Moldova and monitor migratory movements.

- Exchange information concerning, and assess the scale of, illegal migration in the EU and Moldova, including the establishment of an electronic database for the monitoring of migration flows to, via and from Moldova;
- Further alignment of domestic legislation with EU standards in order to criminalize illegal migration.

(45) Supporting the efficient management of migration flows, also by rendering consultative, financial and expert assistance to the government of Moldova and promotion of its activities ,in particular to increase professional level of relevant staff through study of foreign experience and internship in relevant services of EU countries dealing with migration policy.

- Adoption and implementation of Moldova's National Action Programme on Migration and Asylum Issues (migration issues).

(46) Approximation of Moldovan legislation to the EU norms and standards, implementation of the 1951 UN Convention relating to the status of refugees and the 1967 Protocol relating to the status of refugees, including the right to seek asylum and respect for the principle of nonrefoulement.. Approximation of the system of state authorities responsible for implementation and realisation of legislation on asylum and refugees to EU norms and standards.

- Implementation of the obligations of the Geneva Convention and its Protocols, in particular through the development of an asylum system.
- Develop a system for electronic information exchange between all relevant authorities (border guard, police, Migration Department).
- Advice on Eurodac Regulation and functioning of the Eurodac system.

¹¹⁰ European Commission (2005). The European Commission's Delegation to the Republic of Moldova Action Plan, pp. 28-32. European Commission. Retrieved February 6, 2007 from http://ec.europa.eu/world/enp/pdf/action_plans/moldova_enp_ap_final_en.pdf

- Adoption and implementation of Moldova's National Action Programme on Migration and Asylum Issues (asylum issues).

(47) Improve cooperation regarding the efficient management of migration flows and on readmission of own nationals, persons without nationality and third country nationals

- Initiate a dialogue on readmission in the perspective of concluding a readmission agreement between Moldova and EU, taking into account the human dimension and the socio-economic aspects
- Encourage Moldova to conclude readmission agreements with the main countries of origin and transit
- Setting up, within the existing structures, a mixed expert group to discuss legal migration to the EU, current situations in Member States, management structures for legal migration, including to explore ways to facilitate legalisation, legal migration of the labour force and social protection of migrant workers as well as programmes for voluntary return and re-integration.
- Explore the possibility of inviting Moldova to participate in or observe the activities organised in the framework of the EU programmes on migration (ARGO, AENEAS)

(48) Pursue a dialogue concerning cooperation on visa policy

- Exchange of views on Schengen procedures and initiate a dialogue on the possibilities of visa facilitation in compliance with the acquis
- Dialogue and exchange of views on visa co-operation (criteria and the procedure for the issue of visas)
- Dialogue on document security

Border management

(49) Development of a system of efficient, comprehensive state border management on all sectors of the Moldovan border, including the Transnistrian sector

- Implement the Concept on Border Control adopted on 4 December 2003, in particular the transformation of the Border Guards into a law enforcement agency, and make necessary amendments to national legislation.
- Enhance inter-agency co-operation (among authorities involved in state border management) as well as co-operation with neighbouring countries, including border demarcation and the conclusion of co-operation agreements.
- Start developing a comprehensive education and training strategy on state border management, including improved understanding of Schengen rules and standards.
- Enhance equipment and develop infrastructure for efficient state border management.

(50) Intensify and facilitate cross-border cooperation between Moldova, the EU Member States and neighbouring countries.

- Continuation of the “Söderköping process”
- Develop regional co-operation between relevant law enforcement bodies (police, border guards, migration and asylum services, customs)

Fight against organised crime (including trafficking in human beings)

(51) Ratification and full implementation of international instruments which are of particular importance in combating organised crime

- Ratify UN Convention against Trans-national Organised Crime and its protocols on smuggling of migrants and trafficking in persons and adopt and implement national legislation (including human right aspects) accordingly
- Sign and ratify protocol to the UN Convention (see above) on illicit manufacturing and trafficking of firearms.
- Enhance the Moldovan law enforcement authorities (police, border guards, customs) through the provision of modern equipment, facilities and training in order to increase in particular the effectiveness of border crossing checkpoints; Prevent and fight sexual exploitation of women, children and child pornography.

(52) Reinforce the fight against trafficking in human beings, especially of women and children, and smuggling of illegal migrants, as well as activities to prevent trafficking in human beings and to reintegrate victims of this traffic (see also above under Human rights).

- Implement actions recommended at national levels by OSCE action plan to combat trafficking in Human Beings (approved in Maastricht December 2003), Chapters III, IV and V and enhance co-operation in the framework of relevant international organisations (OSCE, UN).
- Implement provisions on the fight against trafficking in human beings contained in the National Human Rights Action Plan of the Republic of Moldova for 2004-2008 (chapter 7b)
- Promote regional co-operation between relevant law enforcement bodies (police, border guards, customs and judiciary).
- Develop legal and psychological support to victims aiming at their reintegration

3.4. Trafficking of Human Beings Article 165

The *draft* law to combat trafficking in persons was established in Moldova in 2005 and with this recent governmental recognition of trafficking as an issue in Moldova, the law establishes the requirements of governments and legislative bodies to support, financially or otherwise prevention and protection measures. The legislation prohibits all types of trafficking (for sexual exploitation, forced begging, organ trafficking, labour) and provides a range of sentencing from 7 years up to life imprisonment (depending upon the type of trafficking under paragraph 1, 2 or 3 as noted below).

Trafficking in Human Beings is defined as¹¹¹:

(1) Recruitment, transportation, transfer, sheltering or reception of a person for the purpose of commercial or non-commercial sexual exploitation, forced labor or services, slavery or forms similar to slavery, of using a person in armed conflicts and criminal activities, drawing of human organs or tissues for transplant, committed by:

- (a) threatening of use or using physical or psychical violence without endangering a person's life and health, including kidnapping, confiscation of documents and servitude for the purpose of paying off a debt whose limits and amounts has not been reasonably established;
- (b) fraud;
- (c) abuse of vulnerability or abuse of power by giving or receiving some payments or benefits for the purpose of obtaining the consent of a person who controls another person, -

Shall be punished with a jail term of between 7 and 15 years.

(2) Actions envisaged by paragraph (1) of this article and committed:

- (a) repeatedly;
- (b) against two or more persons;
- (c) against a pregnant woman;
- (d) by two or more persons;
- (e) with violence endangering a person's life, physical or psychical health;
- (f) by use of torture, inhuman or degrading treatments in order to attain the person's subordination or by rape, physical dependence, using a weapon, threatening with divulcation of confidential information to victim's family and to other persons, as well as through other means,-

Shall be punished with a jail term of between 10 and 20 years.

(3) Actions envisaged by paragraphs (1) or (2) of the present article, committed:

- (a) by an organized criminal group or criminal organization;

¹¹¹ Criminal Code of the Republic of Moldova adopted by Law no.. 985-XV on April 18, 2002 retrieved February 3, 2007 from <http://www.legislationline.org/upload/legislations/e3/eb/0e3bf0290e9b404cb57debe4ebc4.htm>. Please consult Appendix III to view the draft law in its entirety.

(b) by resulting with a person's serious bodily damage or mental illness, or person's death,-

Shall be punished with a jail sentence of between 15 and 25 years, or with life imprisonment.

4) the victim of trafficking in human beings shall be exempted from criminal liability for the offences committed by him/her in connection to this status provided that he/she accepts to cooperate with the law enforcement body on the relevant case.

(paragraph (4) adopted 29 May, 2003, entry into force June 13, 2003).

Prevention measures such as educational programmes in schools, phone lines¹¹² for callers to seek support, counselling and information, awareness campaigns for at risk youth, advertisement brochures, posters, WebPages and other mediums offering information, research, publications, and support and which aim to alert at risk persons of the harms associated with trafficking all fall under the umbrella of this legal framework. Protection measures consist of the protection of Moldovan women trafficked abroad through inter-governmental collaboration with agencies and shelters such as the International Organisation for Migration; their transport to and re-integration in Moldova, recognition by police and prosecutors to treat trafficking victims as victims and not offenders of illegal migration, and victim protection (such as accommodation, safety, and anonymity) in cases of prosecution against traffickers and pimps.

Although still in draft form, this law is the first step towards a unified recognition and governmental and non governmental partnership and commitment to combat trafficking in all its forms. Under Article 165 in the Moldovan Penal Code, the draft trafficking law was established according to recommendations set out in the National Action Plan which ensured its creation and implementation would be in accordance with

¹¹² La Strada Moldova's phone line operates 24 hours a day, 7 days a week at 0-800-77-777 (free of charge from any part of Moldova), (+373-22) 23-33-09 for calls from abroad.

international standards such as those found within the United Nations Protocol and other internationally recognised documents inclusive of policing, prosecution, protection, and prevention measures within the European Union. As a result, in February 2005 Moldova finally ratified the United Nation's *Convention on Transnational Organised Crime* and its two *Protocols*, one of them being the *Protocol to Suppress and Punish Trafficking in Persons Especially Women and Children*.

Although the Protocol has been ratified, a law has been drafted, and the Moldovan government has registered progress in the judiciary field concerning trafficking (accelerating investigations and convicting many traffickers¹¹³) other international bodies such as the US Department of State in their annual Department of State *Trafficking in Persons Report 2006*, indicate that the Republic of Moldova does not comply with the minimum standards for the elimination of trafficking and therefore places Moldova on Tier Two for the second year in a row.

Non governmental organisations such as La Strada concur with this evaluation by expressing that “although the National Committee for combating the trafficking in human beings holds meetings on a regular basis, the Government [has spent] too little [of its] own [re]sources for combating [sic] trafficking¹¹⁴”.

The following section is the analysis of Moldova as a Tier 2 country provided by the US State Department *Trafficking in Persons Report 2006*¹¹⁵.

Moldova is a major source country for trafficking in women and girls for the purpose of sexual exploitation. Victims are trafficked throughout

¹¹³ In 2004, for example, the government reported an increase of more than two times the number of convictions with sentences of imprisonment for trafficking offenders (La Strada, 2006 retrieved January 27, 2007 from <http://www.lastrada.md/news/current/en.html>).

¹¹⁴ La Strada (2006) *A new report of the USA State Department on trafficking in human beings*. Retrieved January 27, 2007 from <http://www.lastrada.md/news/current/en.html> □

¹¹⁵ Direct quote retrieved January 29, 2007 from <http://www.state.gov/g/tip/rls/tiprpt/2006/>

Europe and the Middle East, increasingly to Turkey, Israel, the U.A.E., and Russia. To a lesser extent, Moldova serves as a transit country to European destinations for victims trafficked from other former Soviet states. Reports of internal trafficking of girls from rural areas to Chisinau continued. The small breakaway region of Transnistria in eastern Moldova is outside the central government's control and remained a significant source and transit area for trafficking in persons.

The Government of Moldova does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2005, the government continued to improve its law enforcement response, increasing trafficking investigations and convicting more traffickers. It passed comprehensive anti-trafficking legislation and updated and improved its National Action Plan. However, the government showed a lack of anti-trafficking leadership by depending almost exclusively on NGOs to carry out its work on prevention and protection. The government, through its National Committee on Trafficking in Persons, should implement the new National Action Plan, devote increased resources to prevention, and provide victims with protection and assistance.

3.4.1. Policing, Prosecution, Protection, Prevention and Rehabilitation under Article 165

Policing

In 2005 the chief of the OSCE Mission to Moldova, Ambassador William Hill, congratulated graduates for their completion of an intensive training course which educated law enforcement authorities and prosecutors on the application of mindful investigation techniques, exercises to detect and analyse trafficking crimes, methods of efficient use of evidence, compassionate interviewing of victims and proper interrogation techniques of traffickers. The course lasted for three weeks and was organized by the OSCE Mission to Moldova.

Although training is a recent development it is a significant development generated and supported by IOM Moldova. IOM Moldova recognises that the professional development of police, prosecutors and the judiciary is an integral part of the strategy to fight human trafficking and therefore contracted La Strada to develop curriculum for presentation in schools to at risk youth, in addition to training trainers at the police academy. These partnerships have been integral to the development of effective policing practices in the fight against trafficking in Moldova. The IOM partnership with the OSCE, and under the Auspices of the Stability Pact, are also developing a counter-trafficking curriculum for the Moldovan judiciary and have produced a counter-trafficking best practices manual that contains information on interview techniques, undercover investigations and a counter-trafficking legal backgrounder specifically geared for front line police personnel (IOM, 2004, n.p.).

Prosecution

Over the years, Moldova is recognised to have made modest progress in its efforts to punish acts of trafficking. Through the evaluation of prosecution records, IOM Moldova provides statistics and the following analysis of its prosecution efforts¹¹⁶.

Although the Moldovan criminal code contains specific penalties for trafficking, some prosecutors continued to use lighter pimping charges. In December 2005, the government passed comprehensive anti-trafficking legislation, criminalising both sexual exploitation and forced labour trafficking. However, successful implementation of the law remains unclear without a commitment of resources from the government. The government increased its law enforcement efforts, investigating 386 cases of trafficking in 2005. Of the 314 cases referred for prosecution, 58 traffickers were convicted, an increase from 23 convictions in 2004. Only 36 traffickers received actual imprisonment; the rest paid fines or were granted amnesty. Unfortunately, the government increased its use of suspended sentences in 2005. Although some suspended sentences

¹¹⁶ The following has been taken directly from secondary sources of information retrieved January 29, 2007 from <http://www.iom.md/strategy.html>

resulted from inadequate investigations, others continued to be related to judicial corruption.

During the reporting period, the government disbanded the Ministry of Interior's Anti-Trafficking Unit and replaced it with a new inter-agency Center to Combat Trafficking in Persons. Allegations of trafficking related corruption among some law enforcement officials continued, although the government did not take action. In 2005, the government sentenced a police officer accused of collaborating with a Turkish trafficker to 10 years in prison. A former Moldovan policeman charged with trafficking women to the U.A.E. remains free on bail pending completion of his trial after deportation from the Emirates.

The US State Department *Trafficking in Persons Report 2006* also provides insight into Moldova's prosecutions for the years 2003 to 2005. Table 1 provides the number of prosecutions within each year juxtaposed to the number of convictions as a result of prosecutions.

Table 1: Prosecutions, Convictions and Legislation changes 2003-2005

Year	Prosecutions	Convictions
2003	2,437	1,561
2004	3,329	1,274
2005	2,598	1,984

IOM Moldova (2004) supports governments to improve their legal systems and technical capacities. Interagency cooperation on a national and international level is being fostered through networking meetings, training programs and by providing technical equipment and support. In addition, IOM Moldova promotes broadening institutional counter-trafficking efforts by extending the existing structure of the Directorate for Combating Trafficking of Human Beings in Moldova, and creating, supporting and enriching mechanisms for the collection and exchange of information between governmental and non governmental agencies, between Moldovan authorities and their

counterparts in countries of transit and destination, and a structure for legal assistance to victims of trafficking.

Protection

IOM Moldova (2004) informs that to date legal assistance has been provided to over 150 survivors and general assistance was provided to 464 victims during the reporting period¹¹⁷. Of particular importance is the development with the Moldovan Ministry of Internal Affairs of the counter-trafficking database which gathers all types of information concerning trafficking cases and individuals for the purpose of facilitating supportive inter-agency cooperation.

According to the US State Department *Trafficking in Persons (TIP) Report 2006*, Moldova's efforts to protect and reintegrate trafficking victims remained weak throughout the reporting period (the previous year). The government did not fund NGOs providing shelter and assistance to trafficking victims, but it continued to cooperate with them on a limited basis¹¹⁸. In June 2005, the Moldovan Parliament amended a law on employment and social protection to allow trafficking victims and other vulnerable populations to receive government benefits; however, the government did not report actually providing any of these benefits to trafficking victims. The *TIP 2006 Report* offers that Moldova does not enforce its law on witness protection (adopted in 1998), and there does not exist to be any systematic reference or referral system for the victims¹¹⁹. The *2006 Report* continues by declaring that The *Law on State Protection for Victims*,

¹¹⁷ January to December 2005 for the purposes of the US State Department's *Trafficking in Persons Report 2006*.

¹¹⁸ La Strada Moldova collaborates this by expressing their continued struggle with obtaining long term sustainable funding from their government, which has just offered space for placing the Rehabilitation Center, managed by the IOM on site.

¹¹⁹ Please consult Appendix V for the full version of the Law on State Protection for Victims, Witnesses and Other Persons who assist in Criminal Proceedings 1998.

Witnesses and Other Persons who assist in Criminal Proceedings 1998 remained inadequately implemented and thus, while in some cases police posted guards outside witnesses' homes many victims reported that they did not feel secure enough to testify against their traffickers. Additionally, no progress was made in the development of a formal referral system with the police; however, the police indicated that they informally referred 88 victims to IOM during the reporting period.

The US State Department's Office to Monitor and Combat Trafficking in Persons supports the 13th Amendment within the US Constitution which prohibits slavery and involuntary servitude and offers that this basic standard must be implemented by all governments. The Office recognises that when approaching the prospective rescue of trafficking victims through law enforcement operations (i.e. raids), that the rights of victims must be paramount.

Efforts should be made to minimize the number of non-trafficking victims affected by raids and rescues, but this must not preclude efforts to free every victim, who by definition, is in clear and present danger of physical harm. There should be no safety zone in which traffickers can abuse their victims without fear of law enforcement action¹²⁰.

Prevention

The *Trafficking in Persons Report 2006* further identifies that it is primarily NGOs and international organisations which continue to conduct and offer the majority of anti-trafficking prevention and educational campaigns, with periodic participation from the government. NGO prevention efforts included outreach to potential victims of trafficking in the mass media and in rural areas as well as educational efforts in schools.

¹²⁰ Direct quote retrieved January 29, 2007 from <http://www.state.gov/g/tip/rls/tiprpt/2006/>

IOM Moldova concurrently supports La Strada in its prevention efforts since prevention is understood to be the key to combating human trafficking for women, girls, men and boys who are at highest risk across all rural and urban areas of Moldova. However valuable and necessary all prevention efforts are, many agencies recognise that “no amount of information will substitute for providing good jobs and real economic opportunities to potential victims” (IOM, 2004, n.p.) in an economically deprived country such as Moldova. Several examples of prevention programming currently exist¹²¹ in various mediums and primarily from the efforts of La Strada, such as the play *Abandoned People* about Moldovan migrants in Italy written by Dumitru Crudu and which is based on several real life stories¹²². Other prevention efforts consist of information campaigns, education programmes, websites¹²³ and phone lines which are also offered by La Strada Moldova (see above footnote 111 for more detail concerning the phone line).

Re-integration and Rehabilitation

IOM (2004) recognises and acknowledges that it is imperative to provide trafficking survivors with a safe and dignified return to their countries of origin and the means and support to engage in reintegration assistance such as vocational training, and micro-business training. IOM Moldova works within the mandate of the La Strada Network specifically by supporting La Strada Moldova in its re-integration efforts such as providing medical and psychological counselling to survivors. Many survivors feel they no longer have a place within their home or society either due to shame and trauma

¹²¹ La Strada Moldova provides many of these outreach and educational programmes. Further detail can be found by visiting <http://www.lastrada.md/programe/en.html>.

¹²² More information can be obtained by viewing http://www.iom.md/crudu_interv.html

¹²³ On Nov. 16, IOM, in association with La Strada and the U.S. State Department, launched a one-year \$100,000 information campaign to combat trafficking. Efforts focused on utilising the movie *Lilya 4-Ever* as an illustration of the realities facing some who choose to migrate abroad. For more information visit http://www.iom.md/ct_campaign.html

from their trafficking experiences and/or their limited vocational or educational skills in a continuous economically deprived country. However, various programmes and grants are offered by IOM Moldova in order to support the re-integration of survivors which concurrently acknowledges the need for sustainable economic development in order to address the potency of economics as a causal factor in trafficking.

More than 70% of the 1,000-plus survivors repatriated by IOM have benefited from social reintegration services. Survivors receive free vocational training and job placement assistance. They can also obtain grants for small business start-ups; 25 received funds to purchase sewing machines, barber sets, or musical instruments, and an additional 25 grants were extended in April 2003. For repatriated survivors from rural areas, IOM and its partners have trained repatriated survivors in crop cultivation, and provided seeds and tools for their first harvest (IOM, 2004, n.p.).

In order to safely and successfully re-integrate survivors of trafficking back into society, IOM works collaboratively with governmental and non governmental agencies to provide medical, legal and psychological support to survivors, their children and families. Acknowledged is that “caring for the survivors after their return can be one of the biggest challenges facing the social workers and psychologists who work on the frontlines” (IOM, 2004, n.p.). In September 2001, IOM Moldova opened the first-ever rehabilitation centre in Chisinau; working in partnership with La Strada Moldova the rehabilitation centre offers survivors safe accommodation, medical and legal assistance and psychological counselling. Admittance is voluntary and programmes are in place, which offer vocational training and support in areas such as dressmaking, hairstyling, secretarial, computer, and foreign language training.

3.5 Domestic Violence

Domestic violence is not acknowledged as a crime against women and is not found within the Penal Code of Moldova even though Moldova has ratified (in 1994) the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW¹²⁴)¹²⁵ as well as to the newly created Law on Ensuring Equal Opportunity for Women and Men No. 5-XVI of 9 February 2006¹²⁶. The government has created this law which aims to ensure equal opportunities exist for women and men in the public domain, fields of socio-economics, education and healthcare.

Slowly; however, attitudes are changing. In 2005, Parliament created a *draft* law and as of Decision No. 138 of 6 February 2006, the *draft Law on Preventing and Combating Violence in the Family* is aimed to combat domestic violence and with it the framework and support to apply prevention and protection measures¹²⁷. It remains however at the discussion level and has passed its first reading July 2006, but has not been passed officially into law (personal communication, October 2006). The law, if passed, will require the Government to create more shelters for battered women in all

¹²⁴ Please refer back to Chapter 2 section 2.2.2 Legislative Definitions for more information on the CEDAW.

¹²⁵ According to the Committee on the Elimination of Discrimination against Women (Pre-session working group for the thirty-sixth session 7-25 August, 2006), Moldova has made major achievements in keeping with their National Action Plan such as the adoption of the Law on Ensuring Equal Opportunities for Women and Men, improving the labour market of unemployed persons, increased the number of women as Members of Parliament, and the draft law on Violence in the Family has passed its first reading in Parliament. Retrieved February 7, 2007 from

<http://72.14.253.104/search?q=cache:LGkRhYwSxToJ:www.un.org/womenwatch/daw/cedaw/cedaw36/cedaw.c.mda.q.3.add.pdf+Law+No.5-XVI+Assuring+Equal+Opportunities+for+Women+and+Men+adopted+on+February+9,+2006&hl=en&ct=clnk&cd=2>

¹²⁶ For further information and to access the law in its entirety please visit http://www.stopvaw.org/Moldova_Law_on_Gender_Equality_Passed_February_9_2006.html

¹²⁷ For further information concerning this law and to obtain a copy of the law in its entirety, please visit http://www.stopvaw.org/Commentary_on_Domestic_Violence_Laws.html#Comments_by_Minnesota_Advocates_for_Human_Rights

regions of the country.

Gender-based violence is endemic in Moldova, as it is in next-door Romania. In the first five months of 2005 alone, 1,150 cases of domestic violence were reported to the Shelter, including five deaths and 14 women who sustained serious injuries. “This is just the tip of the iceberg,” says Tatiana Tofan, Director of the Shelter for Victims of Gender-Based Violence. “Unfortunately, domestic violence is accepted in Moldova. Many women keep silent about the abuse they endure and never report it.”¹²⁸

The United Nations Population Fund (UNFPA)¹²⁹ has supported the establishment of the Shelter for Victim of Gender-Based Violence in Chisinau by providing guidance and training to counselors and staff. One of the few of its kind in Moldova, it aims to support women and their children, who choose to leave domestic abusive situations in a variety of ways.

“Right now, this is only one of two shelters in the entire country,” says Ludmila Zmuncila, head of the Gender Centre, an NGO based in Chisinau. “We need to set up more of them in both urban and rural areas.”¹³⁰

Since the Shelter for Victim of Gender-Based Violence began operating in 2004, over 625 women have been helped with emotional, psychological and legal support and approximately 130 women have lived in the shelter for various periods of time while they were sorting out their lives. As one woman shares;

“I lived here for some three months, during my darkest days. I wouldn't have made it without this shelter and the close bonds I have formed with other women who have gone through what I have.”¹³¹

¹²⁸ Hinrichsen, Don for UNFPA Country in Focus: Moldova (n.d.). *Domestic Violence: Ending the Silence*. Retrieved February 6, 2007 from <http://www.unfpa.org/countryfocus/moldova/domestic.htm>

¹²⁹ For more information on the UNFPA please visit: <http://www.unfpa.org/about/index.htm>

¹³⁰ Hinrichsen, Don for UNFPA Country in Focus: Moldova (n.d.). *Domestic Violence: Ending the Silence*. Retrieved February 6, 2007 from <http://www.unfpa.org/countryfocus/moldova/domestic.htm>

¹³¹ Ibid.

Disappointingly, combating gender-based violence still encounters several obstacles in Moldova. The police are seldom sympathetic to women who report violence against their partners and the national government is reluctant to consider it a serious enough issue; although the government did donate the building which houses the Shelter for Victims of Gender-Based Violence, donations have to be solicited to pay for its operating costs. Within traditional patriarchy-based societies, there is an extreme division of gender roles and typically firm resolve to maintain those divisions and resist change.

Regardless that domestic violence is still not recognised within its Penal Code, Parliament in Moldova is working towards acknowledging the problem of domestic violence in its society and particularly against women. Although tardy in its acknowledgement, Moldova is taking steps, albeit slowly, towards recognising all forms of violence against women, including those that occur within the family (as it is acknowledged as a contributing factor in trafficking) and therefore it would be well served to follow through on its commitment to its laws, draft laws, the National Action Plan, the Convention on the Elimination of Discrimination against Women its Constitution¹³² of the Republic of Moldova.

¹³² The Constitution of the Republic of Moldova, adopted on 29 July 1994, guarantees equal rights for women in Article 16(2): "All citizens of the Republic of Moldova are equal before the law and the public authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property or social origin." Retrieved February 7, 2007 from <http://www.stopvaw.org/Moldova.html>

Chapter Four: Theoretical Framework

4.1 Sociology

Merriam-Webster Dictionary defines sociology as “the science of society, social institutions, and social relationships; specifically: the systematic study of the development, structure, interaction, and collective behaviour of organized groups of human beings.”¹³³ Rock (1997)¹³⁴ expands our understanding by recognising how in every situation individuals or groups can influence one another.

Sociological theories are also intellectually eclectic. Sociological criminology has exchanged ideas with sociology proper since the beginning. The result has been that almost every major theory in sociology has been fed in some form into criminology at some times, undergoing adaptation and editing in the process (Rock, 1997 p.233).

That in essence is sociology – the interaction and inter-relation of people impacting and affecting one another and their circumstances and situations. The people victimised in trafficking have indeed impacted and affected one another and their circumstances. For without the interplay of certain social elements such as unemployment, violence, poverty, inequality, crime and deviance, certain persons would not be susceptible to being victimised and others would not be in the advantaged position of trafficking and victimising others.

Karl Marx (1818-1883) was one of the founders of sociology and the study of society and systems. Not specifically concerned with crime, he did advocate and express his position on issues such as capital punishment and poverty. He asserted that crime was

¹³³ Retrieved July 7, 2005 from <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=sociology>

¹³⁴ Rock, P. (1997). Sociological Theories of Crime. In M. Maguire, R. Morgan and R. Reiner (Eds.), *The Oxford Handbook of Criminology* (pp. 233-264) New York: Oxford University Press.

specifically the struggle of the individual within society against poverty. His theories related to the capitalist system and its unequal distribution of goods, wealth and status among its members. Marx declared that a constant struggle existed between the bourgeoisie (those with status and wealth) and the proletarians (those without status and wealth) and where this constant struggle creates disharmony, unrest, inequality and in some situations, crime.

4.1.2. General Strain Theory

Robert Agnew's General Strain Theory (GST) of sociology also supports Marx's notion of how inequality, unrest and struggle can impact society. From a foundation of conflict and strain, the modern General Strain Theory purports that certain types of strain is most likely to cause crime. General Strain Theory "focuses on numerous strains, some having to do with the loss of valued possessions, some with the experience of negative or aversive treatment, some with the inability to achieve goals" (Agnew, 2006, p. 51).

Agnew informs that engaging in crime may be a way for individuals to alleviate the negative emotions that result from strains, for example individuals use drugs to feel better or commit crimes such as crossing borders illegally in order to escape dire circumstances. Continually, Agnew believed that some people may be more likely than others to commit crime in response to strains such as unemployment, poverty and inequality whereas others engage in what Agnew calls "criminal coping", for those who lack the ability to cope in a legal manner, or who are blocked from achieving their goals in a legitimate and pro-social manner.

Crime as a product of society's social structures and forces is particularly evident when examining trafficking for sexual exploitation. The crime of trafficking and the crime of migrating illegally (as often accompanies trafficking) can be attributed to strains involving the inability to achieve goals and/or perceived or experienced negative treatment.

The inability to achieve goals such as financial security and stability can be blocked by several social or individual forces. A person may prevent him/herself from actualising those goals if individually they are unwilling to acquire skills or education in order to secure employment while others, although the intention is there, may be unable to achieve their goals due to strains outside of their control. Occupational strain, poverty, lack of employment, underemployment, economic instability and other economic-related strain are also considered affecting subsequent crime. Agnew contends that these strained elements leads individuals into choices that may or may have been made without the strenuous situations and consequently leading them into criminal victimisation and/or criminal behaviour. These levels of strain are prevalent within the dynamic of trafficking. As a consequence to struggle, inequality and disadvantage (such as violence or discrimination, unemployment, and the feminisation of poverty) women are unable to achieve their goals of financial independence and employment and consequently choose to leave their homes and countries of origin. Without the ability to support themselves and their families they are willing to place their trust in unknown circumstances and individuals who end up being traffickers and exploiters. Poverty, lack of opportunities, senses of hopelessness related to economy all collude to prevent women from actualising their goals of financial security, or simply consistently securing enough money to support

her family. This is evidenced in Moldova as the reality of poverty, economic instability and large percentages of persons living below the poverty line “push” men and women out of Moldova to seek to fulfil their financial goals elsewhere.

Another of Agnew’s claims of strain is that negative relations with parents, family or others of close social bonds impacts people into criminal victimisation or criminal behaviour. Victims of trafficking experience such strain as they report a home life filled with conflict and/or violence, social and cultural norms of where violence is normalised and strict gender roles which dictate familial conduct often times negatively impacting women. Within an environment of constant violence, societal ignorance and cultural apathy to change that ideology can develop a sense of strain, recognising that this lifestyle prevents certain persons from actualising their goals of safety and security but also that this reality of conflict and violence can be perceived strenuous enough to women to consider engaging in criminal behaviour to escape the situation (such as crossing borders illegally). Able and willing to escaping their circumstances place them in a vulnerable position and into the hands of traffickers.

GST purports that certain strains such as negative relations affect juveniles more so than adults; such would include parental rejection, erratic, excessive and/or harsh punishments, neglect, and conflict (Agnew, 2006), yet other strains that increase crime are relevant to both juveniles and adults. This can be considered applicable when examining the young women who are victimised in trafficking since many report having poor, neglectful, inadequate and violent relations with their parents and other family members and considering these reasons enough to leave home for opportunities abroad.

Research suggests that criminal victimisation increases the likelihood of subsequent crime (Agnew, 2002; Eitle and Turner, 2002; Wallace et al., 2005 as cited in Agnew, 2006). Experiences with prejudice and discrimination, homelessness, violence and neglect can all be considered encompassed within strain to impact subsequent criminal behaviour, and is evidenced with the crime of trafficking. The pressure and overall negative emotional impact on individuals who experience aversive parental and familial relations thereby “pushes” young women out of their homes and into the hands of traffickers ready and willing to exploit them.

Agnew’s foundation element of strain has as its response a Marxist perspective; that by eliminating or reducing the amount and depth of poverty and disadvantage in a society, those social forces will no longer be strong enough to restrain individuals from achieving their goals. Without the means and access to actualise their goals, individuals will experience the pressure of strain and look in other directions willing and able to take opportunities elsewhere and which at times places them at risk for victimisation and/or criminal behaviour. Another of Agnew’s elements of strain is the negative or aversive experience by parental or familial figures. This emotional strain, conflict and distress also acts as an agent of change thereby forcing people to consider other avenues or directions in order to actualise goals (goals such as safety and security) consequently “pushing” individuals out of their homes and countries of origin into the hands of exploiters. Their rationale being that anywhere, any circumstance is potentially better than what they are currently living. Again, if a Marxist perspective is considered as a response to Agnew’s element of strain, strengthening societies, challenging cultural norms, and educating its

members that violence and neglect are violations, can stabilise societies, combat strain and potentially reduce its impact.

4.1.3 Criminology

Criminology with its root within sociology has evolved in academia as a stand alone social science to some and to others, an arm within the discipline of law. Regardless of its placement, criminology has evolved from its sociological roots to be considered an integrative and interdisciplinary social science (drawing from the many of the sciences such as psychology, sociology, political science, biology and others); this incorporates theories to understand crime, victimisation and criminal justice systems (Winterdyk, 2005).

As one of the pioneers of criminological theory, Edwin Sutherland (1947) defined criminology as the “study of the entire process of law-making, law-breaking, and law-enforcing” (Akers, 2004, p.2). Because the criminologist studies human behaviour, she must draw upon the behavioural sciences for answers to her questions (such as why do more males than females commit certain crimes such as rape or sexual assault) or why do more females experience victimisation of certain crimes (such as rape or sexual assault and domestic violence) at the hands of males? The criminologist must also examine the social systems in place which may influence these realities. Akers (2004) reminds us that there are many different theories of law and justice, crime and crime causation, criminal and deviant behaviour and therefore we must remain mindful of divergent streams (including feminist criminology) while remaining steadfast to criminology’s origins as a

“specific genre of discourse and inquiry about crime.”¹³⁵ Varying streams of criminology have grown, each encompassing its own specific emphasis or look within the social structures for an explanation of crime.

Left realist criminology, as the name implies, is radical in its criminology and realistic in its appraisal of crime and its causes. Radical, in that crime is seen as an endemic product of the class and patriarchal nature of advanced industrial society and realistic in that it attempts to be faithful to the reality of deconstructing crime into its fundamental components...critically examining the nature of causality (Young, 1997 p. 473).

Agnew's GST as the grounding and it supports the widening of the theoretical net to include criminology and the interdisciplinary nature of feminist criminological theory to begin to understand the disproportionate amount of victimisation of women at the hands of men, in the crime of trafficking for sexual exploitation. From such a standpoint one can apply an appropriate methodology which radically, realistically and critically examines¹³⁶ the causal factors associated with this crime. By drawing from its interdisciplinary elements, criminology is in a position to address the disproportionate victimisation of women by men within the crime of trafficking to look at the social systems of poverty, the feminisation of poverty, and social and cultural violence which may facilitate and sustain trafficking; particularly, feminist criminology originates from a radical or critical theoretical position of criminology combined with the philosophy of feminism and its guiding principles to assist the social sciences

¹³⁵ Garland, D. (1997). Of Crimes and Criminals: The Development of Criminology in Britain. In M. Maguire, R. Morgan, & R. Reiner (Eds.), *The Oxford Handbook of Criminology* (pp.11-56). New York: Oxford University Press.

¹³⁶ Guiding principles such as considering the relationship and impact of interviewer and interviewee, victim-centered approach, and an examination of the structures in place that shape a victim's/woman's experience.

with explaining and understanding specific forms of criminal victimisation such as trafficking for sexual exploitation.

4.2 Feminism and Criminology

4.2.1 Feminism

“Feminism is an awareness of women's oppression and exploitation in society, at work and within the family, and conscious action by women and men to change this situation ... a struggle for the achievement of women's equality, dignity and freedom of choice to control our bodies within and outside the home ... for a just and equitable society for women and men both” (Bhasin and Khan, 2002¹³⁷).

