

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

*3rd Global Report*

# **SEXUAL EXPLOITATION**

**A growing menace**

 **ECONOMICA**

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## **3<sup>rd</sup> Global Report**

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49, rue Héricart, 75015 Paris, France

Excerpt from the Dictionary of the French Academy

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

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

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

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

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# Acknowledgements

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**We warmly thank them for all of their work.**

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# Preface

It is an honor for me to introduce this new report of the Fondation Scelles, because it addresses a subject close to my heart, and the social and ethical issues it implies are considerable.

To understand the necessity of the efforts of the Fondation Scelles, we must share this paradox: most often, the importance of the phenomenon of sexual exploitation is equal to the ignorance of its causes and its effects. This global scourge, whose criminal networks transcend borders and encompasses new victims every day, remains highly misunderstood.

Indeed there is still a lack of accurate data on the reality of sexual exploitation - and more generally on human trafficking - and our citizens are insufficiently aware. Our efforts must be underpinned by a detailed knowledge and analysis of the facts, and it can only be fully effective with the awareness of all. This book has the great merit of putting information at the service of action.

I am especially proud to introduce this report based on the two imperatives - act and inform - which have guided me throughout my professional life. In my fight for access to victims' rights, I have always been concerned with articulating knowledge and effectiveness, establishing concrete mechanisms and citizen awareness. My commitment is based on this conviction: the exploitation of other human beings should not be reduced to individual tragedies, but instead is everyone's business.

Act and inform are also the twin goals assigned by the Inter-ministerial Mission on the Protection of Women against Violence (MIPROF) and the fight against human trafficking, of which I have the honor to be the Secretary. The Minister responsible for Women's Rights, Najat Vallaud-Belkacem, has demonstrated a strong political will by mandating the MIPROF to establish a three-year national plan of action against the human trafficking before the end of 2013.

This plan aims to make the fight against human trafficking public policy in its own right, focusing on improving knowledge and the need for cooperation at all levels of the problem. The approach should indeed be as comprehensive as possible, because these forms of modern slavery are multiple: procurement, domestic servitude, child trafficking, organ trafficking, forced begging, forced to commit crimes, etc. Faced with such criminal practices, one must both strengthen existing legislation and facilitate access to justice for victims. For it is not enough to have rights without the knowledge or ability to exercise them.

Every citizen can also be a witness to these human tragedies in their daily activities without knowing how to react. In the logic of prevention and accountability, our first action will be launching a national campaign of information and public awareness.

Such objectives are in perfect harmony with those that are presented in this book. This edition of the Fondation Scelles proves to be, like the previous, precious in more ways than one. It begins with a detailed picture of sixty-six countries, thus highlighting the international dimension of the phenomenon. To this necessary description is added a critical perspective in the form of a series of articles that put into perspective the major issues that have marked the year 2012.

These analyses - each written by a specialist in the matter - tell us about the tragic reality of the phenomenon of sexual exploitation, and also the many misrepresentations, of which there are many! Facing some stereotypes of the practices of procuring - which sometimes border on naivety - this report recalls some indisputable facts. Prostitution is not a matter of "consent," but exploitation. And it does not strike at random, as its victims are primarily those affected by poverty and insecurity. This observation also applies to other phenomena such as the trafficking of minors, for which the issues of early identification and support are, as the report shows, particularly crucial.

Fighting against human trafficking is to fight those who prey on social fragility as their business. This is a real battle against organized crime, but it also goes to the voluntary statement of principles and values. Denouncing and punishing these criminal acts is to show both firmness and humanity: humanity to the victims that must be protected; firmness to all those who enjoy and participate in this operation, that is to say both the exploiters and the customers.

Taking part in this struggle, one must remember that the body is not a commodity and that human dignity is not an empty word. It is advancing our civilization by not accepting any form of complacency in the face of what is a denial of our most basic rights. It is thus to be welcomed as it is in France, a country of humanism and human rights from which this report global emerged.

"Know, understand, fight," is the motto of the Fondation Scelles, and I cannot help but agree. Because ignorance is no longer an excuse and because political victims cannot do without real support from the public, it is necessary that human trafficking in all its forms is recognized as a problem of general interest.

Lately, many news events have, in various ways, been giving visibility and importance to these forms of exploitation hitherto ignored or trivialized. We must now go further to widespread awareness, giving our citizens more keys to understanding these issues.

The debate is launched, it should now be lit. This book, I am sure, will help contribute.

**Elisabeth Moiron-Braud**

*General Secretary of the "Mission interministérielle pour la protection des femmes contre les violences" – (MIPROF - Inter-ministerial mission for the protection of women against violence and for the fight against human trafficking)*

# Opening note

The Fondation Scelles, for the third consecutive year, presents the Global Report on the evolution of sexual exploitation throughout the year. This report is an informational tool that aims to be as objective as possible.

We find human trafficking for sexual exploitation and, more generally, prostitution is growing rapidly. The number of victims, most often the most vulnerable members of our societies, is increasing, and they suffer the consequences. Trafficking and prostitution will not stop increasing, if we do not oppose it.

Indeed, the causes of poverty in the world are numerous: wars, population growth in certain countries, corruption, bad government directors, natural catastrophes etc. Criminal networks profit from the vulnerability of certain people to trick them and force them into prostitution. They seek to gain more and risk less. Prostitution is a global problem that accumulates the most money, after the sale of weapons and the drugs.

Some countries, who wanted to institutionalize and control prostitution, find their failure. Others have signed agreements to counter human trafficking. But, although these laws exist, there is a lack of political will to implement them. In contrast, countries such as Sweden, have established laws and a program of action that proved successful.

We note, for some time, the emergence of associations of "survivors," consisting of people who left prostitution. They dared not speak, because of threats on them. Now they tell us the unspeakable violence that they endured during their years of prostitution and they keep indelible marks.

We want to especially thank all those who contributed to this book, which is the result of a collaborative effort: the staff of the Fondation Scelles, many scholars motivated by the subject, as well as members of NGOs and grassroots organizations, which in all countries have provided information.

**Philippe Scelles**  
*Honorary President*

**Yves Scelles**  
*Vice President*



# Foreword

Presenting each year the state of the world plagued by the threat of sexual exploitation is a project born here three years ago. We provide a simple but disturbing analysis of the constant development of particularly violent yet strangely underestimated forms of enslavement.

How can we not be struck by the growing global crime reality, inspired by profit and ruthlessly exploiting all forms of vulnerability?

How can we not see the usual representatives of the world of prostitution, who are trying to trivialize or deny the unbearable features of this complex universe, multiple and evolving?

This striking contrast is reflected more than ever in this third Global Report.

Like its predecessors, this report aims both to present the evolution of the phenomenon in selected countries, where the sources and documentation allow the most objective analysis possible, and to illustrate the dominant themes of a real threat.

Certainly the sentiment, which can be derived from the sequence of facts, figures and trends of sexual exploitation today, is not likely to maintain the illusion of a peaceful and harmonious world.

You will however find reasons for hope and possible motivations for mobilization. The goal of the third Global Report is indeed to help open your eyes to a disturbing reality, to take a step back, and to reflect on the causes and effects, and to identify the conditions for improvement.

In this respect, the past year has been one of debates and perspectives, particularly in France where, finally, a public debate ensued on the four pillars of a policy that aims to reduce sexual exploitation:

- **prevention** first, with the start of the construction of a national action plan to fight against stereotypes and clichés that no longer, if they ever, have anything to do with the reality of prostitution as it really is, here and now;

- then **the rehabilitation** with the hope that these "invisible victims," who are the vast majority of prostitutes, become full citizens;

- the **suppression** of course, better proportioned criminal response to the severity of the crime;

- finally **deterrence**, with the ability to empower the client, who by creating demand, creates a range of increasingly diverse violations of basic human rights.

Thus, our report, the result of the relentless efforts of the Fondation Scelles for 20 years, hopefully responds to these two cardinal requirements: the provision for the greatest number of indisputable data of a phenomenon whose advances are often hidden, and the refusal to see this violence and exploitation operating with impunity.

The weapons we have are, more than ever, the ability to stay indignant when others are resigned, the desire to expand our partnerships and modes of expression, the conviction to abolish the prostitution system (a fight which is not a utopia but a coherent project) and, of course, rigorous analysis.

This year, an increasing number of countries have been addressed with the help of nearly 40 contributors, researchers, volunteers of the Fondation Scelles, and outside collaborators. We thank them, because they made this book a truly collective work, which like its predecessors, is called to serve as a reference both here and elsewhere.

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



## 2012, the time of awareness

### What's new in 2012?

#### *A phenomenon that continues to develop*

First situations do not change, but they get worse. The number of prostitutes increases and sexual exploitation is more vast than ever, as the global market welcomes all nationalities. For example: in South Africa, prostitutes come from China, Taiwan, Thailand, Cambodia, India, Russia, Ukraine, Moldova, Bulgaria, Democratic Republic of Congo, Rwanda, Mozambique, Lesotho, Swaziland, Zimbabwe etc.

#### *Prostitution despair*

As a result of the crisis in the global economy, students, housewives, and unemployed women have increasingly resorted to prostitution, occasionally or permanently, to supplement their monthly income and to try to escape a precarious situation. Today in Greece, for example, there is a considerable development in clandestine prostitution.

#### *Youth at risk*

An increasing number of young children, sometimes very young, are exposed to the risk of prostitution. The situations are all different: children offered to sex tourists (Thailand, Brazil...), child victims of trafficking for the purpose of the removal of organs but also prostitution, street children, children sold by their impoverished families...

It is not necessary, however, to go to Thailand or Madagascar to "consume" minors or young adults. In our western cities, boys and girls barter sex to consumers or are prostituted by procurers as their young "new look" called loverboys, who are seduced in order for procurers to be able to better exploit them. And the client can act with impunity or close to it, such as in 2012, the Swiss still allowed prostitution of young people of 16 years.

#### *Persistent discrimination*

The death of a young student, victim of a particularly savage gang rape in India, the aggression of a Pakistani teenager who defended the right to education for girls, the rise of fundamentalist governments in the Maghreb in the aftermath of the Arab Spring, have all deeply affected the news in 2012. These events remind all that discrimination against women and sexual exploitation persist in parts of the world.

### To a widespread awareness

Year after year, these realities upset more of our societies. Topics related to the sexual exploited were never discussed as much as they were in 2012; the release of a film, the appearance of a folder in a magazine, a news item or a sex scandal constituted in various ways an

opportunity for discussion. The case of Carlton in Lille in France, the Berlusconi trial in Italy, the acquittal of 13 people accused of procuring in Argentina, the serial murders of prostitutes in Rwanda, among other examples, have sparked debates in the media and led to personal reflections on the realities of sexual exploitation.

Beyond the public alarm, states are beginning to address the problem. Governments conduct studies, legislators create special commission, and the media provokes debates, but this is a generalized statement. Today, a growing number of countries, who consider issues related to sexual exploitation, are aware of their severity and seek to provide adequate responses.

### **The debate around sexual exploitation: which approaches, what questions?**

However, the debate is complex and there are many questions: what is prostitution? How does one define it? How does one reduce demand, abuse, violence, and exploitation? How does one face the stranglehold of crime? How does one improve the right to equal access to health care for all prostitutes? What legal regime should be adopted to combat it? Several lines of thought stand.

#### ***The media in question***

The role played by the media (press, television, social networks etc.) is periodically challenged on two fronts. First, they are accused of promoting all forms of exploitation by the publication of advertisements of "sexual services." In some countries, these facts are openly denounced and actions are taken to counter them. Israel and Argentina, among others, have enacted laws banning such advertisements. Spain has also opened the debate. But these publications represent a financial goldmine, which is difficult to control. In 2010, the United States succeeded in closing the adult ads section of a classified ad website called Craigslist, because many of them involved minors. But Backpage has taken over and represented, in February 2012, 80% of the earnings of prostitution through the internet, including some involving minors.

Second, one accuses the media of trying to convey an attractive image of prostitution, made of glamor and fun. Denunciations of NGOs and feminist networks have difficulty reaching the general public. However, the image of women, and especially children in the media, and the sexualization of the body, have become topics of debate. In 2012, the report of the French Senator Chantal Jouanno clearly opened the discussion on this topic.

#### ***The regulationist failure***

The Netherlands, Germany (which "celebrated " in 2012 the 10th anniversary of the legalization of prostitution), Australia, and New Zealand, countries that have chosen to regulate prostitution, are now a failure. The exploitation of women in an allegedly controlled prostitution environment, has been undermined by illegal and hidden prostitution invading the legal field. Prostitutes have virtually no access to social opportunities. The only real beneficiaries of the law are "directors" of institutions and procurers.

In these countries, a growing number of elected officials do not hesitate to denounce an exploitative world of violence and crime. At the local level, bordering areas to prostitution zones are pushing for a revision of the system. Some countries (the Netherlands and New Zealand) have been considering for several years changing their laws. There are rumors that the Netherlands and Germany are considering changing the minimum age of entry into prostitution to 21 (while civil majority is 18 in these countries), to better fight against child and young adult prostitution.