According to Lorber (1998), feminism is a social movement whose goal is raising the status of women. The fundamental purpose of [a] feminist theory is to analyse how we think, or do not think, or avoid thinking about gender (Jan Flax as cited in Lorber, 1998 p. 174). Lorber (1998) goes on to state that the goal of feminism as a political movement, is to make women and men more equal and Lerner (1986) defines feminism as:

(a) a doctrine advocating social and political rights for women equal to those of men; (b) an organised movement for the attainment of these rights; (c) the assertion of the claims of women as a group and the body of theory women have created; (d) belief in the necessity of large-scale social change in order to increase the power of women (p.236).¹³⁸

However, she also acknowledges the need for a “more disciplined definition of the term” (p. 236). A “traditional definition is centred on advocacy of the political, economic and social equality of the sexes”¹³⁹ or as hooks (2000) defines it as: “a movement to end sexism, sexist exploitation, and oppression”, which she emphasises, is not a definition

¹³⁷ Bhasin, Kamla and Khan, Nighat Said (2002). Simon Fraser University's Women's Studies Home Page obtained November 11th 2002 from www.sfu.ca/womens-studies

¹³⁸ Lerner, G. (1996). *The Creation of Patriarchy*. Oxford: Oxford University Press.

¹³⁹ Rice, M. (1990). Challenging orthodoxies in feminist theory: a black feminist critique. In L. Gelsthorpe and A. Morris (Eds.), *Feminist Perspectives in Criminology* (pp.57-69). Buckingham, UK: Open University Press.

about being anti-males but that the problem is sexism¹⁴⁰. Regardless of its direction, definitions of feminism typically center around the concept of equality and the need to acknowledge, research, advocate for, change or dismantle any and all systems which create or sustain levels of inequality between the sexes, in particular those against women.

Another definition provides further elaboration¹⁴¹:

1. The belief that women and men are, and have been, treated differently by our society, and that women have frequently and systematically been unable to participate fully in all social arenas and institutions.
2. A desire to change that situation.
3. That this gives a "new" point-of-view on society, when eliminating old assumptions about why things are the way they are, and looking at it from the perspective that women are not inferior and men are not "the norm."

The approach has and does receive much criticism and is cast as “biased” in the belief that it ignores men or “too narrowly-focused” by focusing on women. However the contrary is true. Feminist scholarship is about highlighting the issues experienced by women that will impact and change the lives of women *and* of men. “By contrast, nonfeminist scholarship is more narrow, focusing as it does on the lives and concerns of men without problematizing gender relations or men as a social group.”¹⁴²

The main point recent feminisms have stressed about gender inequality is that it is not an individual matter but is deeply ingrained in the structures of societies (marriage

¹⁴⁰ Sexism is defined by Merriam-Webster Online Dictionary as 1: prejudice or discrimination based on sex; *especially*: discrimination against women 2: behaviour, conditions, or attitudes that foster stereotypes of social roles based on sex. Retrieved July 6, 2005 from <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=sexism>

¹⁴¹ The following tripartite definition is from the soc.feminism FAQ file retrieved October 31, 2006 from <http://www.cs.uu.nl/wais/html/na-dir/feminism/info.html> □

¹⁴² Daly and Chesney-Lind (1988). Feminism and Criminology. *Justice Quarterly*, 5, 497-538 as cited in Moyer, I (2001). *Criminological Theories: Traditional and Nontraditional Voices and Themes*, p. 243. USA: Sage.

and families, work and economy, politics, religions, the arts and language) (Lorber, 1998).

Gender inequality takes many forms, depending upon the economic structure and social organisation of a particular society and on the culture of any particular group within that society. Although we speak of *gender* inequality, it is usually women who are disadvantaged relative to similarly situated men (Lorber, 1998). It can take the form of girls getting less education than boys of the same social class, men getting priority over women in the distribution of health care services, the emphasis on research of men's diseases over women's and/or the disproportionate levels of certain types violence and crime against women in contrast to men.

But gender inequality takes even more oppressive and exploitative forms. Women are vulnerable to beatings, rape and murder – often by their husbands or boyfriends (or other intimates) and the bodies of girls and women are used in sex work – pornography and prostitution (often times against their will or without viable options¹⁴³).

The modern forms of gender inequality are not a complementary exchange of responsibilities but an elaborate system within which, there are major social and cultural institutions that support this system of gender inequality: religions legitimate the social

¹⁴³ One of the arguments within feminism concerning prostitution is over whether women perceive they have a “choice” when deciding whether to engage in prostitution. As Gloria Steinem purports, “it’s not *what* choice a woman makes, but *why* she is making that choice that matters” (Personal communication, April 2005). Often times it is perceived by many that due to a woman’s disadvantaged economic status, education and/or skills, choices of legitimate work do not offer themselves as options for women seeking to make ends meet, support their children and pay the rent. Therefore, often times, they resort to prostitution, temporarily or long term. Advocates against prostitution declare that if a woman could make enough money being a waitress or cleaning houses to support herself and her family would she “choose” to engage in prostitution? If social assistance payments from the government were enough (in many urban centres in Canada for example, the cost of rent for a two bedroom apartment is approximately \$800/month whereas social assistance payments are approximately \$600/month depending upon disability and/or number of children) to support herself and her family would she “choose” to engage in prostitution? Discussions such as these ebb and flow with other feminist arguments that women “choosing” to engage in prostitution for whatever reason, should not be stigmatised and therefore laws should be changed which decriminalise the endeavour.

arrangements that produce it¹⁴⁴; laws support the status quo and also often make it impossible to redress the outcomes – to prosecute husbands for beating their wives¹⁴⁵ (Lorber, 1998) or for men for raping women and girls¹⁴⁶.

4.2.1.1 Marxist Feminism

“Society prepares the crime, the criminal commits it.” - Henry Thomas¹⁴⁷

Although Marx and other nineteenth-century economic theorists recognised the exploitation of wives’ domestic labour, it was Marxist feminism that put housewives at the forefront of its analysis of the gendered structure of capitalism. Housewives are vital to capitalism, indeed to any industrial economy, because their unpaid work in the home maintains bosses and workers and reproduces the next generation of bosses and works (and their wives). The housewife’s labour, paid and unpaid is for her family. Marxist

¹⁴⁴ Several Christian and Muslim religions’ writings extol the hierarchical standing of husband versus wife and that women in such unions must obey the commands of her husband, have limited rights concerning decision making, money distribution and spending, child rearing and public appearances.

¹⁴⁵ Not until recently in Western Penal Code such as in Canada and the United Kingdom, could a woman charge her husband with assault or rape (sexual assault). Prior to Penal Code amendments, husbands could legally beat or rape their wives without criminal sanctions. In many countries still today, these laws remain, or in cases where they have been changed, cultural practice and norms are slower to catch up to the advancements of legal reform. Countries such as Moldova and Romania for example, despite legislation advocating for the equal rights of women, for the protection from violence and for criminal laws that address domestic abuse and rape, many people still *believe* that a husband/partner has a right to abuse his wife/partner. Combating such ingrained cultural beliefs and practices lags behind any legal reform done on paper.

¹⁴⁶ It is common cultural practice in many countries that an offender, who has raped a woman, or girl, may be excused from criminal proceedings and consequences if he marries his victim. Despite current laws set up to the contrary, previous articles in Ethiopia’s Penal Code allowed exemption from criminal responsibility in the event that a perpetrator marries his victim (Articles 558 and 599 of the 1957 Ethiopian Penal Code) and which culturally are still in practice. Equality NOW Update June 2005 Women’s Action 22.4 informed that according to traditional practice, a girl is typically abducted by a group of young men. She is then raped by the man who wants to marry her. The elders from the man’s village then apologise to the family of the girl and ask them to agree to the marriage. The family often consents because a girl who has lost her virginity would be socially unacceptable for marriage to another man. Sometimes the abductors keeps the girl in a hiding place are rapes her until she becomes pregnant, at which time her family feels it has no option but to agree to the marriage.

¹⁴⁷ Retrieved July 6, 2005 from <http://en.thinkexist.com/quotations/crime/>

feminism argues that this exploitation of women's work, both in the home and in the marketplace, is the prime source of gender inequality (Lorber, 1998).

As Thomas illustrates above in his quotation, societal forces establish the environment, situations or mechanisms in order for those willing to commit crime to have an opportunity to do so. Such as in the case of trafficking, for without economic disparity, social and economic instability and a culture of instability, the forces are not in place which support a woman in her decision to leave her country of origin hoping for a life elsewhere thereby increasing her risk at being trafficked.

Marxist feminism analyses the ways in which two parallel institutions – the economy (capitalism) and the family (patriarchy) – structure women's and men's lives. It “aims to describe the material basis of women's oppression, and the relationship between the modes of production and women's status; and to apply theories of women and class to the role of the family”.¹⁴⁸ As Marx contended, crime was the “struggle of the isolated individual against poverty” (Moyer, 2001 p. 193) which one could extrapolate to include the women who are considered criminals because of being trafficked and forced to prostitute themselves. Lorber (1998) contends that a housewife is part of a reserve army of labour; she can be hired when the economy can use her labour and fired when she is no longer needed by her employer, even if she would like to continue to work and her family could use extra income. Because a woman rarely makes enough money to support herself and her children in capitalist economies, marriage is an economic necessity.

Furthermore, when women take paid jobs, it is other women who still do the childcare, as paid workers in the home or in a childcare facility, or as unpaid “helpers”

¹⁴⁸ Gelsthorpe, L. (1997). *Feminism and Criminology*. In M. Maguire, R. Morgan and R. Reiner (Eds.), *The Oxford Handbook of Criminology* (pp.511-533) New York: Oxford University Press.

(Lorber, 1998). But the paid work in which they have to choose from involves moving far away (temporary or permanent) or sex work. Or in some cases, menial labour in the form of cleaning houses, offices and subway stations. The reality remains relevant – men who are unskilled or uneducated can often find employment in the form of construction which pays two or three times more than service sector work such as café server (as most women do) thereby allowing uneducated and unskilled men to rise above poverty and disadvantage whereas women in a similar position remain bound within that position.

Unlike the word *feminism*, which is little more than a hundred years old, *patriarchy* is an ancient word, meaning in Greek, “the rule of the father.” It was used originally to describe the herding societies of the Old Testament, in which the authority of the father over family members was practically absolute. It acquired its feminist meaning relatively recently when Millett (1970), used it to describe male domination over women (LeGates, 2001). A belief in patriarchy has been solid through many eras (Lerner, 1986), believing it to be the just and acceptable structure in which society’s members fall, patriarchy was seen as natural and divinely ordained (LeGates, 2001). Patriarchy is no so much about individual men or women and their personal and familial relationships as it is about institutions and values, politics and culture, concepts or authority and order. Millett further elaborates by stating that patriarchy shapes institutions primarily and individuals secondarily.

Tracing the historical development by which patriarchy emerged as the dominant form of societal order, Gerder shows how it (patriarchy) gradually institutionalised the rights of men to control and appropriate the sexual and reproductive services of women. Out of this form of dominance developed other forms of dominance, such as slavery. The

period of the “establishment of patriarchy” was not one “event” but a process developing over a period of nearly 2500 years, from approximately 3100 to 600 B.C. That is grew to be built into the very foundations of the symbol systems of Western civilisation, that the subordination of women comes to be seen as “natural,” hence it becomes invisible. It is this which finally establishes patriarchy firmly as an actuality and as an ideology (Lerner, 1993).

While we must be sensitive to the variations occasioned by time, place, situation, and personality, “a reading of European and North American history (excluding Native North American communities, whose gender relations were often based on complementarity rather than hierarchy) supports a description of constraints that most women would have experienced in some degree during their lives: exclusion from political authority; exclusion from cultural authority, including formal education; economic exploitation; and vulnerability to sexual exploitation” (LeGates, 2001 p.17).¹⁴⁹

4.2.1.2 Feminist Criminology

In feminist research gender operates as a “basic organising principle which profoundly shapes/mediates the concrete conditions of our lives...Through the questions that feminism poses and the absences it locates, feminism argues the centrality of gender in shaping our consciousness, skills, and institutions as well as in the distribution of power and privilege.”¹⁵⁰ “Criminology ... was traditionally conceived as the scientific

¹⁴⁹ LeGates offers that women have continually and traditionally lacked economic options. “Although they have worked harder than men, they have always been paid one-third to one-half less. This has been true no matter what the historical period, the country, or the type of work; yet few recognise it as a historical constant” (p.17).

¹⁵⁰ Lather 1988, p.571 in Gottfried, H. (1996). Engaging Women’s Communities: Dilemmas and Contradictions in Feminist Research. In H. Gottfried (Ed.), *Feminism and Social Change* (pp.1-20). USA: Board of Trustees of the University of Illinois.

study of the causes of crime”¹⁵¹ and it is that basis that is criminology today as a social science regardless of how it may have expanded and grown. To study trafficking in women as a crime – its causes, dynamics and persons involved - requires such a competent social science and in today’s literature much is produced from this theoretical perspective. Adding to this competency is examining the crime from a feministic perspective.

Generally speaking, feministic criminology talks of criminological theory lacking a gender perspective in discourse surrounding women as criminals and women as victims, and as Gelsthorpe (1997) points out, it is important to recognise the “myriad of relationships between feminism and criminology” for the criminology of the 1970s is not the same criminology today. Meld the two principles together (feminism and criminology) and we have belief in equality and a gender-based perspective (feminism) on issues such as crime and a scientific discourse or inquiry into an issue (crime) such as the trafficking of women for the purpose of sexual exploitation. Feminist theory of criminal behaviour has addressed two basic issues: whether or not explanations of law violations committed by males also apply to those committed by females, and what accounts for the high ratio of male-to-female crime rates (Winterdyk, 2005; Naffine, 1996; Gelsthorpe, 1997). It is this last arena that particularly applies to the criminological study of the trafficking of women for sexual exploitation.

Trafficking is a crime against women, primarily by men, and the manner in which they are treated in the criminal justice system and the disproportional causes of this crime require attention. Being negatively affected more so than men requires consideration, an

¹⁵¹ Gottfredson and Hirschi, 1987: 10 as cited in Gelsthorpe, L. (1997). *Feminism and Criminology*. In M. Maguire, R. Morgan & R. Reiner (Eds.), *The Oxford Handbook of Criminology 2nd Edition*. Oxford, UK: Oxford University Press.

examination into the dynamics of the crime, its perceived causes and consequences, the systems in place that encourage and/or sustain it, and an analysis of the criminal justice systems that are involved. This need can be actualized from not only a gender perspective but a feministic perspective.

It is not easy to know when a work or action is feminist...Neither a scholar's gender nor the focus of scholarship...can be used to distinguish feminist, non-feminist, or even anti-feminist works. Research on women or on gender differences, whether conducted by a male or female criminologist, does not in itself qualify it as feminist...[F]eminist inquiry is not limited to topics about women, it focuses on men as well (Daly and Chesney-Lind, 1988, p.230 ¹⁵²).

These defining characteristics of feministic criminology present support to examine trafficking in women in a feminist manner since women are the recipient of violence from men who also play a specific role in the trafficking chain – whether as recruiters, transporters, pimps or johns. The point is that *who* does the inquiring matters; that *who*¹⁵³ is doing the knowing affects what is known (Naffine, 1996). Naffine reminds us that feminist criminological methods are an improvement upon the older methods is that “feminists have generally been more self-reflective than orthodox criminologists” (p. 31), which allow for greater depth and insight into specific phenomena and experiences. “They have been conscious of the political goals of their inquiry, and they have explored the idea that it is possible to develop specifically feminist scientific methods which are more sensitive to the effects of the relationship between investigator and investigated¹⁵⁴,” (p. 31). The aspects that encompass both genders in this crime deserve study and

¹⁵² As cited in Akers, R.L. (2000). *Criminological Theories: Introduction, Evaluation, and Application* 3rd Edition. Los Angeles, California USA: Roxbury Publishing Company pp.219-226.

¹⁵³ Italic emphasis added.

¹⁵⁴ Consult the methodology chapter for detailed consideration of how this relationship and its effects impacted this scholarship.

primarily from a feministic perspective for it is from the position of the woman, her disadvantages, circumstances and situational factors, which contribute to the dynamic and her experiences alone which signify and explain the phenomenon.

Feminist theories in criminal justice “highlight the major blind spots in traditional male stream criminological theory as the failure to understand the profound significance of gender and sex roles in society” (Gelsthorpe and Morris, 1990 as cited in Akers, 2004 p. 246). For some, this significance is reflected in the ongoing differential in sex roles and gender inequality, for others Akers claims, the inequality runs deeper: patriarchy is a fundamental principle of societal organisation where the rights and privileges of males are superior to those of females (Akers, 2004).

One may suggest that analyzing the trafficking of women for the purpose of sexual exploitation from a gender perspective is satisfactory but emphasis needs to be placed on addressing the societal system that perpetuates and supports many of those disadvantages, circumstances and situational factors present in women’s lives such as patriarchy and the feminisation of poverty. For it is the perceived distribution of power, ingrained systems and structures, social and cultural attitudes that offer an unbalanced distribution of power in our world society that dictates victim and offender and angle their beliefs against women. “As Sumner (1990) [...] has pointed out, whilst Foucauldian thought¹⁵⁵ [in criminology] addresses issues of discrimination, the deeper, structural condition of hegemonic masculinity is not addressed. The gendered character of

¹⁵⁵ “Foucauldian thoughts in criminology have been of crucial importance in directing attention to power and knowledge and the discursive practices of control” (Gelsthorpe, 1997 as cited in M. Maguire, R. Morgan & R. Reiner (Eds.), *The Oxford Handbook of Criminology 2nd Edition*. Oxford, UK: Oxford University Press pp. 516).

disciplinary power has been ignored.”¹⁵⁶ Criminology in its roots has not explicitly and holistically addressed the gendered nature of certain types of violence against women, thereby generating the need for a feminist analysis, rooted in criminology, of trafficking for sexual exploitation.

On the whole patriarchy, or male power, is not used very much as direct explanations of female crime and crimes against women. The concept is employed nevertheless in at least two important ways: to explain women’s experience of the criminal justice system, and the gendered nature of much criminal victimization, especially from violence and abuse (Heidensohn, 1997¹⁵⁷).

Both of these perspectives of patriarchy are relevant when examining trafficking in women for sexual exploitation. The laws and policy that currently exists within many States of the European Union still classify women as criminal for illegally entering countries and subsequently arrests them¹⁵⁸. Secondly, the gendered nature of male violence against women is a hallmark of trafficking. Frankly speaking, it is primarily men who are the aggressors and abusers in this dynamic and generally it is women who are trafficked and kept in debt-bondage and slavery-like conditions. Therefore addressing the trafficking in women for the purpose of sexual exploitation solely from a gender perspective is insufficient because the primary elements in this crime – unequal

¹⁵⁶ Diamond and Quinby, 1988, Sumner, 1990 cited by Gelsthorpe, 1997 in M. Maguire, R. Morgan & R. Reiner (Eds.), *The Oxford Handbook of Criminology 2nd Edition*. Oxford, UK: Oxford University Press pp. 516).

¹⁵⁷ As cited in Gelsthorpe, 1997 *Feminism and Criminology*. In M. Maguire, R. Morgan & R. Reiner (Eds.), *The Oxford Handbook of Criminology 2nd Edition*. Oxford, UK: Oxford University Press.

¹⁵⁸ It is acknowledged that many States have or are in the process of amending laws which no longer consider trafficking victims as criminals and therefore arrest and detain them, but which allow for victims of trafficking to obtain temporary residency permits and thereby access appropriate medical, legal and psychological services.

distribution of power, attitudes, patriarchy – would be dismissed and thus lack proper and effective examination relevant to the dynamic and any prevention measures.

As Smith (1998) discovered, patriarchy and gender inequality are related to violence against women. She summarised that when a country has a patriarchal social structure (high gender income inequality), the rate of female victimisation will be high. In addition, when country has an egalitarian social structure (low gender income inequality), and is dominated by patriarchal homes (husbands as the only spouse working outside the home); female aggravated assault rates will be high (Smith, 1998). It is postulated that similar dynamics exist in the countries studied here and adversely affect the manner in which women are perceived, treated and trafficked. Feminism incorporated into the social science of criminology is capable of properly examining, analysing and contributing to this discussion since it incorporates all relevant aspects involved in the social, global dynamic of trafficking in women for sexual exploitation.

Sarvasy and Van Allen (1984) hold that the social welfare system in the United States actually contributes to the feminisation of poverty because it reinforces a traditional family ideology in which men are viewed as breadwinners and women as economically dependent. Boris and Bardaglio (1983) view the welfare state as a form of patriarchy in which women have shifted their economic dependence from their husbands to the state by in which women continue to be subordinate in the family and the economic system (Goldberg and Kremen, 1990). Feminist Criminology (in this context) therefore proposes that certain systems are in place that facilitate and sustain this type of violence against women; that this crime disproportionately affects women; that certain causal factors directly and solely impact women; and that it is necessary to examine violence

against women from the standpoint and experience of the women victimised (from the inside-out).

4.3 Victimology

“Crime victims even today are too often overlooked, and their pain too often minimised.”

Sgarzi & McDevitt, 2003¹⁵⁹

The term Victimology was first coined in 1949 by the American psychiatrist Frederick Wertham, who “called for a ‘science of victimology’ which would address itself to the sociology of the victim” (Wertham, 1949 as cited in Zedner, 1997, p.578). It is Hans Von Hentig’s *The Criminal and his Victim* (1948) which is regarded as the seminal text in developing victim studies. This focused simultaneously both on victim characteristics believed to have precipitated their suffering and on the (any) relationship between the victim and offender. Others have taken up this notion (Mendelsohn, 1956; Fattah, 1979, 1991) to more clearly identify those specific characteristics which make certain persons more susceptible to victimisation than others¹⁶⁰.

¹⁵⁹ Sgarzi, J.M. & McDevitt, J. (2003). *Victimology: A study of crime victims and their roles*. New Jersey: Prentice Hall.

¹⁶⁰ Characteristics such as age, gender, and social status are considered some of the relevant details or factors pertaining to the victim-offender relationship. Victimisation studies report age as a factor in victimisation whereas it is primarily youth, aged 16-24 who are responsible for 40 to 50 percent of victimisations and studies continually report that because a considerable portion of offences occur within the same age group, young persons face much greater risk of victimisation). Gender reveals itself to also be of considerable importance in victimisation. Men are more likely to be victims of crimes such as assault and robbery whereas women are more likely to be victims of crimes such as sexual assault. Social status is another factor where those living within lower social economic strata are more likely to live in areas that are crime-prone and therefore be susceptible to criminal activity and victimisation (Juristat, 1999 as cited in Winterdyk, 2005 p.363-364).

The World Society of Victimology¹⁶¹ defines it as:

the scientific study of the extent, nature and causes of criminal victimization, its consequences for the persons involved and the reactions thereto by society, in particular the police and the criminal justice system as well as voluntary workers and professional helpers (as cited in van Dijk, 1997 p.4).

However the theory continues to receive much criticism for its perception of victim-blaming, particularly from feminist scholars. Victimology recognises characteristics such as social background, time, location, age and gender as correlated with victimisation. “In short, it seems to suggest that victims of assault have no one except themselves to blame if they deliberately walk in dark alleys after dark” (Anttila, 1974:7 as cited in Zedner, 1997, p.579).

Fattah defends the hypothesis of victim-precipitation, arguing that in a rigorously pursued, “value-free social science there is no reason why it should entail victim blaming. Fattah argues that [the understanding of victimology] “is not victim-precipitation but the recognition that crime is a transaction in which both offender and victim play a role” (Fattah, 1979 and 1991 as cited in Zedner, 1997, p. 579).

In the context of the trafficking of women for the purpose of sexual exploitation, one can consider this hypothesis solely in terms of the social conditions and circumstances that many women find themselves as characteristics responsible for their subsequent victimisation – their contribution to the transaction. Without considering their economic, social and cultural context as a whole, one cannot understand the ‘relationship’ she would create with her victimiser. Economic conditions of poverty, unemployment and hopelessness can lead women into seeking alternatives and making decisions they

¹⁶¹ <http://www.victimology.nl/>

would not normally choose (such as leaving their home country in pursuit of employment abroad). Khodyreva's (2002) study highlighted the reality that

a primary reason for taking up prostitution are not only related to poverty, but also the lack of opportunity for combining maternity with work, or studies with work, as well as the fact that it is often impossible to earn enough money to support a satisfactory standard of living if a woman takes up a normal profession and obtains a good education.¹⁶²

Social and cultural contexts of violence, depravation and ignorance can lead women into seeking alternative lifestyles, hoping to escape their current situation, which would lead them into making decisions they would not normally choose (such as leaving their homes, families and countries) thereby from her vulnerable position she contributes herself to the transaction (the crime of trafficking) and where the trafficker who is ambitious to exploit someone is able to be on the receiving end of the transaction; each person playing a role for the transaction, the crime of trafficking to take place.

In terms of cost, the impact of victimisation imposes economic as well as emotional costs to the victim in addition to society as a whole. Emotional costs such as personal crisis, Post-Traumatic Stress Response, relationship deterioration, mental and physical illnesses are just some of the costs¹⁶³. Financial costs range from missed work due to illness and stress, insurance claims, replacement of damage or stolen property, medical and mental health care costs, social victim services, and quality of life costs. The United States Department of Justice released a report in February 1994 which articulated estimates of such costs. For crimes within the category of rape and sexual assault the total

¹⁶² Khodyreva, N. (2002). How women in prostitution see themselves and explain their motivations. In *NIKK Magasin Bodies across Borders – prostitution and trafficking in women* No. 1 2002 pp.26-29.

¹⁶³ Consult the methodology chapter for further elaboration upon these concepts.

estimates ranged from \$500 to \$1,910,000¹⁶⁴. The United Kingdom Home Office's report on the "Economic and Social Costs of Crime" (1999), estimated that the total costs associated within the category of sexual offences in anticipation of crime and as a consequence of crime total £2.5billion. Average cost estimated for crimes against individuals and households under the category sexual offences totalled £18,000 per incident¹⁶⁵. Although a systematic presentation of such figures is not possible within the confines of this scholarship, the above figures do portray the severity of criminal victimisation which requires acknowledgement not only for its emotional damage but also for its financial damage.

Methodologically, Victimology typically utilises surveys asking participants to report their victimisation levels but which also contain inherent disadvantages as well as advantages. Victimization surveys measure the extent and distribution of selected crimes from a victim's perspective. Victimization surveys also measure the impact of selected crimes from a victim's perspective and also offer insight into a victim's perception of the functioning and effectiveness of the criminal justice system; information that is typically not collected through official records such as the Uniform Crime Reports¹⁶⁶. In an exploratory context, this doctoral study's questionnaire was in part a victimisation survey, which asked participants (victims/survivors) for their perceptions and insights

¹⁶⁴ For more thorough analysis of these statistics please consult the United States Department of Justice: Office of Justice Programs (February 1994). *The Costs of Crimes to Victims: Crime Data Brief*. NCVS, National Crime and Victimization Survey as cited in Meadows, R. (2004). *Violence and Victimization* (2nd ed.) New Jersey: Prentice Hall.

¹⁶⁵ For a more thorough breakdown of the statistics please consult Home Office Research Study 217 (1999). *The economic and social costs of crime*. Home Office, UK: Sam Brand and Richard Price retrieved July 8, 2005 from <http://www.homeoffice.gov.uk/rds/pdfs/hors217.pdf>

¹⁶⁶ The Uniform Crime Reports (UCR) was introduced in the United States in 1962. Today, the UCR is a standardised survey which collects and publishes crime data from police records across Canada and the United States. The UCR surveys involve two sets of data. Aggregate counts of crime provide information on the total crimes on a monthly basis recorded within a police department. Incident-based reporting provides summaries of criminal events, the offender and the victim on an incident-by-incident basis (Winterdyk, 2005 p. 70-71).

into their experiences and potential causal factors. Although limited in terms of being multi-faceted in its victimisation examination, the questionnaire did offer opportunity for victim perception and voices towards crime causation, relationship between offender and victim, and towards insight into their understanding of several criminal justice system mechanisms.

4.4 Hypotheses

The research questions offered within this exploratory study sought to determine the relevance and potency of certain push and pull factors. With the application of a feminist criminological perspective, certain causal factors were believed to negatively impact women who were and continue to be trafficked for sexual exploitation from Moldova. Considered a form of violence against women, and utilising a theoretical basis which acknowledges a woman's voice, her individual experience, her victimisation and any role she may play in that dynamic is a foundation for effective analysis, this doctoral study examined four causal factors which are supported in the literature as potent and prevalent in the dynamic of trafficking for sexual exploitation.

The research questions utilised in the study attempted to explore and illuminate trafficking from a survivor's perspective within the context of a crime to which we know much about, but albeit from a limited standpoint. Firstly, the study questioned whether based on her experience are the hypothesised push and pull factors relevant and if so, in what order of potency and prevalence? Secondly, it remained open to considering what other potential push and pull factors do survivors consider relevant, and if any, in what order of potency and prevalence?

In a qualitative study there is no reliance on proving or disproving a specific

hypothesis (Berg, 2004) embedded in independent and dependent variables, but rather to illuminate and deeply explore a particular area. This doctoral study adopted this approach and aimed to question the relevance and potency of certain causal factors (economics, violence, corruption and demand for sexual services) believed/hypothesised to negatively impact women who survived being trafficked for the purpose of sexual exploitation.

4.4.1 Economics

It was hypothesised that economics would emerge as the major or most potent and prevalent causal factor for these women. Due to high rates of unemployment and poverty, the feminisation of this poverty emerging as a result of the post-communist transition coupled with the mentality and reality of woman's inequality in certain Eastern European societies, shall create a system of deprivation which disproportionately affects women thus leading them into disadvantaged decision making. This strain is found in the prevalence of poverty and its influence on trafficking as every present thereby influencing and facilitating the "push" of poor, un- or under-educated women out of their countries of origin and into the dynamic of trafficking and its exploitation.

In the transition to a market economy hundreds of jobs have been lost and much of the people's education has become superfluous. Men and women have both been affected yet from the belief in stereotypical gender roles and gender objectification, women lost out on jobs which were given first priority to men; 80 percent of those who have lost their jobs in recent years due to downsizing and economic shifts have been women (Caldwell et al., 1997). With such 'acceptable' and disproportionate economic standing, economics should translate into a potent and important causal factor.

4.4.2 Violence

Violence was also hypothesised as a potent and prevalent causal factor for women who are trafficked for sexual exploitation. Due to the existence that in many transition societies high levels of unemployment seem to influence high rates of violence (IHF, 2000; IOM, 2002); where societies without much opportunity or hope seem to evolve, or de-evolve into societies of strict gender role demarcation, victimisation and attitudes of apathy often emerge.

When funds to pay wages, heat and power schools and other businesses is limited, when funds are reallocated from social service resources towards infrastructure and rebuilding of government, more attention inevitably gets paid towards these economic or political issues than social welfare concerns – social welfare concerns for example such as safe houses, shelters or agencies which support women who wish to leave abusive relationships. This reallocation of funds snowballs into effecting more women since it is primarily women who are the victims in domestic violent situations and who typically rear or are responsible for raising children (and often elders and/or siblings), who have limited or no education and therefore limited employment opportunities (coupled with limited job opportunities and those available favour men) to support themselves and their children if they choose to leave abusive relationships. When governments and society acknowledge and support this misaligned distribution of funds away from social welfare issues, it sends the message to its citizens that addressing violence against women is not as important as other concerns. Within such societies there is an extensive historical practice of accepting violence in the home as normative. Passed on throughout generations, violence in the home is considered a part of family life and an area that is

private and should not be meddled with by governments, neighbours and societies. When options are limited in terms of education and treatment for abusers, education, shelters and supports for women wishing to leave abusers, growth is stagnated and generation after generation of women grow up to learn that violence is the norm and wishing for change is hopeless. These circumstances keep women trapped within a prescribed role, in abusive relationships, poor and in a position of disadvantage. This impoverished position is a driving force pushing women out of their countries of origin to consider employment abroad, albeit temporarily or permanently.

Violence by traffickers, pimps, brothel owners and buyers of sexual services also exists and in such societies, although there is a progression of 21st century values and ideals (capitalism, free economy, and free speech), patriarchal attitudes and behaviour seem rooted. Common attitudes of women as second class, subservient, role defined, objects and so forth are the norm and within such a society women grow to feel trapped and learn helpless consequently accepting their lot in life or seeking means in which to escape it and where escape is limited or not possible at home, women seek a life elsewhere, typically in Western European countries. Due to social and cultural attitudes such as an unmarried woman is a burden to her family and husbands and boyfriends are considered manly and “right” in their desire and need to abuse their wives and girlfriends, violence is the norm to resolve disputes in domestic settings and not often reported but rather accepted. Escaping these attitudes and a system that supports such treatment are hypothesised to be a causal factor pushing women away from their countries of origin into the hope of a better life abroad, however sadly, leads them into the hands of traffickers ready and willing to exploit their vulnerabilities and who sexually exploit

them.

4.4.3 Corruption

With the collapse of governmental systems, unstable democracies and finances, civil servants often do not get paid for months, which influence their susceptibility to bribes by other corrupt officials, or organised crime players. Often times there is also a weak judicial system, no rule of order, an imbalance of governmental or political or military power, state sanctioned violence and/or criminal networks that have penetrated markets and systems all resulting in an exploitive situation. Various research reports and criminal investigations are discovering high levels of governmental corruption in certain countries all pointing towards collaboration with traffickers instead of combating such activities and with such an exploitive system there is little or no accountability towards human rights, violence and criminal activities. The establishment of organised crime networks across Europe have also led many academics and politicians to speculate their solid involvement in the trafficking of women. For they already have had established networks in various countries, often times are involved in running prostitution rings and operate with wealth and technology to circumvent criminal justice initiatives.

A societal system in which corruption and malaise exist is a society in which attention to human rights, combating violence against women and altering patriarchal mentality lack attention. This is hypothesised to influence the evolution of crimes such as trafficking of women who, in such a society, would be considered second class citizens and thereby suitable targets for violence, exploitation and criminal enterprise.

4.4.4 Demand for Sex Services

In the field of economics a basic equation sits as the bottom line to analysing any activity within a market economy. That is, without a demand for a certain product or service, no supply is generated or needs to be created. Simply, without a demand there is no supply. The same equation can be hypothesised as relevant to the trafficking of women for the purpose sexual exploitation. As the ‘oldest profession’ in the world, prostitution has been so due to the long standing demand for sexual service(s). If there were no men seeking sexual service and willing to pay for it, it is hypothesised that there would be no criminals and traffickers willing to coerce, traffic and force women into prostitution, and conversely, no women would be willing engage in prostitution as a means of financial support¹⁶⁷. Due to the fact that there are few viable and sustainable options for the majority of women (housekeeping does not pay money; secretarial work pays little; office cleaning pays little, a collapsed economic system offers no employment options) coupled with the reality that the sexual service industry is always in existence and pays well, perhaps opting to prostitute oneself would be considered. Hard to know for certain since that is not a reality in today’s society but what is a reality are the various studies that amplify the high rates of men seeking the sexual service of women and without such a need, traffickers would not seek out women with which to exploit and victimise.

¹⁶⁷ Many studies on prostitution (McIntyre, 2002; McIntyre, 2005; Amnesty, 2004; PAAFE, 2005) which employ an ethnographic methodology reveal that economics plays one, if not the most important role for women who “choose” to engage in prostitution. Needing money to support themselves, their families, and often times their drug addictions, women resort to street prostitution either temporarily or long term in order to make ends meet. The argument continues over whether due to such economic circumstances and choices, would women continue to “choose” to engage in prostitution if other viable and legitimate employment options existed? Conversely, would women be able to “choose” prostitution to either temporarily or permanently alleviate their economic concerns if the demand for sexual services did not exist?

Concurrently, it is the belief that within a society (local, regional or global) that condones and accepts prostitution, the buying and selling of women for sex, as a legitimate and suitable activity, is a society in which women are not considered equal to men and in which they are exposed to routine victimisation. The reality of supply and demand seriously impedes counter-trafficking efforts and progress,¹⁶⁸ and which must be hypothesised as relevant in the examination of causal factors to trafficking for sexual exploitation.

An examination into the hypothesised causal factors requires a methodology which captures the voice of experience. Through a questionnaire and interview, women survivors of trafficking shared their perspectives and offered sustenance towards the hypothesised causal factors.

¹⁶⁸ Data and Research on Human Trafficking: a global survey (2005). Frank Laczko and Elzbieta Gozdzik (Editors). International Organisation for Migration (IOM). Geneva

Chapter Five: Methodology

“The best way to find out what victims need or want is to hear from the victims themselves. Victims of crime have played a crucial role in many countries in highlighting the problems with the system, and advocating an increase in their rights and the development of better mechanisms to address their needs” (OSCE, 2001¹⁶⁹).

Many research methodologists (Mertens, 1998; Patton, 1990) have suggested that qualitative approaches are appropriate when the researchers require detailed, in-depth information or when the focus of the study is on unique qualities of particular individuals (Carrington, 2005). To date, the majority of studies concerning trafficked women do not come from the perspective of the women survivors but rather are quantitative approaches that examine trafficking routes, organised crime strategies, prosecution and conviction rates and individual country political, economic, criminal and/or social dynamics. IOM acknowledges the lack of credible methodologies¹⁷⁰ concerning trafficking. Being a clandestine activity, accumulating accurate information is a challenge as persons are not typically willing to disclose and share information which acknowledges any illegal conduct, compounded with the fact that many victims experience trauma as a result of their experiences and therefore are unable or unwilling to share information. All of this impedes our thorough understanding of the phenomenon.

¹⁶⁹ Organisation for Security and Cooperation in Europe (OSCE) (2001). *Mission in Kosovo Victim Advocacy Introductory Manual: Working with Victims or Crime*. Organisation for Security and Cooperation in Europe.

¹⁷⁰ F. Laczko & E. Gozdzik (Eds.), *Data and Research on Human Trafficking: A Global Survey*. Offprint of the special issue of *International Migration* Volume 43 (1/2) 2005 (pp. 235-266). Geneva: IOM.

In order to gain a more systematic understanding of trafficking from Moldova, a prime country of origin¹⁷¹, and its causal factors, Moldovan women were asked to participate in this exploratory study. This provided the study with its foundation – that is, the exploration into the relevance and potency of the hypothesised causal factors (push and pull factors) from a victims’/survivors’ perspective which therefore could enhance our understanding and supplement existing literature to round out our understanding of the causal factors involved with trafficking.

“Research methods are technique(s) for... gathering data.”¹⁷² Qualitative research established itself in the social sciences in response to the limitations of the quantitative method, in particular when exploring social issues or issues with players who possibly have diverse opinions and perspectives. This is particularly relevant to the study of victims and survivors of trafficking for sexual exploitation. In order to gain a greater depth of understanding (Berg, 2004, Shank, 2005) of survivors’ opinions and perspectives relating to causal factors, the one on one interview and questionnaire was the chosen qualitative methodology for this doctoral study.

Although this doctoral study was exploratory in nature, for its size, methodological and resource limitations (which will be elaborated upon below) prevented an extensive analysis, it does reflect each participant’s perceptions, opinions, and insights and offers additional understanding of the causal factors and complexities involved in the trafficking of women for sexual exploitation. The participants provided rich information

¹⁷¹ A prime country of origin is commonly known among the trafficking literature to describe a country in which a majority of women wish to leave it for work and/or a better life presumably in another country. Moldova is considered a prime country of origin since it is a source country, a country from which a majority of women are found to have been trafficked to other countries.

¹⁷² Harding (1986) as cited in Westmarland (2001). The Quantitative/Qualitative Debate and Feminist Research: A Subjective View of Objectivity. *Qualitative Social Research* Volume 2, No. 1, February 2001.

that may be used as the basis for future directions of research and/or implementing prevention and intervention initiatives for potential victims of trafficking and policy changes for survivors of trafficking.

5.1 Feminist Methodology

By what criteria does one define a methodology to be “feminist”? What does it mean to label research as feminist research? Gelsthorpe (1990) offered that “there is no single, definitive answer and writers and researchers have seen various elements as the essentials of a feminist approach” (p. 89) and the question has been of much discussion for the past several decades as evidenced in the works of Kelly, 1978; McRobbie, 1982; Cook and Fonow, 1986¹⁷³; Naffine, 1996¹⁷⁴. Since we must first note that there is not one feminist perspective (Westmarland, 2001), we must consequently recognise that there are several methodologies, within criminology, that can be considered feminist. As Ramazanoglu (1992) highlights, “what one means by feminist methodology depends in part on which authors one takes as examples” (p. 208 as cited in Westmarland, 2001) and who is doing the research (Naffine, 1996). .

It has been argued that methodology has been gendered (Oakley 1997; 1998 as cited in Westmarland, 2001), with quantitative methods traditionally being associated with words such as positivism, scientific, objectivity, statistics and masculinity. In contrast, qualitative methods have generally been associated with interpretivism, non-scientific, subjectivity and femininity. Feminist methodologies emerged in response to a

¹⁷³ For a detail list of these and other notable authors consult Gelsthorpe, L. (1990). Feminist methodologies in criminology: a new approach or old wine in new bottles? In L. Gelsthorpe and A. Morris (Eds.), *Feminist Perspectives in Criminology* (pp. 89-106). Buckingham, UK: Open University Press.

¹⁷⁴ Naffine, N. (1996). *Feminism & Criminology*. Philadelphia: Temple University Press.

series of enquiries in the 1970s which examined the gender inequality and masculine dominance within the social sciences (Brunskell, 1998).

Feminist researchers have criticised quantitative positivistic methods for ignoring and excluding women (Oakley, 1974 as cited in Westmarland, 2001). Westmarland (2001) goes on to explain that “second wave feminism developed in the 1960s and questioned not only *how* knowledge is produced, by also *who* produces it and how it is *used*.”¹⁷⁵ Dubois (1983) highlights that what has been named “universal” knowledge is actually male knowledge, derived from male scholarship and therefore fundamentally flawed. Many feminist scholars (Daly and Chesney-Lind, 1988; Naffine, 1996; Simpson, 1989 as cited in Moyer, 2001) have noted the androcentric nature of criminology. Dubois emphasises the androcentric basis of the social sciences and explains that

the “person” has been considered to be *male*, and the female, the woman, has been defined in terms, not of what she *is* but of what she is not...The androcentric perspective in social science has rendered women not only unknown, but virtually *unknowable*.¹⁷⁶

Thus to counter this perceived androcentrism and contribute to our understanding of the trafficking of women, exploring this phenomenon from a woman’s perspective was necessary¹⁷⁷ and therefore a qualitative methodology was utilised. However, one must be mindful of applying a methodology which attempts to speak for all women. The researcher must ask herself that “if I am speaking as a woman, and for women, on behalf of which women do I speak, or can I speak only for myself?”¹⁷⁸ (Naffine, 1996 p. 52). Naffine reminds us that there can be problems associated with attempting to assimilate

¹⁷⁵ Italics were in the original text.

¹⁷⁶ Westmarland, N. (2001). The Quantitative/Qualitative Debate and Feminist Research: A Subjective View of Objectivity. *Forum: Qualitative Social Research*. Volume 2, No. 1, February 2001.

¹⁷⁷ For an elaborative account of feminist criminological theory please refer to the chapter on theory in this dissertation.

¹⁷⁸ Such questions came in light of recognising that past feminist research was done primarily by white middle class women, usually about other white women to the exclusion of other ethnic groups.

women into a single type or into a single voice simply because of one's method of inquiry. This dilemma has not escaped feminist researchers. However, simply by being mindful of this dilemma and choosing to represent only the voices of those interviewed, can be a first step in countering any clouded methodological limitation. This exploratory study therefore; placed as the center of its focus, the *woman* victim/survivor of trafficking, and attempted to extrapolate from her experiences the relevance of causal factors in the dynamic.

Utilising a qualitative methodology assists us in deeply exploring a participant's perspective by uncover their experiences, words, thoughts and beliefs. Proving or disproving a hypothesis is not generally the guiding principle in qualitative methodologies, rather an illumination or in-depth exploration of a specific topic or case is conducted.

5.2 Instrument

5.2.1 Primary Source

The primary source of data, the Survivor Questionnaire (See Appendix IX), was administered to Moldovan women who had been trafficked to other European countries and were now back in Moldova and housed at the Rehabilitation Centre in Chisinau (the capital of Moldova). This Centre is run by IOM and La Strada works as the mechanism for the re-integration of various women into their home communities. This questionnaire was a standardised¹⁷⁹ format and comprised of six sections and a total of 92 questions and

¹⁷⁹ This type of interview involves a structured set of interview questions. "The rationale here is to offer each subject approximately the same stimulus so that responses to questions, ideally, will be comparable" (Babbie, 2001 as cited in Berg, 2004, p.78). The implementation of a number of predetermined questions "further assumes that all questions have been worded in a manner that allows subjects to understand clearly

was originally created in English and transmitted to the Social Worker at La Strada Moldova via email, who then administered the questionnaire during the specified time frame in Moldovan, Russian or Romanian language depending upon the literacy of the women interviewed.

Each section addressed one of the four hypothesised push and/or pull factors¹⁸⁰ considered relevant to trafficking for sexual exploitation in addition to providing space for individual thoughts, experiences and input. The translation of the constructed questions from English to Moldovan, Russian or Romanian, was left to the skill and expertise of the Social Worker. In addition, an instruction sheet was offered to the Social Worker to clarify data collection process and technique.

In designing the questionnaire, a combination of closed-ended¹⁸¹ and open-ended¹⁸² questions was included in order to elicit proper generated data in response to the study's hypothesis. These responses can range from theoretically relevant responses to serendipitous findings¹⁸³. Merriam-Webster Online Dictionary (2005) defines serendipity as "the faculty or phenomenon of finding valuable or agreeable things not

what they are being asked [and are] designed to elicit information using a set of predetermined questions that are expected to elicit the subjects' thoughts, opinions, and attitudes about study-related issues" (Berg, 2004, p.79).

¹⁸⁰ The first section comprised general and unobtrusive questions such as demographic information (age, level of education, length of stay at safe house) including desired destination country and work. The following sections related to specific hypothesised causal factors. The second section was comprised of questions relating to economics and education; the third to cultural and social customs and norms; forth to experienced physical, sexual, emotional violence; fifth related to treatment and experiences while trafficked, corruption and organised crime and the demand for sexual services and the sixth section's questions related to the legalisation of prostitution, prevention, prosecution and legal efforts.

¹⁸¹ "Closed-ended questions provide respondents with a fixed set of alternatives from which to choose" (Monette et al., 2005, p.158).

¹⁸² "Open-ended questions require the respondents [to] write their own responses" [to the questions posed] (Monette et al., 2005, p.158).

¹⁸³ "The element of surprise, and the capacity to be surprised, have always been present in qualitative research; [sic] a key contribution of qualitative studies was their capacity for discoveries that challenged conventional notions of human behaviour. The successful qualitative study was (and is) one that challenges us to see and think differently and to arrive at a deeper understanding than we had before" (Padgett, 2004, p.274-275)

sought for” which can be considered the crux of qualitative research; that is, to uncover hidden or deeper meaning not originally understood or widely known (Shank, 2005, Monette et al., 2005, Padgett, 2004). By offering a combination of both types of questions, the research aimed to uncover the participants’ perspectives and any deeper meaning or association towards understanding the relevance of causal factors in the trafficking for sexual exploitation.

Because the Survivor Questionnaire made up the primary element of data gathering, the wording, language, and length of questions also required consideration. Researchers should also keep questions simple and direct, expressing only one idea or question at a time, avoiding complex statements, jargon or colloquial phrasing¹⁸⁴ and be mindful of language and/or literacy barriers of participants (Monette et al., 2005). “Researchers should subject the wording of questions, whenever possible, [sic] to determine whether particular wording might lead to unnoticed bias. Words, after all, have connotative meaning” (or emotional value) (Monette et al., 2005, p.161). By testing and reviewing the questionnaire with trafficked women and staff in April, August and September 2002, any necessary changes were reflected in the final version, particularly the phrasing of certain questions, the redundancy of questions, and the content or probing nature of other questions.

Although the questionnaire can be compared to a quantitative survey instrument, the methodology chosen for this doctoral study was qualitative and therefore utilised the questionnaire as a supportive and guiding tool through one on one interviews. As a result of the researcher’s travel limitations the Social Worker at the Rehabilitation Centre in

¹⁸⁴ Colloquial phrasing can be understood to mean common language, slang or terminology specifically found within a certain group or subculture and therefore not commonly known among all populations.

Moldova conducted the interviews¹⁸⁵, therefore a standardised format of questions was needed in order to guide and assist the Social Worker in conducting the interviews in a systematic manner.

5.2.2 Triangulation

In addition to the completed questionnaires by trafficked women survivors, two other data gathering techniques were employed. Many researchers utilise one methodological technique they feel most comfortable using, which may also prevent them from recognising that methods impose certain perspectives on reality (Berg, 2004). That is why it is crucial to employ various methods which each will reveal slightly different facets of information. By combining several methods, or several lines of sight, more in-depth information and understanding of the topic or subject can be garnered. “Triangulation was first used in the social sciences as a metaphor describing a form of *multiple operationalism* or *convergent validation*¹⁸⁶ (Campbell, 1956; Campbell & Fiske, 1959 as cited in Berg, 2004, p. 5). Triangulation was largely “used to describe multiple data-collection technologies designed to measure a single concept or construct” (Berg, 2004 p. 5). For many researchers, “triangulation is restricted to the use of multiple data-gathering techniques (usually three) to investigate the same phenomenon” (Berg, 2004 p.5).

From the purpose of this doctoral study triangulation involved conducting one on one interviews with survivors of trafficking (utilising the Survivor Questionnaire), gathering secondary sources of information from governmental, non governmental and academic sources (see point 5.2.3 below), and thirdly, by collecting data specifically from

¹⁸⁵ See the Procedure section, 5.3 for elaboration.

¹⁸⁶ Italics were used in the original quotation.

the La Strada Network and The International Center for Woman's Rights Protection and Promotion "La Strada" in Moldova (utilising the Agency Questionnaire and gathering annual reports and other organisation documentation).

5.2.3 Secondary Sources

Secondary sources¹⁸⁷ of information on trafficking of women for sexual exploitation were used in this doctoral study to supplement the primary data gathering technique. Secondary sources of data were gathered from various agencies, governmental and non governmental concerning trafficking in Central, Eastern and Western Europe. Over the course of several months, other studies, cases, reports, list server dialogue¹⁸⁸ and academic texts and discourse were collected via the Internet, through telephone contacts, electronically, through conference attendance and presentations and basic literature searches in libraries in Germany and Belgium. Although the amount of data, information and academic literature concerning trafficking for sexual exploitation is vast, what was limited was the focus and perspective of studies from victims and survivors. Therefore this doctoral study utilised any and all evidence-based literature which addressed economics and violence as causal factors; case examples, stories and vignettes of trafficked women and their voices and experiences; organised crime statistics; trafficking routes and legislation surrounding cross border cooperation, prosecution and victim protection efforts¹⁸⁹; Member States, European Union, Council of Europe, United

¹⁸⁷ Analysis of data that was collected for some other (or previous) research project is called secondary analysis or utilising secondary sources of information (Riedel 2000; Sieber 1991 in Monette et al., 2005).

¹⁸⁸ Many case examples, details and statistics were accumulated from being a member of the STOP-Traffic List Server <http://groups.yahoo.com/group/stop-traffic/>

¹⁸⁹ Examples would include but are not limited to the International Organisation for Migration (2001, 2002); Amnesty International, (2004); Bobylev, S (2001); Choudbury, B (2002); Coomaraswamy, R (2000); European Women's Lobby (1999); Human Rights Watch (2001); Kangaspunta, K (2001); International Center for Women's Rights Protection and Promotion "La Strada" (2005); International

Nations declarations, protocols, conventions, and recommendations; discourse on demand and corruption; and policing strategies.

Secondary sources of information is data which was “previously compiled to meet the needs of whatever agency or researcher originally collected them, and the form in which the data were collected can [sometimes] limit the [current] analysis” (Monette et al., 2005, p.197-198) since it was originally collected for one purpose and then utilised in a subsequent study, for another purpose. In addition to this point, using secondary sources has other limitations as the original data set may not be complete which in turn cannot answer any or all research questions in the current study that the researcher is now wishing to ask. For example, utilising the situation report by Europol (2000)¹⁹⁰ demonstrates that its purpose was to collect statistics and Member States’ responses to policing traffickers. This aim and its findings are valuable to the current study, but only partially so, since it did not include as one of its research questions, the victims’ perspective to being trafficked. However, utilising its findings can add to our current understanding of trafficking by completing the bigger picture in understanding trafficking responses fully. Regardless, adding secondary sources of data to a study is valuable and provides a holistic compilation of our understanding. It adds layers to the findings, those as the focus of the study or other, and more completely fulfils our understanding of the phenomenon as a whole.

Organisation for Migration (2001); Richard, Amy, O’Neil (2000); Organisation for Security and Cooperation in Europe (2002); UNICEF (2000); United Nations Common Country Assessment Republic of Moldova (2000) and many others.

¹⁹⁰ Europol (2000). “Trafficking in Human Beings. General Situation Report 1999”. Open Version. The Hague: Europol.

Another secondary source of data was the collection of statistical and qualitative information from the La Strada Network¹⁹¹ and in particular from the La Strada organisation in Moldova. The network and agency's annual reports, publications and staff experiences were collected via electronic dialogue and their website. This analysis sought to supplement the victims' perspective with information generated from front line workers who assist survivors of trafficking on a daily basis across Eastern Europe and in Moldova particularly (See Agency Questionnaire in Appendix VIII). These elements comprise a triangulation of methods.

5.3 Procedure

Ten questionnaires were completed through the assistance of a Social Worker at La Strada Moldova who asked trafficked women survivors housed at IOM's Rehabilitation Centre¹⁹² to participate in the study. Between October and December 2002, this Social Worker administered the questionnaire on behalf of the researcher to any woman willing to engage in the study; this totalled ten trafficked women survivors.

Convenience sampling was used. Monette et al., (2005, p. 145) informs that

convenience sampling involves the researcher taking whatever elements are readily available. These samples are especially popular and appropriate for research in which it is difficult or impossible to develop a complete sampling frame. Sometimes it is too costly to do so; in other cases it is impossible to identify all the elements of a population.

Utilising a convenient sample is prudent concerning the subject of trafficking as accessing victims and survivors is a challenge as many are held in safe houses or with

¹⁹¹ The La Strada Network is comprised of agencies in the Netherlands, Poland, Czech Republic, Bulgaria, Ukraine, Belarus, Macedonia, Bosnia-Herzegovina and Moldova. For further information on this partnership please consult <http://www.lastrada.md/parteneri/en.html>

¹⁹² The IOM Rehabilitation Centre is considered a safe house for women who have returned to Moldova after being trafficked abroad. Here they receive counseling, social, psychological and/or medical and employment assistance and are offered anonymity and a safe place to begin re-integrating back into their communities.

agencies who rightly so, protect them from exposure to further trauma and exploitation. By utilising “whatever elements are readily available” (Monette et al., 2005, p. 145), the technique allows each element of the given population to have an equal probability of being selected and included within the study. Such samples have the desirable feature of giving each element (or potential participant) in the sampling frame an equal chance of appearing in the (final) sample (Monette et al., 2005). The sample selection for this doctoral study was conducted over a limited period of time which provided only a snapshot of the entire population of trafficked women survivors from Moldova, and it did offer a selection of those who were housed during that time frame at the Rehabilitation Centre which continually receives new admissions daily. Over a period of three months, the Social Worker indiscriminately chose women who were at various lengths of stay at the Centre. Each was assessed for her willingness and ability to participate in the interview and complete the questionnaire. With her assistance, and in a comfortable interview setting, the participants completed the standardised questionnaires in the presence of the Social Worker. No distinction was made between women who left Moldova willing to engage in prostitution or those not, but rather the only eliminating factor from participating as a member of the study was that the type of trafficking experienced had to have been for the purpose of sexual exploitation.

The formulation of the final questionnaire began with the creation of a draft version and was tested with trafficked women survivors and staff at a Belgian NGO in April 2002 and later in August and September 2002 with staff from an NGO in Moldova, Poland and Bulgaria via email. The feedback obtained as a result of this process was incorporated into the questionnaire revisions and the final version was completed by

November 2002 and subsequently delivered to the Social Worker at La Strada Moldova via email.

5.4 Participants

Participants for this doctoral study can be described as a convenience sample¹⁹³. Participants consisted of ten trafficked women survivors chosen indiscriminately through La Strada Moldova who were assisted by this organisation and housed at the IOM's Rehabilitation Centre in Chisinau Moldova. These women originated from Moldova and upon being discovered as trafficked for the purpose of sexual exploitation in various countries across Europe (and elsewhere), were returned to Moldova (either deported through criminal justice measures or returned with NGO and governmental assistance) and assisted by La Strada and the Rehabilitation Centre. Since Moldova does not typically present as a country of destination, women from different parts of the world do not generally require the NGO's assistance but would not be refused assistance if asked. One of the mandates of La Strada is to actively seek women who originate from Moldova abroad, return them to Moldova and provide them with assistance and reintegration. The age and other demographic information of the sample are offered within the findings section of this report (chapters six and seven).

¹⁹³ A major concern of social science research is to choose a sample that is representative of a larger population. Having control over this aspect, researchers may take considerable effort in choosing a sample that specifically excludes certain types of people and includes certain types of people because of their knowledge, expertise and/or experience with a particular incident or context (Monette et al., 2005). The women chosen for this sample were women who had survived being trafficked for the purpose of sexual exploitation and therefore competent in their perspective and experience to provide information and opinion towards the study's hypothesised causal factors. The staff at La Strada were also chosen for a similar reason; although they were not survivors of trafficking, they were (and are) educated and experienced in dealing with trafficked women survivors, police and other official personnel, other NGOs and government agencies. Their unique and informed perspective provides insight in the facts, myths, realities, difficulties and accomplishments that are involved in the work towards understanding, preventing, eradicating trafficking and assisting and protecting victims of trafficking for sexual exploitation.

The effects of using a convenience sample on the interpretation of findings can be limited in that the sample provides a narrow view and perspective attempting to represent the views of all trafficked women survivors. A convenience sample is a sample of persons in one snap shot of time at one location and again limits the scope of understanding for all trafficked women survivors across several time periods. Since those interviewed just happen to be housed at the Rehabilitation Centre at the time of the study could potentially restrict the generalisation of findings to all trafficked women survivors originating from Moldova and then consequently to generalise the potency of causal factors for all trafficked women across Europe.

5.5 Ethical Concerns

“Six basic ethical issues arise in social science research: informed consent, deception, privacy (including confidentiality and anonymity), physical or mental distress, problems in sponsored research, scientific misconduct or fraud and scientific advocacy” Monette et al., 2005, p. 53). Within this doctoral study three basic ethical issues were considered relevant.

However ambitious the aim of accumulating empirical data is, there is difficulty in obtaining willing participants for such a study. NGOs, by their nature are over worked and under funded and often too over taxed in terms of demands and limited in terms of resources. This limits their ability to support and collaborate with academics as researchers require their permission and support in accessing files and/or interviewing women survivors that they assist. If NGO staff are over-worked in managing their daily work loads and servicing the women in need, they will have little time and energy in reserve to commit to academic explorations and studies. This reality impedes our ability

to gather in-depth information from front line service providers who are a value source, if not the most value source of information concerning victims and survivors of trafficking.

In addition to language barriers (researchers not being able to speak the various languages and dialects of the hundreds of women who are trafficked) and the clandestine nature of trafficking (hidden, criminal and fear of prosecution exists), NGOs are also characteristically protective of the women they assist. Correct in this ideology, staff and agencies wish to protect the confidentiality of these women and not to over expose them to intrusive questioning, over examination and potential re-victimisation through the use of interviews. Several examples were learned that articulated how previous media and academic inquiries further victimised survivors by probing insensitively into the lives and traumatic experiences of the women ((La Strada, personal communication 2002).

Confidentiality is a concern as well since many survivors fear retribution at the hands of their traffickers. In many situations, the women were recruited into trafficking by people they knew and trusted and who in turn know where they come from, from which villages they live and know their family. Through the course of the trafficking experience they had been repeatedly threatened with harm if they were to talk about their experiences with the authorities or anyone and their families and loved ones were also threatened. This threat and their subsequent fear are real and NGOs are right to protect these women for any further harm however remote it may be. Conversely though, that protection prevents and deters many researchers from being able to thoroughly examine and understand trafficking from the victims' perspective.

This doctoral study aimed to contribute to that paucity by offering survivors a chance to share their voices and experiences in a safe and effective manner (through the

trust and comfort of the Social Worker at the Rehabilitation Centre) which would contribute to the literature and our understanding of trafficking and potentially offer future directions; this exploratory study began to open that door.

5.5.1 Informed Consent

As mentioned above, protecting the confidentiality and identity of research participants (and in this case of trafficked women survivors) has in the past been met with challenges. Regardless, the aim of this doctoral study was to report accurate and honest information directly from the women's perspective all the while shielding her identity. In effect, her identity was not a relevant or necessary aspect to the study but rather her individual perspective and opinions concerning causal factors was; therefore, acquiring informed consent was reasonable.

Informed consent “refers to telling potential participants about all aspects of the research that might reasonably influence [her] decision to participate” (Monette et al., 2005, p.53). In this circumstance, aspects such as confidentiality and exposing their identity and thus compromising their safety, were significant aspects that might or would reasonably influence a survivor's decision to participate.

In this doctoral study, it was imperative that the participants understood and believed that nothing would be written or collected which identified their personal identity (i.e. name, home address, family member's names and locations etc.) thereby respecting not only their privacy but ensuring their safety. Many of these women in previous dealings with authorities, had agreed to testify against their traffickers or other organised crime players and were under victim protection orders; revealing their identity would not only jeopardise the investigation but also potentially bring harm to the women

and their families. Other women were not engaged in any justice process with authorities but yet still feared for their safety and the safety of their families. “To deceive potential participants is to deny them the ability to determine their own destinies” (Monette et al., 2005, p. 54), which is a statement not only holding merit in ethical academic research but when considering a feminist perspective to support and encourage survivors to gain ownership over their lives¹⁹⁴.

By articulating in writing directly on the Survivor Questionnaire, in writing to the La Strada agency and verbally to the La Strada Social Worker, the researcher informed all participants of the nature and extent of the study (see Appendix VI)¹⁹⁵.

5.5.2 Privacy

Ensuring confidentiality¹⁹⁶ and anonymity¹⁹⁷ was essential in order to gain the trust of participants as well as the NGO workers and to protect any women who were

¹⁹⁴ A common tool used by traffickers, pimps, brothel owners and johns is violence to intimidate and threaten, coerce and demean women and controlling their freedom, actions, decisions and abilities. These tools serve several purposes, such as to render women helpless and hopeless thereby no longer believing that rescue or safety is possible, restricting their interactions with others, withholding food, cigarettes and hygiene products also demeans and removes any sense of autonomy and control over their circumstances. After women have escaped or been rescued from their trafficking experiences they often remain traumatised and in a state of inability to take control of their lives since they have learn and accepted their previous hopeless positions. By offering choices, control over decisions and the ability and freedom to choose not to participate in research allows them one opportunity in the slow path of healing to regain their lives and health.

¹⁹⁵ It was clearly indicated that the study was for the purpose of a doctoral research, a *Doktor Arbeit* out of the Max Planck Institute for Foreign and International Criminal Law in Freiburg Germany, and that any and all raw data would be interpreted and used for this purpose only and no identifying aspects would be included but rather kept in confidence. The form also revealed that articles would be written and potentially published as a result of this doctoral study but that any and all identifiers of the participants would never be included.

¹⁹⁶ Confidentiality ensures that information about or data collected from participants are not made public in a way that can be linked to any of the participants. “Researchers, of course, commonly release their data to the public but usually only in aggregate forms, which means reporting on how a whole group responded rather than how individuals responded” (Monette et al., 2005, p. 57). None of the data collected or findings from the study that have already been made public in the form of conference presentations, academic papers and publications, does not reveal the individual identity of any of the participants.

¹⁹⁷ Anonymity means that no one, not even the researcher, can link any data to a particular respondent. Since these questionnaires were not administered by the researcher, were returned via email and did not have any personal names or other identifying characteristics, it is impossible for the researcher to link any data to any respondent.

under victim protection orders. “Confidentiality is an active attempt to remove from the research records any elements that might indicate the subjects’ identities; [whereas] anonymity means that the subjects remain nameless” (Berg, 2004, p.65). A Letter of Confidentiality was sent electronically by the researcher to the NGO prior to engaging in the study. A letter of confidentiality typically outlines how both confidentiality and anonymity will be ensured (Shank, 2005, Monette et al., 2005). Through the use of safeguarding techniques (such as removing any name or other identifying characteristic such as address, weight or height from the questionnaires) both aspect were ensured (see Appendix VII).

5.5.3 Physical and Mental Distress

Additionally, and unfortunately due to limited financial support for the project, the researcher was unable to personally visit the NGO in Moldova and administer the questionnaire, but in her stead, the Social Worker administered the questionnaire to the willing participants. This limitation can also be considered strength since the Social Worker is well known among the women housed at the agency and is trusted and valued by them and other staff. In most cases victims and survivors are not openly willing to discuss their traumatic experiences and every woman who has been trafficked has experienced some form of physical, mental, sexual and emotional abuse throughout the course of her exploitation. Asking her to relive those experiences yet again, but this time to a stranger (the external researcher), without care and consideration for the potential distress it may cause, is not only unethical but also not does not afford these women the autonomy to make their own choices which was what was frequently and constantly taken from them during their experiences.

The ability to recognise trauma and trauma symptoms associated with prostitution and trafficking has improved dramatically over the years. “Until rather recently psychological trauma was noted only in men after catastrophic wars. The women’s movement in the sixties broadened the definition of emotional trauma to include physically and sexually abused women and children” (Jaffe & Segal, n.d.)¹⁹⁸. Trauma has also been defined by Giller (n.d.)¹⁹⁹ as the *experience of the survivor*. Two people could undergo the same noxious event and one person might be traumatized while the other person remained relatively unscathed. She contends that it is not possible to make blanket generalizations such that “X is traumatic for all who go through it” or “event Y was not traumatic because no one was physically injured.”

Farley’s book (2003)²⁰⁰ also acknowledged the empirical relationship between trauma and prostitution. The symptoms of trauma range from impairing physical, emotional, cognitive as well as interpersonal functioning. With women who have been trafficked and forced into prostitution, and in many cases repeatedly sexually, physically and emotionally abused, the symptoms of trauma are many and recovery often takes months or even years. Because of her altered psychological and mental state, these women are immensely vulnerable to further victimisation, in particular as a result of their lowered self-esteem and self-worth and possible learned helplessness.²⁰¹ Remaining

¹⁹⁸ Jaffe, J. & Segal, J. (n.d.). *Emotional and Psychological Trauma: Causes, Symptoms, Effects, and Treatment*. Retrieved 12 May 2005, from http://www.helpguide.org/mental/emotional_psychological_trauma.htm

¹⁹⁹ Giller, E. (n.d.). *What is Psychological Trauma?* Retrieved 12 May 2005, from <http://www.sidran.org/whatistrauma.html>

²⁰⁰ *Prostitution, trafficking and traumatic stress*. Melissa Farley (Ed.) (2003). New York: The Haworth Press.

²⁰¹ Crisis Intervention is a routine portion of the types of assistance the La Strada Centre (and other NGOs) administer to trafficked women survivors. Many women experience emotional and psychological issues which require psychotherapeutic interventions. Many of the symptoms and responses to surviving trafficking are similar to Post Traumatic Stress Disorder (PTSD) as experienced by war victims and

mindful of this reality was necessary in order to ethically engage this population in research because their experiences included acts as rape, torture, starvation, humiliation, beatings²⁰², physical exhaustion²⁰³, isolation²⁰⁴, sexually transmitted diseases, being forced to prostitute during menstruation, and unwanted pregnancy. Recognising this reality can assist the researcher in cultivating an ethical foundation when applying a methodology.

We know from various reports concerning trafficking methods, tools of coercion and victim reports, that rape and other forms of sexual assault are used against women who are trafficked. Rape as a tool of submission and coercion is common in that traffickers, pimps and brothel owners firstly feel a sense of entitlement to these women who they consider their property and secondly that they force themselves on these women as an initiation to the work that they will be forced to do and to break their resistance and render them helpless to their circumstance.

soldiers. Several of these traumatic responses revolve around emotional, psychological and interpersonal concepts of self such as fear, guilt, anger, helplessness, and shock. Fears can include the fear of being alone, of being found and punished, of STDs and/or HIV or pregnancy, and fear of nightmares. Feelings of guilt revolve around feeling that she made a mistake, that she broke cultural and/or religious rules, and that she was unable to make money to provide/support her family. Feelings of anger can include anger towards herself because “she allowed this to happen”, anger towards others because they did not protect her, anger towards society, and towards men. Feelings of helplessness include feeling she has no right to control her own life, that “it will never get better”, and that being a woman means being abused all of the time. Shock and being disoriented are common responses to traumatic events (Posttraumatic Stress Disorder (2005). In and include feeling stunned or numb, an inability to stay calm, hyper vigilant and always suspicious of persons, sounds and situations, memory problems and general malaise at life (Kostadinova, n.d. Animus Association).

²⁰² What often occurs for these women when experiencing these four tactics is that they “turn or shut off” their brains; they stop thinking in order to survive. As is witnessed by children who experience sexual and/or physical abuse, this “brain closing” has been clinically acknowledged to cause severe psychological distress and in some cases extreme personality distress in the form of a Dissociative Identity Disorder <http://www.sidran.org/didbr.html>.

²⁰³ Often her captors will manipulate her environment so that she never has a chance to have a rest, is never left alone, and never has time to recover or undertake protective actions. This 20-hour working day brings huge profit to pimps and brothel owners but also impairs the psychological stability of the woman.

²⁰⁴ Isolation usually involves guarding a woman from the outside world. She is constantly watched and not allowed to communicate with anyone.

Trafficking to the Balkans is viewed as particularly brutal with trafficking victims citing being resold repeatedly, raped by the traffickers, bar owners, or their relatives, denied food periodically, and compelled to have unprotected sex (Richard, 2001)²⁰⁵.

Trafficked women are not in a position of power to say no and withhold sex from anyone. Their emotional resilience has been taxed and exhausted through their experiences and they are outnumbered in quantity and strength compared to the groups of men who rein over them, restrict their movements, force them and beat them. One woman is helpless against two or four or six or ten men who all gather in support of trafficking and exploiting women. Therefore, in recognition of these factors, the researcher supported the presence of the Social Worker to conduct the interviews and administer the questionnaires.

Within a calm, familiar, trusting, and non-hostile environment (the Rehabilitation Centre in Chisinau) interviews were conducted and if and when any potential and distressing emotions or reactions arose as a result of completing the questionnaire, a debriefing session would have been implemented immediately afterwards by the Social Worker or other treatment staff available which would assess any psychological and/or emotional reactions to the research (Monette et al., 2005). This previously established relationship (between the Social Worker and woman participant) allowed the women to openly engage and offer valuable insight that may have potentially been guarded if she was interviewed by a stranger (i.e. an external researcher).

²⁰⁵ Richard, Amy O'Neil (2001). "International Trafficking in women: a contemporary manifestation of slavery and organised crime". Paper presented at the International Conference on Strategies of the EU and the US in Combating Transnational Organised Crime, Ghent/Belgium 23-26 January, 2001 as cited in International Organization for Migration (2001). *Victims of Trafficking in the Balkans: A Study of Trafficking in Women and Children for Sexual Exploitation To, Through and From the Balkan Region*. International Organization for Migration.

Protecting vulnerable clients (or participants) needs to be at the forefront of any researcher's mind so as to prevent re-victimisation and any exploitation for the researcher's benefit (Jesani & Barai, n.d.)²⁰⁶ additionally it is considered common ethical practice to evaluate whether the benefits of the research outweigh any and all risks to all participants in the study (Shank, 2005, Berg 2004, Monette et al., 2005), all of which were of particular relevance when studying and interviewing survivors of trafficking.

The American Psychological Association has also established a Research Code of Ethics, in particular that outlines the relevant concerns when conducting research with human subjects.²⁰⁷ Several other professional associations and educational institutions²⁰⁸ also have Codes of Ethics in addition to Institutional Regulating Boards (IRBs) which oversee all applications for academic research involving human subjects. It is from that foundation that this research was guided.