### ***The client of the prostitution on the spot***

Conversely, the reflection on the client of prostitution continued and deepened in 2012. The idea that the customer is at the origin of prostitution is increasingly recognized. Although the debate arises differently in different countries, client empowerment has emerged as the only path possible to improvement. Governments are discussing options, studying the Swedish model, conducting awareness campaigns, contemplating the possibility of penalizing the purchase of sexual services etc.

But evolution does not just happen. Sometimes change emerges first at the municipal level: in 2012, Chomutov, Czech Republic, and Limerick, Ireland, have anticipated a national policy and adopted bylaws on the client. Then discussions are established at national level. In 2012, Albania adopted a law criminalizing clients and Israel had a preliminary vote on a bill in this regard. Ireland and Scotland, ahead of the rest of the UK, discuss penalization options very seriously. Denmark also considered this possibility, but rejected it in 2012. In France, the Minister of Women's Rights wants to "abolish prostitution" and launched the debate on the client. Even countries that have legalized prostitution are studying these options. Thus, the Netherlands intends to sanction the clients of prostitutes, trafficked or undeclared. This is only a first step, but highly symbolic.

### **Brakes and lock towards changes**

Government efforts to deal with these phenomena are evident but this does not mean that it leads to consistent and effective policies. Although the desire to change the law is present, projects stagnate year after year, are discussed and re-discussed, corrected and re-corrected without sufficient results. Where laws exist, enforcement is difficult: the number of convictions often remains low compared to reality of traffic and penalties given unrelated to the crime.

What prevents progress? The answers are varied, as shown in reading this book: corruption, which, in some countries, strikes judicial and police circles; the economic crisis has resulted in the reduction of budgets for social policies and, in particular, the fight against trafficking or support for victims; differences in legal regimes of other countries that make any changes difficult and block the action of public policy; the image of prostitution.

It is a real struggle that is played out today, and a fight that requires a strong commitment. In France, 55 associations of the collective Abolition 2012 lead the entire abolitionist struggle. Gathered in the premises of the National Assembly in November 2011, they presented their

recommendations and called on parliamentarians to engage. A year later, it is in Europe that more than 200 associations gathered at Parliament in Brussels to launch a debate on the abolition of prostitution: "Together for a Europe Free from Prostitution".

Today, the European Parliament has a parliamentary committee to consider a policy change, and in France, at the time of writing, a bill was tabled in the National Assembly and should be discussed before the end of the year. Could 2013 be the year of change?

# Methodological note

For the third consecutive year, the Fondation Scelles publishes its annual report on the state of sexual exploitation in the world.

## The Journey since 2010

Like every year, this book is enriched with new analyses and reflections, new countries, and new themes. 24 countries from all continents and 9 themes at the heart of the news were in the 2010 edition<sup>1</sup>. In 2011, we offered an overview of 54 countries and 10 themes. In this 2012 edition, 11 themes and 66 countries are systematically studied.

One could say that from one year to the next, nothing changes and 2012 is very similar to 2011. Of course, situations evolve slowly, yet we believe that the changes and upcoming trends reside in that slow evolution. And it is giving us a critical decryption and as comprehensive as possible news, every year, in which we will identify the realities of commercial sexual exploitation today and consider responses.

## The “most” of 2012

We find here most of the 54 countries covered in the previous editions. The principle of this book is indeed to analyze the facts in a limited time frame as to better understand the evolution in each country.

14 new countries are also entering our study. So that, for the first time, we can analyze in more detail each region of the world: North America, Latin America, the Maghreb countries, the Middle East, Asia etc. A particular emphasis was placed on several African countries: Ghana, Kenya, Uganda, Rwanda, and Tanzania. We also added several countries where the problem of sexual exploitation is both pertinent and misunderstood, such as Nepal and Burma.

The choice of topics follows the same logic. Some are recurring, because the facts they report never cease to evolve, "2012 Legal Responses" for example, takes stock of the judicial developments over the past year, while "Cybertrafficking and Cyberprocuring" provides an update of the "advance" of crime on the internet. Others were selected in response to strong current trends. Thus, "Sex and power" is marked by the joint work of Dominique Strauss-Kahn and Silvio Berlusconi. Others, give valuable consideration to the current debate on the system of

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<sup>1</sup> Fondation Scelles, Charpenel Y. (Under the Direction of), *Rapport mondial sur l'exploitation sexuelle – Prostitution au cœur du crime organisé*, Paris, Economica Ed., 2012.

prostitution. For example, "Recurring arguments" challenges many stereotypes attached to prostitution.

### **Collection of facts**

The items we produce are from a range of sources of various kinds, all confined to the year 2012: government reports, studies and findings from NGOs, reports of international organizations, academic research, information from our foreign correspondents, articles, polls, videos, stories etc.

Critical analysis of this data allows not only for the awareness of developments in each country during the past year, but also a grasp of the debates and controversies that have hit the headlines.

All sources used are available in the resource center of the Fondation Scelles, CRIDES (International Center for Research and Documentation on Sexual Exploitation). Since 1994, CRIDES monitors the daily press of a large part of the world and brings together new publications on topics related to sexual exploitation.

### **The team of researchers and editors**

This study was carried out by:

- A team of international researchers (Norway, Spain, UK, Italy, USA etc.)
- Personalities from various studies (anthropology, sociology, political science, international relations, human rights, international law, fashion etc.)
- Field professionals (lawyers, judges, social workers, police officers, psychoanalysts etc.)
- A network of foreign correspondents who have nurtured and refined our analysis.

With this new edition our approach and our angle of attack expands, as we hope to deliver a broader vision than in previous years.

We are well aware that the analysis of 66 countries (out of 200 of the world) and a dozen themes can offer only fragmentary vision; but the goal is not so much to develop a comprehensive inventory, as to put the facts in a social, cultural and geopolitical context to better understand the phenomenon of sexual exploitation.

### **Some remarks**

Data at the beginning of each text comes from the following sources:

The **Population figures** for 2012 come from the 2013 Report on Human Development of the United Nations Development Program (UNDP): <http://hdrstats.undp.org/fr/indicateurs/306.html>

The figures for **Gross Domestic Product** (GDP) per capita in 2012 (in dollars) come from of the World Bank: <http://donnees.banquemondiale.org/indicateur/NY.GDP.MKTP.CD>

The figures on the **Human Development Index** (HDI) in 2012 come from the 2013 Report on Human Development (pages 156-159) of the United Nations Development Program (UNDP): <http://www.undp.org/content/undp/fr/home/librarypage/hdr/human-development-report-2013/>

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

The figures for **Gender Inequality Index** (GII) in 2012 come from the 2013 Report on Human Development (pages 168-171) of the United Nations Development Program (UNDP) <http://www.undp.org/content/undp/fr/home/librarypage/hdr/human-development-report-2013/>

These analyses have the sole mission to put the national studies in an encrypted environment, to get an idea of the proportion of the population affected by the subject before us: the commercial sexual exploitation.





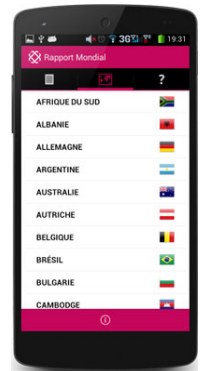
# 2012 MAIN TOPICS



**NEW**

**The 3rd Global Report is a free android application**  
Get real-time data on key countries studied in the Global Report (statistics, legislation), press releases, news on our sites and tools to help victims (procedures, contacts of organizations).

**[Application available for download \(click\)](#)**



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# Recurring arguments

In the press, in parliament or in everyday life, opposing philosophical concepts are regularly used to defend and justify the system of prostitution. Who has never heard about the distinction between the “good” and the “bad” prostitute, the one who chose to work in the domain and the one who was forced into it, the one who came from abroad as a victim of human trafficking and the one who was born in the country and works according to her own will?

The majority of these ideas appear evident, as long as people have not studied prostitution. Put forward as absolute truths immune from criticism, they reinforce an image of prostitution supported by those who benefit from the activity. An analysis of these concepts allows us to recognize if their counterarguments are pertinent or not; beyond that, it allows us to see whether or not these arguments or their counterarguments are true.

## **The status of the human being**

Supporting the idea that sexuality, and by extension the human body, are neither rentable nor sellable is a moral position frequently condemned as abolitionist. But what makes “moral” reproachable? Human beings are undoubtedly gifted with reason, but also with emotions. Man is a social animal, but also a moral animal. All cultural constructions that human beings have put in place to build their universes are the fruits of this natural combination. It is therefore a moral position to want to keep the intimacy of the human body out of the market place. But it is also a moral position, strongly influenced by free market economics, to postulate that all goods should be sellable, including the human body.

The desire to make prostitution an official profession is part of this moral argument. By making the sale of sex legal, this system allows consumers to peacefully acquire immediate sexual satisfaction detached from obligation. Clients reduce prostitutes to the state of objects that they can use like any other good. Their reasoning is simple: if someone works as a prostitute, they want to do so. All other explanations – social determinism, vulnerability, economic contingencies, premature sexual exposure, and personal elements leading to prostitution – are not brought up. In order to get the most out of the client’s moral indifference, those who are pro-prostitution, in so far as they believe everything is purchasable, should not condemn organized crime networks nor child prostitution. Under their logic, these activities represent nothing more than another sale supported by the free market. In this line of reason, the idea of consent is not pertinent: would we ask a chair whether or not it accepts to be sold, so that it can be sat on?

If these individuals do not follow this line of reasoning to the end, by introducing the concept of “free choice” in their argument, it is precisely because they are well aware that the human body cannot be treated as a vulgar object. As their own justification shows, not everything is for sale, even though this idea might offend those who disagree.

As Aimé Césaire notes, it is much more difficult to be free than to be a slave. To accept slavery voluntarily allows us to access a substitute for liberty in so far as we can be satisfied by a limited identity without needing to dig further.

### **Freedom and Determinism**

The claim that human trafficking must be condemned is one that generates consensus, at least in appearance. Prostitution that results from trafficking is logically presented as forced. Against this type of prostitution, we find that which is claimed to be “free,” chosen by the individual him/herself.

The freedom in question is not economic or political in nature. It is the freedom of the individual actor, as the master of his or her life, who possesses free will. This freedom, however, is challenged by the principle of causality, by virtue of which every event is determined by a multiplicity of prior events. No one enjoys hearing that, in essence, they are not free. The statement is taken as an infringement on what it means to be a human being. Yet studying the human psyche reveals the production of numerous sensations and emotions that remain incomprehensible to human beings in their daily lives<sup>1</sup>. Social sciences explain that choices, tastes, and lifestyle choices of individuals are largely determined by an array of given characteristics<sup>2</sup>. This argument around freedom of choice, as a result, appears entirely impertinent, in so far as it is affirmed without prior research into heavily complex details.

In the case of prostitution, for numerous people, a prostitute’s consent legitimizes and authorizes the action of the client. In this way, someone who is opposed to punishing the client sums up his/her belief with one simple sentence: “There surely exists another type of prostitution [...]: a prostitution that can be qualified as ‘free’ since it claims itself as such.” (*Libération*, September 6<sup>th</sup>, 2012).

From that point forward, we can ask ourselves, following the example of Sylviane Agacinski, “What does ‘consent’ mean when it is formed through a mixture of need, unemployment, heavy demand of clientele, the corrosive power of money, and the lack of self-esteem?” (*Le Nouvel Observateur*, September 6<sup>th</sup>, 2012).

Just as confessions obtained under duress are inadmissible in court, it should be clear that consent to sell one’s body, under an immense economic, psychological and physical vulnerability, should be unacceptable.

### **The inaccuracy of analyzing prostitution in comparison to factory work**

From the above distinction, those who are pro-prostitution continue to put forward the same critique: why aim to prohibit prostitution when it’s an activity that, according to them, gives more freedom than factory work?

<sup>1</sup> See the work of Freud, including *Cinq leçons sur la psychanalyse* and *Au-delà du principe de plaisir*.

<sup>2</sup> See Bourdieu P., *La Distinction. Critique sociale du jugement*, Les Editions de Minuit, 1979.

When these arguments are read, another question immediately demands attention: if working conditions are truly more favorable in prostitution than in factory work, why do people continue to choose the factory over street sex?

Besides the fact that this critique is put forward without any form of argumentative support, it is a critique that can be quickly toppled by serious analysis. The amalgam between factory work and prostitution distorts the reality of what selling the human body for sex truly is. At first glance, factory work appears alienating, whereas prostitution appears to be an activity founded on sexual freedom (which it is not). But factory work only demands the individual's physical capacity to produce an object. Prostitution uses the physical intimacy of an individual, and exploits sexuality, which belongs in the private sphere. If human culture places sexuality beside intimacy, it is not by chance. Reducing the act of sex to the movement of flesh is to deny what is at play in interpersonal relations, human exchange, emotional, spiritual and body language. It is the same as denying the humanity of the individual. Objectifying humans and sexual relations can result in serious and irreversible psychological damages. For this reason, a large number of prostitutes show physical and psychiatric symptoms equivalent to those suffered from soldiers of war. These symptoms include Post-Traumatic Stress Disorder, notably due to the numerous unwanted sexual relations and the violence involved.