“For some social scientists, an ethical standard that rests only on avoiding harm is far too limited. They would also argue that those on whom we conduct research should also gain some positive benefit from the research. This stance has been put forth most clearly by feminist researchers and collaborative researchers” (Nyden et al., 1997; Reinharz, 1992 as cited in Monette et al., 2005, p. 60-61). What in return do the participants gain? The subjects could be paid for their time and effort, given resources or advocacy, or the research results could be translated into social policies or practices that

²⁰⁶ Jesani, A. & Barai, T. (n.d.) *Ethical Guidelines for Social Science Research in Health* Retrieved 12 May 2005, from <http://www.hsph.harvard.edu/bioethics/guidelines/ethical4.html>

²⁰⁷ American Psychological Association (n.d.). *Research Ethics and Research Regulation*. Retrieved 12 May 2005, from <http://www.apa.org/science/researchethics.html#professional%20codes>

²⁰⁸ The Max Planck Institute for Foreign and International Criminal Law has a Scientific Council and Advisory Board which oversees applications for research <http://www.mpicc.mpg.de/ww/de/pub/forschung.htm>, the Albert-Ludwigs Universität has an Ethics Committee <http://www.ethik-kommission.uniklinik-freiburg.de/>, and Mount Royal College has the Office of Research and Special Projects http://www.mtroyal.ca/research_office/about.shtml which also oversees academic research involving human subjects.

benefit them in some way either short or long term. The resource limitations of this doctoral study did not permit financial remuneration to participants but a letter of appreciation and thanks was written, books and video resources were donated at various times and any publications as a result of the study were shared with La Strada.

5.6 Strengths and Limitations of the Study

Due to logistical, resource and language constraints, implementing an extensive and thorough in-depth qualitative study was not possible but rather this doctoral study combined the use of a qualitative tool, the one on one interview, with collecting secondary sources of information. Although the interviews were not conducted by this researcher but rather by the Social Worker at the Rehabilitation Centre, considered noteworthy and a definite strength of the study, was the rapport with which the Social Worker had with these women. For without this pre-existing rapport, the women would most likely not have been trusting and therefore willing to complete the interview due to prior victimisation, trust issues and overall fear of identity disclosure.

Language and literacy barriers were limitations of the study. This reality often impedes the collection of qualitative research concerning the trafficking of women for not many researchers are fluent in the various languages and dialects represented in all the women who are trafficked from the many countries of origin and found throughout Europe. This was another valuable reason to utilise the Social Worker as administrator of the interviews for she is a national of Moldova and speaks Moldovan, Russian and Romanian in addition to various dialects; in essence, she is a representative of who those women are and all the more credible in their eyes.

Additionally, literacy among many of these women is often low therefore impacting the wording and style of questions within an interview. Not to assume that all such women are unable to read, but the reality does exist that many, in particular from rural areas, do not have substantial education to understand complex questions or verbose vocabulary. Devising a questionnaire that is written in simple English and easily translatable, assisted the Social Worker in facilitating the understanding and meaning of those questions onto the women interviewed.

The motivation to complete an extensive multi-page questionnaire and interview can be minimal which also reduces the amount of data available to obtain and thus recorded interviews permitting the women to dialogue openly and freely would have best served the search for deeper meaning of the relevance of causal factors, but this would have required transcription resources, translation services, either on the spot or in addition at the post-interview process and analysis all of which were not possible due to financial restraints. Therefore, providing open-ended questions within the questionnaire allowed the participants to share whatever personal insights and perspectives they felt relevant and comfortable.

The limited framework of this qualitative study also impacted generalisability. The sample size was small (ten women), the interviews were limited in terms of depth and no quantitative methods were used which would provide a testing of variables and a validity of a hypothesis. Having however created a questionnaire did permit an exploratory examination of the causal factors for women trafficked from their home country Moldova. Further detail on the design of the questionnaire is provided within section 5.2 of this chapter, however, a limitation of its design can be acknowledged as

providing limited space and time for participants to further elaborate on the questions and include their experiences and opinions as they relate. The questionnaire utilised quantitative as well as qualitative strategies yet the testing of the identified variables was limited. The variables of economics and violence were strong and the data collection provided the study with insight into their potency and prevalence; however, a larger study and one which would have incorporated more stringent quantitative measures would have more fully and completely tested the validity and generalisability of the variables as they relate to trafficking, (i.e. what is the rate of probability that economic disparity impacts or influences a woman's trafficking experience?). Other variables such as corruption and demand did not receive a thorough quantitative analysis but rather a qualitative exploratory examination through secondary and anecdotal sources. Although valid and illuminating, the restriction of such a method does not provide a testing of probability and a measure of quantifiable relationship, (i.e. what is the rate of probability that corrupt official agents impact, sustains and/or facilitates trafficking of women from Moldova?).

Having extensive resources to complete an in-depth and extensive qualitative study with lengthy interviews combined with a quantitative analysis of variables, would have better filled the paucity that currently exists within the literature on trafficking, in particular concerning information from trafficked women survivors; however, for what was possible, this exploratory study provided valuable insight and a deeper understanding of the relevant trafficking causal factors, their potency and prevalence, directly from the perspective of women who have survived trafficking from Moldova throughout Europe and can be utilised to contribute to illuminate a deeper understanding of trafficking and support subsequent research.

Chapter Six: State of Research

6.1 La Strada Moldova Findings

Since 2001, La Strada Moldova has been accumulating data on the victims that they assist, although they have been assisting women for several years prior to that date it was not until then that the resources were available to assist them in their data collection efforts. With the use of this doctoral study's NGO Questionnaire (Appendix VIII) and La Strada's 2005 annual report²⁰⁹, the findings offered below illustrate the findings of La Strada and the extent of trafficking for sexual exploitation from this country of origin which support and supplement the aims and hypotheses of this doctorate work.

In 2003, La Strada reported²¹⁰ that the majority of women they assisted had been trafficked for the purpose of sexual exploitation and this number has remained consistent. As evidenced in the table below, more than 80% of women trafficked from Moldova had been trafficked for the purpose of sexual exploitation (see table 2).

Table 2: Type of Exploitation 2003

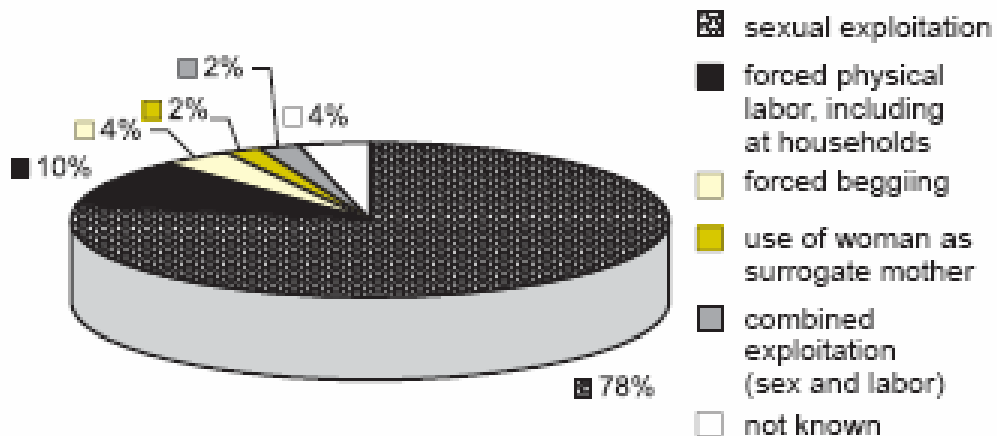
Type of exploitation	Persons	Percent
Begging	6	4.72%
Domestic works	8	6.30%
Giving a birth to a child	3	2.36%
NA	2	1.57%
Other	2	1.57%
Sexual services	103	81.10%
Total number of cases	127	100%

²⁰⁹ As a secondary source of information this La Strada annual report was a focal tool within the study which covers the period of time between 1998 and 2004. La Strada Moldova (2005). *Trafficking in Persons in Moldova: Comments, Trends and Recommendations*. International Center for Women's Rights Protection and Promotion "La Strada": Chisinau.

²¹⁰ Retrieved July 14, 2005 from <http://www.lastrada.md/>

And again in 2005, La Strada reported that almost 80% of the women they assisted had been trafficked for the purpose of sexual exploitation. La Strada also reported that more cases are being brought to their attention that illustrate a combination of type of exploitation, whereas women are originally trafficked for the purpose of sexual exploitation but then also forced to do other types of labour such a begging and household work (see table 3).

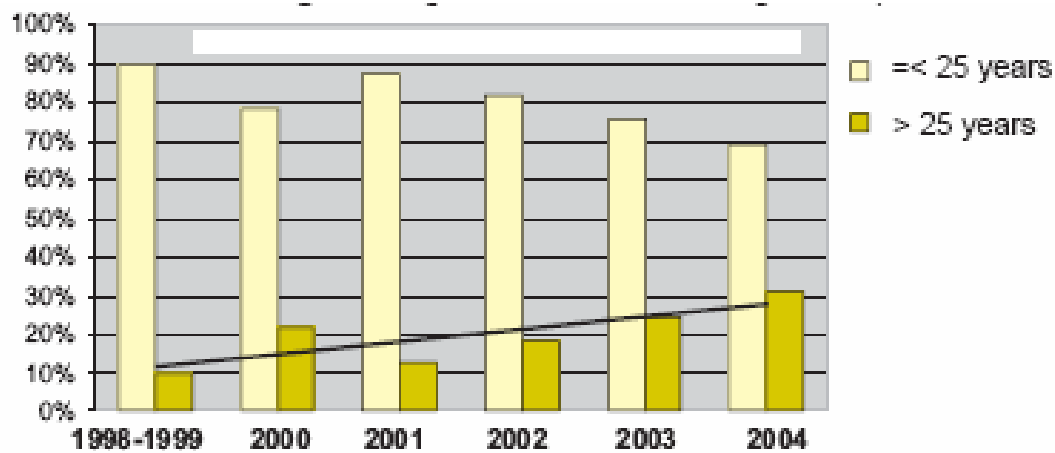
Table 3: Type of Exploitation 2005



6.2 Typical Profile of a Trafficking Victim from Moldova

The majority of people assisted by La Strada Moldova have been young persons under 25 years of age. However, also realised is that over the years, more women above age 25 are being recruited and forced into prostitution (as illustrated in table 4).

Table 4: Age of Trafficking Victims



As can be seen in this table, over the past five years, the numbers of women over 25 years of age who have been trafficked has steadily increased potentially as a result of an increased demand for various ages and/or the ageing of women in general and/or the lack of younger women available in countries of origin since most have previously been trafficked.

Table 5: Marital Status and Family Relations

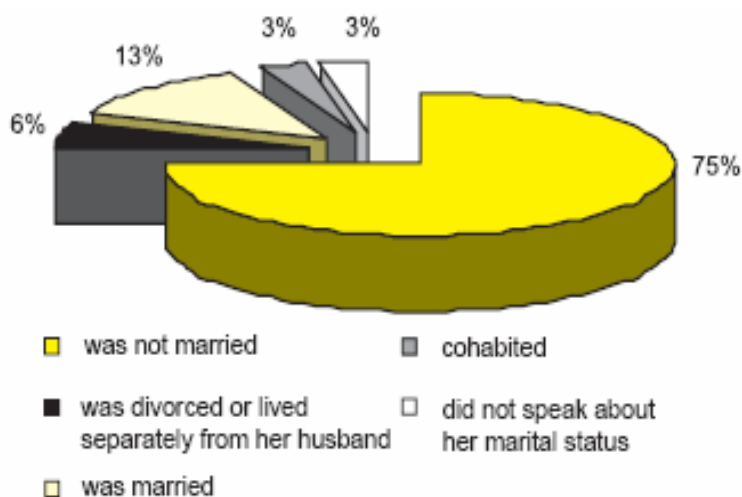
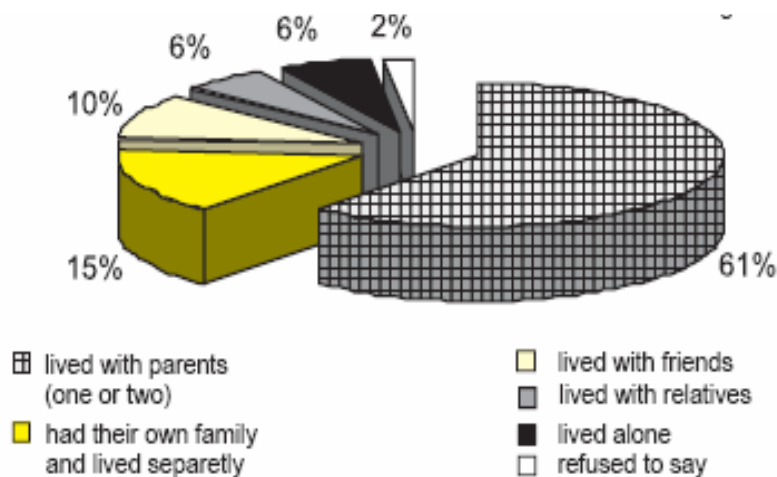


Table 5 illustrates most women trafficked from Moldova are those who are not married (75%) but significant is those women who have been or currently were in relationships prior to their trafficking experience (16%). Although the majority have been single women what is recognised is that traffickers are not fastidious when it comes to accumulating a supply for sex markets abroad (see table 6).

Table 6: With whom trafficking victims lived before doing abroad



This table offers that a majority of trafficked women are young and single, as they still live at home with either or both parents (61%) but also relevant is to acknowledge that a substantial portion (15%) had their own family (children or others to care for) and therefore possibly impacting their desire to seek employment abroad. Indeed it can be supported that economic pressures for employment contribute and impact women.

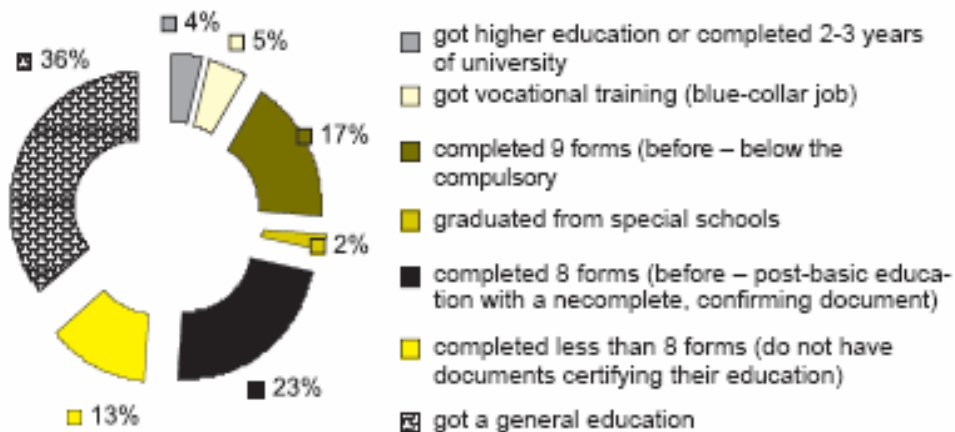
6.3 Economics as a Causal Factor

This doctoral study aimed to examine the prevalence and potency of certain causal factors relevant to women trafficked from Moldova and the findings from La Strada Moldova collaborate with this doctoral study's findings that economics and

violence were two potent and prevalent causal factors impacting women's decision to leave her country of origin.

Level of education is also relevant to consider as impacting economic prosperity, since regardless of years of secondary or post-secondary education, women in Moldova have limited opportunities for employment; meaning that even though women have completed high school or have studied into the post-secondary level many are unemployed. The dire economic circumstances in Moldova have created a hardship for many residents where employment is simply not available regardless of one's skills or where state run institutions employ persons but are unable to pay their wages. These circumstances and constraints are found to be significant causal factors pushing women out of Moldova and towards other countries and consequently into the dynamic of trafficking. La Strada's findings wherein over 80% of women were un- or under-educated prior to their sexual exploitation as well as those in the doctoral study support this result (see table 7).

Table 7: Level of Education



Also supported by these findings is the recognition that many trafficked women consider their education, prior employment and level of income prior to their exploitation, to be limited and insufficient to support themselves and their families, therefore being a strong contributing push factor into trafficking. What is a consistent understanding is the impact education has on employment (i.e. the more education one has the “better” employment opportunities and income are available) but in Moldova it is recognised that firstly, few women have what may be considered sufficient education such as beyond compulsory education, and secondly, that even those with higher education are still unable to secure employment in this economically deprived country thereby it being realistic to consider education as obsolete (see chapter 2 for explicit statistics and details).

Table 8: Employment and Income Level Prior to Going Abroad

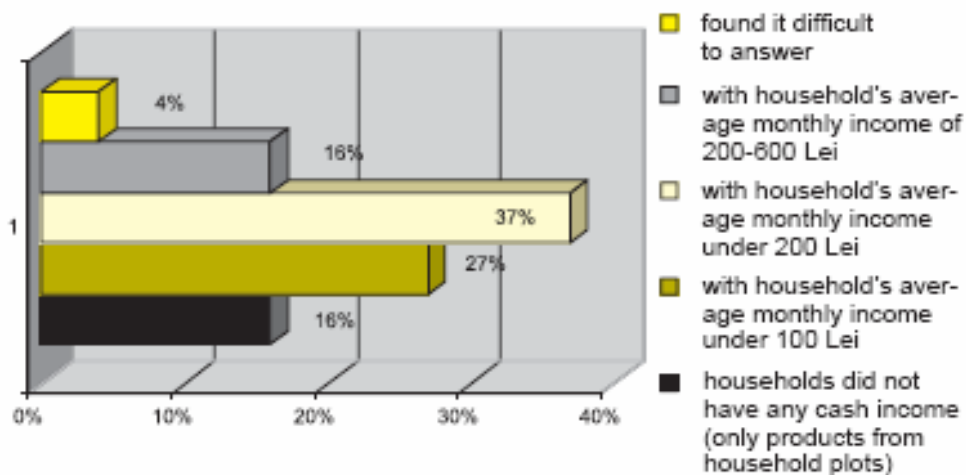


Table 8 offers evidence from La Strada’s findings that minimal monthly incomes and poor financial conditions of families all contribute to push women out of Moldova in the hopes of seeking employment abroad but unfortunately which subsequently places them in a vulnerable position to be trafficked and sexually exploited.

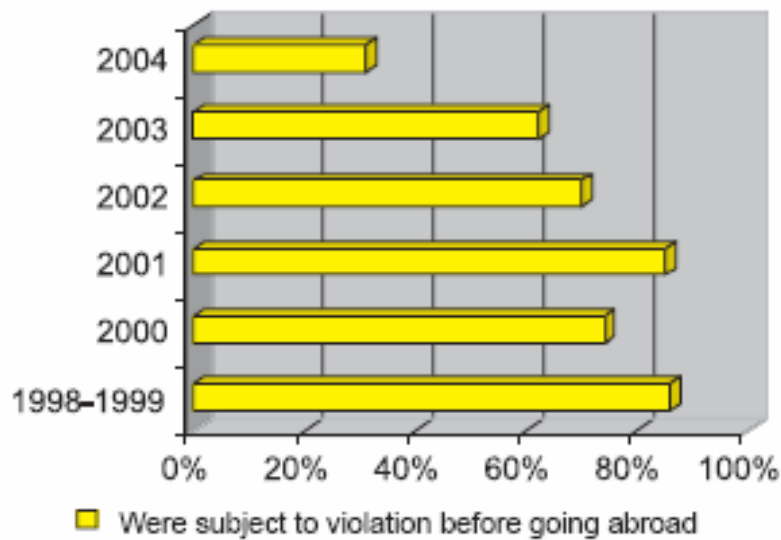
La Strada's report also informed that 9% of the women polled said they knew they would prostitute once out of Moldova and 86% did not know about the future work and 5% found it difficult to answer. This highlights the need to raise victims' awareness of future employment opportunities abroad in the arena of prevention.

6.4 Violence as a Causal Factor

La Strada, as does the literature concerning trafficking, recognises that relations with family and loved ones is an important if not crucial factor influencing women's decision to leave her country of origin for employment abroad. Compounded with poor economic opportunities experiencing violence in the home and with loved ones is noted as a potent causal factor pushing women out of Moldova. Also evidenced in this doctoral study, La Strada's findings support that many of the women they assisted acknowledge that impaired and violent relations with loved ones influenced their decision to leave Moldova in search of employment and life abroad.

As can be seen in table 9, over the course of the past several years, a majority of women assisted by La Strada reveal that they were subject to violent victimisation before going abroad.

Table 9: Violent Experiences Prior to Going Abroad



From a total of all surveyed women, who were trafficked between 1998 and 2004, 71% confirmed that they had been previously subject to violent victimisation typically at the hands of a family member. Pushing women out of Moldova, they not always aim to seek a better life abroad, but recognise that anywhere would be potentially better than how they currently live. La Strada also recognises that the lack of healthy family relations negatively affects the process of rehabilitation and reintegration of victims once they return to Moldova. If a woman returns to her country and knowingly to a family which does not want her or who treats her badly, her dedication and ability for re-integration is compromised and any chance of re-integration into society is time consuming and often limited, which may in turn force or push her to try to leave her country once again in hopes of a better life abroad.

Chapter Seven: Doctoral Study Findings

7.1 Demographics

Of the ten women who completed the Survivor Questionnaire, all originated from Moldova and nine of the participants were between the ages of 18 and 25 years with one participant being under 18 years of age. All women were trafficked for the purpose of sexual exploitation.

Within this doctoral study, four women had been housed at the Rehabilitation Centre for less than one year and the remaining six for less than six months. Five participants had some level of secondary education (four having completed high school and one technical college), and furthermore, all women were trafficked at least once with two women having been trafficked twice and one woman having been trafficked three times²¹¹.

IOM Chisinau²¹² reports that 13% of victims returning to Moldova in 2001 had been trafficked before. The possibility of being trafficked more than once seems to be a growing phenomenon since over 30% of returnees through IOM's Centre have disappeared within a few months and the assumption invariably is that they have been trafficked again. Scanlan (2002) also found that women set on gaining entry to Europe for work, end up resorting to untrustworthy individuals again and again as their only means of reaching their desired destination.

²¹¹ The context of trafficking more than once means that a woman who was trafficked from Moldova to another country, was then "found" and deported/returned back to Moldova, then trafficked once again to another country.

²¹² This IOM office works along side La Strada Moldova in the fight against trafficking and sponsors and supports women to be returned to Moldova and housed in their Rehabilitation Centre where they receive social, medical, psychological and employment support.

7.2 Countries of Transit and Destination

Promised lucrative jobs in Western Europe, women and girls mostly from Moldova, Romania and Ukraine instead find themselves trapped in debt bondage and forced prostitution (McGivering, J, 2005²¹³) Human Rights Watch's three-year investigation found extensive trafficking into Bosnia and Herzegovina, with estimates hovering at 2,000 victims.²¹⁴

According to non governmental organisations and United Nations experts, human trafficking appeared in Bosnia-Herzegovina in 1995, at the end of the war. Women and girls, mostly from Eastern Europe, but from Bosnia as well, were kidnapped or lured from home by the promise of well-paid work (Ahmetasevic, 2003). Majority of trafficked victims currently intercepted in the Balkans (Scanlan, 2002). Other reports cite Israel is another common destination country for trafficking from countries of the former Soviet Union (Coomaraswamy, 2000).

A massive market in prostitution emerged in the former Yugoslavia following the war and the Dayton Accords in 1995. The earliest cases of trafficking victims from Moldova are from this time and continue into today. IOM's 2001²¹⁵ study supported this result providing statistics detailing the nationalities of victims of trafficking assisted by their organisation in 2000 in the Balkans. From a total of 697 victims assisted, 46% (the largest portion) of victims came from Moldova. Other countries of origin were Romania

²¹³ McGivering, J. (2005, July 11). Trafficked to the West. *BBC News, Lithuania*. Retrieved July 11, 2005 from DIGNITY@PETE.URI.EDU mailing list.

²¹⁴ Bosnia and Herzegovina: Traffickers Walk Free Local Corruption and Presence of Internationals Exacerbate Abuses. [Msg. 1 #797]. (2003, February 20). Message posted to Stop-Traffic List Server.

²¹⁵ International Organization for Migration (2001). *Victims of Trafficking in the Balkans: A Study of Trafficking in Women and Children for Sexual Exploitation To, Through and From the Balkan Region*. International Organization for Migration.

(25%); Ukraine (11%); Bulgaria (2%); Albania (1%); Latvia (1%); Lithuania (3%); Russia (3%); and Other²¹⁶ (8%).

However, the former Yugoslavia is not the only destination country for trafficked victims from Moldova but Moldovan women do seem to be primarily trafficked to Kosovo and Bosnia Herzegovina. Turkey and Cyprus, Italy, Belgium and Greece have also recorded victims of trafficking from Moldova from the mid 90's up to the present day (Scanlan, 2002). Further study into these destination countries would reveal more detail concerning such levels.

Within this doctoral study, in 14 incidences of trafficking²¹⁷, 6 cases were of women trafficked to areas in the Balkan region (Former Republic of Yugoslavia, Macedonia, Albania, Kosovo, Bosnia, or Croatia) and seven of the ten women were trafficked to one destination country while three were trafficked to two or more countries. With the exception of one woman who was trafficked to the United Arab Emirates, all women were trafficked within Europe, primarily to countries within the Balkans (five cases), which is in line with other studies (IOM, 2001; HRW, 2001), and into other destination countries which included Russia (2), Romania (1), Turkey (3), Italy (1) and the United Arab Emirates (1).

²¹⁶ Other included 13 from Africa, 4 from Asia and 2 from South America.

²¹⁷ Some women were returned to Moldova then trafficked once again.

La Strada's findings also reveal a similar distribution as can be seen in table 10:

Table 10: Destination Countries

Country/Year	2000	2001	2002	2003	2004
Macedonia	22%	26%	6%	5%	-
Bosnia and Herzegovina	4%	13%	3%	5%	-
Yugoslavia (currently Serbia and Montenegro)	22%	5%	9%	-	-
Turkey	13%	13%	18%	33%	46%
Russia	9%	13%	9%	5%	31%
United Arab Emirates	-	3%	24%	19%	-
Cyprus	-	3%	3%	5%	23%
Other counties (16 countries)	30%	24%	28%	28%	-

Since the beginning of the 21st century, a majority of Moldovan women have been trafficked to the Balkan Region. Measures have been adopted in that Region to address trafficking, such as the creation of a legal framework, capacity building, coordination with various governmental and non governmental agencies, and measures to identify and assist victims of trafficking. What has been seen as a result of these measures, is a decline in the numbers of women trafficked to this Region but concurrently, the supply of women trafficked to other countries such as Turkey, Cyprus, the United Arab Emirates and Russia has increased which was discovered in the doctoral study in addition is supported by La Strada's findings as can be seen in table 10 above.

Within this doctoral study, women were asked to which country she originally wanted to go to live and work, responses not always included Western Europe: Italy (three); Spain or Portugal (one); Romania (one); Russia (two); Israel (one); Turkey (one); and Greece (one); these countries were considered by the women as also offering more

opportunities for employment, better salaries, places where friends and/or family reside, and/or fluid borders all as large motivating factors for their choices (see table 11); however, in reality women were trafficked to other countries where the demand resided as is illustrated under sub-section point 7.2 above.

In response to the question: “Please mark with an **X** all that are relevant reasons why you wished to go to this country” the following distribution was revealed:

Table 11: Factors Pulling Women towards Other Countries

Item indicated	Number of times marked
‘jobs that pay good money’	8
‘more opportunities for work’	7
‘I have family and/or friends living there’	5
‘it is easy to enter this country legally or illegally’	5
‘I can speak the language and know the customs’	3
‘more opportunities for women’	3
‘less crime and violence’	3
‘no war or civil violence’	1
‘more jobs’	1
‘women are more respected’	0
‘better chance for education’	0
‘there is sex industry’	0
‘sex industry is legal’	0

As can be seen by table 11, economic factors reveal themselves to be primary reasons or factors pushing women out of Moldova and pulling them towards other countries.

Table 12: Leaving Home Country

In response to the question: “Please mark with an **X** which of these reasons caused you to leave your country.”

Answers marked	Number of times marked
Had no job	9
Jobs pay too little	7
No chance for education	5
Violence in my home and life	5
It is easy to cross borders (legally or illegally)	4
No opportunities for work	3
No opportunities for women	2
To join other family and/or friends	1
Women are not respected	0
War or civil violence	0
There is no sex industry	0
The sex industry is illegal	0

Again, economic factors reveal themselves to be primary reasons women are pulled towards other countries and away from their home countries. Indeed further research is needed to examine the causes or reasons why such women choose certain countries over others as possible destinations but in addition to acknowledging that regardless or despite economics, there are other potent and therefore relevant reasons for which women choose certain countries (i.e. wishing to join family or friends; knowing the language and the belief that the borders are porous which further highlights concern over the lack of border control or corrupt officials complicit in the crossing).

7.3 Economics as a Causal Factor

The factor of “economics” encompasses issues such as the feminisation of poverty, unemployment and inequality for women. The feminisation of poverty has two meanings. In the stricter sense it refers to the fact that women who support themselves or their families are becoming the majority of the poor. The second refers to, what Hilda Scott (1974) proposes, as poverty to include “the women who would be poor even if they had to support themselves” (Goldberg & Kremen, 1990 p.2); and despite their rising level of education (Soviet pre-collapse), “women are employed in jobs that are below their level of skill and that, in turn, result in lower rates of pay” (McAndrew and Peers, 1981; Morgan, 1984 as cited in Goldberg & Kremen, 1990 p. 161). Several other studies (Binyon, 1985; Bystydzienski, 1989; Hollander, 1978²¹⁸) point to the reality that households headed by women “constitutes one of the most poorly provided-for groups in Soviet society” (Binyon, 1985 as cited Goldberg & Kremen, 1990 p.172).

The feminisation of poverty stems from a complex set of circumstances. It is important, first of all, to recognise that although women are increasingly part of the labour force, much of the work they do is unpaid (housekeeping, housewifery, child care, elder care). Further, family responsibilities keep women from supplementing their earnings through overtime pay or bonuses (Goldberg & Kremen, 1990). Their careers are interrupted, they lose opportunities for promotion, and the strain of their domestic responsibilities causes them to modify their aspirations and to accept positions that mesh with their work at home.

Women have to perform a huge amount of domestic work due to very low level

²¹⁸ As cited in Goldberg & Kremen, 1990.

access to services that would help them with housekeeping and childcare. This allows little time to dedicate to professional development, and women find themselves in a vicious cycle that prevents them from improving their living standards and economic status. In addition to full-time jobs (which average 40 hours per week), a significant amount of unpaid housework (approximately 30 hours per week) is expected. Women bear the burden of this double workload alone, an aspect that affects their general health. The International Helsinki Federation for Human Rights study on Moldova revealed that “60% of employed women indicate that they are exhausted by the end of each day or arrive at work already tired; and only 33% female staff felt in good health” (IHF, 2000 p. 314).

Women’s dual role is linked to their low wages and thus indirectly related to the feminisation of poverty. “Indeed Wendy Sarvasy and Judith Van Allen attribute women’s poverty to what they term the “unjust dual role”... whereby many women combine unpaid domestic labour with underpaid wage labour (1984, 92 as cited in Goldberg & Kremen, 1990 p.3).

To some there exists the belief that a Western European country is so prosperous or that it offers countless jobs to women at high wages. Such misconceptions may pull women away from their countries of origin to want to migrate or work in such countries where they believe life will be markedly different. The economic disparity between Eastern and Western countries also influences this perception, that all who live in the West are offered luxuries and advantages, which in comparison to developing Eastern European countries may be a reality to a certain extent, but a Western country is not without its hardships, difficulties, unemployment and disadvantaged; and ignorance of

such realities compound the attractive nature of migrating permanently or temporarily for employment and the devastating economic situation in Moldova contributes significantly to voluntary international migration (MNHR, 2000).

Poverty and unemployment are found in Western as well as developing countries, and it is believed to have grown substantially in societies that have recently made the transition to market economies (such as those in Eastern Europe under the former Soviet regime). The standard of living and opportunities for advancement and employment in such countries are below regional average and in most cases are feminised. Households headed by women constitute one of the most poorly provided-for groups in Soviet society (Binyon, 1985). In addition with high percentages of single parent families which may be a result from growing divorce rates, these factors collude to feminise poverty (Bobylev, 2001).

Scanlan's study (2002) found that over 70% of these victims of trafficking qualified their material situation as either poor or very poor. 85% of cases therefore claimed to have gone abroad for work and 80% claimed not to have known about sex-related activities but to have expected work in domestic work, child care (nanny), care-work or waitressing. While trafficked, over 70% had been forced into providing sexual services, only 8% were given their freedom of movement but nearly 40% had been totally denied any freedom.

Moldovans are driven to migrate by the potential to find work and earn sufficiently to sustain their own families' livelihoods. Over 90% of the young people surveyed for Scanlan's research confirmed their willingness to seek work abroad in the absence of opportunities at home.

Increasing poverty is depriving many people of the means to sustain themselves at home. Although official figures for unemployment are only 2% the Ministry of Labour in Moldova estimates that real unemployment in the country is now 73%. Social support networks have been cut, everything from education to healthcare has now become chargeable. The loss of jobs among women was reported to be three times that of men in the late 90's (UN, 2002), and women's salaries apparently remain on average 70-80% of men's salaries and such discrimination in wages is yet to be addressed by labour inspectorates (UNDP, 1999).

Monzini (2001) found that Eastern countries such as Ukraine, Moldova, Romania are now becoming prime origin and transit areas for trafficking of women wherein former Soviet republics are becoming recruitment arenas. With high rates of female unemployment (80%), high levels of poverty, weak institutions and open borders (Slawomir, 2000 as cited in Monzini, 2001) these countries and these push factors are expanding. The Scanlan study similarly found of the 2% registered unemployed in Moldova, only 30% are from rural areas and the remaining 70% from towns as well Pearson (2000) acknowledges the impact of economics on trafficking of women.

Women and men are confronted with these structures constantly in their everyday lives and in their encounters with financial and social institutions. Women have a weaker economic position, they own less – in many countries nothing at all – and in general they have less access to various resources. It is more difficult for them to find employment and even more difficult to get the well-paid jobs. While doing similar kinds of work, they often have lower wages than men. At the same time they usually bear greater responsibility for the upbringing and care of children. Women are not represented to the

same extent as men in political institutions. In most of the world they have less access to basic education and even in the wealthiest countries, there are significantly fewer female professors than male (Winberg, 2003).

The UN admits that economically, Moldova has moved from stable depression to crisis and both social and economic indicators for human security are considered at a critical level. The huge gap between the incomes of the new rich and new poor continues to widen, reduced state support to the education and health sectors diminishes the access of the population to them and a shadow economy and corruption spread widely (UN, 2000).

Women's lack of rights and freedoms is exacerbated by external factors such as the ever-widening gap between rich and poor countries, and within those countries, between rich and poor communities. Coomaraswamy (2000) declares that within the context of restrictive migration regimes, or protectionist anti-immigration policies, when combined with the destabilising effects of conflicts, globalisation, economic and political transition and immense poverty, serve as important causative factors in the persistence and prevalence of trafficking.

Inequality disproportionately affecting women is found on some level in all countries and systems and the lack of equality can be seen in the spheres of employment, wage earnings, government representation, governmental support systems, education and health care. It is surmised that within developing and struggling economies and countries inequality is even more pronounced since government's limited funding is diverted away from social welfare or educational programmes, and where traditional values and gender role expectations also contribute to unequal gender roles.

The Scanlan (2000) study also suggests that without the poverty in Moldova there would be much less inclination to migrate and therefore less likelihood of people becoming victims of trafficking, recognising the causal effect of poverty.

The principle of equal rights is enshrined in the laws of Moldova but currently no specific domestic law in Moldova addresses it, and compounded with this is the reality that many women are not aware of their equal rights. The International Helsinki Federation for Human Rights discovered that international legal provisions and standards on women's human rights are not directly incorporated into national legislation (IHF, 2000).

Today a dramatic decrease in how women are represented can be seen. Although women represent 52% of the total population of Moldova, an election prior to 2000 saw women take only nine out of 101 seats in the Parliament: four on behalf of the Communist Party of Moldova, two on behalf of the Democratic Convention of Moldova, two for the Party of Democratic Forces and one for the Block for a Democratic and Prosperous Moldova. Since one of these women was thereafter appointed as the prefect of a *judet* (administrative district) there were then only eight women in Parliament, 7.9% of the total (IHF, 2000). Women represented some 30% of members of districts' councils although none is as president of a local council. They do, however, run various divisions within the councils and one woman has been appointed as a district prefect. As well there are two women holding upper level cabinet positions (see Appendix I).