### **Liberalism and consumption**

One of the arguments most frequently used in favor of making prostitution an official profession is that it allows the full individual liberty to all to decide how to use his or her body. The defenders of prostitution recycle the language and arguments used by feminists in previous decades to support their proposition. According to their arguments, deciding how to use one's body implies the power to exploit it, to sell it, to use it in any way desired.

Using language and arguments used for women's rights allows these activists to give their cause veiled legitimacy, giving their audience the impression that they are fighting for "just" reasons.

This statement goes forward without difficulty, no matter who the interlocutor may be. Yet these two movements which appear to share a common element are, in reality, fully contradictory. Women fought so that they could no longer be reduced to a piece of flesh, valued only for sex and reproduction. Those who are pro-prostitution claim that they are continuing the same fight, advocating for total freedom for a woman to fully decide what she does with her body. But this decision, instead of giving a woman total control, subdues her into a totalitarian relationship that, more often than not, leads to her body's destruction. In reality, the pro-prostitution is the antithesis of feminism, and fully reduces women back to the role of sexual object, under the pretext that, as a "voluntary" act, prostitution will give them freedom. The limits of this line of reason, and its blatant absurdity, deserve no further discussion.

### **“We know what’s good for you better than you do”**

To discuss, critique, and change a situation, is it necessary to have lived it first? Many of those who are pro-prostitution argue that it is unacceptable for individuals who have neither sold nor bought sex to discuss or critique the activity.

As Marcel Crahay rightly notes in the context of the Allegory of the Cave<sup>3</sup>, “Empiricism has the force of evidence or, more precisely, the force of appearances”.

In the same way that previous generations believed the world to be flat, because their own perception was incapable of imagining a spherical world under their feet, we quickly believe that we can speak of something only through direct experience. By seeing, hearing, or living an event, we believe that we have an intimate knowledge, an inescapable truth, about whatever subject is at hand.

But this position, while pertinent in many cases, lacks the objectivity necessary to analyze serious questions such as prostitution and sexual exploitation. All knowledge acquired by direct contact renders the experience relative, according to its context, frequency, and the nature of the experience itself.

If those are prostitutes believe, in the same manner, that it is inappropriate or impossible to fully discuss prostitution without having experienced it directly, this feeling may be derived from the physical, psychological trauma they harbor, and which they consider incomprehensible for anyone who has not lived it.

*“I don’t know how to be human – this is not a philosophical statement, it’s not to gain sympathy of pity – I say this because the sex industry has made me subhuman, a simple product to be consumed. I can imitate human beings, and find ways to integrate myself into their lives, but below my surface there is only emptiness”*, declared Rebecca Mott, a former prostitute.

### **The position of someone who helps**

It is from statements such as these that those who can only listen develop empathy for their fellow human being, feel a shared pain from the experience, and decide to help in his or her liberation. In no way is this process defined by an uncontrolled fall into compassion, nor does it stem from considering the other as a simple victim who needs to be saved. Instead, the process of empathy begins with the capacity to see the other as a person, to share experiences with him or her, and to do whatever possible to support his or her personal decisions.

Contrary to what has been said, such a development is not the result of paternalistic thinking, but humanist determination. In the masses, those who worry about prostitutes are rare. When they do, it is not by chance. These are the emotionally empathic individuals who aim to better life conditions for a certain section of the population. What better describes this work than humanism?

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<sup>3</sup> Plato uses the image of an individual observing the shadows reflected on the walls of a cave much like our everyday perceptions we have the illusion of a world being only a shadow of reality. It therefore considers that the ideas, authentic knowledge objects are accessible only by exceeding our empirical perceptions, which are their pale reflection.

If, however, the recommendation of certain prostitutes to let them work “without wanting to save them” were respected, each organization that works day and night, that works to present the problems of sex slavery on the human, medical, and public levels, would have to disappear. Even though the goal of these organizations is to help those who have suffered from prostitution, it is important to not criticize or slander those who refuse their help, regardless of their political positions on the subject.

Considering that feminism is, above all, a humanism, if those aligned with the movement ignore the problem of prostitution completely, they have failed to uphold their own ideologies. At its origin, feminism is not a movement that advocates for a world dominated by women. It fights for the construction of a more just and equal society, in which the right of each individual to participate is not refused based on gender identity, social origins, or sexual orientation.

Not handling the issue of prostitution – an issue that encompasses an entire category of individuals living in largely difficult conditions – would be full renunciation of the feminist project and a failure to fight for humanist ideals.

### **In conclusion: raise a hue against education!**

The arguments above are among the most common that are given in support of prostitution. They are understandable and acceptable for all, regardless of his or her education level. They make sense in the world that we have learned to perceive and are imbued with free market values and the values of an individualistic consumer society that exists in excess.

Each and every one of us considers him or herself to be free. Sociological discourses, aiming to deconstruct this notion, remain a minority and are badly perceived.

It is in this context that prostitution is immediately thought of as a subject about which anyone can express an opinion. If we believe the argument that each of us is free to choose the life we desire, then prostitutes are to blame for their position in this world. If these women or men sell their body for money, it *has* to be the result of their free choice. This short-cut argument allows people to deny any responsibility in the situation, and place all blame on the shoulders of those who are unable to meaningfully change their livelihood. There is no need whatsoever to feel compassion for “those people,” accused of enjoying life in debauchery.

Even worse, it is frequently said that prostitution is the life route taken by the lazy. Renting out the body for a price is claimed to be easy, allowing them to never have to “truly” work, and gives them a source of quick, easy income. Given the evidence, those who maintain this position have never taken the time to study the question, as explored by John J. Potterat. Focusing on the living conditions of sex workers, this study was conducted over 32 years alongside 1,969 prostitutes. Among many conclusions, it was found that prostitutes have a risk of murder that is 18 times higher than the average population, with an average life expectancy of 34 years old.

It is, above all, information and education that will make it possible to hear different arguments and lines of reasoning centered on prostitution. Education will allow the public to see the brutal reality of prostitution that is opposite of the glamorous fantasy that often comes to mind. Instead of succumbing to the temptations of pro-prostitution movements and easy ideas,

which speak only to keep their voice in public discourse, a critical and analytical perspective must be kept in tact. In this way, it is our obligation to fully challenge and critique our own assumptions about prostitution.

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# Words, words, words

*A selection of evidences by prostitution victims noted down by non-profit volunteers.*

Seemingly insignificant words are commonly employed to express what is unbearable. Very few prostitutes in touch with non-profit organizations, would plainly admit: *"I am/ I was a prostitute"*. They hide behind expressions as to keep aside the reality of their lives. Most often they'll say *"I'm working in the streets, I left the streets, I fear having to go back to the streets"*. Considering that words can cure, words can also be harmful and not only the words of others. Intolerable situations need embellishment in order to be accepted. This way, stories are built up to hide one's truth: love stories, abduction stories, sex and power stories.

## ***"Just a rough time!"***

He was twenty then, from a middle-class family, graduated high school and got a job, but went through a number of family problems and break ups. Friends offered him stuff stronger than shit, *"just try it and you'll feel high"*. It was good, he felt much better. Then he lost his job and it all became unbearable: he had to increase his dose, and was faced with the question of *"how to pay for the stuff?"* *"Nothing to worry about"*, a guy said to him: *"just go and suck the bourgeois"* in one of the side-alleys by Avenue Foch. *"This is just a rough time,"* he told himself, but it went from bad to worse. Although somewhat physically weak, he was mentally strong and he managed to get over it all, as family members and friends stayed by him. Thanks to their love and care, he successfully handled, the difficult way out of addiction, easy money and detoxification altogether. He started a new life but deep down he still carries the aftermath of what he went through.

## ***"I can stop when I want to"***

She is 16, living in Paris and attending high school. She could well be living in any other main town. She is *"far smarter than the others: she'll stop once she's paid for her designer bag, luxury shoes and that dress she's been dreaming about."* Everything is under control: she'll stop when she decides to. That's also what everyone says when they start to smoke, drink or use drugs. Those who became addicted thought the same way, and it all soon became stronger than their will.

## ***"Just to help pay my studies"***

She couldn't do it any longer: with precarious part-time jobs, classes, revisions, studying at home, and her parents living too far away to be able to help her. So, she accepted when, one day, a rather pleasant man, a little more insistent than the others, offered her money for a night with him. And, well *"it was fun!"*: feeling just like a film star. And, you know *"it wasn't serious, just for one time"* to painlessly finish the month. She carried on: *"that seemed easier than to run endlessly after one precarious job after the other"*. She'll put a stop to it all when she finishes

her exam, *“for sure!”*. Well now, what will she choose to do with her diploma? Will she keep struggling to find a long- term, stable, well-paid job?

***“It’s fun! Let’s enjoy it”***

She is 14. The other girls are calling her “a whore”? They just envy her because *“in her school she is the star”*. She’s the strongest, the best and the sexiest. The proof? Her boyfriend is making *“a lot of a dough because as all of his guys want to sleep with her. It’s fun, isn’t it?”* Why hasn’t she told her family? *“They’re just losers and wouldn’t understand”*.

***“He’s in love with me”***

She is living in Rio, coming from a *favela*, yet she’s quite happy to have a regular job. Thanks to her man, she has a steady income: he’s selecting clients for her. She’s working hard but luckily her clients aren’t too violent with her: her man keeps an eye on them and is protecting her. Of course, he throws tantrums sometimes, he hits her, but one has to understand that *“he’s jealous”*. He told her he loves her and it just upsets him to see all of these guys amusing themselves with her. He’d rather she did something else *“but there’s no job! And one has to live after all.”* And for the time being that’s all she could find, but when they have put enough money aside, things will surely improve.

***“I got ‘em”***

He lives in Sao Paulo and he is 13. He left his family who abused him, and for now he feels secure among his gang. He walks the streets for money. He is quite smart: he can *“squeeze money- a few reales- out of these European or American tourists”*, who come to taste Brazilian exoticism in all of its forms. And if everything goes well, within a few years he will *“run his own gang, deal or even drive a girls’ net”* work. In Brazil, there is an estimated half a million child prostitutes.

***“I’m getting money for my Mum”***

She’ll never have a chance to get out of it all. She lives in Guatemala City. She is ten, and her mother is hardly twice her age; but- what with drugs and alcohol- she is so worn out that she looks far older. She is sick and since she cannot prostitute herself any longer, she stays at home, a slum, only furnished with a mattress, which no one would want for their dog. When other children go to school, she leaves to prostitute herself. *“I’m getting money for my Mum”*, she told ESPPER<sup>1</sup>, an NGO, which helps destitute locals. She feels proud: she is a big girl now and she’s been helping her family for quite a while. She’s a nice little girl and a very gentle one too: all day long she’ll obediently give in to all the demands of enthusiastic men eager for young flesh. With some luck, she won’t become a mother before she’s fifteen. And with even more luck she’ll avoid AIDS. And if she’s very lucky she may reach the age of 50, which might not be worth it considering the hardships of life. Her only hope? That one of the few NGOs, tolerated by the

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<sup>1</sup> Ensemble pour Soutenir les Projets et les Programmes en faveur des Enfants des Rues (ESPPER), NGO Helping Create Programs towards Street Children.

procurers' networks will take care of her future children. And indeed, various NGOs, such as *Les Trois Quarts du Monde* (TQM), aim at saving young prostituted girls' children and preparing a better future for them.

## Words of a client

In order to try to identify the client's personality - to the extent that it would be possible to reduce their multiplicity into a single individual standard - the study of the text written by a customer, whose nickname is "*Un mec !*" seems to be necessary, as it combines in itself the essence of clichés relating to prostitution.

The customer remains the great unknown of the prostitution sphere. The client is nevertheless one of the pillars of the system that remains nine times out of ten ignored. As already noted by the Fondation Scelles in 2004, "Must we not see the expression of a 'collective unconscious' that refuses to carry an important part of the responsibilities of the 'consumer' at the profit of those who organize the market?" The customer has been taken into account in the French criminal law in 2002.

The figure of this fleeing character has been studied since the 1980s in Sweden, notably by Sven Axel Mansson. In France, it was not until the 2000s that the customer actually gained interest, including the works of Claudine Legardinier & Bouamama Saïd, Max Chaleil, or also the report of the French National Assembly No. 3334 on prostitution in France.

### **The ratio of available women**

The customer, "*Un mec !*" explains his first experience with an escort girl, when he was 25 years old, living in London. Previously, he explained that he was raised by his mother, "an open-minded, feminist, who considered "whore" as the worst insult to a woman." He then stated that he was fully aware of the issues of prostitution, but still ignored what he calls his "principles" to request an escort girl.

"*Un mec !*" made his choice on the Internet, noting how this process is very similar to that of buying an everyday object, "like choosing a new TV on Amazon." He first notes the easiness of the process and the wide range available. For every woman, there is a description that he qualified as "technical": photos, measurements, comments from previous guests, age, languages spoken, favorite drinks, sexual practices. First observation from this description: no descriptive categories shocked him, yet an obvious bias appeared upon reading: the only category that really concerned the individual prostitute herself, as an individual, lay in her taste in beverage. The rest was only the pragmatic description of the characteristics of the object that the client considered buying.

And more... Alcohol is synonymous with relaxing, with a festive atmosphere, allowing one to let go, is commonly used by a number of prostitutes in order to have enough courage to endure their activity. The champagne, which is ultimately chosen, is known as an elegant drink of sophistication and of seduction. It also has the reputation of being the alcohol with the most immediate effect. This choice is therefore perhaps not so innocent: it allows you to immediately

register the client in a luxurious world of fantasy, and place the individual prostitute in a state of slight intoxication, in order to facilitate the exercise of this difficult activity.

He finally chose a Russian model (not fearing clichés) who prostitutes at night (on average \$2,732 USD for the night) in her own apartment or in that of the client. Once the order was placed, the author translated, within his text, the tension that resides between the anxiety and the excitement of the client (a challenge to the education he received from his mother, having a feeling of doing something forbidden and reprehensible, to being the "bad boy" of rap videos) and the bad conscience that the act generates. And this is without a doubt the cocktail that excites him.

### **Infinite sexual uses of women**

The woman who opened the door was described as the antithesis of the archetypal street prostitute: he described her as "graceful, charming, far from being vulgar, and smiling."

*"Even though we both knew what I was doing there, the experience, as short as it was, was deeper than just the sex that would follow."* In fact, it is precisely because they both knew why they were there that the experience was "deep." Because of his bad conscience, he feels compelled (once past the sexual act) to be interested in her, and not to reduce her to a mere sexual object and, especially, by extension, to not be seen as a banal and sordid prostitute client.

The value is much greater than a single appointment especially for the women in front of him, to whom this is a "business". She is full of good will, and obligated to seduce the client so that she will be noted well on forums, which will guarantee more clients, and eventually returning clients.

It is for these reasons that this experience seems to *"Un mec !"* to be much deeper than a simple meeting between two individuals, especially as he described it as "close to a one-night stand, less hope for love and more openness [he has nothing to prove, she is a prostitute, she is there to satisfy his every desire]."

*"Un mec !"* named the following paragraph: "The customer is king". Herein lies the major difference for him with his love of past experiences. The pleasure of the customer is first. He described it as a "significant attraction for male sexuality." It is the same for the first attraction: women always available as an object/place of performance of male fantasies. It comes down to the idea that cradles human civilization that women are primarily there to satisfy the desire of men, and are thought of as to be always available.

Like the feelings of this client, one can cite two other "consumers" in a documentary film by Hubert Dubois: *"The prostitute is always available and then there is the choice!"* said the taxi driver. *"This is what I like at Bois de Boulogne, I can take my pick"*, agrees his companion. They admit coming here between six and ten hours per week, driving or not, to consider the dozens of prostitute(s), transvestites and transsexuals from around the world, before deciding. *"The pleasure of voyeurism is huge"* says the friend, who adds: *"Once we made the circuit, one sleeps well"*.

### The feeling of misguided injustice

According to "*Un mec !*", in a couple, one always sexually gives more than the other, thus justifying the existence of prostitution. What interpersonal relationship can be described as purely equitable in life? He puts this remark in connection with the prostitute that does everything for him, gives herself entirely in brief, incarnates "The Woman". This is quite contradictory as their "relationship" is itself purely unequal.

In addition, "*Un mec !*" says the prostitute meets each of his requests with a smile, which he himself notes is "probably commercial, but nevertheless convincing." He wants to believe in the delight of his partner in order to remove his guilt.

He also notes that she is a sexual expert, unlike many other women of his past experiences. He compares her to "a craftsman who has perfected his mastery over time," associating prostitution with the nobility that other artisan jobs have, and with the nostalgia involving consuming unique and non-manufactured products, but full with knowledge acquired through the experience of the artist. Can one see here a certain nostalgia for the days of brothels, where women were thought of as "professionals" of the sexual act, refining their practice over time and customers?

"*Un mec !*" then launched into a diatribe against the lack of knowledge women have about male pleasure (which he attributes to male machismo and the weight of religious institutions), adding that ultimately, he himself, knows little about female pleasure. He even added that "many women grow up without the pleasure of masturbation, the idea that sex is dirty."

This man, however, said he frequented many women - which he described as far from being "closed-minded Puritan" - projects his own illusions about the fairer sex. According to the study "Contexte de la sexualité en France (CSF)" conducted by INSERM and INED in 2006, "more than 90% of men say they have practiced masturbation, against only 60% of women." More than one in two women already seems a fairly large number of individuals, especially since one can assume that this figure is an underestimate, since many taboos are still very much alive regarding female sexuality. Presumably this gap is, in reality, much less.

Perhaps "*Un mec !*" does not know female sexuality well because it does not exist in the representations: sexuality as one knows it is always androcentric. In pornography, for example, the sexuality presented is that of men, by men and shown with reference to this phallogocentric impregnation widely accepted in all sexual representations. Similarly, all sex shown or described follows a standard course. They inevitably end when the man ejaculates. Regardless of whether the woman took pleasure or not.

This overall lack of knowledge of female sexuality remains valid for men but also for women themselves, as well as in a number of specialists. In this respect, one can include the famous confession of the misunderstanding of Freud comparing the great unknown female sexuality to a "dark continent."

After the act, "*Un mec !*" fancied himself with the prostitute that he solicited, and understood that she came to see him to exercise this activity by economic restraint. He did not make any comments about this subject, as if the fact of prostituting oneself to live was an excuse

per se, and not an exploitation. “Of Russian origin, she studied economics in college, and after a number of boring and underpaid jobs, she threw herself (at her own will, according to her) into prostitution.”

It is interesting that the famous daytime activity of modeling disappeared from the presentation that the young girl made of herself when he selected her on the internet, as she was presented as exercising this occupation during the day and only prostitutes at night.

When they come to address the issue of their other clients, it maintains the fantasy of cleverly chosen prostitution. "She finds most customers pleasant, seeking a more erotic encounter than sexual slavery. She herself finds a certain satisfaction in being able to offer another person a moment of relaxation and fun." Indeed, to say the opposite to one of her customers would not be very sellable. These statements involve maintaining the fantasy of the woman who prostitutes because she "loves it" and therefore clears the customer of any scruple damaging to the trade.

Finally, only at the end of the penultimate paragraph, "*Un mec !*" announces that it was impossible to know if her story is true and if she was really independent. “There is the traditional boundary between forced prostitution and “free” prostitution. Having sex with a prostitute from a network, this is wrong, this is exploitation, but with "free" prostitute is tolerable, because she does it voluntarily.” It is curious that for the vast majority of people, the fact that an individual is subjected to economic duress is not thought of as affecting the freedom of the individual. Regardless of this constraint, this distinction does not come into play again to stop the feeling of guilt, whereas physical constraint was considered without further ado.

This dichotomy refers to the amalgam frequently made between prostitution and other activities, with the common characteristic of being livelihoods. However, prostitution is not comparable to a business, as alienating as it is, for the simple reason that no other job uses the physical intimacy of the individual, which is the private sphere<sup>1</sup>.

### **Intellectual shortcuts propagating and protecting misconceptions**

“*Un mec !*” then announced that he hoped for a legal framework for prostitutes that would allow them to escape networks: “In the end, I prefer the system in force in Germany or the Netherlands, leaving each one to make sense of things.” Despite his “feminist opinion,” he still demonstrated that he was not interested in the question of prostitution, in any case not otherwise than as a consumer. It is a misconception, unfortunately widespread, to believe that legalization and supervision of prostitution leads to improved quality of life for prostitutes. Quite the contrary. The different experiences of legalization have increased the number of prostitutes, but also networks of exploitation and violence. Thus, as Claudine Legardinier shows in her latest book: "...the development of a legal sector has had the initial effect of boosting the illegal sector. A Dutch report from REIC showed that in 2010 only 17% of 2,600 prostitution ads in newspapers and on the internet came from the legal sector. Clearly, 83% came from the illegal sector, where there is no exercised control. The bonus is clearly for criminals, and the penalty is

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<sup>1</sup> For a larger discussion of this confusion, see the article on the French press and prostitution.

for prostitutes. Not only did legalization lead to an explosion of prostitution and trafficking, but even the authorities admit that traffickers are able to invest in the legal sector. In 2010, the head of the German police reported the increase of trafficking for prostitution in the country - 11% in one year, 70% over 5 years - especially that of women of Eastern Europe East and Africa. In Switzerland, authorities are moved by the increasing presence of Hungarian prostitutes, young or very young, rising Roma and Romanian networks and the rise of Italian and Balkan networks. Everywhere the police and authorities denounce attractive markets for organized crime."

After this naïve and erroneous assertion, "*Un mec !*" revised his words: "On the other hand, I am not completely at ease with the idea that paying for a prostitute is a normal act." His guilty conscience resurfaced. Nonetheless, this guilt did not last very long: in the very next sentence, he did not hesitate to continue describing his experience.

Another justification used by the client is to report the case of a friend, an escort boy, who told him that his customers (premium) not only wanted him as a sexual object, but "something special," as if that was enough to justify the existence of this activity. Since the words of his friend are absolutely not relativized, or established in context, the experience of a single individual (which we know nothing about) is not sufficient to justify the existence of all those who engage in this activity.

"In the end, I find it easy to look at prostitution from a pious camp, but it would be more appropriate to look beyond clichés and scandals that sustain the tabloids. Before anything else, I would like for one to place respect for the prostitute at the center of the debate, whether one defends or vilifies the escorts."

The article of this man was specifically chosen because it carries in itself a significant amount of clichés about prostitution. Indeed, like many, he claimed to speak on behalf of the welfare of prostitutes while having attended one, once. Experience (of which he considers himself lacking) has turned him around, and obviously he has never addressed the issue.

What is really easy, is to not be in the camp of the pious, but the ignorant.

### **The egocentric nature of the typical client**

In this article, in addition to expressions that speak of himself, his feelings, his experience, and his ideas, "*Un mec !*" used almost 70 times 81 lines of personal pronouns returning directly to his own person, against 24 times that refer to the prostitute.

Here, the major lexical field is predominantly that of egocentrism; the whole experience actually rotating around him: "Once my choice was made, as a Siddharta curious to get to know, I made an appointment for the same evening, shared ethical malaise and an almost animal excitement to the idea of exploring a very controversial aspect of our society, but also of my own sexuality."

The prostitute is only a means of satisfying a need, a curiosity: she is not even mentioned, the focus is only placed on the situation and how it will evoke this man.

"What really differentiates our evening from all of my past experiences was the predominance of my desires". The customer himself is aware that time is dedicated to his person,



his desire, his pleasure, as he literally said. The quotes he used to frame the word "relations" are clearly suggestive: he understood it was not a "sexual relationship." in the sense that the term "relationship" implies a reciprocal action, which did not take place during his experience with the escort girl, but a unilateral relationship, entirely directed towards him.

The title is also particularly eloquent: "I tested for you... sex with an escort girl," taking the usual formula of consumers sharing their experiences about any product: the "prostitution" consumer magazines release.

Like all customers, he allowed his sexual desire, attraction of immediate gratification, and this consumer-type relation to take over his bad conscience and the feeling that this act is not fair. Surveys<sup>2</sup> show that moral indifference characterizes many clients. One interesting thing: they get what they want, and at the lowest prices. "When I eat steak, I do not wonder if the cow has suffered<sup>3</sup>," said one when asked about the risk of exploiting a trafficking victim client. The pleasure of the customer always takes precedence over everything else. Julia O'Connell Davidson shows that "this kind of moral indifference is very well accepted in society of these markets. Buyers are generally expected to act according to their own interests without being bound to those who make the products they buy or assume moral duty to them."

All customer experiences with a prostitute speak about the reality of it, the whole relation is about the client, and not a relation between others. A prostitute is the object through which the client is confronted with his own sexuality, his personality, himself, and assumes to fully be a man - as common representations depict males, it is to say, with irrepressible needs for which women are made to meet.

The conclusions of the customer are the following: to the question if he regreted having allowed himself to "use" another human being for his sake, he replied: "Yes and no." This experience was for him "fascinating and fun, and [he] remains convinced that prostitution can be practiced in mutual respect." He remains convinced, as he already was, which puts some doubt on its presentation as having been raised by a feminist, anti-prostitution mother and his description of himself and his "feminist side" obtained through his education.

In addition, he recognizes that prostitution may be exercised in mutual respect even though he is well aware that it automatically implies a unilateral relationship, as he himself noted previously. Where was the respect in his experience? He told himself that, on the one hand, the sexual "relationship" was actually completely turned to his own pleasure and absolutely not of the prostitute, on the other hand, she is pushed into prostitution by economic constraints, and finally he cannot be sure if she exercises this job "freely." Where lies the famous mutual respect which he is so sure exists?

### **The narcissistic fantasy world of a client**

It is significant that "*Un mec !*" did not name the prostitute from whom he solicited services; the term, being exact, he preferred an orderly vocabulary. "Companion" is the word he used the

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<sup>2</sup>Legardinier Cl., « Prostitueurs, état des lieux », *Prostitution et Société*, n.163, October 2009.

<sup>3</sup>*Les Clients*, a documentary by Hubert Dubois and Elsa Brunet, 2006.

most, but always with quotes, to understand that he was aware that it was not at any time a relationship of normal type, and that this woman had never been considered as a potential partner. He then used the term "woman," and frequently used "escort-girl/escort" to talk about it, but since he obviously did not want to be too redundant, he used it sometimes to talk abstractly about prostitutes.