Moldovan society is bound by many stereotypes according to which the proper role of women is in the home, taking care of the husband and the children, and women who are involved in politics are not well regarded. The media is a major supporter of this

mentality, as most political analysts are men who are not seriously concerned to write about women's participation in political life (IHF, 2000). Albeit statistically one cannot compare data concerning the entire Soviet Union to that of one of its Republics, namely Moldova, but the point is made that women's representation in government and other decision making bodies is not at a level comparable to that of men – a level where its representation might ensure better enforcement and recognition of the rights of women, their inequality and the services they require.

None of the women questioned indicated that they were engaged in prostitution in Moldova prior to being trafficked. One woman did however indicate that she knew she was going to another country in order to engage in prostitution. Scanlan's study (2002) found "those of those 90% surveyed indicating a willingness to go abroad for work, nearly all had close family or friends working abroad; of the remaining 10% without family abroad very few were inclined to migrate" (p.19).

Prior to being trafficked six of the ten women interviewed within this doctoral study did not have employment; four identified being employed - as a student (one); doing sewing (one); being a waitress (one); house cleaner (one). For those unemployed, three women indicated they had been unemployed between one and five years; two for less than six months and one woman was unemployed for less than one year. Pertaining to those employed, two had their job for less than six months; one for less than one year and one woman had her job between one and five years (the student), all four indicating a monthly income between 0 and 499 US\$ and all four indicating that this was not enough money to take care of family and buy food with nine women indicating they have family members to support in Moldova (parents, siblings, children and/or grandparents). Six of

those family members needing support were also unemployed, three were employed and one woman did not have family members to support.

When asked what types of jobs were they intending to do in the country of destination, table 13 illustrates that none of the women indicated they intended to engage or work in prostitution but rather indicated their willingness for one or more legitimate options.

Table 13: Willingness for Work

Item indicated	Number of times marked
‘waitress’	4
‘clean houses or hotels’	3
‘care for old people’	2
‘care for child’	1
‘agricultural’	1
‘dancer or stripper’	1
‘artistic field’	0
‘business manager’	0
‘hotel industry’	0
‘medical field’	0
‘other’	0
‘police, courts’	0
‘researcher’	0
‘secretarial worker’	0
‘sex industry’	0
‘sciences or engineer’	0
‘sports area’	0
‘student’	0
‘teacher’	0

Table 14: Job Aspirations

In response to the question: “If you could do any job in your country, what would it be?”

Answers	Times marked
‘cleaning houses or hotels’	8
‘waitress’	5
‘dancer or stripper’	1
‘medical field’	1
‘student’	1
‘secretarial work’	1
‘all jobs’	1
‘none’, ²¹⁹	1
‘artistic field’	0
‘business manager’	0
‘hotel industry’	0
‘medical field’	0
‘other’	0
‘police, courts’	0
‘researcher’	0
‘secretarial worker’	0
‘sex industry’	0
‘sciences or engineer’	0
‘sports area’	0
‘student’	0
‘teacher’	0

Interestingly, none of the women indicated professional, academic, scientific or clerical options, but when further probed specifically about such employment aspirations, some women indicated an interest in such options. Although one could attribute that reality to several factors, it may not be unreasonable to make the connection that a lifetime of limited opportunities and a social perception of women’s limited place within those opportunities, may influence self perception, self ability and personal aspirations which may extend beyond traditional gender role employment. As feminist

²¹⁹ No other option/answer was offered

criminological theory posits, a society in which patriarchy is rooted may circumvent opportunities for women and limit their perceived and/or actual abilities, aspirations and opportunities.

7.4 Violence as a Causal Factor

The factor of violence encompasses issues such as experiencing violence and/or escaping violence in a social and/or cultural context. Although in the past years the body of research concerning violence against women has been increasing (Ba-Obaid and Bijleveld, 2002), relatively little remains known about the particular situation of women in less developed countries. In all types of cultures violence against women is unfortunately, noteworthy. Most people in the world have at some time been either the perpetrator of, the victim of or a witness to violence between members of their family (UN, 2000) and furthermore, prostitutes experience tremendous levels of violence, rape and sexual assault at the hands of men (Websdale & Chesney-Lind, 2004²²⁰). Research findings “from the last 25 years have consistently documented the high incidence of battery and sexual assault against women in prostitution by the men who buy them” (Raymond, Hughes and Gomez, March 2001 p. 74 as cited in Hughes, 2004).

Perhaps in some countries the level of “acceptable” violence against women is substantial and contributes to the perception that women are objects and thus contributing to the likelihood of selling women. Some trafficking in women studies have reported that one aspect of the profile of a trafficked woman is that she comes from a familial or intimate relationship where violence was common or sometimes pervasive to the point

²²⁰ Websdale, N., & Chesney-Lind, M. (2004). Doing Violence to Women: Beyond Synthesis on the Victimization of Women. In B. Price & N. Sokoloff (Eds.), *The Criminal Justice System and Women 3rd Edition* (pp.303-322). NY: McGraw Hill.

that she chooses to migrate not to seek a better life but to run from a horrible life. One study showed that women living on their own were less likely to be trafficked than those who live with their relatives, especially if the family is dysfunctional (OSCE, 2002). It can be said that much of the violence experienced by females the world over is suffered at the hands of intimates, within the confines and context of the family home (Ba-Obaid and Bijleved, 2002).

Gender violence is considered by some to be pervasive in all aspects of societies for example as highlighted by the European Women's Lobby in their research of the rates of violence against women in European Union countries. In 1999, they report that two-thirds of women in Germany experienced some form of sexual violence against them (EWL, 1999). According to the Ministry of Internal Affairs there are 4 million domestic "disturbances" each year in Russia and 3,500 domestic homicides (Nadezhdina, 1998 p. 7 as cited in Hughes, n.d.). For women who are trafficked, fleeing unstable or violent homes, coerced and forced to prostitute themselves, it may be hypothesised that at least, or more than two-thirds of this specific group of women have experienced some level of violence against them; and continually it is recognised that women are much more likely to be assaulted by people that they know (Gartner and Macmillan, 1995 as cited in Hughes, n.d.). All of this perpetuates a cycle that considers women worthy of this treatment, allows women's victimisation to occur and continue and thus further facilitating sexual violence such as trafficking for the purposes of sexual exploitation by believing it to be acceptable.

In the arrivals hall at Rinas International Airport, young Albanian women hurry past, showing telltale signs of beatings by pimps. They are caught in the cycle of international prostitution. No sooner are they flown home than they have to return to red light districts in Western Europe. The women

are not keen to talk, still less to explain their bruises. “I had a car accident,” said one with two missing teeth and a bruise on her cheek. A second will not explain the scar on her lip and her bruised jaw. Another with similar injuries said, “I slipped in the bathroom” (Kanani, 2002).

The traffickers compile dossiers for the sale of each girl. These files give their name, age, nationality, weight, and experience in prostitution, married status and similar data. When a potential buyer arrives, he closely inspects the information before handing over his money. The price of a woman will depend on her “quality” and can range from between 300 to 3,000 marks (Arsic, 2001). Unfortunately all such incidents are common and pertinent examples of the violence against women pervasive in our societies today.

The legal framework in Moldova does not address domestic violence specifically, but the Criminal Code provides for the punishment of violence against the person as a general offence with a proposal for a new law to acknowledge domestic violence against women specifically. Yet women do not report incidents of domestic violence to police which relate largely to popular assumptions associated with domestic violence that the woman did something wrong, and she deserves to be brought back to what is considered her role and positions in the family; ashamed to tell the truth, lack confidence in legal redress, no acknowledged law that the behaviour is wrong, all prevent and deter women from reporting their victimisations and consequently living in an atmosphere of subjugation, objectification and degradation. Some authors propose that women in less developed countries are at greater risk of victimisation than women in developed countries (Alvazzi del Frate and Patrignani, 1999 as cited in Ba-Obaid and Bijleved, 2002) due to their level of marginalisation.

“The economic decline of Moldova has also caused a growth in family violence, sexual violence, alcohol abuse and prostitution” (UN 2000, p.68). Family relations have

been particularly affected and a large percentage of women are continuously subjected to violence (UN, 2000). Violent behaviour in men is often “inherited” from their older male relatives. A UN study²²¹ found that police officers, mostly men, often accept the excuse offered by the perpetrator that the wife’s attitude had provoked him. All are by products of social learning not biology. Approximately half of the police officers interviewed in the study were found to be suspicious toward victims of traffic.

Although Moldova has no rehabilitation programmes for victims of domestic violence, there are few NGOs that provide assistance such as La Strada. Yet barriers to effective support and accountability are prevalent. An investigation into sexual abuse can only be initiated once the victim has filed an official complaint and provided forensic and other types of evidence. In some countries, if the victim marries the perpetrator, the legal proceedings are dropped (IHF, 2000), this perhaps deterring some Moldovan women from reporting any violence they experienced abroad. Distrust of the criminal justice system as well as a reluctance to call the police for help or protection (Shalhoub-Kevorkian & Erez, (2002) often impede a victim’s access to support.

Arab proverb states ‘*Lamin Tishki Iza Al Qadi Gharimak*’ (who should you complain to, if the Judge is your enemy) (Shalhoub-Kevorkian & Erez, (2002).

Another obstacle to reporting abuse and which further ingrains violence as acceptable is the double standard of prostitution. On the one hand, it is perceived as a good way to earn money as 70 percent of students think that prostitution is a good way to earn money (OSCE, 2002), and on the other hand prostitutes are ostracised in the community and for trafficked women survivors, fear of rejection by their family and

²²¹ Common Country Assessment Republic of Moldova

alienation by their community deters them from reporting their experiences to authorities and from wanting to go back home. In Moldova, despite the fact that their clients may be viewed as “respectable,” prostitutes themselves are held very much in disdain. One police officer said, “People just dismiss prostitutes as no-good people” (MNHR, 2000).

In Fier, central Albania, the local police chief, Xhavit Shala’s refuge tries to persuade the women’s families to take them back.

We tell them it is not only their daughter’s responsibility for falling into prostitution but their own. The statistics show that their daughters were deceived into becoming prostitutes. We ask why their families permitted them to be deceived. Even when families take their daughters back, it is rarely a long-term solution. Sometimes I visit the girls and I don’t find them at home anymore. Girls trafficked in this way have little hope of re-establishing a normal life (Kanani, 2002).

Social and cultural attitudes also impact women negatively and have existed in all cultures and have through all time, and some cultures offer even more rigid attitudes and expectations on its women than others. In some societies an eighteen year old unwed woman is considered a burden to her family and who are then willing to arrange her marriage or sell her to a stranger to alleviate their financial burden. Other and more subtle forms of violent attitudes involve those that consider women as expendable sources of income, as objects for sale, or as secondary members of society. Patriarchal values of the community and the masculinity of the police were oppressive, but also that they reinforced each other thus compounding the victims’ suffering (Shalhoub-Kevorkian & Erez, (2002).

In assessing the extent of violence against women, all types of measurement methods are likely to underestimate the levels of violence. Whether they are based on official statistics, where a dark figure is to be expected, or whether they use survey

methodology, women are generally reluctant to admit to abuse or violence, or for various reasons do not define it as such (Ba-Obaid and Bijleveld, 2002).

Typical cases of trafficking can be described as modern day slavery (Rice, 2005²²²) as the woman's freedom is restricted, she receives only a portion or none of the money she earns, her personal identity papers are confiscated and she experiences or is exposed to violence, torture, inhuman and degrading treatment. These situations were also experienced by all of the women interviewed for this doctoral study. Table 15 provides an illustration of the daily quota of customers expected of women and table 16 informs of the various types of violence women experienced while trafficked in prostitution.

Table 15: Treatment while Trafficked - daily quota

Question	Less than 5	5 – 10	10 - 20
'While working in the sex industry how many customers were you required to service each day?'	3	5	2

²²² Condoleezza Rice as quoted in the US State Department's *Trafficking in Persons 2005 Report*.

Table 16: Treatment while Trafficked - consequences if missed daily quota
In response to the question: “What would happen is you didn’t serve this number?”

Answers	Times indicated
‘hit’	10
‘coerced or forced to do sexual acts’	7
‘yelled at’	5
‘told I was a whore’	2
‘food and/or cigarettes withheld’	2
‘slapped’	1
‘punched’	1
‘told I was stupid’	1
‘told I was not worth anything’	1
‘threatened to be arrested’	1
‘raped’	1
‘choked’	0
‘my family was threatened’	0
‘nothing’	0

There were consequences to not meeting one’s daily quota of customers, as many women informed that they experienced various types of physical, emotional and/or sexual violence as a result. Evidenced is the reality that violence was and continues to be used as a means of control over these women. Fear, intimidation or the threat of such have a practical relevance of violence and which facilitates and sustains the supply for trafficking. The overall belief that these women are chattel and therefore property of brothel owners, pimps, traffickers, and customers, serves to place them in a continuously vulnerable position and exploited, threatened and victimised repeatedly (see tables 17 and 18).

Table 17: Treatment while Trafficked - experience and perception of abuse from customers

Questions	Yes	No	Don't know
'Was it common to get abused physically by customers?'	10	0	0
'Was it common to get abused emotionally by customers?'	10	0	0
'Was it common to get abused sexually by customers?'	6	3	1

Table 18: Treatment while Trafficked - experience and perception of abuse from brothel owners

Questions	Yes	No	Don't know
'Was it common to get abused physically by brothel owners?'	10	0	0
'Was it common to get abused emotionally by brothel owners?'	10	0	0
'Was it common to get abused sexually by brothel owners?'	10	0	0

Another prudent consideration is the cost paid for each of these women which also reinforces their slavery status. In many situations the women were aware and told that they were bought for a certain price thereby dehumanising them and demeaning their value and worth to that of an object. In addition to their purchase price, trafficked women are baited with the possibility of freedom (which in reality does not come unless women are found, arrested, escape and/or are rescued) when pimps and brothel owners tell them that once they have paid back what money was spent on their purchase and transportation they can leave; this is called debt-bondage and serves strengthen their slavery status (see table 19).

Table 19: Treatment while Trafficked - purchase price

Questions	Nothing	0-499	500-999	1000-4999	5000-9999	Don't know
'How much money was paid for you (in US\$)?'	6	4	0	0	0	0
'How much money were you told that you have to pay back?'	2	3	1	3	1	0

Also evident is the incongruent amount paid for the women and quoted to her as her debt-bondage. In some cases, women were informed that money was not paid to buy them but that money was owed to traffickers or brothel owners for any travel expenses incurred as a result of their trafficking. And not before she paid back any and all money could she entertain the idea of purchasing her freedom. The discrepancy between the actual amount and the amount told to the women indicates the controlling nature of trafficking and hopeless circumstance in which to escape or obtain freedom. La Strada reports of many cases where when the women have come close to paying back the money spent on their purchase, they are sold to another trafficker and often transported to another country and thereby the debt she is told she must repay is accumulated once again.

Her freedom is also restricted which as a type of violence violates her human rights, her ability to be free and leave if and when she chooses and the conditions in which she is kept all mirror slavery-like conditions (see table 20).

Table 20: Treatment while Trafficked - freedom and responsibilities

Questions	Yes	No	Don't know
'Did the brothel owner take away your passport and/or papers?'	9	1	0
'Were you allowed to leave when you wanted and by yourself?'	0	10	0
'Were you told to bring other women or friends to work in the brothel?'	2	8	0
'Were you allowed to use condoms?'	9 ²²³	1	0
'Were you allowed to have time to relax and socialise with other people?'	0	10	0
'Did you have your own bed to sleep in?'	2	8 ²²⁴	0
'Were you given food to eat regularly?'	4 ²²⁵	6	0
'Did your level of independence grow at all?'	0	10	0
'Were you told that you have to pay back money to earn your freedom?'	8	2	0
'Were you told that you have to pay this money back first and then you would be paid?'	8 ²²⁶	1	0

Each of these areas indicates limited or restricted modes of freedom and autonomy which provides evidence that trafficking of women for sexual exploitation is akin to any other type of slavery known in our times.

²²³ Eight answered 'yes', one answered 'yes' and 'no' and one answered 'yes' and added 'but many clients did not want to use them.' La Strada's findings (2005) also support this reality thereby increasing the exploitive nature of her victimisation. In 2004, in 29% of the time, women were not allowed to use contraceptives such as condoms if the client insisted upon no use.

²²⁴ An additional response of 'same bed as used for clients'

²²⁵ An additional response of 'left over food from the bar'

²²⁶ Eight answered 'yes', one answered 'no' and one did not answer the question. One additional response was 'pimp always told me that I have to pay for food etc. but the debt never finished'

7.5 Corruption as a Causal Factor

“Organized crime constitutes nothing less than a guerrilla war against society.”
- Lyndon Baines Johnson²²⁷

The factor of corruption includes elements such as corrupt officials and criminal networks in origin, transit and destination countries which facilitate and sustaining trafficking. Although many secondary sources of data utilised for this doctoral study supported the notion that corrupt officials and other corrupt elements are involved in facilitating and sustaining the trafficking of women for sexual exploitation, this doctoral study’s findings did not provide any empirical evidence from the trafficked women survivors; however, the following evidence reported here is valuable information from a variety of secondary sources which can lend insight into the possibility that corruption is a complicit factor yet recognised is that more in-depth research is required to substantiate any consistent prevalence.

“Virtually everyone in the system is corrupt to some degree. 85% of respondents declared it impossible to solve a problem without bribing state employees” (MNHR, 2000 p.10). Pearson (2000) also recognises how local corruption and the complicity of international officials in Bosnia have allowed a trafficking network to flourish.²²⁸

Both the French embassy in Bucharest and the Italian embassy in Budapest have been plagued by allegations of corruption in visa issuance. The German embassy in Chisinau was firebombed last summer (2001) leading to the rapid departure of the

²²⁷ Retrieved July 6, 2005 from <http://www.giga-usa.com/gigaweb1/quotes2/qutopcrimex001.htm>

²²⁸ Bosnia and Herzegovina: Traffickers Walk Free Local Corruption and Presence of Internationals Exacerbate Abuses. [Msg. 1 #797]. (2003, February 20). Message posted to Stop-Traffic List Server.

German consul who, it was reported, had taken a particular interest in organised crime in the capital (Scanlan, 2002).

“Sex trafficking now increasingly involves UN peacekeepers²²⁹” (Agathangelous & Ling, 2003, p.134). Local corruption and the complicity of international officials in Bosnia have allowed a trafficking network to flourish. Local officials often fail to investigate and arrest traffickers, while blaming the victims for their reluctance to testify. Meanwhile international police officers patronize the clubs where trafficked women perform, sending a strong message to trafficking victims that they cannot trust the authorities to help them escape their owners. Human Rights Watch also found evidence that at least three IPTF²³⁰ monitors purchased women and their passports from traffickers and nightclub owners while not facing a criminal investigation or prosecution in Bosnia but were merely repatriated. UNMIBH²³¹ admitted in April 2002 that 18 IPTF officers have been repatriated for sexual misconduct over the life of the mission (Stana-Seveanu, 2003).

Reports of officials complicit in trafficking are abundant. Some western officials are undermining the fight against human trafficking by becoming cronies of Balkan pimps and having sex with the prostitutes they are supposed to rescue. The report, commissioned by the United Nations and the Organisation for Security and Cooperation in Europe, says trafficking in South Eastern Europe is growing worse despite - and in some cases because of – the international campaign to end the trade (Carroll, 2002).

²²⁹ The authors note that “actual numbers of those trafficked by UN peacekeepers are hard to come by given the clandestine nature of the enterprise. Nonetheless, the International Organisation for Migration (IOM) has reported on peacekeepers’ illicit activities in this area for different parts of the world, particularly Eastern Europe” (Agathangelous & Ling, 2003, p. 145)

²³⁰ International Police Task Force

²³¹ United Nations Mission in Bosnia and Herzegovina

The BBC Monitoring Service revealed in April 2002 that in Lithuania:

A court of Lithuania's port city Klaipeda has sentenced three local residents, including one former police officer, to jail sentences for human trafficking. These are the first sentences in Lithuania on charges of selling women - sometimes coming from neighbouring Belarus and the Russian Kaliningrad Region - to sex slavery in Spain, Germany and other countries. On Tuesday [16 April], a Klaipeda court handed down a seven-year jail term for former senior inspector of the city's organized crime unit, 34-year-old Timur Bagno. His two accomplices were sentenced to six and three years in prison (BBC, Msg. 1, #545 2002).

In other reports in Russia and Bosnia, the BBC discovered that trafficked women identified policemen as guests of the bar who purchased sexual services (BBC, Msg. 1, #641 2002; BBC Msg. 1, #638 2002). Two executives working for KPMG, one of the world's biggest accounting firms, have been expelled from Bosnia over an alleged sex trafficking scandal. One was allegedly importing prostitutes to Sarajevo claiming that they were his girlfriends. The other was accused of turning a blind eye to the activities. The men, both Americans, were expelled after a British-based banker working on the same project to help Bosnian banks to manage their assets complained to the US State Department (Chittenden, 2002).

The business of trafficking from and within Central and Eastern Europe is increasingly controlled by Russian and Ukrainian middle-sized and transnational criminal organisations. Equipped with modern means of communication, and well integrated in the sex markets abroad, they often run all the phases – recruitment, travel and exploitation – of the trafficking business, and they are able to cooperate with the main organised criminal groups involved in human trafficking worldwide such as Turkish and ex Yugoslavian networks as well as Chinese triads or yakuza (CIA, 2000 as cited in Monzini, 2001). Organised criminal groups from Albania are also involved in trafficking

in women and girls all over Europe. They are different from the Russian and Ukrainian groups in the routes they use (exclusively within Europe), the kind of markets they supply (Italy, Bosnia, Macedonia and Kosovo) and the type of girls they exploit (women from ex Soviet republics typically poor and uneducated).

Not far from Russia, other diplomats are suspected of being complicit in the trafficking of women for the purpose of prostitution. According to the Associated Press, the Helsinki District Court found a Russian woman guilty of acting as a pimp by leasing apartments in Helsinki to Russian prostitutes. The apartments were allegedly supplied to her by two Russian officials who had diplomatic immunity.²³² According to the Foundation against Trafficking in Women, there are German-Polish-Russian trafficking networks which deal with women from the Ukraine, Lithuania, Russia and Moldova. Poland functions as a staging post; from there the women are smuggled to brothels in Western Europe (Ruggiero, 1997).

These sectors of the economy include a variety of legal, semi-legal and outright illegal activities which [sic] require the entrepreneurial efforts of a wide range of actors, including some forms of organised crime (Ruggiero, 1997). Organised criminal groups increasingly deal with trafficking for forced prostitution because of the low risk of apprehension and the relatively light penalties criminals receive if caught. Two other factors influencing the rise of criminal activities in this area involve, firstly, that this is the most lucrative kind of business among human trafficking and smuggling. Monzini (2001) offers that according to Interpol, an exploiter can earn over 100,000 Euros per year on each woman; additionally, a woman as a commodity can be bought and sold

²³² Finnish Prostitution Trial Ends. (2005, July 1). *The Associated Press*, p.2 Moscow Times retrieved July 4, 2005 from DIGNITY@PETE.URI.EDU.

more than once where as a drug cannot. Once a drug has been bought it is consumed and therefore no longer available for resale; whereas a woman can be used and reused, bought and resold several times. Secondly, trafficking for sexual exploitation often develops and builds on the local underworld criminal rings which traditionally control the exploitation of prostitution – the cultural knowledge and integration has been already established by criminal groups (Monzini, 2001).

Monzini further elaborates that small and loosely connected groups often act as recruiters, transporters, exploiters and as friends or acquaintances of future victims. Middle sized groups specifically provide trafficked women and girls to supply the sex markets or foreign countries. Some of these groups focus their activities uniquely on the recruitment and transport of victims. Make profits by selling women to middlemen in capital cities and/or border areas. Others act as mobile prostitution consisting of moving or rotating trafficked women from one place to another both internally and across borders. Known as the carousel system, it ensures that brothel owners and procurers have a constant supply of new trafficked women and girls – thus providing the supply for the ever steady demand.

Some agents of change in Moldova believe that the police are doing little to control trafficking. This inactivity was perhaps once considered due to lack of resources dedicated by the government to the prevention and prosecution of trafficking, in addition to being hampered by the lack of clear mechanisms for enforcement of the existing law(s). For years Moldova had no anti-trafficking law²³³, only a pandering law that has

²³³ However, on June 14, 2006, the Moldovan Parliament adopted a first ratification of the United Nation's Trafficking in Human Beings Convention. The Parliament also adopted on March 30, 2006 the Law on ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, signed on May 16, 2005 Warsaw. The aim of the Warsaw Convention is the creation of an integral framework for

limited application in cases of trafficking (OSCE, 2002) and in some circumstances, the corruption of law enforcement officers by traffickers and/or organised crime groups. However, in February 2005 Moldova ratified the UN's Convention on Transnational Organised Crime and its two Protocols, one of them being the Protocol to Suppress and Punish Trafficking in Persons Especially Women. Also in February 2005, Moldova's government approved a new law which aims to prevent and fight human trafficking. The law includes the establishment of liaison officer in the Ministry of Internal Affairs; and in the General Prosecutor's office in order to assure cross border cooperation and prosecute traffickers and offer protection and assistance to victims of trafficking²³⁴.

Often time victims are reluctant to turn to the police for help, because they fear that the police will not help them and in some cases might harass them or physically harm them – this they believe from experience or having witnessed similar events. There is fear of being condemned by one's family and community for working as a prostitute or being arrested if she admits to this since prostitution is considered illegal in Moldova but also brings with it a label of shame and humiliation within society that extends beyond the family and into the community at large.

Corruption of officials and other staff assumed to be working in the fight against trafficking have been found to instead be facilitating it. In a two-year study, the Global

protection of victims and witnesses of human trafficking, and promoting the international cooperation in combating this adversity. The Convention refers to all forms of trafficking in human beings and offers to legal authorities common methods to prevent and combat this type of crime. The Convention also obliges the signatory parties to adopt the necessary legal measures, which would qualify the human trafficking as a criminal infringement. The Convention implementation control will be realized by a group of experts, including the representatives of the signatory parties. Taking into consideration the fact that the authorities in Chisinau do not control the eastern districts, the Convention has been ratified specifying: "Till the complete reintegration of the territory of the Republic of Moldova, the provisions of the Convention are applied only on the territory controlled by the authorities of the Republic of Moldova". Retrieved September 17, 2006 from <http://www.lastrada.md/news/current/en.html>

²³⁴ Retrieved July 14, 2005 from <http://www.lastrada.md/>

Survival Network found cases in which the police were actively involved in trafficking; cases where the police knowingly turned a blind eye to trafficking and thus failed in their duty to provide protection to victims (Coomaraswamy, 2000). This is a delicate aspect to address because one speaks at times of government personnel, international military and other prominent officials whose reputations and political affiliations around the world would cause severe disruption in several arenas.

In some situations various factors, such as poverty, a poor standard of living, lack of rule of law, create the breeding ground for officials, border guards and police to be susceptible to bribes that facilitates in the illegal transportation of women, eases the way in which passport and visas are obtained and permits criminals with easier means, routes and access to transport women to and from countries. In some respects it is almost understandable why some officials succumb to bribery, for due to inadequate state governance and inadequate coffers, civil servants have not been paid for months at a time and they too have families to feed and support (MNHR, 2000).

There are also many media reports resulting from police or autonomous body investigations pointing to police complicity in trafficking, Bulgarian border police²³⁵ who first took money from women to take them safely back to Bulgaria, only to deliver them back into the hands of traffickers for additional money (Carroll , 2002). The position of influence, power and skills of such personnel has the ability to ease and facilitate the means and routes for traffickers, and/or to provide false or legitimate work permits, visas and travel permits on short notice and in high volume. In certain countries addressing corruption can be a delicate or even dangerous area to address because of the power and influence which certain people exude (IHF, 2002); regardless, it is necessary to examine

²³⁵ Bulgaria borders Moldova

whether this factor is a reality and/or a contributor to the trafficking of women for sexual exploitation. In a meeting with national dignitaries, a non governmental worker was advised not to put too much effort into fighting trafficking because too many powerful and important persons involved in this business.

Traffickers can operate with impunity because of the prevailing corruption and also the often-mentioned involvement of the authorities in organised criminal activities. From Moldova, the border to Romania is crossed legally, with passports, but further borders are crossed illegally –secretly or by bribing corrupt border police in Bulgaria or the Former Republic of Yugoslavia (OSCE, 2002). The OSCE reports that stories of corruption and co-operation between border police and organised crime groups are very common.

Also increasing in recent years is the involvement of peacekeepers or other international aid workers implemented, arrested and/or investigated in assisting trafficking or operating sex rings for money. The American company DynCorp, which dealt with the contracts of the American officers working for the international police force in Bosnia, is one such organisation and as a result of blowing the whistle on her fellow employees (that they patronised brothels, bought sexual services, and assisted brothel owners, pimps and traffickers in exchange for sexual services), former officer Kathryn Bolkovac was fired from her job with the same company (Kaplan, 2002). A Canadian Broadcasting Cooperation (CBC) movie was made in 2004 which documented this situation²³⁶.

²³⁶ This movie documented not only a security company's culpability in sex trafficking but also expertly portrayed the reality of sex trafficking from Moldova to the Balkan Region and Western Europe. The movie's synopsis can be found at <http://www.cbc.ca/programguide/program/index.jsp?program=Sex+Traffic>

Scotland Yard reports that 70 per cent of the brothels in central London are run by Albanians and that three-quarters of the women working in them are from Eastern Europe. The new report identifies Cardiff, Glasgow, Manchester and Leeds as cities where East European prostitutes have become a particular problem. Birmingham and Glasgow were found to be similarly affected in a report last month by the End Child Prostitution, Pornography and Trafficking organisation (Burrell, 2002).

Trade in women sold into sexual slavery is booming in parts of Serbia, which borders Macedonia and Kosovo (Arsic, 2001). This trade is thought to be worth hundreds of thousands of dollars to the Serbian and Albanian mafia. Police in Albania for example, are often unable to uncover a whole chain of smugglers of Romanian, Moldovan and Ukrainian women. Observers know that this police operation is just the tip of the iceberg (Arsic, 2001).

The Anti-Trafficking Unit in Moldova, consisting of just a few police officers, the so called “Moral Police”, is not well equipped, has no communication lines and no petrol for their cars, neither are they paid for months in a row (OSCE, 2002). Without earnings to feed their families and secondly without adequate resources to counter the ever growing mountain of corruption and criminal activity and trafficking, police are susceptible to bribes and to a growing ideology of apathy and helplessness, which only fuels the vicious cycle of violence and re-victimisation instead of support and assistance.

7.6 Demand for Sex Services as a Causal Factor

“Without men’s demand for prostitute women, there would be no such women. The boundary between the supply of sexual services and household services is very vague within international trafficking in women.”

Sven-Axel Månsson, Sweden, 2003²³⁷

The factor of demand for sex involves considering whether the demand for sexual services in countries of destination as well as in countries of origin facilitate and sustain the trafficking of women. “The demand itself (for sex)...is a direct outcome of a patriarchal system which caters to male sexual “need” and at the same time offers few alternatives to the pay [that] a young woman could make in the trade of prostitution.”²³⁸

Donna Hughes (2004) divides the term ‘demand for commercial sex acts’ into three components.

The first factor is the men (and occasional women) who seek out women, children and sometimes men, for the purpose of purchasing sex acts. The purchasers of sex acts are the primary actors and constitute the primary level of the demand. The second factor is the profiteers in the sex industries, they include the traffickers, pimps, brothel owners and supporting corrupt officials who make money from sex trafficking and prostitution. They make a profit by supplying victims to meet the demand. The third factor is the culture that indirectly creates a demand for victims by normalising prostitution. Media depiction of prostitution and other commercial sex acts, such as stripping and lap dancing, that romanticise or glamorise these activities influence public knowledge and opinions about the sex trade. These images suggest that prostitution is a victimless crime.

In her report she goes on to quote an IOM study²³⁹ (2003) that attempted to determine if there is a demand for identifiably trafficked women. In it conflicting

²³⁷ Månsson, S.A. (2002). Why Do Men Buy Sex? In *NIKK Magasin Bodies across Borders – prostitution and trafficking in women* No. 1 2002 pp.22-25.

²³⁸ Wilson, N. (1985, November). *Witches, Hookers and Others: Societal Response to Women Criminals and Victims*, p.9. Paper presented at the meeting of the American Society of Criminology, San Diego as cited in Moyer, I (2001). *Criminological Theories: Traditional and Nontraditional Voices and Themes*, p.257. USA: Sage.

²³⁹ Anderson and O’Connell Davidson, December 2003, International Organisation for Migration as cited in Hughes D.M. (2004). *Best Practices to Address the Demand Side of Sex Trafficking*. University of Rhode Island.

definitions of what constitutes an exploited person are acknowledged but more interestingly are the study's figures from men sharing their experiences with purchasing sex acts in various European countries.

Approximately 50 percent of the men interviewed said they had purchased sex acts from foreign prostitutes. About a third of the men surveyed believed that foreign women were "cheaper and more malleable than local women". Some men saw dark-skinned prostitutes as cheaper, less desirable and more likely to have been forced into prostitution. The study found that men, who knowingly purchased sex from trafficked women, did not perceive consent as an issue for women in prostitution. They viewed all women and girls in prostitution as objects or commodities over which they had temporary powers of possession after they paid their money.

The study goes on to report on particular sex acts purchased by men which would indeed constitute a demand for trafficked women.

There is a group of men who seek victims for sadistic sex acts, which entails acts of violence and requires that victims be forced in these situations. There are also reports of the sale of virgin girls to men who can afford them.²⁴⁰

Sex trafficking is an international criminal industry fuelled by the high demand for commercial sex and operated by individuals and groups who target women and children to meet that demand.²⁴¹ According to many activists and NGOs, a country such as Turkey, with its now booming economy and lax visa requirements, is becoming the world's largest market for Slavic women, one of the most visible exports of the former Soviet Union's struggling new states. A young woman from Moldova can be in Istanbul in a day by paying just US\$10 for a month-long visa at the border.²⁴²

²⁴⁰ Interview quoted within the research report, Hughes D.M. (2004). *Best Practices to Address the Demand Side of Sex Trafficking*. University of Rhode Island by Joe Parker, Lola Green Foundation, Portland Oregon.

²⁴¹ Human Trafficking.Com a Service of Polaris Project obtained 3 May 2003 from

http://www.humantrafficking.com/humantrafficking/Research_Tools/TopicSearch/Traffickers/Traffickers_top.htm

²⁴² "Prostitution is legal in strictly secular Turkey where the government licenses brothels, known as "general houses," and issues prostitutes identity cards that give them rights to some free medical care and other social services. But women working in general houses – there is usually one in each large city – tend

Within this doctoral study, with the exception of one woman who was trafficked to the United Arab Emirates (UAE), all women were trafficked within Europe, primarily to countries within the Balkans, which is in line with other studies such as those by IOM (2001; Hughes, 2004 and others). Other destination countries included Russia, Romania, Greece and Turkey. Of the 14 incidences of trafficking (recalling that some women were trafficked more than one time), six incidences involved women being trafficked to the Balkan region (being exploited in Macedonia, Bosnia and Herzegovina, and the Former Republic of Yugoslavia prior to being returned to Moldova); three cases to Turkey; one to the UAE; one to Italy; two to Russia and one case to Romania.

Table 21: Treatment while Trafficked – setting

Question	Café	Private home	Brothel	Night club	Hotel	Window	Highway
‘What type of setting were you working in?’ ²⁴³	4	4	3	2	2	0	0

Table 21 provides evidence of the variety of settings and venues for sexual services and exploitation. Women informed that often times they were transported between various venues so that their chance of detection and their growth in comfort with their surroundings became limited thereby minimising their chance of escape, rescue and/or detection by the authorities. This also serves to render the women in a state of helplessness as she continually must adjust to new surroundings and is often times unaware of where she actually is now living.

to be older, and the demand for young, slender women has outstripped supply as Turkey’s economy has improved. Slavic women are meeting that need. Most of the women are from Ukraine and Moldova” (Smith, C. (2005, June 30). Turkey’s wealth leaves Natasha in bondage. *NY Times News Service*. Retrieved July 3, 2005 from DIGNITY@PETE.URI.EDU list server).