The other dominant lexical field is that of fantasy, of erotic ideal, of the archetype of femininity embodied: "The meeting was simple and nice," "The woman who opened the door was graceful, charming, far from being vulgar, smiling, and I was immediately at ease," "respectful, sweet, and erotic at the same time," "sublime mastery of certain sexual acts."

"*Un mec !*" lives a waking dream, he is completely captivated by his "companion" that he compares, as one has seen, to a craftsman and he characterizes her as "beautiful, sweet, intelligent," to even consider having the "privilege to have encountered". The meeting took place in a unique setting, was accompanied by champagne, the atmosphere was conducive to all fantasies, the woman was available: "This woman is offered without limit and without discomfort to satisfy my desires", very sexually attractive but not vulgar: "*Un mec !*" actually experienced a true chic porn.

Suspensions of doubt, replaying a few times in the text, are completely cleared by this first sensation - very narcissistic - living a true fantasy, sanitized, controlled and gathering all the clichés of masculine and feminine, as of a pornographic film dedicated to him.

### **The cruel lack of empathy**

The man who recounted his experience here comes from a privileged social background (he lived in London, for around 25 years, reported a refined language, and has the means to pay a prostitute whose rates are around 2,000 € (\$2,743 USD) per night). A good representation of the contemporary capitalist mentality, buying a body for him is ultimately an action like any other, despite his single sentence stating that he minded it a bit.

This act is the very illustration of the theory of giving and anti-giving of anthropologist, Marcel Mauss. It shows the existence in an interpersonal relationship, in an exchange between individuals, this double obligation to give and get, up to what is received/given. These movements are at the same time voluntary and mandatory, because to disdain the other means to extract oneself from the system, and by extension, refuse the link to the other. Moreover, this amounts to admitting defeat and thus, to lose face.

Establishing the relationship between the client and the prostitute is such: as in the case of any goods, the customer interacts with the seller to acquire property. By paying, he has the illusion of being just about what he owes to the person with whom he has a commodity exchange, which is the only condition that can leave him with a clear conscience, and sometimes even with a feeling of having helped the prostitute.

## In conclusion...

For some years now, investigations on prostitution tend to be centered on the customer, trying to figure out who he is, trying to find a common denominator for all these consumers of prostitution who appear so different (socio-professional category, marital status, age, etc.).

The answer to this puzzling question, the mysterious point in common in all of these beings, seems to be emerging: they are men. What is less obvious, however, is the following clarification: it is because they are men (they are educated as such, they operate in a world of cultural representations in the strengthening of this typification genres<sup>4</sup>) that they feel entitled to consume other beings, especially women (also educated as such and also moving in this world of gendered representations, thus accepting consciously or not their fate as dominated and potential objects).

This is the theory of Bourdieu reduced to its simplest form. For a system of domination to work, two major conditions must be met: first, that the dominant accepts and asserts their dominant position as natural, of course. And secondly, what is probably the most overwhelming part of this sad fact, that the dominated themselves accept their fate and domination as natural. That is why the root is not in the socio-professional categories or in the different generations that drive men to use women and it is in the anthropological representations of what a man is and what a woman is.

Françoise Héritier shows, in two volumes *Masculin/Féminin*, that the observation of the difference between the sexes is the origin of all thought. Radka Radimska admirably sums up his point: "The reflections of men cannot be based on what was given to them to observe closer: the body is the medium in which it is immersed, yet the ultimate character and the most significant of human body, it is the difference between the sexes and the different gender roles in reproduction. All oppositions created by human reason are then listed in the grading grids into two poles: male and female, and one can find these two poles in all systems of representation that preclude concrete or abstract values (F. Héritier cites fundamental oppositions as hot/cold, wet/dry, high/low, inferior/superior, light/dark)."

Thus F. Héritier reveals the concept of the "gender differential valence" system showing that the value given to subjects and objects differs depending on the gender assigned to them, what is connoted as masculine traditionally emphasized to the detriment of what is connoted as feminine. For example, this explains that typically feminine activities, such as cooking or sewing, are represented at the highest level by men (starred chefs, famous fashion designers) because, since we are in the field of excellence, it is the side of the male. Vulgar daily kitchen work, this,

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<sup>4</sup> Numerous studies show differences provided to babies at birth by sex treatments - and throughout life - in order to enroll in a well-defined gender identity, in this regard, see in particular the work of Françoise Héritier, Elena Belotti, Christian Baudelot & Roger Establet, *L'Introduction aux études sur le genre*, L. Bereni, S. Chauvin, A. Jaunait, A. Revillard, De Boeck, Brussels, 2012, or Article Françoise Vouillot « Construction et affirmation de l'identité sexuée et sexuelle: éléments d'analyse de la division sexuée de l'orientation », *L'orientation scolaire et professionnelle*, 31/4 | 2002, 485-494: "The construction of sexual identity is the result of the interaction between biological, cultural normative influence (mediated by education and socialization) and structuring activity of the subject that involves its ability but also its desire to be expected as it is".

belongs to women. Thus, at birth, humanity adopts an asymmetrical thinking of feminine and masculine.

Regarding prostitution, more specifically, Françoise Héritier clearly notes this turnaround to hide this unequal relationship in essence: "To say that women have the right to sell is to hide that men have the right to buy. "It is also to hide the very foundations of anthropological representations, men are subjects, while women are already objects, who are exchanged against other groups of women (to renew the genetic stock), or against objects (if the male/female ratio in the group is disproportionate)<sup>5</sup>.

Claudine Legardinier wrote "Far from being the product of "nature" that he claims to be, the Prostitutor [= customer] would be especially that of its culture". Thus, what the clients of prostitution have in common is being custodians of these ancient representations depreciating women. In modern times, these destructive representations are coupled with market ideology, which redoubles. This aggravates the already derogatory perceptions of women, but also of men, placing each in gender roles that ultimately do not benefit their well-being, which they could access in a more egalitarian situation<sup>6</sup>.

Fighting against this state of affairs is possible, as evidenced by changes in statutes and women's rights around the world. However, the road ahead is still very long. "When we have taught men and women to agree to respect and not to be ashamed of sex, you will not need prostitutes," says Gabrielle Partenza, president of the association, Avec Nos Aînées (ANA). The Palermo Protocol, whose findings have been repeatedly advocated since 2000, under the protection of the United Nations, have established research, and launched focused information campaigns, especially on the education of gender equality, to curb the demand for prostitution. In addition, the Protocol clearly establishes a link between customer demand, exploitation and trafficking.

The first customer that history remembers, Enkidu, one of the central characters of *Gilgamesh* (the oldest novel in history, dating from the Mesopotamian era, end of the third millennium BC), created by the gods and raised by animals, accesses humanity by having sex with a prostitute (which the author did not bother to mention by name or word). Today, it is important to educate (potential) clients, who will access this full status of humanity - in the sense of philanthropy - to realize that their actions are just a timeless repetition of terrible inequality, which is absolutely not natural.

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<sup>5</sup>See the work of Claude Levi-Strauss.

<sup>6</sup>See the work produced by Fabrique Spinoza, whose conclusions show that "Work towards a rebalancing of relationships between men and women, so it's working for the collective well-being. Men are equally beneficiaries of the proposed measures."

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# Sex and power

Prostitution remains a subject that demands explanation; the scandals it provokes supply ripe stories to be published, and has been transformed into a business all of its own. By bringing together two worlds that otherwise had little chance of collision, prostitution provokes a chain reaction of scandal and public interest.

The previous few years have provided particularly rich stories: Dominique Strauss-Kahn (DSK), Silvio Berlusconi, and Zahia<sup>1</sup> affairs which took place one after the other and, once analyzed, appear extremely similar despite different actors and settings. Each of these widely published stories reflects the ambivalence born from prostitution. It is, at the same time, fascination and repulsion, producing unprecedented social shockwaves. DSK and Nafissatou Diallo are now known worldwide, with hundreds of reproductions centered on their “encounter”, objects made in their image, and direct parodies, all surfacing after the exposure of their sex scandal.

Public opinion is by and large offended. The average population continues to wonder how those in power can continue to act with the moral and ethical fragility largely associated to normal people. And, thanks to large-scale media hype, prostitution has developed acclaim or, in any case, become a social craze within the public eye, especially in the eyes of the young.

The activity attracts the eyes of many by the same fantasies that it provokes. It represents the breach of rules and becomes synonymous with the world of the powerful that is aligned with the idealized life of both danger and mystery. To put it simply, prostitution represents a life of adventure, in every sense of the word.

In addition prostitution represents simplification; it is the reduction of a complex world to a situation dominated by market transactions. In this way, the difficulty of ethical considerations, empathy, understanding, philanthropy, and human relations is erased entirely. Existing in an idealized world – lawless, liberated, governed by money, materialism and pure power – prostitution creates a tempting illusion.

To give an example, the Chinese actress Zhang Ziyi, accused of having paid sexual relations with Chinese dignitaries – most notably Bo Xilai, dismissed from the communist party in 2012 after a murder involving him and his wife – earned tens of millions of dollars for her “work.” Due to her involvement in notably successful films (*Crouching Tiger Hidden Dragon*, *Rush Hour 2*, *Memoirs of a Geisha*), her financial success leaves many wondering why she would practice prostitution. Did she want to earn more money? Did she want to maintain a strong network to ensure her career? Both answers appear possible, even probable. However, her decision may have also been influenced by the feeling experienced by those with power, that they can obtain

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<sup>1</sup> Zahia was the young female prostitute that several players from the French Soccer team used while she was still a minor. They will be on trial on 2014.

and offer anything that they desire, including human beings. In certain power structures, it is hard, if not impossible, for women to say no.

Besides the issues of power, prostitution is also a response to individual suffering. Prostitution claims clearly, “yes, there are characteristics that construct women, and there are those that construct men. At the heart of these characteristics, divisions exist. On one side, we find pure women: On the other, whores. Men are nothing more than the victims of sexual desires, and they will never be mastered. To put these beasts to rest, to ensure that they do not spill over into violence toward those we respect, prostitutes serve their purpose. That is the way it has always been, and the way it always will be.”

In reality, this archetypal construction, a reduction of humans to sexual objects, is the only thing as old as humanity itself. The archetypes appear and reappear in diverse texts; it’s a temptation to simplify that continues today, and is supported by advertisements and media.

Nevertheless, following multiple sexual affairs that became the subject of media frenzy, which will be analyzed later on, these anthropological representations of the dichotomized human, far from being erased, have grown in scale. This phenomenon remains especially true in regard to the young, bombarded by raw and evocative images and situations.

Today, prostitution conceals itself under the umbrella term “escorting” which takes advantage of a term that is not yet fully understood to signify the activity it describes. Seductive, sparkling attire, fabulous parties, and famous, powerful figures now gild the dirty connotation of “prostitution.” In this way, it has become a comfortable idea for the younger generation, as a tame word in line with the physical criteria of beauty and elegance.

A necessity for elegant enjoyment exists now more than ever before. For here on, we have to enjoy ourselves longer and more fabulously than those who came before, to take full advantage of new means of communication, of consumption. The schemas that associate a woman’s body to objects of consumption, and trapping men in the idea that they are the natural consumers, have never been stronger.

What we are seeing is therefore an increased attraction to this type of prostitution. The market-society demonstrates the value of individuals as proportional to their monetary capital; escorting allows us to rapidly earn and gain access to the social status of an icon. For these reasons, a certain number of young girls find themselves dreaming of escorting as the royal road to fame and riches. A true tragedy, many of these girls consider the sale of their bodies to be the only way for them to obtain what they want, as in the case Zahia, or F. Ribéry’s “birthday present.”

The question of what causes this phenomenon is rarely put on the table. For what reasons do these men believe it appropriate to call for the services of these women? Why do those around them tolerate it? Why are these behaviors considered scandalous, only once they are brought to the public’s attention? And, finally, why does the public feel as though it has been betrayed after discovering a scandal?

Once caught, the public lashings that politicians inflict on themselves are often similar. They appear contrite, tears gleaming in their eyes, but proper. The excuses follow, and the words they

use fall in line with pious sentiments. Bill Clinton, in his televised admittance of an affair on August 17<sup>th</sup>, 1998 claimed, “Indeed I did have a relationship with Miss. Lewinsky that was not appropriate. In fact, it was wrong.” Tiger Woods, on February 19<sup>th</sup>, 2010 stated, “I never thought about who I was hurting. Instead, I thought only about myself. I ran straight through the boundaries that a married couple should live by. I thought I could get away with whatever I wanted to. I felt that I had worked hard my entire life and deserved to enjoy all the temptations around me.” Dominique Strauss-Kahn, to give one final example, claimed on September 18<sup>th</sup>, 2011, “It was not just a weakness, it was a moral fault.”

### **The multiple affairs of DSK, or *The Women of the 6<sup>th</sup> Floor* (Philippe Le Guay, 2011)**

It is impossible to mention the topic of celebrity affairs and glance over the one that blew up into worldwide media frenzy. Dominique Strauss-Kahn (DSK) and Nafissatou Diallo are, from here on out, icons of sexual relationships based on power. The mere mention of either name suffices to bring back clear memories of the case and its facts.

In one meeting between these two, a plethora of power relationships can be described: Man and woman, black and white, rich and poor, powerful and marginalized, northern and southern, power and vulnerability, fame and anonymity. The possibilities of dichotomized relationships in this case are endless.

From the first day, the breaking news of the affair between DSK and Nafissatou Diallo heavily impacted France, the United States, and the global community. It was only a few hours afterward that Taiwanese television channels published a series of images to reconstruct what happened.

Throughout the day, opinions of experts, commentators, and close friends provided an endless stream of information for radios, newspapers, television programs, and websites. In France and around the world, conversation revolved heavily around what may have happened in Room 2806.

But what makes this story so unbelievable? Quite simply, people were incapable of understanding why it happened. “But why *her*?” “Why a maid, who isn’t beautiful or young, when he could buy almost any woman he wanted, given his money, power, and status? Why would he risk everything for her?”

In addition to these questions, it became clear that this scandal was only the beginning. DSK’s “affair” with Pirooska Nagy, one of his co-workers at the International Monetary Fund (IMF), came to light a few days later. The woman in question soon left the IMF, with a bonus that her professional experience did not merit. DSK’s affair at the Carlton hotel in Lille took place during the same year. In this case, he was accused of gang rape and procuring. The accusation of gang rape was later dropped, however the second is still under legal consideration. After returning from New York, pronounced innocent of all charges, DSK was again confronted with another legal case. Tristan Banon, a French journalist, appeared ready to press charges against Strauss-Kahn for an alleged rape in 2002. The case was subsequently dropped, and did not result in criminal conviction.



More recently, another case has been brought to light, after the publication of “Belle et bête” by Marcela Iacob. The work, which describes the relationship between the author and Strauss-Kahn, resulted in legal proceedings. From this point forward, the publication company must insert a note in each copy to explain that the book is an infringement on DSK’s right to privacy. As a result, DSK received 50,000 € in legal remuneration.

As for the affair between DSK and Nafissatou Diallo, the civil case was decided out of court. The woman in question, who became the subject of endless analysis, received more than \$1 million USD in damages.

The movie “Women of the 6<sup>th</sup> floor” uses Paris of the 1960s as its backdrop. In the heart of the city, a young man with a strict moral code discovers a group of beautiful young Spanish girls living on the top floor of his building. By meeting them, he becomes aware of a simpler universe that seduces him in the same way as one of the young Spanish girls. His decision, however, does not please the other characters of the play, who don’t support mixing social classes.

In this film, the world of the working class and that of the bourgeois collide. Their collision reveals the gaps that exist between their mentalities and ways of life. It is, nevertheless, the improbability of their relationship which adds flare to the storyline.

In the DSK affair, the story progresses in a similar fashion. The master falls from his pedestal to meet women living with modest means, and momentarily they share their daily lives, while experiencing new pleasures.

He already possesses women of high society, but they are not enough. He wants all of them, no matter who they are or what they do. One of the prostitutes, who is used to what the press curiously calls “the fine parts” of DSK, says herself that he prefers newcomers.

DSK’s line of defense in the majority of these cases is simple. The women always consent. Nafissatou Diallo, Tristan Banon, the diverse prostitutes, all of them. But the testimonies of each of these women, who dared to publically mention DSK’s brutality, are similar and almost interchangeable. Are they a line of defense proposed by lawyers or a true confession? A mix of both, it seems. Some have gone so far as to pardon DSK in the name of his “French” nature, which supposedly produces men with unnaturally high libido.

### **The unending Berlusconi case, or *The Learned Ladies* (Molière, 1672)**

Silvio Berlusconi is used to being inside the courtroom. Since the 1990s, he has been through many trials, with a mix of politics, the mafia, arms, embezzlement, false testimony, abuse of power, corruption, tax fraud, prostitution, the list goes on. In short, he is the only man to have every necessary ingredient for a good movie on the Italian underworld, or on any underworld, for that matter.

As a preventative measure, while he was still in power and his cases began to pile up, he passed multiple laws allowing him to push back judgment day. One such law granted the Prime Minister of Italy immunity during his mandate. Another stipulated that all prison sentences of under two years given to those over the age of 75 would be carried out under house arrest.

S. Berlusconi is currently 77 years old, and was recently condemned to one year in prison. He has challenged the decision in Italy, allowing his sentence to be suspended until retrial.

If S. Berlusconi is famous for his extra-marital affairs and his “bunga-bunga” parties, he has also attracted Europe’s attention by his choices in policy staff. In 2007, he announced the creation of his party, the People of Freedom (Il Popolo della Libertà) meant to reassemble the Italian right wing.

Two years later, during European elections, he chose original electoral rolls consisting of young, attractive women with few ties and little knowledge of the political world. With television coverage and photos, he put forward those who were denounced in the press as his “bimbos.” After a bit of research, it was discovered that a few of the women had visited the Prime Minister’s villa in Milan, reputed to be a place for orgy parties always supplied with prostitutes.

The pressure generated by this scandal was important (Berlusconi’s wife went as far as to describe her husband’s choice as “the emperor’s entertainment”). S. Berlusconi eventually decided to keep only one of the women, a former television presenter, despite the fact that the young woman of 28 years had no knowledge of politics and considered herself unfit to enter into the political system.

But S. Berlusconi, nicknamed the *Cavaliere* had not said his last word. The following year, during Italy’s regional elections, he employed the same tactic. The strategy is clear, he does not conceal it: “A woman can be good in politics by simply being young and maybe also by being pretty” he claimed, during an interview (*L’Express*, February 24<sup>th</sup>, 2010).

One of these women, who was lucky enough to be elected, was formerly a dental assistant who had helped repair the *Cavaliere*’s teeth after he was attacked in Milan. Another was a television star and model, assumed to have participated in the special parties held by S. Berlusconi, and was proud to introduce herself as his favorite.

The most recent case is often referred to as Rubygate. S. Berlusconi allegedly purchased the services of (at least) one child prostitute, named Ruby. S. Berlusconi confirmed numerous times throughout the affair that he was unaware of the girl’s age, before going back on his own statements like the *Cavaliere* himself.

An investigation into the case is currently underway. S. Berlusconi, as well as certain close relations, is facing charges that include the abuse of power, exploitation of prostitutes, and sexual exploitation of minors.

Similar to certain characters in Molière’s plays, Silvio Berlusconi doesn’t seriously value intelligent women. His selection criterion is always the same: physical appearance. His apparently insatiable sexual appetite pushes him to reward his conquests by naming them to positions of power. The *Cavaliere*’s mistresses are dispersed everywhere, in both the public and private professional spheres.

The famous learned ladies, who give their title to Molière’s play, are not ridiculous because of their will to learn, but because they believe they are learning from individuals who are, in reality, pretentious and of little worth.

“If you ever feed your mind at all, everyone says it is with airy diet”<sup>2</sup>.

For the majority of those who accept positions of power for this type of remuneration, the situation unravels in a similar manner. Dazzled by S. Berlusconi’s charisma, or by the lure of easy power, these women willingly accept to see themselves brought into the political world as a pretty face, claimed as learned.

### **The amateurism of the affair involving Barack Obama’s bodyguards, or *Female Agents* (Jean-Paul Salomé, 2008)**

The resume of facts is the same, despite the article or its publisher: a short time before the U.S. President arrived in Columbia to attend the US-Latin American summit, an affair took place which challenged the legitimacy of secret service agents who had come to prepare for the President’s arrival.

The bodyguards are reported to have drunk heavily, according to the hotel staff, before inviting a group of 10 or more prostitutes into their room. Their actions were revealed to the public at large the next morning, when the Columbian police were called to resolve a financial dispute between a prostitute and a bodyguard. The man wanted to give her \$30 USD, though he had proposed to pay her \$800 USD the previous night.

The local police, embarrassed to become involved in the situation, called the American Embassy. The agents in questions were sent back to the United States one day after the President’s arrival.

“Out of the 11 Secret Service members suspended and awaiting the result of an investigation of this case, ‘one member was authorized to retire, another is in the process of being fired... another left his position,’ affirmed the Secret Service.” From the same source, “the eight other employees remain suspended,’ while the internal investigation continues” (7 sur 7, April 19<sup>th</sup>, 2012).

The information and reactions communicated by the press in different articles are interchangeable: Barack Obama affirms that this incident does not reduce his interest for the US-Latin American summit, while he continues to put full faith into his Secret Service. In addition, despite the affair, it was continually affirmed that the President’s security was not jeopardized.

Other actors directly involved in the summit who talked about the event, were discontent to see attention focused on the scandal instead of on the political meeting.

“It’s incredible; four days after the US-Latin American Summit that brought together Barack Obama and 32 other heads of state, no one is talking about the meeting,” proclaimed Maria Teresa Aya, director of the Columbian Diplomatic Academy. “The international press is only interested in prostitution scandals.” A young government worker of the Ministry of Exterior Relations proclaimed angrily, “we slaved away for this damned summit and, in the end, it was only for a story about prostitutes” (*Le Monde*, April 20<sup>th</sup>, 2012).

Finally, as in many other occasions, what is disconcerting is that the agents acted in this way while working for the President preparing his arrival, not that they bought prostitutes in the first

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<sup>2</sup> Scène 7, acte II (v. 549-550).

place. Rep. Peter King, R-N.Y., chairman of the House Homeland Security Committee, stated, “For Reuters, this incident brings to light the human weaknesses and working conditions of men in the shadows. Those who don’t travel with the President sometimes organize parties once Air Force One takes off toward other destinations. There exists a need to decompress that P. King does not deny, explaining that ‘what is most worrying in the case at hand, is that the party took place before his arrival’”.

The discredit thrown onto the United States is equally as worrying. For the nation that is believed to help bring light onto the world, such a scandal heavily tarnishes its reputation. Throughout all testimonies, honor was the golden string to tie all words together, as men began to express regret in the name of their country.

The ethical questions around prostitution itself, or the working conditions of the women who were bought, were never tackled. In the end of the affair, only one of them is known by the public eye. Calling the police to settle financial issues and giving an interview a bit later, she had this to say about the agent’s stupidity:

“They were a bunch of fools. They are responsible for Obama’s security and they still let this happen. I could have done a thousand other things. If I had wanted to, I could have gone through all his documents, his wallet, his suitcase” (*The Telegraph*, May 5<sup>th</sup>, 2012).

In the film *Female Agents*, Louise Desfontaines, an agent engaged in the French resistance, is given the mission to smuggle out a British agent captured by Germans.

In order to accomplish her mission, she brings together a dream team: she chooses Gaëlle, a chemist; Suzy, a cabaret dancer; Jeanne, a prostitute. Out of these four women, only Louise is a professional agent. Beside the chemist, who is recruited for her talents in explosive material, the two other women are recruited for the talents in seducing men.

Today, this practice remains in place. In order to trap male agents, their weak points have to be exploited; send them women. For this reason, it is difficult to find a James Bond or any other secret agent without the essential seductress, who plays a double role to charm the agent and extract information from him.

If the Columbian prostitutes had themselves been secret agents, like the characters of the film, it would have been easy for them to access information transported by the agents and to put Barack Obama’s life in danger. Given all of the international repercussions that could have resulted, this hypothetical situation is the most worrying element of the affair.

### **The Enigmatic Zahia affair, or *Born Yesterday* (Georges Cukor, 1950)**

The affair in question is certainly one of the largest media successes in the last few months. Its success may be explained by the fact that, unlike the three other affairs listed above, it is the only story with the prostitute as main character, leaving her clients to the sidelines. Throughout the press, she is the only person mentioned; Franck Ribéry and Karim Benzema, the main French football players involved, are mostly brought up in relation to judicial decisions.

Football and prostitution maintain a long relationship; the scandals that tie these two spheres together are numerous and similar. During large sport events, they highlight the emotions of

fans, and are later left in a forgotten limo until a new affair explodes into the public eye. January 2011 saw the scandal involving players from the Swedish team, July of the same year brought scandal onto the Mexican team, and every World Cup brings a large influx of prostitutes into whatever country happens to host. The 2006 World Cup in Germany witnessed the construction of numerous super structures dedicated to prostitution, before the arrival of a massive number of testosterone boosted fans. For example, a new “megabrothel” of 32,291 sq ft was built in order to welcome 650 clients right next to the principal stadium in Berlin. Smaller, bathroom sized constructions were also built on site, to be used by clients and prostitutes alike. Despite the large number of prostitutes who worked throughout the event, the women who sell their bodies remain largely unnamed and unmentioned.

The juvenile Zahia, conquered the public because she evoked an emotional reaction, because she was a minor who resembled a naive doll while she was a prostitute, and because she developed a certain mystery around herself, by her frequent silence often incorrectly attributed to her soft character. She embodies a story close to a modern fairy tale; hers is simultaneously cruel and enchanted, as traditional stories often were.

Zahia refuses to be assimilated as a prostitute, and differentiates the activity from that of escorting.

“You know, it is always men who give me propositions. It’s for this reason that I refuse to be called a prostitute. I am not on the edge of a sidewalk, or sitting on a barstool. I go out into connected areas; I meet people in show business, in sports... But they propose... and I decide” (*Paris Match*, May 3<sup>rd</sup>, 2010).