²⁴³ Please note that the answers do not total ten settings for ten women because some women were trafficked more than once as well it is common to move women to different locations and establishments, for among other reasons, to avoid detection.

Once lured to Serbia, the IOM believes the girls are divided into two groups. They are either taken to Kosovo to serve the 60,000 foreign workers who arrived in the province after the withdrawal of Yugoslav forces in 1999. Or they are smuggled through Montenegro and northern Albania, destined for Italy and beyond (Arsic, 2001).

Sex trafficking and organised prostitution are inextricably connected and share fundamental characteristics. The victims who are targeted are the same – poor, minority or so-called Third World women and children, frequently with histories of physical and sexual abuse. The customers are the same – men with disposable income who achieve sexual gratification by purchasing and invading the body of a woman or child. The dynamics of power and control within prostitution are the same, whether they take the form of violence and threats of violence, debt bondage, torture, imprisonment, and/or brainwashing (Leidholdt, 2001).

“As long as there is a demand and a market for trafficking in persons, the human rights abuses it entails will continue (for example in the form of slavery, exploitation, and debt-bondage). Unsuccessful economic transition, bad governance, corruption and gender-based discrimination caused by deep-rooted patriarchal structures also aggravate the problem of trafficking in women” (CSE, 2003). “Men facing problems in their relations with women solve these by buying sex. Thus, prostitution is a male problem. It would therefore be totally wrong to punish women” (Månsson, 2002 p.24).

Head of the police department said the three were arrested in the north-west Romanian city of Cluj on Tuesday and charged with being part of a ring that sequestered about 300 women in Spanish brothels from 1997 to 2003. All three have pleaded not guilty to the charges. The women, who came from Romania, Moldova, Ukraine and Russia, and were aged 19 to 24, were forced into prostitution in the Spanish towns of Vinaros and Alcanar (Stana-Seveanu, 2003).

The Dutch police estimate that several thousands of women from outside the EU are forced to work in the Netherlands as prostitutes. In particular the number of women from Central and Eastern Europe has risen since the opening up of frontiers at the start of the 1990s. These women are now the majority of victims in the Netherlands (Vocks and Nijboer, 2000).

The women in this doctoral study revealed that they were required to service no less than five customers per day and on average between 10 and 20 customers per day. Most of the women noted multiple entries in the questionnaire which articulated the types of customers who purchased sexual services. Interestingly, in Russia, Romania and the UAE, it was primarily local people who utilized the sexual services of these women, as well as gypsies and students within Russia. Within the Balkan region, the women indicated that it was primarily soldiers, local police or military, peace keepers and local citizens who utilised the sexual services of these women (see table 22).

Table 22: Customers

In response to the question “What types of people were your customers?”

Answers	Question
‘local people’	9
‘local military & police’	6
‘soldiers’	5
‘peace keepers’	4
‘foreigners’	2
‘students’	1
‘gypsies’	1
‘other’	0
‘royalty’	0
‘business men’	0
‘government people’	0
‘international people’	0

As evidenced, a variety of persons utilised the sexual services of these trafficked women. Regardless of their position in society, economic status, foreign or national status, men (and not women as illustrated in table 23) of all types are complicit in sustaining the trafficking of women – for simply without a demand a “need” for prostituted women would not exist (see table 23). This reality is evidenced world-wide in studies which focus primarily on demand or on the arrest records of those who have solicited prostitution. In Canada for example, studies with men arrested for soliciting prostitution and who chose a court diversion programme²⁴⁴, have shown that men varying in age from 17 to 75 years, unemployed, labour skilled and professional, visitor or local, purchase the sexual services of women prostitutes (Glenn, 2005) and one could extrapolate from those findings into other countries around the world that also have high rates of prostitution.

Table 23: Soliciting Women

Question	Yes	No	Don't Know
‘Were there any women as your customers?’	0	10	0
‘Were you told to bring other women or friends to work in the brothel?’	2	8	0

Tables 21, 22, and 23 suggest that firstly, varying ‘actors’ in the dynamics of trafficking consider these women to be commodities and “deserving” of violence; secondly, that prostitution exists in a multitude of settings; and thirdly that demand is ever present and engaged with a wide range of men.

Monzini (2001) explains that in order to understand this [trafficking] market three

²⁴⁴ For more information on this court diversion programme, also known as the Prostitution Offender Program or John’s School, please consult the Prostitution Awareness and Action Foundation of Edmonton at www.paafe.org and the Edmonton City Police Service www.police.edmonton.ab.ca

main factors have to be taken into consideration: demand, supply and the institutional framework in which it develops. Regarding demand, in her paper Monzini indicates that the sex industry has expanded worldwide and taken on new forms such that are suitable for its male clients. Whether the activities within the sex industry are legal or illegal, a wide range of services are in demand: cheap street prostitution, clandestine brothels, night clubs, massage parlours, go-go bars, escort services and internet services.

The classified section in the International Herald Tribune (2001) for example advertises for services with titles such as “Belgravia Orchids”, “Elite Society”, and “International Escorts” proclaiming “the finest and most sincere international models, air hostesses and career ladies as your companion”; “sophisticated intelligent ladies headquarters in London, established in Germany, Brussels, Milan, Rome, Zurich, Vienna, Prague, Marbella and USA; “Barcelona, Dubai and Middle East, very upscale escort service for business executives only” and “Anna – absolutely stunning model offering discreet escort service for special clients” and more. The World Sex Guide²⁴⁵ online is yet another medium which offers endless information and locations for purchasing sex around the world and advertises itself as an adults escort and personals venue equipped with videos and chat rooms. These are only two of the many examples that exist within and outside of Europe in newspapers, magazines and the Internet, which reveal demand and interest from men for purchased sex.

The seemingly insatiable demand of the sexual service industry was hypothesised in this doctoral study to be another predominant causal factor of the trafficking of women. Certain countries are prime countries of destination to which such women are trafficked (the Netherlands, Germany, and the Balkan Region) where a sex industry

²⁴⁵ <http://www.worldsexguide.com/contents.htm>

thrives and in some cases is legal or regulated. Many of these countries (and others) report high numbers of foreign women prostituting in brothels or other sexual service establishments indicating the possibility that a majority of them had been trafficked. Indeed one cannot assume that all foreign women living in a foreign country and engaged in prostitution have been trafficked and forced, but when comparing such statistics of investigations, prosecution cases or studies and the numbers of assisted women by NGOs, the numbers do reveal themselves to be indeed quite high. The Social Democratic Party in Germany declared in 2000 that 1 million men per day utilise sexual services from 400,000 prostitutes²⁴⁶.

The International Organisation for Migration's (2001) report on the Balkan region reported women's groups from Bosnia saying that the Mafia moved into Kosovo to organise trafficking as soon as they knew there would be an international presence. It is probable that the potential of a market (a demand for prostitutes) created the mechanisms for trafficking and the need to obtain a supply and traffic those women into certain regions. The main customers in Bosnia and Kosovo, fuelling demand tend to be internationals and wealthy local politicians. Members of the International Police Task Force in Bosnia have also been implicated in trafficking women (Ahmetasevic and Harbin, 2002).

Around the world there are buyers of sexual services which establish a demand. In some countries within Europe there is a substantial demand for such services, noted in the above Social Democratic Party of Germany's study. If such a figure is correct (for their methodology has been questioned), or even for example if a fraction of such a figure exists (500,000 men per day...), this remains a substantial demand and one that requires a

²⁴⁶ Gesetzentwurf Drucksache 14/5958

constant supply of providers of these services (prostitutes); exploitation is unlikely to stop as long as there are markets for this type of business (Kangaspunta, 2001). And consequently, other parties, generally with the exception of the prostitute, such as traffickers, brothel owners, body guards, recruiters, and crime groups all capitalise on this demand to some extent.

A growing number of women and children are being smuggled into Glasgow because of the city's huge prostitution scene. ECPAT²⁴⁷ said women and children from China, Eastern Europe and Africa were being promised a better life in the UK; however, they were instead being forced to work in private brothels, saunas and restaurants for very little, if any, income (BBC, 2002).

Unheard of years ago, prostitution is now the fastest growing “business” in post-war Kosovo, which has undergone unprecedented social and political upheaval since the 1999 conflict. Mobilised for over a decade against the Milosevic regime, the population now plays host to KFOR²⁴⁸, which provides a steady stream of clients for the protectorate’s 120 or so strip clubs. Around 60 per cent of women working in the sex trade come from Moldova, the others from Romania and Ukraine (Xharra, 2002). IOM Pristina declared their belief that post war conditions as well as the large amount of cash circulating in the province after the war and the significant social changes have all turned Kosovo into a lucrative and easy trafficking destination. Large amounts of cash into the local economies through foreign investment and the daily spending of the international

²⁴⁷ ECPAT stands for End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes and is a network of organisations and individuals working together to eliminate the commercial sexual exploitation of children. Retrieved July 14, 2005 from <http://www.ecpat.net/eng/index.asp>

²⁴⁸ NATO Kosovo Force

community have raised the spending power of the local community, making visits to brothels more affordable and thus sustaining a suitable level of demand.

7.7 The First and Second Most Potent Causal Factor

Throughout the questionnaire respondents were asked to indicate which response(s) fit their experience of pre- and post-trafficking. When asked: “What were the three most potent causal factors?” economics was revealed to be the first and second most potent factor. The women acknowledged answers such as: ‘had no job’; ‘jobs pay too little’; or ‘no opportunities for work’ (six, three and one response respectively), totalling all ten women indicating economics as the most potent causal factor. In second place, economics remained relevant with three women agreeing that ‘jobs pay too little’ and two stating ‘no opportunities for women’ combining for a total of five women.

“Absence of financial means and bad relations with brothers (parents are deceased).”

“My child is ill and I had to earn money for medical surgery, my parents are retired and have no money to help us.”

As evidenced, economics reveals itself to be a predominant and ever present factor for trafficked women, and also indicated in some fashion in all three positions. Scanlan (2002) found similar results in that 65% of recent returned victims to the IOM shelter in Chisinau were trafficked on the basis of false job promises thereby indicating their motivation (employment) for approaching others for help and trusting those individuals.

7.8 Third Most Potent Causal Factors

All of the women responded that within the past five years they experienced some form of *physical violence* against them with several women reporting that more than one person was responsible for this type of violence against them. Prior to being trafficked, husband or boyfriend, fathers or step-fathers or mothers were the perpetrators and during the trafficking experience the women were assaulted by clients and/or the pimp; supporting other studies that most violence against women is perpetrated within the home and/or by someone they know (Ba-Obaid and Bijleveld, 2002). Minnesota Advocates' results offer that 22% of the women interviewed reported that they had been abused by a partner or former partner at some time in their lives (USDH, 1997 as cited in MNAD, 2000).

“My mother became crazy and started biting me.”

All women reported being *emotionally abused* within the past five years, again with several women indicating multiple perpetrators such as husband or boyfriend, father, mother, step-father (pre-trafficking) in addition to clients and pimps and bodyguards during the trafficking experience.

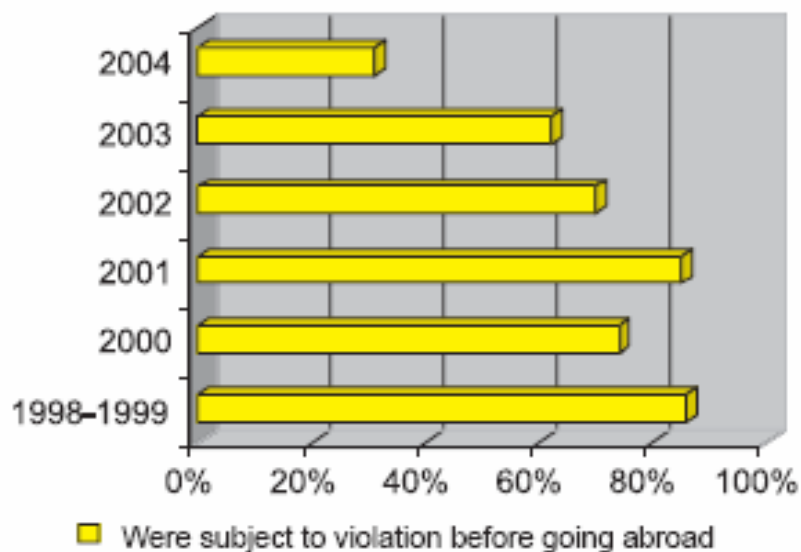
“Had no living space and had quarrels with relatives.”

Relatively often, victims of women trafficking, especially Central European victims, come from problem families – single parent families, alcohol abusing parents, incest, mistreatment, financial and housing problems, psychosocial problems and so on (Vocks and Nijboer, 2000). All ten women reported that in the past five years they

experienced some form of sexual abuse, indicating various perpetrators (husband/boyfriend, step-father, father) pre-trafficking as well as labelling pimps, recruiters and clients as the perpetrators of this sexual violence.

IOM Pristina, in their record keeping, discovered that around 70% of victims they assisted were living with their families at the time they were recruited. Nearly 18% reported being engaged in difficult to bad relationships with their parents or with their husbands or partners, and 16% admitted having been raped or suffered physical abuse in the past (IOM, 2001). In addition to the findings of this doctoral study, the La Strada's findings informed that previous experiences and exposure to violence is a factor "pushing" women out of Moldova (see table 24).

Table 24: Exposure to violence prior to being trafficked



Again the distribution is evident from this table of how impactful poor family relations and any incidents of psychological and physical violence can be a strong "push" factor for victims of trafficking. Out of the total number of surveyed women, trafficked in 1998-2004, 71% confirmed that they had been previously subject to violation; in their

families, mostly. These figures prove that very often women accept the proposals to go abroad from despair. They leave the country in view of favorable changes, and what they get is modern slavery.

Within this doctoral study, nine of the ten women indicated that they did not report any of this abuse to the authorities (one respondent indicating 'don't know' as her answer to the question). When asked why not, a majority of the answers offered insight into their belief that nothing would be done, a distrust of the criminal justice system and authorities in their community, which is also in keeping with other studies (MNAD, 2000). All ten of the women indicated they did not, and do not trust the police in their country and have no confidence in the rule of law, which is also in keeping with other studies such as Shalhoub-Kevorkian & Erez, (2002). Although Moldova acceded to the CEDAW Convention on 1 July 1994, the implementation and regulation of the Convention remains limited or inadequate as evidenced by the absence of women confident enough in their legal system to report the abuse (IHF, 2000). In the pre-trafficking stage, social problems such as sexual and physical abuse within families force girls and women to leave in search of safety and a better life, but often find themselves further abused and exploited (Hughes, 1999).

“Violence against women transcends societies, cultures, geographic regions and crosses centuries. It ranges from verbal to physical abuse, from deliberate lack of opportunities to discrimination, from sexual exploitation to rape, from honour killings to other unspeakable tortures. Throughout and at the basis of these forms of violence, lies the most basic one of all, the abuse of fundamental human right” (IOM's Deputy Director General, Mrs. Ndioro Ndiaye quoted in CSE, 2003).

Around 70% of victims assisted by IOM Pristina were living with their families at the time they were recruited. Nearly 18% reported being engaged in difficult to bad relationships with their parents or with their husbands or partners. Some 16% admitted having been raped or suffered physical abuse in the past. (IOM Balkans p. 50)

The most frequently mentioned perpetrator of almost all types of violence was the husband. The brother or father was often second (Ba-Obaid and Bijleved, 2002). Respondents in the above study indicated that this practice (of perceiving women to be less than, polygamy and early marriage) led to deteriorating family relations and to a family climate conducive to violence (Ba-Obaid and Bijleved, 2002).

All of the women in this doctoral study reported being *sexually abused* within the past five years and also experiencing this abuse at the hands of various perpetrators. These women primarily identified clients and pimps as the most frequent abusers of this type of violence along with the recruiter and husband or boyfriend and step-father and pimp.

90% of these respondents indicated that they did not report this abuse to the authorities within their country (one respondent indicating ‘don’t know’ as her answer). Relatively often, victims of women trafficking, especially Central European victims, come from problem families – single parent families, alcohol abusing parents, incest, mistreatment, financial and housing problems, psychosocial problems, etcetera (Vocks and Nijboer, 2000).

7.9 Easy to cross borders

Tied with the knowledge that violence was the third most potent factor in the dynamic of trafficking, was the belief in finding it is easy to cross borders (at three responses). This factor was not offered within the hypothesised causal factors and thus not specifically listed within the questionnaire but resulted from participants adding comments and supplemental information. Believing borders were easy to cross speaks to either the knowledge of corrupt border patrols, ease with which to obtain legal or illegal visas and permits, using green borders (forests and rivers), and/or no border checks within the countries of the European Union, all of which supply additional factors in sustaining trafficking from victim's perspective. Consequently this would require further study into their relevance and prevalence.

Chapter Eight: Discussion and Conclusion

As with previous studies and in the literature surrounding the study of trafficking in women for the purpose of sexual exploitation, economics has been found to be the main reason pushing women out of their countries of origin and towards other countries, urging their migration and consequently placing them into the dynamic of trafficking and sexual exploitation. Economics as a relevant and potent causal factor was also expressed by the women in this doctoral study as a leading (first and second most) causal factor in their trafficking victimisation.

Additionally, this doctoral study revealed that violence within the social or cultural context also acts as a potent causal factor which pushed women away from their homes in Moldova, towards other countries and consequently placed them into the dynamic of trafficking and sexual exploitation. All of the women within this study indicated that they had been a victim of physical, emotional AND sexual violence within the past five years at the hands of family prior to being trafficked and at the hands of traffickers, brothel owners and clients during the trafficking experience which places this factor (violence) as the third most potent causal factor.

Another causal factor not originally hypothesised to be relevant within the dynamic of trafficking was revealed by the women to be the perception and ease with which to cross borders. Also ranking in third place, several women indicated that this causal factor was responsible for facilitating and sustaining their trafficking since it was the ease or perception of ease to cross certain borders that pushed them away from Moldova and pulled them towards certain countries.

Corruption was offered as a hypothesised causal factor within this doctoral study and anecdotal and academic and case evidence was supplied to support the hypothesis; however, direct findings from the women studied did not confirm or negate this hypothesis. Rather, other academic studies and anecdotal evidence offered case examples of complicit police, military and border police involved in facilitating and/or sustaining trafficking of women for sexual exploitation. This evidence provides sufficient cause of the existence of corruption playing an important and relevant role in the dynamic of trafficking across certain borders and particularly within certain regions.

Demand for sexual services was also hypothesised as a relevant causal factor and despite the difficulty in empirically extracting a quantifiable figure of trafficked women engaged in prostitution in any one country, a demand indeed is evidenced through the numerous advertisements in newspapers and the Internet in addition to the constant supply of women traffickers and organised crime networks bring into various countries for the sex industry. Simply, and in crude economic terms, one can calculate that only with a demand for sex is a supply needed and as is evidenced by the hundreds of thousands of women being trafficked throughout Europe, a supply in women is indeed recruited, coerced and forced to prostitute.

The importance of this exploratory doctoral findings aim to assist other scholarly pursuits in supplying a more rounded picture of the trafficking experience by the women who have survived it and offers insight and information into the relevance of specific causal factors such as economics and violence in the push and pull of trafficking. This information, it is hoped, will assist others in enhancing current prevention and protection measures, in particular by acknowledging the force of economics (or lack of employment

and opportunity) to women wishing to migrate; sufficient and sustainable long term initiatives could be implemented in Moldova to boost the economy, provide stability and employment to women disadvantaged by the transition economy; and efforts towards a long term solution to eradicate poverty as a leading cause for migration and consequently for trafficking.

8.1 Limitations and Future Directions

He, who does not prevent a crime when he can, encourages it.
- Seneca (Roman philosopher, mid-1st century AD)²⁴⁹

In exploring certain causal factors in the trafficking of women for the purpose of sexual exploitation several factors revealed themselves to be more potent and relevant than others. Although this research did not bring together any new information, in terms of what we in the academic world already knew regarding why women are trafficked; however, what it did provide was further illumination into the relevance of *specific* causal factors concerning women victims/survivors of trafficking from a specific country of origin: Moldova.

Corruption as a potent and relevant causal factor was offered by the women interviewed but detailed empirical relevance would be better achieved through further study and examination. As a specific causal factor, further research could illuminate its potency and articulate statistically, complicit agents within the dynamic. Although clandestine in nature and therefore difficult to uncover, and ethnographical methodology could reveal valuable information.

Demand for sexual services is another causal factor and arena of prostitution that requires further study. Some scholars (Månsson, 2002; Marttila, 2003) have examined motives and experiences of those who purchase sexual services either from street prostitutes or through online escort services, yet an in-depth examination into the societal

²⁴⁹ Retrieved July 6, 2005 from <http://en.thinkexist.com/quotations/crime/>

system of demand for sex, in particular for foreign or trafficked women, could provide vital empirical evidence for its complicity in the dynamic of trafficking of women.

More research is required in particular, qualitative research with a feminist methodology, in order to best capture the personal experiences of complicit officials, clients and brothel owners and trafficked women survivors. Only through an ethnographical methodology could one delve deep within the underground depths of trafficking and accurately and empirically reveal information which would prove valuable in not only academic circles but to further enhance and support existing prevention, prosecution and protection measures.

Although some women may be traumatised by their experiences and may, on a case-by-case basis, desire counselling and support services, overwhelmingly it is not “rehabilitation” (forced rehabilitation for cooperation, permits etc) that women need. Rather, they may need support and sustainable incomes (Pearson, 2000 p.67).

The Special Rapporteur on trafficking in persons especially women and children has called on

Governments to move away from paternalistic approaches that seek to “protect” innocent women to more holistic approaches that seek to protect and promote the human rights of all women, including their civil, political, economic and social rights. At the regional level, governments and regional bodies must interpret and apply regional human rights instruments to trafficked persons and engage in regional cooperation to locate and prosecute traffickers. At the international level, countries must recognise the rights of all migrant workers, including sex workers, and apply all international human rights law to trafficked persons, as well as cooperate to locate and prosecute traffickers²⁵⁰.

Without a conscientious effort to target the root causes of trafficking, continued disadvantage, poverty, unemployment and violence will remain as potent elements that push and pull women from their countries of origin towards other countries and invariably

²⁵⁰ Retrieved July 14, 2003 from http://www.gaatw.org/faq_contents.htm

into the hands of traffickers waiting to exploit them and their needs. Sustainable development that reaches those in need and targets these specific causal factors will undeniably work towards eradicating trafficking, because if it is only laws and restrictions that are created, implemented and enforced, that half of the equation will not be enough to eradicate this form of exploitation. As we currently witness, trafficking continues through European borders despite legal and legislative efforts because it is simply, the causes (or push and pull factors) of this crime that are not being targeted but which continue to impact women and place them in a vulnerable position for trafficking for sexual exploitation. If governments continue to work towards eradicating trafficking and the exploitation of women through legal remedies then that will only be addressing half of the equation. We must continue, through empirical study and through collegial discourse, to examine the root causes of trafficking and devise strategies to eliminate their potency; in particular to hear these messages from those who have experienced trafficking in order to complete the holistic targeting of trafficking and battle it from both sides of the coin.

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Appendix I

Chiefs of State and Cabinet Members of Foreign Governments²⁵¹

President	Vladimir VORONIN
Speaker of the Parliament	Marian LUPU
Prime Minister	Vasile TARLEV
<i>First Dep. Prime Min.</i>	<i>Zinaida GRECIANI (woman)</i>
Dep. Prime Min.	Valerian CRISTEA
Dep. Prime Min.	Andrei STRATAN
Min. of Agriculture & Food Industry	Anatolie GORODENCO
Min. of Culture & Tourism	Artur COZMA
Min. of Defense	Valeriu PLESCA
Min. of Economy & Commerce	Valeriu LAZAR
Min. of Education, Youth, & Sport	Victor TVIRCUN
Min. of Environment & Natural Resources	Constantin MIHAILESCU
Min. of Finance	Mihai POP
Min. of Foreign Affairs	Andrei STRATAN
Min. of Health & Social Protection	Ion ABABII
Min. of Industry & Infrastructure	Vladimir ANTOSII
Min. of Information Development	Vladimir MOLOJEN
Min. of Internal Affairs	Gheorghe PAPUC
<i>Min. of Justice</i>	<i>Victoria IFTODI (woman)</i>
Min. of Reintegration	Vasile SOVA
Min. of Transport & Roads Management	Miron GAGAUZ
Sec., Supreme Security Council	Ion MOREI
Prosecutor General	Valeriy BALABAN
Dir., Intelligence & Security Service (ISS)	Ion URSU
Pres., National Bank	Leonid TALMACI
Ambassador to the US	Nicolae CHIRTOACA
Permanent Representative to the UN, New York	

²⁵¹ Consult footnote 33 under the section 2.1.1 Moldova which comments on the under-representation of women in high levels of government. Last Updated: 9/13/2006 Retrieved September 8, 2006 from <https://www.cia.gov/cia/publications/chiefs/chiefs119.html>

Appendix II

The La Strada Network Common Declaration²⁵²

March 31, 2004, Chisinau

We, representatives of 9 NGOs from different countries of Central and Eastern Europe, members of the international network La Strada operating since 1995, in the frameworks of the Annual Meeting of the National Coordinators, having evaluated the results of the recent years as well as having investigated the information on:

- current situation on trafficking in human beings in Europe and measures undertaken to combat the phenomenon, major tendencies and prognoses;
- problems concerning identification, assistance and protection of trafficked persons in different countries;
- large scale reforms in the economic, social, legal and other areas of the European union society;

agreed on following:

1. Continuous monitoring conducted by the La Strada network members over the situation on trafficking in Europe proves the fact that trafficking in persons is a transnational and complex crime. In Europe , as well as in other parts of the world, criminal groups activates in well organized networks using means of coercion, corruption, fraud and violence. The means of victims' recruitment and transportation become more and more diversified. The purposes and forms of trafficking are under permanent change becoming more underground. Experience also shows that the phenomenon also extends over new territories, new age and social groups. Once the problem is "put under control" by the anti-trafficking community in a certain country or region, once the criminal methods are studied and adequate countermeasures are developed, the traffickers respond with new, "modernized" methods in organizing the criminal activity, routes, destination regions, forms of exploitation and control of trafficked persons etc. Therefore, in order to successfully combat trafficking in persons, unique policies, innovative strategies and programs are imperative as well as a coordinated approach of all efforts undertaken in countries of origin, transit and destination.
2. Although the European community pays now more attention the issues of victims identification, providing access to assistance and protection for their successful rehabilitation and reintegration, the principle of respect for human rights still is not decisive in the relationship between law enforcement and illegal migrants - potential victims of trafficking in persons.

²⁵² Retrieved October 15, 2006 from <http://www.lastrada.md/parteneri/en.html>. For further detail concerning La Strada Moldova consult footnote 90 in Chapter 2.

Therefore, measures are important to be undertaken towards:

- harmonization of public interest in prosecuting criminals with personal interest of the victims of trafficking;
- decriminalization of trafficked persons excluding immediate deportation without careful analysis of the circumstances in the person was found, application of proper measures that would allow their identification and access to assistance and protection
- elaboration of unified European standards on treatment of trafficked persons (reflection delay, residence permit, permit for work and studies for all victims of trafficking irrespective of their decision to cooperation with the law enforcement, etc.)

In addition, the countries of European Union shall elaborate coordinated measures on the liberalization of the labor markets as to extend legal possibilities for labor migrants. We urge the Governments of the European countries to understand that regulation of the migration flow for the benefit of the migrant is in the interest and need of the Governments themselves.

3. The analyses of the activities and achievements of the international La Strada network shows that the member organization hold important experience in the area of international cooperation, elaboration and innovative and successful programs and strategies in combating trafficking in persons. The experience and capacity of the network is successfully applied on the national levels including by other organizations. The complex program implemented by the network members provide for three major directions of activity:
 - providing assistance to trafficked persons including by preliminary identification, organizing rescue from the trafficking networks, facilitate access to assistance and protection programs;
 - developing national information and prevention campaign;
 - lobby and advocacy on national level as to make the issue visible, put it on the political agenda ultimately leading to minimizing the consequences of this phenomenon;

Yet, the capacity of the La Strada Network is not fully used to lobby the statutory objectives and purposes on the international level. On the other hand, the ample processes on the extension of the European Union, globalization of social spheres activities creates new preconditions for obtaining viable results in solving various problems especially of trafficking in humane beings.

The and position of the civil society of countries we represent on in-accepting tentative to the dignity of the person by extension of various forms of slavery in the modern Europe must be first of all included in the legal basis of the Council of Europe.

In the light of aforementioned, we the organizations-members of the international La Strada network reached the decision on the creation of **International Association of non**

governmental organizations active in the area of trafficking prevention, first Association of this form in Europe. Such a strategy will allow effectively raising the issue on the high political agenda of the European Union.

This Declaration is signed by the representatives of the organization-members of the international La Strada network:

Holland [The Netherlands]

Poland

Czech Republic

Bulgaria

Ukraine

Moldova

Belarus

Macedonia

Bosnia-Herzegovina

Appendix III

Article 165 Moldovan *Draft* Law on the Prevention and Combating of Trafficking in Human Beings²⁵³

Posted

January 17, 2006

Country

Moldova

draft

Law on the Prevention and Combating of Trafficking in Human Beings

The Parliament herewith adopts the present organic law.

CHAPTER I

General provisions

Article 1. Scope of the law

The present Law regulates the legal relationships concerning:

- a) prevention and combating of trafficking in human beings;
- b) protection and assistance granted to victims of such trafficking, with full observance of their rights;
- c) cooperation of public administration authorities with non-governmental organizations and other representatives of the civil society in the prevention and combating of trafficking in human beings;
- d) cooperation with other states, international and regional organizations, competent in these fields.

Article 2. Main terms

In the present law, the following terms will be used:

- 1) trafficking in human beings– recruitment, transportation, transfer, harbouring or receipt of a person, by means of threat to use or use of force or of other forms of coercion, of abduction, fraud, deception, of abuse of authority or of situation of vulnerability, or by means of offering or accepting or receiving payments or gains in

²⁵³ Copyright © 2004-2006 OSCE Office for Democratic Institutions and Human Rights. Produced by JMC. Powered by Contentia CMS Retrieved February 3, 2007 from <http://www.legislationline.org>

order to get the consent of a person who has control over another person for the purpose of exploitation;

2) trafficking in children– recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, even if these actions were not connected to the use of a form of coercion provided in sub-paragraph 1) of the present article;

3) exploitation of a person– abuse of a person in order to get profit, and namely:

a) work or forced services that are comprised of compelling a person to perform certain work or to offer services, by force, threat of other forms of coercion, in violation of the legal provisions connected to the labour conditions, remuneration, health and security;

b) maintaining a person in the state of slavery, using certain practices similar to slavery or using other ways to deprive a person of his/her freedom;

c) compelling to engage in prostitution, participate in pornographic performances, for the production, distribution and introduction into circulation by any means, acquisition, sale or possession of pornographic material, or practice of other forms of sexual exploitation;

d) compelling to collect organs, tissues and other elements of the human body for transplantation;

e) compelling the woman to be used as a surrogate mother, or for reproductive purposes;

f) abuse of a child with the of illegal adoption;

g) using in armed conflicts or in illegal military formations;

h) using in criminal activities;

i) compelling to engage in begging;

j) sale of a person to another person;

i) compelling to engage in other activities that violate fundamental human rights and freedoms.

4) the consent of the victim of trafficking to the intended exploitation, according to that stipulated in sub-paragraph 3) of the present article, is not relevant when, any of the means of coercion specified in sub-paragraph 1) of the present article are used;

5)child– any person under 18 years of age;

6) document– passport or identity card, as well as any kind of travel documents of the person subject to exploitation;

7) documents' seizure– depriving the persons subjected to exploitation, by any means, of the documents provided in sub-paragraph 6) of the present article;

8) debt bondage– the state of a person deprived of freedom, including the freedom of movement, held as hostage until he/she or a third party will reimburse the debt which was determined legally or illegally;

9) slavery– the state or condition of a person, on which one or all the entitlements flowing from the ownership right are being exercised;

10) slavery-like practices– state of a person, when he/she is kept or forced into a situation when another person exercises mastering on him/her or determines him/her through deception or threats of violence, force or other means of coercion to offer certain services, including to engage or to stay in concubine or marital relationships;

11) state of vulnerability– special state in which a person is found, so that he/she is more likely to be abused or exploited, especially due to:

a) his/her precarious situation from the standpoint of the social survival;

b) situation determined by age, pregnancy, illness, infirmity, physical or mental deficiency;

c) his/her precarious and illegal situation of entry or stay in the country of transit or of destination;

12) victim of trafficking– the physical person presumed or found as being subjected to the trafficking actions provided for in sub-paragraphs 1) and 2) of the present article.

Article 3. Legal framework

The legal framework of the activity of prevention and combating of trafficking in human beings and of protection of the victims of trafficking is constituted of the Constitution of the Republic of Moldova, the international treaties to which the Republic of Moldova is a party, the present law and other normative acts, which regulate relationships in this field.

Article 4. Basic principles of combating trafficking in human beings

Combating of trafficking in human beings shall be carried out on the basis of the following principles:

1) observance of the human rights and fundamental freedoms;

2) acknowledgment of trafficking in human beings as a crime affecting the fundamental human rights, dignity, liberty and integrity of the human beings;

- 3) inherence of punishment for the traffickers in human beings;
- 4) legality;
- 5) non-discrimination;
- 6) free access to justice;
- 7) ensuring security and a fair attitude towards the victims of trafficking in human beings;
- 8) complex use of preventive legal, political, social-economic and informational measures;
- 9) social partnership, collaboration and cooperation of public administration authorities with the international organizations, non-governmental organizations and with other representatives of the civil society;
- 10) proportionality between the observance of the fundamental rights of the victims and conditions of criminal prosecution, in the way which is not harmful for the rights of the defending party;
- 11) equal approach to all forms and types of national and transnational trafficking, related or not to organized crime etc.
- 12) collaboration with the competent public administration authorities and organizations of other states, with international organizations in order to achieve these goals.

Article 5. Non-discrimination

The implementation of the provisions of the present law, especially of the measures of protection of the rights of the victims of trafficking, is ensured without discrimination through any criteria, namely: sex, race, language, religion, political opinion or other kind, social or national origin, association with a ethnical minority, etc.

CHAPTER II

Institutional Framework. Prevention and Combating of Trafficking in Human Beings

Article 6. Competent authorities of prevention and combating of trafficking in human beings

(1) In order to increase the efficiency of the activities of prevention and combating of trafficking in human beings, the public administration authorities listed in the present chapter, the non-governmental organizations and other representatives of the civil society shall engage, separately or in conjunction, in activities of prevention and combating of trafficking in human beings, especially women and children.

(2) While performing the activities of prevention and combating of trafficking in human beings, the public administration authorities listed in the present chapter shall collaborate between them through exchange of information, experts, by carrying out activities of victims examination and identification, by conducting social-economic initiatives, through joint activities of personnel training, as well as through other activities of prevention and combating of trafficking in human beings.

(3) The non-governmental organizations and the international organizations, with attributions in the field and present in the Republic of Moldova, shall benefit from free access when contributing to the shaping of the institutional framework and to the activity of prevention and combating of trafficking in human beings.

Article 7. The National Plan for the prevention and combating of trafficking in human beings

(1) For the purpose of prevention and combating of trafficking in human beings, as well as for the protection of the victims of trafficking, the Government has approved the National Action Plan for the prevention and combating of trafficking in human beings (hereinafter referred to as the National Plan).

(2) The National Plan is approved for a period of two years and regulates the implementation of complex measures and performance of social-economic initiatives, aimed at the prevention and combating of trafficking in human beings, as well as at the protection of victims of such trafficking, including the collaboration with international organizations, non-governmental organizations, other institutions and representatives of the civil society.

(3) The central and local public administration authorities, empowered in the field of prevention and combating of trafficking in human beings, shall adopt the necessary measures for the enforcement of the National Plan in their fields of activity.

Article 8. The National Committee for the combating of trafficking in human Beings

(1) The coordination of the activity of prevention and combating of trafficking in human beings, of cooperation with public administration authorities and international organizations, non-governmental organizations, other institutions and representatives of the civil society in the field of application of the National Plan, shall be carried out by the National Committee for the Combating of Trafficking in Human Beings (hereinafter referred to as the National Committee).