And yet, in the net section of the article, she admits (like many women in her situation) that she sold her body to obtain a sufficient amount of money to open her own beauty parlor. The activity therefore is not one that she practices in total liberty for her own pleasure. Prostitution is considered to be a temporary activity, justified by a future project that requires funding.

For this reason, far from being the naïve, limited white girl targeted by a media who wanted to paint an unflattering, lachrymose picture of her (which was always centered on her physical appearance), Zahia seems to have mastered the subtle manipulation of her media coverage. Today, no one speaks of her as the French team’s favorite prostitute, but as a popular fashion creator protected by reputed figures (Karl Lagerfeld, notably).

When typing her name into international search engines, many pages have to be flipped through in order to find an article that deals with the first reason behind the young girl’s popularity. This phenomenon eclipses the means that she employed to arrive at her stardom, giving a large number of young girls the idea that they can achieve their dreams by following in the footsteps of a former sex worker.

These young girls are generally not aware of the implications on gender relations, and believe that using their body as an object is the best way to succeed in life. This conformity to a norm that treats women as merchandise allows them few means of affirming themselves as an individual.

This type of behavior and attitude, expected according to an individual's sex, was theorized by Christophe Dejours, a psychiatrist and psychoanalyst, in 1988 under the name of Mulierity. As Pascale Molinier notes, Mulierity is "a defensive identity of sex that consists of 'making the woman' to avoid manly victimization. The female collective that, in order to forget its oppression and to not suffer, restrains women to give up all aspirations contrary to social femininity, relieving the collective masculine identity." She also notes that Mulierity degrades self-esteem and selfhood (the varying identifying part of each individual that makes him or her unique). By trying too hard to incarnate the culturally constructed feminine archetype, we finish by forgetting who we truly are and remain lost.

The young women who are fascinated by the Zahia model, or by bimbos on reality television, have no idea how hard prostitution can be, and are unaware of the physical or psychological damage that can result. These women belong to the hyper sexualized period of our society that Jocelyne Robert, a sexologist and author, defines as such:

"XXX scenes and pornography are disappearing in public space. It is increasingly rare to speak of eroticism, relations, signification, desire, pleasure, expectation, consent, education, or sexuality... It's rigid sex, parochial, focused on genitals, consumerist, mechanic, and rushed. It has squeezed its partner, sexuality, that in its own corner continues to embrace emotional, sensual, relational, emotional and identifiable panoramas..." (*Les Nouvelles News*, January 26<sup>th</sup>, 2012)

For Zahia, the story does not end badly in principle, but how many other broken lives have been left in wake of the story? Despite a period of her life that was determined by prostitution, it seems that she has succeeded in creating a free future for herself.

As in the film *Born Yesterday*, Billie Dawn, a former cabaret dancer, is estimated to be an imbecile before reality tears down these initial conceptions. Due to a team that never leaves her, and controls the smallest details of her life, Zahia knew how to use her image as an airhead in order to manage her fame and her business with an iron fist hidden under a pink velvet glove.

### **The mix of power and prostitution: *A Matter of Taste* (Bernard Rapp, 2000)**

Those accused of being at fault attempt to restore their image by adopting the figure of the repentant sinner. It's next to their spouse, their family, and their country that they break down into excuses. At the heart of these famous affairs, the most important aspect of the game is honor. Collective honor is the only victim of the four cases studied under this theme, as in all others. As for the prostitutes, they are not often taken into account by article or by the excuses offered (except for Zahia, who fascinated the public eye). These women remain the object at the beginning of the entire affair.

The term "affair," systematically employed for this type of event, is a soft euphemism that covers a cold reality. "The initial refusal to name facts is discerned throughout the entire scandal," as Karine Hamedi notes. "The term 'affair' seems to create its own reality in and of itself, by designating scandalous facts that are completely separate from political debate". She remarks as well that all "affairs" mix a conflict of values with a power conflict.

In this way, when an emotional element is added to the story, using this term becomes appropriate in certain well-defined frameworks. At its origin, “affair” is used to name sentimental relations and is always assigned to describe extra-marital relations in Anglo-Saxon vocabulary. In tandem with the spouse or the humiliated victim, the public feels cheated by the actions of the person they had admired or respected beforehand. The public feels vindicated by excuses made in their name and in the name of the victim.

In these four affairs, public opinion, media, and the protagonist concentrate heavily on the context and repercussion of the events, not on prostitution itself. In the DSK “affairs” such as those centered on S. Berlusconi or the U.S. Secret Service, only socio-political impacts are analyzed publically. In the Zahia “affair” the equivalent impact is felt in the realm of international sport.

The trials of S. Berlusconi and D. Strauss-Kahn remain in motion. Those of F. Ribéry and K. Benzema began in June 2013. But to this date, none of the stories can clarify the causes and real conditions of prostitution. Far to the contrary, they have glorified the activity, hiding it under a dazzling and trendy garb. In the eyes of the young, the activity appears and heavily influences their sexual-psychological development.

Public opinion largely tolerates the meetings between powerful figures and their mistresses and prostitutes. Even when hidden, the public is likely to forgive reprehensible practices, knowing that they exist and considering them to be a natural result of power. It is precisely this welding of power and sex that is important to question. It confirms a symbolic order in which, once you become rich, it becomes normal to collect women like cars or works of art. Under the same heading as a luxury good, women become part of the “package” of power.

As long as the media covers only the glamorous aspects of these “affairs,” they will continue to glance over the essential elements. Their refusal to dig further into the problem helps perpetuate old, degrading schemas for women and human beings. For this reason, it is unfortunately probable that both tabloids and prostitution have productive and lucrative days ahead.

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# Press and prostitution

In 2002, Marie-Joseph Bertini noted that women only represent 18% of people cited in the media. After a long study of semantics and statistics of three large, typical nations, she arrived at the conclusion that the main function of the media is to establish a pre-existing symbolic order, with everyone in their respective places. In order to do this, the media does not describe the world, but they prescribe it; they give the people what they think should be the “real” truth: women are subject to their place, where they are dominated.

This remark seems to also apply to the journalistic treatment of prostitution. Indeed, the media continue to portray this theme with a lot of recurring archetypal descriptions, demonstrating a concern for sensationalism rather than a real examination. This is particularly visible in the way in which prostitution activity, the figure of the client, and the procurer are all presented.

## **Prostitution in France as seen from the written press**

In the analysis of press articles treating prostitution in France<sup>1</sup>, the study of individuals working on this topic is particularly instructive. It shows that these individuals can be separated into two distinct groups. On the one hand, those who oppose abolitionism and the criminalization of the client, on the other hand, those who support both.

The first group criticizes the abolition of exploitation of prostitutes and the penalization of clients. Of the 42 activists of this first group, only 13 have direct contact with a prostitute (31%). In all of the studied articles, the prostitutes (with the exclusion of those who claim directly to the Union of Sex Workers –STRASS) count themselves among those who have the least access to speak and/or who wish to communicate less.

Contrarily, the second group mainly wishes to abolish prostitution and penalize the clients. Of the 35 participating, 28 have a direct link with prostitution (80%). Three-quarters of them exercise, campaign, or work directly in structures related to gender and/or prostitution.

Beyond this first analysis regarding differing opinions, the second theme most frequently treated by the press is that of individuals whose homes adjoin places of prostitution.

The focus is now largely located on their complaints: the complaints which one hears most often involve the aspects of prostitution that affect their own lives, as also illustrated in the choice of name for a group of individuals, "no prostitution-in-front-of-our-homes."

Very few residents worry about the living conditions of prostitutes. While they are direct witnesses to the conditions of violence in which they operate, it is the nuisance that these

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<sup>1</sup>A total of 747 press articles of 2012 were studied and reviewed by Fondation Scelles. The articles are gathered daily from hundreds of French and English news sites from a number of keywords related to prostitution. These items come from major national and regional newspapers, as well as several news sites online. This massive and diverse sample allows a glimpse of how the issue of prostitution is treated in the French press.

activities involve that bother them most. For example, they are not concerned with the health of prostitutes who are infected with diseases, but rather the fear of themselves contracting the diseases (except grassroots organizations directly involved in the health of these women).

### The image of the client in the written press

To this topic, throughout the course of 2012, the stakeholders multiplied and varied, but the articles on the client are less numerous (51) than those discussing prostitutes (384). The debate mostly focuses around the question of the penalization of the client, essentially consisting of arguments in favor or in disfavor of this action. On one side, one third of articles oppose penalization (17 out of 51 articles). On the other side, those who are in favor of the penalization of clients (11 out of 51) account for 21% in total. Another component is the neutral articles (24), who simply state the facts linked to the question of punishments of client, or treat another connected subjects (46% of total articles).

It is interesting to note that of the 51 articles concerning prostitution, only three are written by clients or ex-clients and, always anonymously.

MAIN ARGUMENT AGAINST THE PENALIZATION OF CLIENTS (6)					
First argument : appearing 25 times	Second argument : appearing 18 times	Third argument : appearing 13 times	Fourth argument : appearing 13 times	Fifth argument : appearing 5 times	Sixth argument : appearing 4 times
1 : The penalization of the client would degrade the working conditions of this activity	2 : It is intolerable that others decide, instead of prostitutes (note that many of those who speak in this sense have never used prostitutes either)	3 : It is necessary to differentiate free prostitution and forced prostitution	4 : Wanting to abolish prostitution is a moral concern, therefore it has no place in this debate	5 : Criticism of the Swedish model, presented as biased, dangerous, hypocritical, and difficult to assess	6 : Positive argument (contrary to all other critics) that promotes the merits of formalizing prostitution

MAIN ARGUMENTS FOR THE PENALIZATION OF CLIENTS (7)						
First argument : appearing 19 times	Second argument : appearing 15 times	Third argument : appearing 14 times	Fourth argument : appearing 11 times	Fifth argument : appearing 10 times	Sixth argument : appearing 10 times	Seventh argument : appearing 3 times
1 :Prostitution is thought of as a place of profound inequality between men and women, a relationship of domination, a violence of gender (mental and physical) causing severe effects	2 : Refusing the sale of the human body, sexual exploitation, and the normalization of the sale of humans for the defense of human dignity	3 : Prostitutes are thought of as individuals in vulnerable situations, already under stress (economic, emotional, family, etc.), and in clandestine situations, which makes the argument of free choice irrelevant	4 : Necessity of prevention on the subject of prostitution so that prostitutes can escape the system and create a new life	5 : The myth of the “good” client is deconstructed: this person does not exist in reality	6 : Comparisons of situations of different countries in which prostitution was legalize or abolished, such as Netherlands/Ger many on one side and Sweden on the other	7 : The deconstruction of the widespread idea that prostitution is the oldest profession in the world and therefore it is impossible to stop

<b>OPPOSING THEMES OF THE TWO GROUPS</b>		
	<b>AGAINST THE PENALIZATION OF THE CLIENT</b>	<b>FOR THE PENALIZATION OF THE CLIENT</b>
<b>THEME 1: LEGALIZATION OF PROSTITUTION</b>	<p>The legalization of prostitution would provide prostitutes with better living conditions. This is said without relying on any specific study. The first three speakers simply imagine that the formalization allows those who engage in this activity and who reject the networks to live better. The fourth person, an activist of STRASS, for her part announced that “the associations have been saying that the more repressed prostitution is, the more working conditions are deteriorating”. Yet there is no mention of the names of the associations in question, or their sources. Thus, the assertion that the formalization of prostitution would be beneficial and prostitutes would deviate from organized crime, remains totally unsupported here.</p>	<p>Two supporters of the criminalization of four clients are based on real-life examples to support the assertion that legalizing prostitution would actually be an invitation for criminal networks. The first speaker takes the example of Eros Center, where “the majority of prostitutes who exercise is not voluntary”, without citing sources. However, the individual interviewed on this issue is the author of a book on prostitution. The second speaker takes the example of the Netherlands and Germany to show that “regulation is the most effective way to increase the market of ‘sex worker’, to open the ‘Eros Centers’ where one practices rapid prostitution, and to protect the interests of procurers, so that they become mere managers, hoteliers, businessmen like the others”. Indeed, these countries do not punish individuals collecting “rent” from prostitutes who pay to exercise within these institutions.</p>
<b>THEME 2: THE CONSENT</b>	<p>The theme of articles opposing the criminalization of the client – as well as for the issue of legalization – simply stated this opinion without any further argument. The mere fact that some prostitutes engage in this activity voluntarily is enough.</p>	<p>To say that everyone is free to make his own life choices without taking into account their context means that everyone is completely free at any point in his life, and no determinism weighs on him.</p>

## The profile of procurers in the written press

In the articles discussing prostitution, the figure of the procurer is central (312 articles out of 747, 42%), in contrast to that of the client. The subject of the procurer is treated very carefully. The majority of articles are only concerned with judicial facts. In general, the 314 articles address two main topics:

- Acts of justice against highly organized procurers, acting mostly through networks (142 articles, 46%);
- The “Carlton de Lille” affair and the connected elements (111 articles, 36%).

The remaining 18% deal in decreasing order with "Julotcasse-croûte," "massage" parlors, the figures available on the subject, various facts, stories of people, such as (former) prostitutes, and the actions of one of the sons of Muammar Gaddafi on the Côte d'Azur.