(2) The National Committee is a consultative body of the Government.

(3) The nominal composition of the National Committee and its Activity Rules shall be approved by the Government. The procedure of nomination and revocation of the members of the National Committee is regulated by the Activity Rules of the National Committee.

(4) The National Committee shall have the following powers:

1) to develop the basis of the state policy in the field of prevention and combating of trafficking in human beings and recommendations aimed at the improvement of the activity of detection and liquidation of the causes and conditions facilitating the appearance of trafficking in human beings and performance of activities of trafficking in human beings;

2) to check the implementation of the National Plan and the observance of the legislation on the prevention and combating of trafficking in human beings by the state institutions and organizations;

3) to collect and analyse the information about the dimension, status and trends of trafficking in human beings at the national level;

3) to submit proposals of legislative improvements in the field of prevention and combating of trafficking in human beings and protection of the victims of trafficking;

4) to organize public awareness raising campaigns on the issues of trafficking in human beings and the social danger of this phenomenon;

5) to coordinate the activity of the territorial committees regarding the fulfilment of the National Plan and regarding the combating of trafficking in human beings and of the specialized institutions;

6) to assess and periodically monitor the process of fulfilment of the National Plan and to inform the Government and the civil society about this.

(5) Members of the National Committee shall be representatives of the public administration authorities, including the law enforcement and other organizations which carry out activities of prevention and combating of trafficking in human beings.

(6) Representatives of the non-governmental organizations and of the international organizations, which have their representation offices in the Republic of Moldova and are involved in activities of combating trafficking in human beings and of granting assistance to the victims of trafficking in human beings, may attend the meetings of the National Committee, having a status of consultative vote and shall be included in the composition of the National Committee and of the territorial committees.

(7) The decisions of the National Committee are obligatory for execution for public authorities and institutions, provided that these decisions are signed by the Prime Minister of the Republic of Moldova.

(8) The organizational activity of the National Committee shall be ensured by a secretary appointed by the Chairman of the Committee. The secretary of the National Committee shall be part of the personnel structure of the Government Apparatus and shall be a civil servant.

(9) The National Committee shall submit periodically, upon request, but not less frequently as yearly, by February^{1st}, a progress report on the activity of the Committee. The central public administration authorities may request from the National Committee information on the state of observance of the legislation on the prevention and combating of trafficking in human beings, at any other date.

Article 9. Territorial committees for the combating of trafficking in human beings

(1) For the purpose of prevention and combating of trafficking in human beings, in the districts, municipalities and the autonomous territorial unit Gagauzia (Gagauz-Yeri), within the executive bodies of the respective representative authorities, territorial committees for the combating of trafficking in human beings shall be created. In Chisinau municipality, such committees shall be also created in the sectors.

(2) The territorial committees for the combating of trafficking in human beings shall have the following tasks:

1) to organize and coordinate the activity of prevention and combating of trafficking in human beings, of protection and assistance of the victims of trafficking, of collaboration between the local public administration authorities, law enforcement authorities, non-governmental organizations, institutions and other representatives of the civil society, working in this field;

2) to implement the measures planned in the National Plan at the local level;

3) to periodically assess and monitor the activities of prevention and combating of trafficking in human beings throughout the country's territory, carried out by the state bodies, of which inform the respective council and the National Committee, by submitting proposals regarding the increase of these activities' efficiency;

4) to grant assistance in the drafting of research programs, assessments and collection of statistical data regarding trafficking in human beings;

5) to implement training programmes for persons vulnerable to trafficking and for civil servants in charge of prevention and combating of trafficking in human beings.

(3) The Activity Rules of the territorial committees for the combating trafficking in human beings are approved respectively by district councils, municipal councils, by the General Assembly of the autonomous territorial unit Gagauzia (Gagauz-Yeri), on the bases of the Framework Rules approved by the Government.

(4) The territorial committees shall submit to the respective representative authority and to the National Committee a periodic activity report, but not less frequent than yearly, by the 15th of February.

Article 10. Tasks of the public administration authorities in the field of prevention and combating of trafficking in human beings

(1) In conformity with their functions, the public administration authorities ensure the undertaking of the following measures:

1) the Ministry of Interior, the Ministry of Foreign Affairs, the Intelligence and Security Service and the Migration Department shall develop the list of states which pose a high threat from the point of view of trafficking in human beings and which is communicated to the interested bodies;

2) the Ministry of Foreign Affairs, the Intelligence and Security Service, the Ministry of Interior, Department of Border Guard Troops and the Migration Department shall adopt, in compliance with their functions, the necessary measures to prevent access on the territory of the Republic of Moldova of foreign citizens and stateless persons, towards whom the respective authorities have accurate information regarding the fact that they are traffickers in human beings;

3) the Department of Border Guard Troops shall undertake measures of prevention and combating of trafficking in human beings through prevention, detection and deterrence of the attempts of crossing the state border by the traffickers in human beings, as well as of the illegal crossing of the state border by the victims of trafficking in human beings;

4) the Ministry of Labour and Social Protection:

a) through the National Employment Agency, shall develop for the persons vulnerable from the point of view of trafficking in human beings, information programmes on topics related to the labour market and employee rights, vocational training programmes for the risk group, shall develop and implement active measures of employment incentive for the persons who are victims of trafficking in human beings, by offering labour mediation services, professional information and counselling, consultations and assistance in starting a business activity, vocational orientation and training;

b) through social assistance bodies, shall ensure to the trafficking victims information and counselling necessary to enjoy the legal facilities of the social outcaste persons;

c) jointly with the Ministry of Finance, shall develop incentive measures for companies that hire both persons from the risk group from the point of view of trafficking in human beings, as well as victims of trafficking;

5) the Ministry of Education shall, in cooperation with other interested ministries, local public administration authorities, non-governmental organizations working in this field, develop educational and training programmes for pedagogues, parents and children, for the risk groups, programmes aimed at the liquidation of all the causes and conditions which favour trafficking in human beings, especially of women and children;

6) the Ministry of Health shall develop programmes of granting medical assistance, including psychiatric assistance and shall determine the medical institutions which are to grant this assistance to victims of trafficking in human beings, as well as supply with medicine the centres for the assistance and protection of the victims of trafficking in human beings;

7) the Migration Department shall issue migrant's certificate for a certain period of time to the aliens and stateless persons who are victims of trafficking in human beings;

8) the Ministry of Foreign Affairs shall contribute to the prevention and combating of trafficking in human beings, especially through the organization and participation in negotiations in order to conclude and implement international treaties with other states and other international organizations in the field of trafficking in human beings, as well as through the granting of assistance and protection to the trafficked persons who are abroad, within the limits of the international law provisions;

9) the Department of Informational Technologies shall ensure the identification of the person who is a victim of trafficking in human beings and shall issue residence permits or, as the case may be, identity acts to the victims of trafficking in human beings – aliens and stateless persons, in case that their stay is necessary due to their personal circumstances or due to their participation in the criminal proceedings aimed at holding the trafficker liable, in the conditions stipulated in para (6) of art. 24 of the present law;

10) the Ministry of Economy, together with other interested ministries and departments, shall develop and implement social-economic programmes aimed at the removal of the causes and conditions of economic character favouring the illegal migration, including trafficking in human beings;

11) the Ministry of Justice shall submit every 6 months the list non-governmental organizations engaged in activities of prevention and combating of trafficking in human beings, assistance and protection to the victims of trafficking.

(2) The central authorities competent in preventing and combating trafficking in human beings, the local public administration authorities and the territorial committees, shall systematically organize informational awareness raising campaigns for the population, develop and distribute publicity materials on the risks that persons, potential victims of trafficking in human beings can be exposed to, by actively collaborating with mass media.

(3) The public administration authorities mentioned in the present article shall inform periodically the National Committee about the actions and measures undertaken for the prevention and combating of trafficking in human beings, by presenting proposals of increasing the efficiency of these activities.

Article 11. Attributions of the law enforcement in the field of combating trafficking in human beings

(1) The Ministry of Interior and its central and territorial subdivisions shall:

1) carry out activities of prevention and combating of trafficking in human beings through prophylaxis, prevention, detection and deterrence of the crimes related to trafficking in human beings in accordance with the Law on police and with the criminal procedure legislation by performing the criminal prosecution in criminal cases of trafficking and of other actions related to these;

2) ensure, upon request, the physical protection of the victim of trafficking in human beings during the duration of the criminal proceedings, grant other assistance and protection to the victims of trafficking, according to this law and other normative acts in this field.

(2) A specialized department of prevention and combating of trafficking in human beings shall be established within the Ministry of Interior, which shall comprise subdivisions of operational investigation activities, criminal prosecution, international cooperation for the identification and protection of the victims of trafficking, analysis and intelligence, as well as regional centres for the prevention and combating of trafficking in human beings.

(3) The Ministry of Interior, supported by other ministries and departments, shall develop, administrate and maintain an updated database regarding the phenomenon of trafficking in human beings, by respecting the confidentiality of the personal data of the victims of trafficking in accordance with article 21 of the present law.

(4) The Ministry of Interior, jointly with the General Prosecutor's Office, shall carry out studies aimed at the detection of the causes and conditions favouring trafficking in human beings and shall publish each semester in the mass media the statistical information and analytical reports on the prevention and combating of trafficking in human beings and protection of the victims of trafficking in human beings.

(5) The General Prosecutor's Office, within the ambit of its competence, shall carry out activities of prevention and combating of trafficking in human beings in compliance with the criminal procedure legislation, shall coordinate, conduct and exercise prosecution in cases related to trafficking in human beings, shall represent the state accusation in courts, shall supervise the observance of human rights, including of the victims of trafficking, as well as shall take other necessary measures in this field. Within the General Prosecutor's Office, a specialized subdivision in preventing and combating trafficking in human beings shall be established.

(6) The Intelligence and Security Service and its territorial bodies shall unfold activities of prevention and combating of trafficking in human beings through detection of connections of international organizations and of organized criminal groups with traffickers in human beings, as well as through other activities carried out according to the Service's competence.

(7) The law enforcement bodies, regulated in this article, shall submit annually, by the 20th of January, to the National Committee, information and reports on the observance in the republic of the legislation on the prevention and combating of trafficking in human beings.

(8) A Coordinating Council of the law enforcement bodies with attributions in the field of combating trafficking in human beings shall be created by the General Prosecutor.

Article 12. The activity of the non-governmental organizations in the field of prevention and combating of trafficking in human beings

(1) In order to prevent trafficking in human beings, the international organizations present in the Republic of Moldova, the non-governmental organizations active in this field may cooperate with the public administration authorities and the competent bodies, in compliance with their regulations and statutes of activity and may organize informational campaigns on trafficking in human beings and the risks threatening the victims of trafficking in human beings.

(2) The non-governmental organizations may set up centres for the protection and assistance of the victims of trafficking in human beings.

(3) The non-governmental organizations shall carry out activities of identification of the victims of trafficking in human beings in the countries of destination and activities of their repatriation, shall grant legal and other kinds of protection and assistance to the victims, shall take other measures and actions of prevention and combating of trafficking in human beings, of protection and assistance to the victims, according to their operational statute.

Article 13. Special provisions in the field of international transportation

(1) The respective agencies and structures in the field of international transportation are required to verify, at the issuance of the travel document, if the passengers possess the identity documents necessary for entering in the transit or receiving country.

Article 14. Vocational training and education of human resource

(1) The state shall guarantee the vocational training and education of the employees in the law enforcement authorities, migration bodies and other authorities in the field of prevention and combating of trafficking in human beings.

(2) Such vocational training and education shall be based on the methods of prevention and combating of trafficking in human beings, on the most advanced techniques of exercising prosecution in the cases of trafficking in human beings, including cases of trafficking in children, on the observance of the rights and interests of the victims of trafficking, on the highest forms of protection of the victims of trafficking in human beings.

(3) The vocational training and education shall comprise methods and forms of collaboration of the public administration authorities with representations of the international and regional organizations from the Republic of Moldova, the non-governmental organizations, institutions and other representatives of the civil society, methods and forms of cooperation and collaboration of the authorities and organizations from the Republic of Moldova with the interested authorities, organizations and institutions of other states, with international and regional organizations.

CHAPTER III

Protection and Assistance of the Victims of Trafficking in Human Beings

Article 15. Identification of the victims of trafficking

(1) Identification of the victims of trafficking is the process of verification of the persons who are presumed to be victims as a result of the actions of trafficking in human beings.

(2) Identification of the victims shall be carried out by the competent public administration authorities and non-governmental organizations that have reasonable grounds to believe that a person is a victim of trafficking in human beings.

Article 16. Social Rehabilitation of the Victims of Trafficking in Human Beings

The social rehabilitation of the victims of trafficking in human beings shall be carried out for the purpose of their returning to a normal way of life and shall include offering of legal and material assistance to these persons, their psychological, medical and professional rehabilitation, employment, and granting of a dwelling space.

Article 17. Centres for the Protection and Assistance of the Victims

(1) The Centres for protection and assistance of the victims (hereinafter referred to as centres) are specialized institutions, established for the purpose of providing civilized conditions of accommodation and personal hygiene, nutrition, legal, social, psychological and medical care without delay, security and protection, as well as assistance for contacting the relatives of the victim of trafficking in human beings.

(2) The centres may be established by:

- 1) the Government, at the proposal of the National Committee;
- 2) local public administration authorities, at the proposal of the territorial committee, mentioned in art.9;
- 3) international and non-governmental organizations after coordination with the National Committee;
- 4) public administration authorities and non-governmental or private organizations, on the basis of an agreement on joint activities.

(3) The centres grant temporary accommodation to the victims of trafficking in human beings upon their personal request, for a period of up to thirty days.

(4) The duration of accommodation may be prolonged:

- 1) upon the recommendation of the physician - for the period of treatment, but not longer than 6 months;
- 2) upon the request of the criminal prosecution bodies or courts – for the period of the criminal proceedings, and in case when the life and health of the victim are threatened by a real danger, the duration of accommodation may be prolonged even after the termination of the criminal proceedings for a period deemed necessary for the protection of the victim, based on the notification of the prosecutor;
- 3) upon the request of the victim of trafficking in human beings, with an indication of the grounded justification, for a period which may not exceed 30 days.

(5) The women, victims of trafficking in human beings, who are pregnant, shall have the right of accommodation in the centre for a period of up to one year.

(6) The Regulation of organization and operation of the centres shall be approved by the founders based on the Framework Regulation approved by the Government.

(7) The costs related to the centres' activity are borne by the founders from the state budget, local budgets or from the common budgets of the founders.

(8) The organization and operation of the centres may be supported materially and financially by the economic agents and entrepreneurs, according to the Law of philanthropy and sponsoring;

(9) In order to ensure the security of the premises where the victims are being accommodated, the centres may seek assistance from police.

Article 18. Professional integration of the victims of trafficking in human beings

(1) The professional integration of the victims of trafficking in human beings shall be carried out with the support of the employment agencies under the terms of the legislation in force.

(2) The employment agencies shall offer priority free of charge services to the victims in the field of labour mediation, information and professional counselling, professional orientation and vocational training, consulting and assistance in initiating a business activity.

(3) The victims who are competitive on the labour market are entitled to undergo a vocational training course covered from the means of the unemployment fund.

(4) Beneficiaries of the services provided in paragraphs (2) and (3) of the present article shall be the victims aged above 16 years.

Article 19. Repatriation of the victims of trafficking in human beings

(1) The Republic of Moldova, in respect of its citizens who are victims of trafficking in human beings or of the stateless persons, who were entitled to a permanent residence on the territory of the Republic of Moldova, upon the entry on the territory of another state, shall contribute to the repatriation and reception of these persons without undue delays, taking into account the need of ensuring their security.

(2) Upon the request of a country of destination, the competent authorities of the Republic of Moldova shall check, without undue delays, whether a victim of trafficking in human beings has the citizenship of the Republic of Moldova or whether he/she was entitled to a permanent residence on its territory upon the entry on the territory of the country of destination, of which the soliciting state shall be informed, and shall concomitantly undertake measures for the victim's repatriation.

(3) For the purpose of facilitating the repatriation of a victim of trafficking in human beings who has the citizenship of the Republic of Moldova or who was entitled to a permanent residence on the territory of the Republic of Moldova, upon the entry on the territory of the country of destination, and who does not have the necessary documents, the competent authorities of the Republic of Moldova, upon the request of the country of destination, shall issue the travel documents or any other needed authorization for the repatriation.

(4) The provisions of this article shall apply without infringing any right acknowledged to the victim of trafficking in human beings by any law of the country of destination.

(5) The Regulation regarding the procedure of repatriation of the victims of trafficking in human beings, citizens of the Republic of Moldova or who were entitled to a permanent residence on the territory of the Republic of Moldova, upon the entry on the territory of the country of destination, shall be approved by the Ministry of Foreign Affairs, together with the Ministry of Interior, the Ministry of Justice and the Department of Informational Technologies.

Article 20. Protection and assistance of the victims of trafficking in human beings

(1) The victims of trafficking in human beings shall be granted special physical, legal, medical and social protection and assistance.

(2) The person who is presumed to be a victim of trafficking in human beings is considered a vulnerable person and shall benefit from the minimal package of social and medical assistance provided by the institutions of the Ministry of Labour and Social Protection and Ministry of Health. The persons who are recognized victims of trafficking must be provided free emergency medical treatment in the medical institutions determined by the Ministry of Health.

(3) The state, through its competent bodies and organizations, shall take prompt adequate measures of identification and referral of the victims of trafficking in human beings to the protection and assistance services, offering them a reflection period of 30 days. During this period of time, the implementation of any expulsion order issued against this person shall be prohibited.

(4) Providing of protection and assistance services shall not be conditioned by the willingness of the victims to make statements and to participate in the prosecution of traffickers.

(5) The victims of trafficking in human beings shall, without delay, be informed of their rights, about the authorities, institutions and organizations that have competences in the field of prevention and combating of trafficking in human beings and protection and assistance of the victims.

(6) The victims of trafficking in human beings shall be provided protection and assistance by the public administration authorities, the National Committee, the territorial committees of combating trafficking in human beings, within the ambit of their competencies and in compliance with this law and other normative acts.

(7) The non-governmental organizations, active in the field, are also entitled to offer protection and assistance to victims of trafficking, including the protection of their interests in a criminal or civil suit.

(8) Each time when the competent authority, the international or non-governmental organization, active in the field, has reasonable grounds to believe that a person is a victim of trafficking in human beings, the respective person will be offered all the protection and assistance measures provided in the present law.

Article 21. Confidentiality of the private life of the victims of trafficking in human beings

(1) The private life and identity of the victims of trafficking is protected. The registration, maintenance and use of personal information regarding the victims of trafficking shall be done by taking into account the special rules of confidentiality, with the aim of administration of justice and protection of victims and only during the criminal proceedings.

(2) The spreading out of the information on the victims of trafficking in human beings and conditions of these persons' trafficking, which may endanger the life and health of the victims of trafficking in human beings or of their close relatives, as well as of other persons who are close to them, is inadmissible.

(3) It shall be prohibited to spread information about the state protection measures of the victims of trafficking in human beings, about the persons who provide such protection, as well as about the persons who provide assistance in combating trafficking in human beings.

(4) Observance of the confidentiality of the information provided in paras.(1)-(3) of the present article, shall be the duty of all persons, including those involved in activities of prevention and combating of trafficking in human beings, protection and assistance of the victims, of the law enforcement authorities, the courts, the centres provided for in article 17, as well as of the social assistants.

(5) In case when the life and health of the victim of trafficking in human beings are threatened by a real danger, then, based on the court's ruling at the request of the prosecutor, of the criminal prosecution body, upon the request of the victim, he/she shall be offered the possibility of changing his/her name, surname, date and place of birth, under the terms of the Law on the civil status acts and of the Law on the state protection of the injured party, witnesses and of other persons providing assistance in criminal proceedings.

(6) The disclosure of information about the safety measures and confidentiality of the victims of trafficking in human beings, as well as disclosure of the information of the criminal prosecution and of the measures of ensuring safety, applied to the participants at the criminal proceedings, shall be prosecuted in compliance with the rules of criminal procedure.

Article 22. Duties of the diplomatic missions and consular offices of the Republic of Moldova of providing assistance and protection to the victims of trafficking in human beings

(1) The diplomatic missions and consular offices of the Republic of Moldova abroad shall have the following duties:

1) to carry out activities of protection of the rights and interests of the citizens of the Republic of Moldova, who have become victims of trafficking in human beings in the country of residence and shall contribute to their repatriation in the country, in compliance with the legislation of the Republic of Moldova and the legislation of the country of residence;

2) in case of loosing or in the impossibility of recovering the identity documents from the traffickers, by the citizens of the Republic of Moldova, who have become victims of trafficking in human beings, then, jointly with the subdivisions of the Department of Informational Technologies, to issue to these persons free of charge and in a short period, travel documents or any other needed authorization for their repatriation in the Republic of Moldova;

3) to distribute to the interested persons informative materials regarding the rights of the victims of trafficking in human beings, according to the legislation of the Republic of Moldova and the legislation of the state of residence;

4) to provide to the public authorities and judicial bodies of the state of residence information regarding the legislation of the Republic of Moldova in the field of prevention and combating of trafficking in human beings, regarding the rights of the victims, their protection and assistance, including addresses of the Centres for the Protection and Assistance of the Victims of Trafficking in Human Beings.

(2) Upon the decision of the National Committee, the chiefs of the diplomatic missions and of the consular offices shall appoint a diplomat from their missions to be in charge of the application of the procedure of repatriation of the Moldovan citizens, victims of trafficking in human beings, of their protection and assistance during their stay in the country of transit or of destination, as well as in charge of the cooperation in this field with the authorities and bodies from the Republic of Moldova.

Article 23. State guarantees granted to the persons victims of trafficking in human beings

(1) The courts and the criminal prosecution bodies shall apply towards victims of trafficking in human beings the necessary measures to safeguard his/her physical safety and other rights, regulated by the Criminal Procedure Code and the Law on the state protection of the injured party, of the witness and other persons who provide assistance in the criminal proceedings.

(2) The victims of trafficking in human beings are entitled to recuperation of damages and to compensation of damages, as provided by the law.

Article 24. Protection of aliens and stateless persons – victims of trafficking in human beings

(1) The Republic of Moldova shall grant assistance to aliens and stateless persons (hereinafter referred as foreigners) – victims of trafficking in human beings at the repatriation to their country of origin in an emergency regime and shall ensure their transportation in total safety conditions to the state borders of the Republic of Moldova, unless otherwise provided in the international treaties.

(2) In order to guarantee the protection and assistance of foreigners – victims of trafficking in human beings, they may be referred to placement centres provided in article 17.

(3) The victims of trafficking in human beings specified in paragraphs (1) and (2) shall be informed in a language they can understand, of the judicial and administrative procedures enforced in the Republic of Moldova and in the respective countries of residence.

(4) The persons mentioned in paragraph (1) are entitled to a reflection period of 30 days, to psychiatric and psychological counselling and to medical and social assistance. These persons may also enjoy free of charge legal assistance for the exercise of the rights at all the stages of the criminal proceedings and for the support of their civil applications and lawsuits against the persons who have perpetrated the crimes, connected to trafficking in human beings, as provided by the Criminal Code, in which these persons are involved. The implementation, during the period of time, of the expulsion order issued against these persons, is forbidden.

(5) In case that the foreign persons – victims of trafficking in human beings have no identification documents due to the fact that they have lost them, have had them stolen or destroyed, the Ministry of Foreign Affairs shall grant them, upon the request of the foreign state, assistance in receiving such documents or permits which may be necessary for the return of the foreigner to his/her country of residence.

(6) In case that the foreigners – victims of trafficking in human beings, due to their status of victim, are placed in the centres provided for in article 17 or if they take part in the criminal proceedings against the trafficker, irrespective of their placement in these centres, they shall benefit from temporary residence permits, which may be prolonged, as the case may be.

CHAPTER IV

Prevention and Combating of Trafficking in Children. Assistance and Protection of Children – Victims of Trafficking in Human Beings

Article 25. Prevention and combating of trafficking in children

(1) The prevention and combating of trafficking in children, the care, assistance and protection of the child – victim of trafficking in human beings, constitutes in the Republic of Moldova a political, social and economic preoccupation of primary importance.

(2) The activity of the public administration authorities, bodies and organizations with duties in the field of prevention and combating of trafficking in human beings shall focus of the child's best interests.

(3) The public administration authorities, social agencies of healthcare and education, as well as the non-governmental organizations, institutions and other representatives of the civil society shall, without delay, contact the law enforcement authorities, in case when it is known or suspected that a child is exploited or trafficked, or is exposed to the risk of being exploited or trafficked.

Article 26. Special principles of combating trafficking in children

Beside the basic principles enshrined in article 4 of this law, the following special principles shall be taken into account in the activity of prevention and combating of trafficking in children, protection and assistance to the children – victims of trafficking:

1) strict observance of the rights of the child provided in the UN Convention on the Rights of the Child and the Law on the Rights of the Child;

2) providing to the child – victim of trafficking special protection and assistance measures;

3) respecting the opinion of the child – victim of trafficking, regarding all the actions affecting him/her, taking into account the age, degree of maturity and his/her best interest;

4) informing the child – victim about his/her situation and rights, protection and assistance measures, available services, repatriation procedure and family reunification process;

5) ensuring the fact that, both the identity, as well as the details that allow the identification of the child-victim of trafficking, will not be made public through any means, except the case when in this way the search of his/her family members is facilitated or the well-being and protection of the child are ensured.

Article 27. Presumption of age

In case when the age of the victim of trafficking in human beings is not known, but there are reasons to believe that the victim has not reached 18 years old, it is presumed that the victim is a child, and, until the final verification of the age, the victim will be treated as a child, by offering to him/her all special measures of protection provided for in the present law and other normative acts.

Article 28. Repatriation of the child – victim of trafficking

(1) The child – victim of trafficking in human beings, shall be repatriated to his/her country of origin if, prior to his/her returning, a parent, relative or a legal guardian has given the consent of taking the child into care or if a governmental agency, a child protection agency from the country of origin has given the consent and is able to undertake the responsibility for the child and to grant him/her adequate assistance and protection.

(2) Taking a statement from children by the criminal prosecution body or by the court, shall not prevent or delay the reunification or returning of the child – victim to his/her country of origin, if this is the best interest of the child.

(3) In case that the returning of the child to his/her country of origin and integration in the country of destination are not possible or when these solutions are not in the best interest of the child, the authorities of both countries shall secure the relocation of the child – victim in a third country, with the approval of the latter.

(4) The opinion of the child – victim aged above 10 years shall be considered when taking the decision of his/her repatriation or relocation to a third country.

(5) The child – victim of trafficking cannot be returned to his/her country of origin, if, following the evaluation of the risks and security grounds, there are reasons to believe that the security of the child or of his/her family is in danger.

(6) The children – victims of trafficking, which are foreign citizens or stateless persons, are entitled to a humanitarian temporary visa, which ensures their right to legal dwelling on the territory of the Republic of Moldova until finding a sustainable solution regarding their returning in the country of origin.

Article 29. Granting assistance and protection to the children – victims of trafficking in human beings

(1) The state shall secure the protection and assistance of the children – victims of trafficking in human beings from the moment when there are reasons to believe that the child is a victim of trafficking until the child's identification, integration and his/her complete recovery, irrespective of their cooperation with the authorities, as provided by art. 20 para. (4) of the present law.

(2) After the identification of a child as being the victim of trafficking in human beings, he/she shall be urgently referred to the competent services of children's protection, assistance and rehabilitation.

(3) The National Committee, public authorities, law enforcement bodies, territorial committees for the combating of trafficking in human beings, the Centres, the non-governmental organizations and other competent organizations shall be under the obligation of informing immediately the tutorship and guardianship bodies if they have any information about a child – victim of trafficking in human beings in order to secure the protection of the child's rights.

(4) Whereas the child – victim of trafficking in human beings is lacking parental care, the tutorship and guardianship bodies shall appoint, as provided by the law, a legal guardian, who will ensure that all the decisions are taken in the child's interests, will make statements on the behalf of the child and shall participate with the child in the criminal investigation and judicial actions, until a solution is reached, according to the child's best interests.

(5) The child – identified as victim of trafficking in human beings is offered a reflection period of 30 days, in order for him/her to decide personally, through his legal guardian or representative, if he/she testifies against the trafficker.

(6) In case of accommodating the children – victims of trafficking in human beings in centres, they have to be accommodated separately from adults.

(7) The children – victims of trafficking in human beings shall be entitled to accommodation within the centre for a period of up to 6 months or as long as the trial lasts.

(8) All the agencies and institutions the activity of which is related to children – victims of trafficking in human beings, shall establish special practices and programmes for their identification, referral, protection and assistance, observing the confidentiality of the information regarding the personal data and the status of victim of the child.

(9) The children – victims of trafficking in human beings shall be secured the right of going to state educational institutions under the terms of the Law on education.

(10) Whereas the children – victims of trafficking in human beings are left without parental tutorship or do not know their parents' whereabouts, they shall be ensured the possibility of emergency search of their family, or measures of instituting tutorship or guardianship under the terms of the law shall be taken.

(11) The children – that have suffered from trafficking in human beings are entitled to long-term care and protection, until complete recovery. The children deprived of family environment are entitled to alternative care of family-type or community-type.

CHAPTER V

Liability for Trafficking in Human Beings

Article 30. Liability for committing trafficking in human beings

(1) The persons participating in the organization and unfolding of trafficking in human beings activities shall be brought to criminal liability as provided by the Criminal Code of the Republic of Moldova.

(2) The crimes of trafficking in human beings have both a national and a transnational character, in the latter case the forms and techniques of investigation and criminal prosecution provided by the international and national legislation for such crimes shall be applied.

(3) The consent of the victim of trafficking in human beings at the planned exploitation shall be irrelevant for the bringing of the traffickers to criminal liability, if any of the forms of influence and coercion specified in sub-paragraph 1) of article 2 were used.

(4) The persons involved in trafficking of human beings are refused entrance on the territory of the Republic of Moldova or their entrance visas are revoked.

Article 31. Liability of the legal entity for trafficking in human beings

(1) Shall the court find the perpetration of trafficking in human beings' actions through a legal entity, which has a license for the performance of business activities which served it as a disguise for the commission of the above mentioned illegal actions, the authorization of such a legal entity shall be withdrawn under the terms of the law.

(2) For the damages inflicted as a result of the actions mentioned in paragraph (1), the legal entity shall incur complete civil liability towards the victims of trafficking.

(3) The bringing to justice of the legal entities shall not affect the liability of the physical persons that have committed the crime of trafficking in human beings.

Article 32. Exempting the victim of trafficking in human beings of liability for the crimes committed in relation to this status

The victim of trafficking in human beings shall be exempted of criminal, contraventional or civil liability for the actions committed by him/her in relation to the status of victim, if these actions fall under the incidence of the Criminal Code, Administrative Contraventions Code or Civil Code.

CHAPTER VI

International Cooperation

Article 33. International collaboration and cooperation

The international cooperation in the field of prevention and combating of trafficking in human beings, granting of protection and assistance to the victims of such trafficking, including their repatriation in the country shall be carried out on the basis of international treaties to which the Republic of Moldova is a party.

Article 34. Liaison officers

(1) The present law institutes liaison officers within the Ministry of Interior, as well as liaison prosecutors within the Prosecutor's General Office, who shall ensure mutual consultations with the liaison officers or, if the case, liaison prosecutors operating in other countries, in order to coordinate action during the activity of detection, discovery and criminal prosecution of the cases of trafficking in human beings, as well as during the activity of protection and assistance of the victims of trafficking in the course of the criminal prosecution.

(2) In the view of data and intelligence exchange about the investigation and prosecution of crimes stipulated in this Law, the liaison officers and prosecutors shall be the contact persons of the respective bodies for their counterpart organizations and institutions abroad.

CHAPTER VII

Final and Transitory Provisions

Article 35.

(1) Within a three months term the Government shall:

submit proposals to the Parliament regarding the bringing of the current legislation in line with the provisions of this law;

adopt normative acts which for the implementation of this law;

bring its normative acts in accordance with the present law;

ensure the revision and abrogation by the ministries and departments of their normative acts which contradict the present law.

(2) The Ministry of Finance shall provide annually in the law on the state budget the necessary funds for the implementation of the provisions of this law.

President of the Parliament of the Republic of Moldova

Appendix IV

Article 206 Trafficking in Children

Criminal Code of the Republic of Moldova²⁵⁴

(adopted by Law nr. 985-XV on April 18, 2002, entry into force June 12, 2003)

CHAPTER VII – CRIMES AGAINST FAMILY AND JUVENILES

Article 206. Trafficking in children

The recruitment, transportation, transfer, harboring or receipt of a child, giving or receiving of payments or benefits to achieve the consent of a person having control over a child, for the purpose of:

- a) commercial and non-commercial sexual exploitation, exploitation in prostitution and in the pornographic industry;
- b) exploitation in forced labor or services;
- c) exploitation in slavery and slavery-like conditions, including illegal adoption
- d) using a child in armed conflicts;
- e) using a child in criminal activity;
- f) removal of organs or tissues for transplantation;
- g) abandonment abroad;

shall be punished with imprisonment between 10 and 15 years.

2) Same acts, accompanied by:

- a) physical and psychological violence against a child;
- b) sexual abuse of the child, commercial and non-commercial sexual exploitation;
- c) use of torture, inhuman or degrading treatment to assure the child's compliance or rape, physical bondage, use of a weapon or threat of disclosure of confidential information to the child's family and other persons;

²⁵⁴ Retrieved February 7, 2007 from <http://www.legislationline.org/legislation.php?tid=178&lid=1014>

d) exploitation in slavery and slavery-like conditions;

e) use of child in armed conflicts;

f) removal of organs or tissues for transplantation

shall be punished with imprisonment between 15 and 20 years.

3) Acts penalized in Par. 1 and 2:

a) committed repeatedly;

b) committed against two or more children;

c) committed within the framework of a criminal organization or criminal association;

d) if serious bodily injury or psychological damage or death of the child resulted,

shall be punished with imprisonment between 20 and 25 years or life imprisonment;

4) the victim of trafficking in children shall be exempted from criminal liability for the offences committed by him/her in connection to this status provided that he/she accepts to cooperate with the law enforcement body on the relevant case.

(paragraph (4) adopted 29 May, 2003, date of entry into force June 13, 2003).

Appendix V

Law on State Protection for Victims, Witnesses and Other Persons who assist in Criminal Proceedings (1998)²⁵⁵

Document Type

Primary Legislation

Topic name

Trafficking in Human Beings

LAW ON STATE PROTECTION OF THE VICTIM, OF WITNESSES AND OTHER PERSONS WHO PROVIDE ASSISTANCE IN THE CRIMINAL PROCEEDINGS (28.01.1998)

No. 1458-XIII from 28.01.98

Official Monitor of the Republic of Moldova No. 26-27/169 from 26.03.1998

The Parliament adopts this law.

Chapter I

General provisions

Article 1. Granting of state protection

(1) State protection of persons who took part in the discovery, prevention, combating, investigation and solving of crimes, as well as of prosecution in court of criminal cases, is granted through legal, organizational, technical and other measures, taken by the competent state authorities, meant to protect the life, health, property, as well as other legal rights and interests of the above-mentioned persons and members of their families or close relatives, against illegal actions and infringements.

(2) Application of the procedure of state protection shall be considered adequate in cases when the person, to whom state protection will be granted, is found to be in a position of direct dependency on the prospect of discovery, prevention, combating, investigation and solving of crimes, as well as of prosecution in court of criminal cases involving organized crime.

[Paragraph 2 of article 1 was introduced by Law no. 126-XV from 03.05.2001]

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Article 2. Persons eligible for state protection

(1) The following persons shall be granted state protection, in accordance with this law:

a) persons who have informed the law enforcement agency about crimes that have been committed, took part in their discovery, prevention, combating, investigation and solving.;

b) witnesses;

c) victims and their legal representatives in criminal proceedings;

d) suspects, accused, defendants and their legal representatives in the criminal proceedings, convicted persons;

e) close relatives of persons enumerated in letter a), b), c) and d) (spouse, parents and children, adopters and adoptees, siblings, grandparents and grandchildren), and in exceptional cases, other persons, which are used to exercise pressure on the above-mentioned persons.

(2) Persons enumerated in paragraph (1) shall further be referred to as protected persons.

Article 3. Bodies ensuring state protection

(1) The state protection of protected persons is ensured by bodies:

a) which take the decision on the application of state protection;

b) which conduct measures of state protection.

(2) The decision regarding application of protection measures, falling under the category of ordinary measures, to protected persons shall be taken by the chief of the body, which is competent to deal with the declaration (information) about the crime and the criminal case.

[Paragraph 2 of article 3 was introduced by Law no. 126-XV from 03.05.2001]

(3) The decision regarding application of protection measures, falling under the category of extraordinary measures, shall be taken by the chief of the body which has special subdivisions that provide state protection to protected persons based on a justified order (determination), issued by the judge, the prosecutor, the body conducting an immediate investigation or the person conducting the preliminary investigation, which is competent to deal with the declaration (information) about the crime or the criminal file, while after the sentence becomes final – also by the body where the person is serving his/her sentence. The order (determination) shall contain data about the prospect of discovery,

prevention, combating, investigation and solving of crimes, as well as of prosecution in court of criminal cases from the point of view of the protected person.

[Paragraph 3 of article 3 was introduced by Law no. 126-XV from 03.05.2001]

(4) Measures of state protection of protected persons shall be conducted by the internal affairs bodies, national security bodies, on files with which they are working or are competent to work, as well as other bodies which may, in accordance with the law in effect, conduct such measures. Special subdivisions shall be created within the above-mentioned bodies, pursuant to a Government decision.

(5) Measures of state protection of persons protected under files dealt with by courts or the prosecutor's office, shall be conducted pursuant to a decision of the judge or prosecutor, by the by the internal affairs bodies and national security bodies from the place of location of the protected person.

(6) Measures of state protection of military officers and their close relatives are also conducted by the commander of the respective military unit, while protection of persons under arrest or in detention is also provided by bodies from the respective institutions.

Article 4. Prosecutor supervision of the legality of execution of state protection measures

Supervision of the legality of execution of state protection measures is exercised by the Prosecutor General and subordinate prosecutors.

Chapter II

The Reasons, grounds and procedure of application of measures of state protection

Article 5. The reasons and grounds of application of measures of state protection

(1) The reason for application of measures of state protection to the protected person is the declaration of this person and the operational information or other data received by the body ensuring state protection about threats to the safety of the respective person.

(2) Grounds for application of measures of state protection to the protected person is collection of data about the existence of a real threat of death, violence, destruction or of property damaging or other illegal actions linked to the fact that the respective person has provided assistance in the criminal proceedings.

Article 6. Procedure of application of measures of state protection

(1) The body conducting immediate the immediate investigation, the person conducting the preliminary investigation, the prosecutor or the judge, upon receiving a declaration (information) about threats to the safety of the protected person, is obliged to verify this

declaration (information) and, within 3 days, or immediately, in cases of emergency, take a decision regarding application or rejection of the request to apply measures of state protection to the protected person. The decision is taken in the form of a justified order (determination), which is to be executed by the bodies conducting measures of state protection. The respective order (determination) may be appealed before the superior authority, the prosecutor or in court.

(2) The body assigned to conduct measures of state protection establishes the necessary measures and the procedure of their realization, depending on the specific circumstances.

(3) When the declaration (information) contains data about the commission of the crime, the body conducting the immediate investigation, the person conducting the preliminary investigation or the prosecutor shall take the decision about filing or refusing to file a criminal case or about forwarding the declaration (information) to the competent legal authority, and inform the complainant.

Article 7. Cancellation of measures of state protection

Measures of state protection are cancelled through the order of the body which provides state protection, in cases when the grounds for such protection no longer exist or when the protected person has violated the conditions of provision of such measures.

[Article 7 as edited by Law no. 126-XV from 03.05.2001]

Article 8. Measures of state protection

(1) Depending on the specific circumstances, the following measures of state protection may be applied in order to insure the safety of the protected person:

- a) ordinary
- b) personal protection, protection of the residence and personal property;
- c) issuance of special means of individual protection, which insure the possibility to be connected and inform about the threat;
- d) temporary placement in safe locations;
- e) non-disclosure of information regarding the protected person;
- f) extraordinary change of place of work or studies;
- g) change of place of residence, with mandatory granting of a new place of residence (house, apartment);

h) change of identity documents by means of changing the first and the last name, the father's name, the exterior aspect;

i) prosecution of the offense in a closed court session.

[Paragraph 1 of article 7 as edited by Law no. 126-XV from 03.05.2001]

(3) Operational investigation measures may be taken, in accordance with the Law on the operational investigative activity.

(4) Measures stipulated in paragraph (1) may be applied only with the consent of the protected person and without prejudice to her/his rights, freedoms and personal dignity.

Article 9. Personal protection, protection of the residence and property

(1) When necessary, the competent bodies shall ensure the personal protection and the protection of the residence and property of the protected person.

(2) With the consent of the protected person, her/his residence and property may be equipped with alarm system. her/his phone number, as well the registration number of the means of transportation she/he is using, can be changed.

Article 10. Issuance of special means of individual protection, connection and information in case of a threat

(1) In cases when there is a real threat to the life and health of the protected person, the body conducting safety measures may issue the respective person special means of individual protection, connection or information in case of a threat.

(2) The procedure of issuance of special means of individual protection, connection or information in case of a threat is established by the body conducting safety measures.

Article 11. Temporary placement in safe locations

When necessary, upon the request or with the consent of the protected person who has reached the age of 18, or with the consent of the parents or legal representatives of minors, she/he can be temporarily placed in safe locations, transferred temporarily or permanently to another place of work or studies, temporarily or permanently moved to another place of residence.

Article 12. Nondisclosure of data about the protected person

Nondisclosure of data about the protected person is ensured through:

- a) change of these data in the declaration (information) about the crime, in the materials of the criminal file. The data about the protected person are kept separately, in accordance with requirements of the law in effect;
- b) presentation for identification of the person which has to be recognized without the possibility of visual observation of the person who is identifying, holding the confrontation in the same manner;
- c) interrogation of the victim and the witness in conditions which ensure their safety and anonymity;
- d) exempting the protected person from the obligation to be present at the court session if her/his safety cannot be ensured through other means, and if her/his absence will not affect the investigation, under all aspects, complete and objective, of the circumstances of the case. In this case, the judge shall read out loud the depositions given by the protected person in the process of immediate and preliminary investigations and/or reproduces the audio or video tape annexed to the file.

Article 13. Change of identification documents.

Change of the exterior aspect

- (1) In exceptional cases, identification documents can be changed, through changing the last name, the first name, the father's name and other data about the protected person, as well as the protected person's exterior aspect.

[Paragraph 1 of article 13 as amended by Law no. 126-XV from 03.05.2001]

- (2) Registration of measures stipulated in paragraph (1) is done separately by the special subdivision of Ministry of Internal Affairs, in accordance with the law in effect.

Article 14. Examination of the case in a closed court session

Examination of the case in a closed court session is allowed, in accordance with the law in effect, based on a justified determination of the judge, when this is dictated by the interest of the protected person.

Article 15. Granting of state protection to the person under arrest or in detention

State protection of the person under arrest or in detention is ensured through measures stipulated in article 8 paragraph (1) point 1) letter a), b) and d), and point 2) letter c). In addition, the following measures may be applied:

- a) transfer from one place of arrest or detention to another;
- b) change of the preventive measure, in accordance with the law in effect.

[Article 15 as amended by Law no. 126-XV from 03.05.2001]

Article 16. Social protection of protected persons

(1) The life, health and personal property of the protected person shall be subject to state insurance, paid for from the state budget.

(2) In case of death of the protected person linked to her/him providing assistance in the criminal proceedings, her/his family and dependents shall be given a one time compensation in the amount of 6 average monthly salaries, calculated for the entire country for the month preceding the time death, and in cases of loss of the provider, a pension for loss of provider shall be established, in accordance with the law in effect.

(3) In case of mutilation linked to the assistance provided in the criminal proceedings, the protected person shall be paid a one time compensation in the amount of 3 average monthly salaries, calculated for the entire country for the month preceding the time of injury, and in case of loss of working capacity, the respective person shall also be established a pension for cases of disability, in accordance with the law in effect.

(4) The material damage caused to the protected person in relation to the assistance provided by her/him in the criminal proceedings shall be compensated in accordance with the provisions of the law in effect.

(5) Upon the identification of the persons guilty for the death, mutilation, causing of bodily harm or material damage to the protected person, as a result of which the respective person or her/his successors have been paid the amount of insurance, the legal bodies shall withhold, through a court procedure, the amount of insurance from the persons found guilty.

Chapter IV

Rights, Obligations and responsibility of protected persons and of bodies which ensure measures of state protection

Article 17. Regulation of relations between parties

In cases when the decision has been taken to apply measures of state protection, the protected person shall conclude an agreement with the body granting state protection. The agreement shall include the conditions, on which protection will be granted and the rights and obligations of parties.

Article 18. Rights, obligations and responsibility of parties

(1) The protected person has the right:

- a) to file a declaration concerning the application of measures of state protection or their annulment;
- b) to be informed about the measures of protection to which she/he is subjected;
- c) to request the body which conducts measures of state protection to apply additional measures of protection or to annul them;
- d) to appeal de illegal decisions and actions of the body conducting measures of state protection before a higher body or in court.

(2) The protected person has the obligation:

- a) to cooperate with the law enforcement agencies in the discovery, prevention, combating, investigation and solving of crimes, as well as of examination in court of criminal files;
- b) to observe the conditions of application of measures of state protection and the legal requirements set by the body conducting measures of state protection;
- c) to take care of the goods and documents issued temporarily in accordance with the law;
- d) to inform immediately the respective bodies about every case of threat to personal safety; not to disclose data regarding the measures of state protection applied to her/him.

(3) The rights and obligations of the protected persons are communicated to her/him at the moment the declaration regarding the existence of a real threat to her/his safety is filed or from the moment measures of state protection are applied at the initiative of the respective bodies.

(4) The body which takes the decision to apply measures of state protection has the right:

- a) to request from respective individuals and bodies the necessary materials and explanations regarding the declaration on application of measures of state protection, without starting the preliminary investigation;
- b) to request the body which conducts measures of state protection to apply additional measures of protection;

c) to annul, entirely or in part, the application of measures of state protection in connection with a breach of the provisions of the agreement on protection by the protected person;

d) to establish measures of state protection, the means and methods of their application and, where appropriate, to change or to supplement them.

(5) The body which takes the decision to apply measures of state protection has the obligation:

a) to react immediately to any case of threat to the safety of the protected person;

b) to ensure the personal protection and the protection of the residence and personal property of the protected person, depending on the nature of the threat.

(6) The chiefs and officers of all subdivisions of the bodies which conduct measures of state protection are obliged to execute the orders of body which takes the decision on the application of measures of state protection, with regard to their realization and the confidentiality of information received.

(7) The responsible officers from the body conducting measures of state protection of the protected person, as well as the protected person, which failed to conduct or execute adequately the measures of protection, to keep the information about measures of state protection confidential and to observe other requirements established by this law, will be held responsible according to the law.

[Chapter IV as amended by Law no. 126-XV from 03.05.2001]

Chapter V

Final provisions

Article 19. Coverage of expenditures linked to the conduction of measures of state protection to protected persons

(1) Financing and the technical-material coverage of the measures of state protection of protected persons is done from the state budget, in accordance with the law in effect.

(2) The protected person may not be asked to cover the expenditures linked to the application of measures of state protection.

(3) The protected person, upon her/his request, can ask to cover entirely or partially the expenditures linked to the conduction of measures of state protection by signing a contract with the bodies conducting such measures of protection.

Article 20

This law shall enter into force on the date of its publication.

Article 21

The Government, within 3 months from entry into force of this law shall:

present to the Parliament proposals on bringing the legislation in effect in conformity with this law;

bring its normative acts in conformity with this law;

ensure the revision and abrogation by ministries and departments of their normative acts which contradict this law.

[Chapter V as amended by Law no. 126-XV from 03.05.2001]

Chisinau, 28 January, 1998.

No. 1458-XIII

Appendix VI

Informed Consent

Dear La Strada Moldova,

I am writing to you at this time to elaborate on my request for your assistance in my doctoral research. In my previous attempts to request your assistance I have received responses that indicate due to confidentiality matters, you are unable to participate in my research; that is, I am not permitted to interview these women or have access to the files that you accumulate. I understand and respect your adherence to confidentiality matters; however, I write to you once again to ask for your reconsideration.

I am conducting doctoral research on the trafficking of women for sexual exploitation and in particular attempting to assess the potency and prevalence of push and pull factors (i.e. gender violence, unemployment). For the doctoral thesis to have empirical value, it requires direct input from women who have been trafficked. Interviewing these women will offer valuable data and insight into the factors that have pushed and pulled these women to leave their countries of origin. Accessing their files, from your records, would also reveal such relevant information.

To permit me to interview these women and/or access the files of these women I wish to give you some reassurance of my commitment to confidentiality. I am a student of the Max Planck Institute for Foreign and International Criminal Law in Freiburg Germany. This institute has a long held tradition of researching sensitive materials and themes and has in the past had access to judicial and police files of a highly sensitive nature and to date, there have been no leakages of this confidential material. Max Planck Institute has been handling sensitive information for years and we have the resources (a closed room) where information is read, kept and stored to ensure confidentiality. As a student of this institute it is my responsibility to uphold the research standards held here and I am committed to doing so. If it is preferred, I am prepared to personally travel to your organisation and spend the time at your organisation to research these files without having them leave your premise.

As a social scientist I am uninterested in individualized data, names or the identities of these women but rather interested in information that will assist me in reconstructing a more general picture or the trafficking of women for sexual exploitation. Who each of these women are is not an issue necessary for my research, but rather the information they have to offer is where the value lies (the factors or reasons that pushed and pulled them into the chain of trafficking for sexual exploitation). To hear their personal experiences, their beliefs and thoughts, whether from files or from them personally, will offer this thesis such value to assist in advocating for prevention and protection measures. On behalf of the science of Criminology and the research standards and reputation of the Max Planck Institute, I hereby give you my commitment and personal guarantee that any and all information that I have access to will be held in the out most of confidential terms.

With highest regard,

Ms. D. Scharie Tavcer

Appendix VII

Letter of Confidentiality

The following letter of confidentiality refers to the research carried out by Ms. D. Scharie Tavcer at La Strada Moldova. The following research project titled “What is the role of push and pull factors concerning trafficked women for sexual exploitation” consists of interviews and collecting data from trafficked women survivors housed at your organisation. This research is being conducted for the purposes of gathering data for a doctoral level thesis in criminology in conjunction with the Max Planck Institute for International and Foreign Criminal Law in Germany and the Albert-Ludwigs Universität Freiburg.

Any and all data, information and personal material accumulated as a result of this research will be used solely for the purpose of gathering information and analysing push and pull factors, age and other related information to determine the potency and prevalence of these factors for women survivors of trafficking for the purpose of sexual exploitation. All information and results of this data will be written in a doctoral thesis and kept confidential in terms that no names, dates or other identifying characteristics will be used.

The research does not aim to:

1. Identify names and dates of persons, activities (legal or illegal), locations or legal proceedings as a result of each woman’s experience.
2. Will not divulge the personal and individual details of any of the persons, interviews or questionnaires encountered in the process
3. All material will be used for the purpose of the research thesis and presentations about the thesis only
4. Information will not be given to other sources such a police, government, or other academic agencies

As a social scientist, student of criminology and advocate of women’s rights, I hereby pledge my commitment to the above points.

D. Scharie Tavcer

Appendix VIII

Agency Questionnaire

NGO Staff Questionnaire²⁵⁶©

Please be aware that none of this information is intended to seek personal information to identify the women housed at your organisation, and this information will not be given to the police or any other official organisations. Nothing that you record here will be used to charge these women with illegal activities, to accuse other people or agencies, and none of this information will be brought to your government or any other official agency.

This information is gathered for the purpose of the author's doctoral research; to collect valuable information from your perspective, so that conclusions about causal factors in trafficking for the purpose of sexual exploitation can be made and recommendations presented towards prevention efforts of trafficked women.

²⁵⁶ The following questionnaire has been created by Ms. D Scharie Tavcer (stavcer@mtroyal.ca) building upon her Masters and Doctoral scholarship and expanding upon the questions from the 2002 U.S. State Department Report on Trafficking in Persons.

For the purpose of this research, trafficking of women shall be defined as trafficking for the purpose of sexual exploitation and use the following definitions:

The United Nations defines trafficking as²⁵⁷:

(a) “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability (1) or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (2) forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

(1): The abuse of a position of vulnerability is understood to refer to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved.

(2): Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation.

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used

La Strada defines trafficking as²⁵⁸:

“any act or attempt involving the recruitment, transportation within or across borders, purchase, sale, transfer, receipt or harbouring of a person

1. involving the use of deception, coercion (including the use or threat of force or the abuse of authority) or debt-bondage

2. for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude (domestic, sexual or reproductive), in forced or bonded labour, or in slavery-like conditions, in a community other than the one in which such person lived at the time of the original deception, coercion or debt-bondage.”

²⁵⁷ Special Committee of the United Nations 6 October 2000 The Protocol to Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organised Crime

²⁵⁸ The La Strada Programme supports this definition which is proposed by the Global Alliance Against Trafficked Persons (GAATW), in conjunction with the International Human Rights Law Group and the Foundation Against Trafficking in Women (STV).

Please answer each question to the best of your ability.

SECTION ONE

1. Approximately how many women **each monthly** are housed and assisted at your organisation?
2. How many women does your organisation assist **annually**?
3. Does your organisation collect statistics regarding the women you assist on a regular basis or on an ad hoc basis? Do you have an annual report you would be willing to include?
4. What **programmes** does your organisation currently have in place for **prevention** of trafficking in women for the purpose of sexual exploitation? Has the government supported these efforts (either financially, verbally, written)?

SECTION TWO

1. Does your country have a law prohibiting prostitution? If so, please include what is the article number and reference
2. Does your country have a law prohibiting the trafficking in persons and punishing traffickers? If yes, please include what is the article number and reference.
3. When, what year, did this law come into effect?
4. If your country has a trafficking law, what is the level of punishment for traffickers? Is the punishment more severe if the trafficking involves minors under 18, forced or coerced sexual activity or kidnapping?
5. If your country does not have a trafficking law, are traffickers punished with any other laws? If yes, what laws and what is the punishment?
6. Would you say your country's laws on trafficking are severe enough to reflect the extreme nature of the crime?
7. Has the government made "serious and sustained efforts to eliminate" trafficking in persons?
8. What in your opinion is the area that requires the most attention to prevent the trafficking of women for sexual exploitation?
9. And what is the greatest obstacle to accomplishing this?

10. What is the process of how women are referred to your organisation or how they arrive to your safe house?
11. Once women are housed in your Re-integration Centre what is the typical course of action, what happens next?
12. Many women who have survived the trafficking experience return to the sex industry. Why do you think that happens?
13. What is lacking in the system to assist these women and help them avoid trafficking and exploitation?

SECTION THREE

Please add your thoughts, beliefs and experiences as a non governmental organisation staff person to each of the following questions. These questions wish to seek your insight into whether any of these factors could be considered relevant to the trafficking of women for sexual exploitation.

Push factors are described as factors that push women away from their country of origin and into the chain of trafficking. **Pull** factors are factors which pull women towards other countries and consequently into the trafficking chain.

1. Which do you think are the factors that **push** women from their country of origin?

- ☐ no job in country of origin
- ☐ no opportunities for work in country of origin
- ☐ war or civil violence in country of origin
- ☐ large levels of poverty in country of origin
- ☐ needs money to support your family in country of origin
- ☐ no opportunities for women to work or be independent in country of origin
- ☐ no chance for education in country of origin
- ☐ violence in the home or in other spheres of life in country of origin
- ☐ too much crime in country of origin
- ☐ there is no sex industry in country of origin
- ☐ it is easy to cross borders (legally or illegally) from the east to the west
- ☐ it is easy to cross borders (legally or illegally) within the European Union
- ☐ belief that jobs in this new country pay good money
- ☐ belief that food and things do not cost much money to live in this new country
- ☐ belief that life in this new country is safer
- ☐ belief that life in this new country provides rights to all people

Please write if there are any other reasons:

From the above options, which factors would you rank as the **3** most prevalent?

 1 : _____
 2 : _____
 3 : _____

2. Which do you think are the factors that **pull** women towards destination countries?

- ☐ more economic opportunities in country of destination
- ☐ less poverty in country of destination
- ☐ better standard of living in country of destination
- ☐ no war or civil violence in country of destination
- ☐ more opportunities for women to work and be independent in country of destination
- ☐ less crime in country of destination
- ☐ chance for education in country of destination
- ☐ less violence against women in the country of destination
- ☐ less violence in daily life in the country of destination
- ☐ legalisation of prostitution in country of destination
- ☐ can speak the language and know the customs in country of destination
- ☐ family and friends are in the country of destination
- ☐ easy to enter this country legally or illegally

Please write if there are any other reasons:

From the above options, which factors would you rank as the **3** most important?

 1 : _____
 2 : _____
 3 : _____

3. Is there anything else that you think is important or that you would like to share?

THANK YOU VERY MUCH FOR YOUR TIME AND YOUR INFORMATION



Appendix IX

Survivor Questionnaire

Survivor Questionnaire²⁵⁹©

Section I

1. In what country were you born?
2. How long have you been in this safe house?
___ less than 6 months ___ less than 1 year ___ 1-5 years ___ over 5 years
3. What is your age:
___ under 18 years ___ 26 – 35 years ___ 18 – 25 years ___ 36 – 45 years
___ 46 years and older ___ unknown
4. What is the highest level of formal education you have completed?
___ primary school ___ technical college ___ other _____
___ high school ___ university or college
5. How many times have you been trafficked?
___ once ___ three times
___ twice ___ four times ___ five times or more
6. Please mark with an **X** which of these reasons caused you to **leave your country**:
___ had no job
___ no opportunities for work
___ jobs pay too little
___ no opportunities for women
___ women are not respected
___ no chance for education
___ violence in my home and life
___ war or civil violence
___ to join other family and/or friends
___ there is no sex industry
___ the sex industry is illegal
___ it is easy to cross borders (legally or illegally)
Please write if there are any other reasons: _____

7. From the above options, which are the **3** most important?

1: _____
2: _____
3: _____

²⁵⁹ The following questionnaire has been created by Ms. D Scharie Tavcer (stavcer@mtroyal.ca) building upon her Masters scholarship

8. What country or countries did you want to go to live and work?

☐ Germany, Austria, Switzerland ☐ the Netherlands, Belgium, France ☐ Spain, Portugal
☐ Italy ☐ Greece, Cyprus, Turkey ☐ Other(s) _____
☐ Poland, Czech Republic, Ukraine ☐ Albania, Bosnia, Croatia, Macedonia
☐ England, Scandinavia ☐ America, Canada, Australia
☐ Africa ☐ Israel, Egypt, Iraq, Iran

9. What kind of work did you want to do in this new country?

☐ sex industry ☐ dancer, stripper ☐ researcher ☐ police, courts
☐ waitress ☐ sciences or engineer ☐ medical field ☐ artistic field
☐ cleaning houses or hotels ☐ secretarial worker ☐ business manager ☐ sports area
☐ teacher ☐ student ☐ hotel industry ☐ other _____

10. Please mark with an **X** all that are relevant reasons why you wished to go to **this country**:

☐ more jobs
☐ more opportunities for work
☐ jobs that pay good money
☐ more opportunities for women
☐ women are more respected
☐ better chance for education
☐ less crime and violence
☐ no war or civil violence
☐ I have family or friends living here
☐ I can speak the language and know the customs
☐ there is sex industry here
☐ sex industry here is legal
☐ easy to enter this country legally or illegally

Please write if there are any other reasons: _____

11. From the above options, which are the **3** most important?

1: _____

2: _____

3: _____

What country or countries were you taken to?

12. ☐ Germany, Austria, Switzerland ☐ the Netherlands, Belgium, France ☐ Spain, Portugal
☐ Italy ☐ Greece, Cyprus, Turkey ☐ Other(s) _____
☐ Poland, Czech Republic, Ukraine ☐ Albania, Bosnia, Croatia, Macedonia
☐ England, Scandinavia ☐ America, Canada, Australia
☐ Africa ☐ Israel, Egypt, Iraq, Iran

Section II

1. Prior to leaving your country did you have a job? ☐ Yes ☐ No ☐ Don't know

2. What was your job?

☐ sex industry ☐ dancer, stripper ☐ researcher ☐ police, courts
☐ waitress ☐ sciences or engineer ☐ medical field ☐ artistic field
☐ cleaning houses or hotels ☐ secretarial worker ☐ business manager ☐ sports area
☐ teacher ☐ student ☐ hotel industry ☐ other _____

3. How long did you have this job?
☐ less than 6 months ☐ less than 1 year ☐ 1-5 years ☐ over 5 years
4. What was your income per month? (in U.S. Dollars)
☐ 0 to 499 ☐ 500 to 999 ☐ 1000 to 4999 ☐ 5000 to 9999
5. Is this enough money to pay bills, take care of family and buy food? ☐ Yes ☐ No ☐ Don't know
6. If you had **NO** job prior to leaving your country, how long were you without a job?
☐ less than 6 months ☐ less than 1 year ☐ 1-5 years ☐ over 5 years
7. Does the government have money to support programmes for:
☐ child care ☐ unemployment insurance ☐ schools ☐ police and government wages
☐ job training ☐ health care ☐ roads and construction ☐ criminal investigations
8. For people who do not have jobs, how much money does your government give per month? (in U.S. Dollars) ☐ no money ☐ 1 to 499 ☐ 500 to 999 ☐ 1000 to 4999
☐ 5000 to 9999
9. Do you have family to support in your country? ☐ Yes ☐ No ☐ Don't know
10. Who?
☐ mother ☐ father ☐ mother & father ☐ husband/boyfriend
☐ daughters & sisters ☐ sons & brothers ☐ grand parents ☐ wife/girlfriend
☐ other(s) _____
11. Do any of these people have jobs? ☐ Yes ☐ No ☐ Don't know
12. From your country, is it difficult to obtain a work permit for another country?
☐ Yes ☐ No ☐ Don't know

Section III

1. Were you working in the sex industry in your country? ☐ Yes ☐ No ☐ Don't know
2. Did you know you would be working in the sex industry in the new country? ☐ Yes ☐ No
☐ Don't know
3. Did your family encourage you to leave your country to find work? ☐ Yes ☐ No ☐ Don't know
4. Did your family pressure you into the sex industry? ☐ Yes ☐ No ☐ Don't know
5. Did your family know the person(s) who offered you a job in another country?
☐ Yes ☐ No ☐ Don't know
6. Who was this person(s)?
☐ friend of mine ☐ friend of the family ☐ friend of someone I know
☐ relative ☐ a stranger ☐ a 'Madame' ☐ boyfriend, husband or lover
☐ employer or former employer ☐ priest, pastor or minister ☐ other _____

7. In your country is it okay for women not to marry? ☐ Yes ☐ No ☐ Don't know
8. In your country do women get to choose who they will marry? ☐ Yes ☐ No ☐ Don't know
9. Are women pressured to marry so the family won't have to take care of her?
☐ Yes ☐ No ☐ Don't know
10. In your country is there sexual harassment against women at their jobs? ☐ Yes ☐ No ☐ Don't know
11. Is this normal? ☐ Yes ☐ No ☐ Don't know
12. How often do you visit your capital city?
☐ I live in the capital ☐ every day ☐ few times per week
☐ once per week ☐ once per month ☐ few times per month
☐ once per year ☐ few times per year ☐ never
13. Normally, do women have friends and socialise outside of the home? ☐ Yes ☐ No ☐ Don't know
14. Normally, who in the family takes care of the young children?
☐ mother ☐ father ☐ mother & father ☐ husband/boyfriend
☐ daughters & sisters ☐ sons & brothers ☐ grand parents ☐ wife/girlfriend
☐ other(s) _____
15. Normally, who in the family does the housework?
☐ mother ☐ father ☐ mother & father ☐ husband/boyfriend
☐ daughters & sisters ☐ sons & brothers ☐ grand parents ☐ wife/girlfriend
☐ other(s) _____
16. Normally, who in the family does the paid work outside of the home?
☐ mother ☐ father ☐ mother & father ☐ husband/boyfriend
☐ daughters & sisters ☐ sons & brothers ☐ grand parents ☐ wife/girlfriend
☐ other(s) _____
17. Normally, when women work outside of the home, do the men in the family support this?
☐ Yes ☐ No ☐ Don't know
18. What are some jobs that **only** women should do?
☐ sex industry ☐ dancer, stripper ☐ researcher ☐ police, courts
☐ waitress ☐ sciences or engineer ☐ medical field ☐ artistic field
☐ cleaning houses or hotels ☐ secretarial worker ☐ business manager ☐ sports area
☐ teacher ☐ student ☐ hotel industry ☐ all jobs
☐ none of these jobs ☐ other _____
19. If you could do any job in your country what would it be?
☐ sex industry ☐ dancer, stripper ☐ researcher ☐ police, courts
☐ waitress ☐ sciences or engineer ☐ medical field ☐ artistic field
☐ cleaning houses or hotels ☐ secretarial worker ☐ business manager ☐ sports area
☐ teacher ☐ student ☐ hotel industry ☐ all jobs
☐ none of these jobs ☐ other _____

20. In your country, is there a chance for you to do this job? ☐ Yes ☐ No ☐ Don't know
21. Can a working mother establish close relations with her children same as a mother who does not work? ☐ Yes ☐ No ☐ Don't know
22. In times of job shortages, should men have the priority of having jobs? ☐ Yes ☐ No ☐ Don't know
23. Are men better workers? ☐ Yes ☐ No ☐ Don't know
24. Are men better politicians? ☐ Yes ☐ No ☐ Don't know

Section IV

1. In the past 5 years were you ever abused physically? ☐ Yes ☐ No ☐ Don't know
2. Who acted most of the physical violence against you?
- | | | | |
|--|--|--|--|
| <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> mother & father | <input type="checkbox"/> husband/boyfriend |
| <input type="checkbox"/> daughters & sisters | <input type="checkbox"/> sons & brothers | <input type="checkbox"/> grand parents | <input type="checkbox"/> wife/girlfriend |
| <input type="checkbox"/> uncle/aunt | <input type="checkbox"/> cousin | <input type="checkbox"/> other(s) _____ | |
3. In the past 5 years were you ever abused emotionally? ☐ Yes ☐ No ☐ Don't know
4. Who acted most of the emotional violence against you?
- | | | | |
|--|--|--|--|
| <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> mother & father | <input type="checkbox"/> husband/boyfriend |
| <input type="checkbox"/> daughters & sisters | <input type="checkbox"/> sons & brothers | <input type="checkbox"/> grand parents | <input type="checkbox"/> wife/girlfriend |
| <input type="checkbox"/> uncle/aunt | <input type="checkbox"/> cousin | <input type="checkbox"/> other(s) _____ | |
5. In the past 5 years were you ever abused sexually? ☐ Yes ☐ No ☐ Don't know
6. Who acted most of the sexual violence against you?
- | | | | |
|--|--|--|--|
| <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> mother & father | <input type="checkbox"/> husband/boyfriend |
| <input type="checkbox"/> daughters & sisters | <input type="checkbox"/> sons & brothers | <input type="checkbox"/> grand parents | <input type="checkbox"/> wife/girlfriend |
| <input type="checkbox"/> uncle/aunt | <input type="checkbox"/> cousin | <input type="checkbox"/> other(s) _____ | |
7. While living in your country, did you report any of this abuse to the police?
☐ Yes ☐ No ☐ Don't know
8. In your country, are there shelters or safe places for women who want to leave abusive relationships?
☐ Yes ☐ No ☐ Don't know
9. Do you think many women go to these shelters? ☐ Yes ☐ No ☐ Don't know
10. Do women provoke violence against them (sexual, physical or emotional)?
☐ Yes ☐ No ☐ Don't know
11. Do you trust the police in your country? ☐ Yes ☐ No ☐ Don't know

Section V

1. While working in the sex industry how many customers were you required to service each day?
__less than 5 __5-10 __10-20 __20-30 __30 or more

2. What would happen to you if you didn't service this number?
__slapped __hit __punched __choked __yelled at
__told I was stupid __told I was not worth anything __told I was a whore
__my family was threatened __threatened to be arrested __raped
__coerced or forced to do sexual acts __nothing __other _____

3. What types of people were your customers?
__peace keepers __soldiers __local military & police __other(s) _____
__royalty __business men __government people __international people
__students __foreigners __local people

4. Was it common to get abused physically by customers? __Yes __No __Don't know

5. Was it common to get abused emotionally by customers? __Yes __No __Don't know

6. Was it common to get abused sexually by customers? __Yes __No __Don't know

7. Was it common to get abused physically by brothel owners? __Yes __No __Don't know

8. Was it common to get abused emotionally by brothel owners? __Yes __No __Don't know

9. Was it common to get abused sexually by brothel owners? __Yes __No __Don't know

10. Were there any women as your customers? __Yes __No __Don't know

11. What type of setting were you working in?
__window __brothel __café __night club
__highway __private home __other _____

12. Did the brothel owner take away your passport and papers? __Yes __No __Don't know

13. Were you allowed to leave when you wanted and by yourself? __Yes __No __Don't know

14. Were you told to bring other women or friends to work in the brothel? __Yes __No __Don't know

15. Were you allowed to use condoms? __Yes __No __Don't know

16. Were you allowed to have time to relax and socialise with other people? __Yes __No
__Don't know

17. Did you have your own bed to sleep in? __Yes __No __Don't know

18. Were you given food to eat regularly? __Yes __No __Don't know

19. Did your level of independence grow at all? __Yes __No __Don't know

20. How much money was paid for you? (in U.S. Dollars)
☐ 0 to 499 ☐ 500 to 999 ☐ 1000 to 4999 ☐ 5000 to 9999 ☐ Don't know
21. Were you told that you have to pay back money to earn your freedom? ☐ Yes ☐ No ☐ Don't know
22. How much money were you told that you have to pay back? (in U.S. Dollars)
☐ 0 to 499 ☐ 500 to 999 ☐ 1000 to 4999 ☐ 5000 to 9999 ☐ Don't know
23. Were you told that you have to pay this money back FIRST and then you would be paid?
☐ Yes ☐ No ☐ Don't know

Section VI

1. **If you** wanted to work in the sex industry, would it matter if it was illegal?
☐ Yes ☐ No ☐ Don't know
2. **If you** wanted to work in the sex industry, do you think prostitution should be legalised?
☐ Yes ☐ No ☐ Don't know
3. **If you** wanted to work in the sex industry, do you think prostitution brothels or cafes should be regulated by the government? ☐ Yes ☐ No ☐ Don't know
4. Do you think there should be laws that help women to go to another country to work in the sex industry? ☐ Yes ☐ No ☐ Don't know
5. **If prostitution was legal** do you think there would be ☐ less OR ☐ more trafficking of women?
6. Prior to this experience did you know what trafficking in women was? ☐ Yes ☐ No ☐ Don't know
7. Do you think there should be laws against trafficking in women? ☐ Yes ☐ No ☐ Don't know
8. Please mark with an **X** which do you think could **HELP** trafficked women survivors?
☐ more centres and shelters
☐ translators in the shelters and courts
☐ permits to allow travel from my country
☐ permits to allow me to work in the sex industry in another country
☐ make the sex industry legal
☐ education about trafficking in my country
☐ jobs in my country
☐ not arrest me if I go to the police
☐ not deport me if I report to police
☐ give me a temporary residence permit while I am a witness in court
☐ support in my home country (counselling, job training, shelters)
☐ give me work permit in the country even if I am not a witness in court

9. Please mark with an **X** which do you think could **PREVENT** the trafficking of women from your country?

- ☐ shelters for women who are abused and wish to leave their husbands or partners
- ☐ people in society believing that violence against women is wrong
- ☐ laws against sexual harassment in the workplace
- ☐ people in society believing harassment is wrong
- ☐ people changing their belief that women are property
- ☐ changing police attitudes that violence in the home is private
- ☐ more money to border guards and police so they will not be tempted for bribery and corruption
- ☐ more jobs for people in the cities and rural areas
- ☐ better opportunities for education
- ☐ make the sex industry legal
- ☐ make it easier to get legal visas and work permits
- ☐ better government

Thank you for completing this questionnaire ☺