Of the 312 articles dedicated to procuring in the French press, 303 are written in journals, 9 texts are written by people (not journalists) who are truly engaged.

No journalist article truly attempts to describe the character of a procurer, probably because there is no doubt about it. As the customer remains a mystery, it is assumed that the procurer is either a brutal, misogynist, "bad guy" often from Eastern Europe, or a determined man in a precarious situation, living on the earnings of his wife. In the first case, journalists do not research the personality and history of the individual. In the second case, the procurer - sometimes called "Julotcasse-croûte" - is frequently presented as a confused man, experiencing social and emotional difficulties. He is also often described as so in love with his wife he agrees to abide by the "choice" of the latter to exercise prostitution activity.

In general, individuals are rarely referred to as procurers, but rather they are “Julot” and their workers act in a “voluntary” manner. The tone of these articles is quasi-empathetic, as if the men were to be pitied more than the prostitutes who work for them. The articles are often written in a way to emphasize the distress of the “Julot,” or his indignation, completely erasing the victim –the prostitute. Within this phenomenon, one can see the resurgence of the well-established idea that all women must belong to a man, as shown in particular in the work of Françoise Heritier. The owner has by definition the right to freely dispose of his property. If his wife adopted a perceived attitude degrading to a woman, it is ultimately the man, who inflicts his opinion on his wife, that reflects the shame and therefore pity.

In the affair of Carlton de Lille, the argument for the defense of Dominique Strauss-Kahn (DSK) renews this idea that the true victim is the man, and not the woman, who is still suspected of being a temptress. Everything lies in this charade. During the "libertine" parties, it would have been impossible to determine that some women present were prostitutes. This idea is presented by one of the lawyers of DSK as follows: *"Il [DSK] pouvait parfaitement l'ignorer car figurez-vous qu'à ces soirées, on n'est pas forcément habillé et je vous défie de distinguer une prostituée nue d'une femme du monde nue* (He [DSK] could well ignore the prostitution because one imagines that on these evenings, one is not necessarily dressed, and I challenge you to distinguish a naked prostitute from a naked woman of the world) (*Le Nouvel Observateur*, January 21<sup>st</sup>, 2012). This sentence, a rare symbolic violence, reflects the common thought that

every woman is potentially a sinful dormant, ready to play as an object of desire, that is to say to fulfill the man's destiny of women as objects. Simply, there is a type of women which one must pay for and the other ones are free, but must testify their ways.

In other words, one returns to the classic archetypal images of the woman and the Holy Whore, which are exclusive of each other and classify women between honest, respectable mothers versus sinful, attractive, bad women. Except that in modern times, it would be difficult to differentiate; these two categories are typically so distant from each other, but they are found mixed and indistinguishable because of the nudity in particular, as if only the clothes allow men to differentiate the types of women. This also implies that a naked woman is necessarily a "whore," a body always available to men. By triggering the desire of men - still often presented as uncontrollable - she becomes the object of the desire, and of this gratification of consuming power. Therefore, she is powerful because she has a power that man cannot control, so men reduce her to the ontological figure of a "whore," in order to render her less powerful and more controllable.

The very rare articles, from former prostitutes, that discuss procurers are very alarming. And yet, a certain reserve characteristics a large percentage of these few stories, as if not all could be said.

This, without a doubt, demonstrates the fear that procurers provoke. They are violent, cruel, and do not hesitate to threaten the families, adapting their methods to the beliefs of the family, such as witchcraft rituals performed on African women.

A former British prostitute explains that procurers mostly use the method of discrediting the word of survivors. This reduces individuals, and thus causes others to doubt the veracity of their stories of terrible experiences, which could affect the glamorous image of prostitution. Clichés representing procurers as individuals assuming their condition openly, the author explains that in reality, they have become much more subtle, and therefore more dangerous.

### **In conclusion, a failed mission...and lots more work**

In his book on the French press, Pierre Albert highlights the existence of "French" critical journalism of expression and commentary. Yet when the French media covers prostitution, they are anything but critical. Rather, they merely report the facts matching many clichés - sometimes tearful, sometimes liberal-voyeuristic. They rarely question the root causes of prostitution, a subject remaining rather unknown to the public. The media reflects again and again the same archetypal representations of prostitution, maintaining the public's idea that prostitutes are willing and free in their sexuality, instead of women exploited against their will. Whatever the theme of the article, the tone is often descriptive, giving great detail on the outfits and shapes (observed when subjects are female). Photos, always centered on the body of prostitutes illustrate this desire to expose prostitution, failing to hear or to really dig into the ins and outs.

The overall result is clearly catchy, perhaps because the mental representations of prostitution are, and thus the journalist gives his work not what he sees but what the reader wants to see him. Or maybe just because it sells.

In 2004, the Fondation Scelles noted on the subject of prostitution in the media that "*l'approche est parfois sensationnaliste ou misérabiliste ; le goût pour l'histoire individuelle, le fait divers teinté de paternalisme, occulte toute analyse de fond sur les causes structurelles et l'ensemble des acteurs concernés* (the approach is sometimes sordid or sensational; the taste for the individual history, the facts are tinted with paternalism, and hide the structural causes and all actors)", the conclusions are the same in 2012.

The history of prostitution shows precisely the vicious circle: the prostitutes are thought of as willing, a minority of them claim it (who wants to be a victim?); Sensationalist media reproduce the discourse that readers feed upon and everyone is convinced of the natural quality of this activity and therefore its necessity. Therefore, in *Causette* of February 2013, 75% of French people consider prostitution as inevitable. As a result of a lack of consensus, public powers are not able to set up a project company without prostitution. Media abandon their critical approach on the prostitution issue. Their eyes on this activity have essentially a self-indulgent, nostalgic view. Instead of asking the right questions, sorely missing from debates, they tend to perpetuate stereotypes that ultimately sustain prostitution, by harping that prostitution is "the oldest profession in the world." Clearly, there were healers, hunter-gatherers, or midwives before. In fact, this is the oldest lie in the world.

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# Criminal markets

The business market aspect of sexual exploitation is generally underestimated, especially considering that the globalization of the sex trade is still expanding. Clearly prostitution is a matter of money from the terms that describe it today, and clearly procuring, which refers to a brokerage or trading of humans, is a business. But the markets are not trivial and their commonness should not calm anyone. If the procurer (another Dutch word (mackerel) meaning "Broker") prefers to be called "manager" (as is always the case in the Netherlands), and the victim of the operation is called "sex worker", only the client is described as what he/she really is – the one who solicits an offer that through its payments supports traffickers.

Indeed this is a traffic, where the one who benefits is tightly linked to organized crime. The product being sold is a vulnerable human being and the buyer is a consumer, who believes in the illusion of an ordinary transaction with mutual benefits.

The year 2012 has been the time to put into perspective this reality, mainly thanks to the advancements in the fight against organized crime.

The UN confirmed these evaluations in 2011 while launching, in July of 2012, its first campaign "*Criminalité transnationale organisée: Mettons fin à leurs activités (Transnational organized crime: Putting an end to its activities).*"

The United Nations, on the occasion of their action "Blue Heart Campaign" against human trafficking, said that 25 million people are trafficked each year, with an estimated \$32 billion USD profit.

The proposed measures to try to stop this growing phenomenon are the establishment of a hotline to report events related to human trafficking, the participation of all in raising awareness using such networks, and the adoption of social practices by citizens to refuse to buy goods or services directly or indirectly related to exploitation.

The United Nations Office on Drugs and Crime (UNODC) is particularly invested in this fight and published at the end of 2012 its Report on Human Trafficking, which demonstrated the universality of this evil and the scale of the challenges it imposes on those who fight.

The International Labour Organization (ILO), in its report from July 2012, evaluated the number of victims in the work force related to sexual exploitation at 20.9 million people, 5.5 million of which are children.

At the European Plan on March 12<sup>th</sup>, 2012, the European Union adopted a proposal for a directive to promote practices of freezing and confiscating criminal assets, while referencing several economic evaluations, including the Council of Europe, which amounted to \$42.5 billion USD in profits per year of human trafficking. The European Union evaluates the money that they have confiscated. For example, in the United Kingdom, 154 million GBP (close to \$242 million USD) were seized in 2009, compared to the total profit of the organized crimes which is estimated at 15 billion GBP (close to \$23.7 billion USD).



The Directive does not fail to recognize that the total proceeds of organized crime worldwide in 2009 had reached 3.6% of Gross Domestic Product (GDP) (ie \$2.1 billion USD)<sup>1</sup>. Human trafficking is now the third largest source of income for criminals, after arms and drugs.

In addition, the European Union published on June 19, 2012 its strategy for the eradication of trafficking that addresses the issue of criminal profits. It calls for financial investigations in cases of human trafficking to be actively conducted by a Europol analysis to help refine the data.

In France, the viewpoints of public and private institutions responsible for preventing abuses of criminal money, shed light on the realities of the market of human trafficking.

The *Office Central de Répression de la Grande Délinquance Financière* (OCRGDF) emphasizes the current increase in all traffic (narcotics, major fraud, VAT fraud) and confirms the assessments of UN on trafficking.

It should be noted that preventive actions carried out through a public plan by the *Organisme de Traitement du renseignement et action contre les circuits financiers clandestins* (TRACFIN) are dedicated to the fight against money laundering. At the private level, organizations such as the *Mouvement des Entreprises de France* (MEDEF) establish compliance standards for greater vigilance in daily trade, and companies such as The Body Shop, with its international campaign "Stop trafficking of children for sexual purposes," also combat trafficking.

In 2012, the *Office Central pour la Répression de la Traite des Etres Humains* (OCRTEH) dismantled 62 organized networks by moving more and more towards referral of *Juridictions Inter-Régionales Spécialisées* (JIRS).

A national plan against trafficking provides, in line with the European Directive of March 2011, an awareness of prosecutors and investigators to the need to concurrently investigate the facts of human trafficking, research the suspected assets, then confiscate them.

Different actors in the fight against human trafficking agree that patrimonial punishments have a stronger dissuasive effect in this area than prison sentences, which are more easily accepted as a risk of this business.

An operational example studied in 2012 at the REFRACT project, to strengthen the actions of judicial cooperation between France and Romania, is noteworthy. The first case was conducted jointly by France and Romania against a powerful network of rampant Romanian traffickers, especially in the Loiret. In 2010, the dismantling led to the confiscation and sale of property acquired by criminals in Romania for the benefit of both countries.

In 2011, a new case of this type was unveiled. The property of arrested traffickers was also seized. But this time, the auction of buildings that the traffickers used was unsuccessful, due to lack of buyers. The message was clear: it was not wise (or prudent) to purchase the assets of traffickers, for fear of reprisals.

The establishment in 2010 of the *Agence de Gestion et de Recouvrement des Avoirs Saisis et Confisqués* (AGRASC) opens up real prospects for efficiency by using the most appropriate

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<sup>1</sup> UNODC, *Estimating illicit financial flows resulting from drug trafficking and other transnational organized crimes – Research report*, October 2011.

technical tools to focus on profits, which are the main goals of traffickers. In the 2012 report, AGRASC reported over 20,000 cases handled, having resulted in the seizure of about \$1 billion dollars' worth of criminal assets, furniture, real estate and financials.

According to Jean-Marc Souvira, head of the central office for the suppression of major financial crimes, the total value of seizures related to human trafficking in 2012 is estimated at \$3.5 million USD, which is only the beginning.

These economic approaches should not obscure the central point: this is a market in which the product that is being bought and sold is a human being. The decreasing age of victims proposed to a more and more diverse clientele demonstrates the adaptations to market demands and the growing threat to the most vulnerable: children, women delivered by their families, migrants in irregular situations etc.

Being a victim of sexual exploitation does not stop one from simultaneously or successively being the victim of other forms of exploitation such forced labor, forced begging or theft, or trafficking in organs. The latter case is, according to UNODC, affects 0.2% of detected cases of human trafficking in the world.

A final conclusion can be drawn concerning the 2012 UN report, which shows the existence of markets for deals powered by national, regional and trans-regional flows, largely blurring the classic image of separated countries of origin and of destination. This reflects the rapid adaptations of organized criminals in the game of supply and demand and further undermines the effectiveness of international law enforcement cooperation procedures.

At the top of the chain, tolerating or ignoring the economic dimension of trafficking has become even more unacceptable; the bonds of human trafficking with the phenomena of corruption are widespread (a calming reassurance for the extension of trafficking). At the bottom of the chain, the injection of criminal assets in the legal economies poses a threat to the very existence of our democracies.

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# Criminality in the Balkans

The fight against human trafficking is very complex. One needs a global approach to effectively attack this problem, to take into account at the same time the need to protect victims of trafficking and to effectively prosecute traffickers.

## **Sexual exploitation and human trafficking**

### *At the international and European level*

According to the most recent statistics published by the International Labour Organization (ILO) in June of 2012 concerning the period of 2002-2011, one can estimate that there are around 20.9 million victims of forced labor in the world, of which 5.5 million are children. Concerning the illegal profits obtained by traffickers, it is estimated that every year in the world, around 25 billion € (\$33.8 billion USD) are earned, half of which is acquired in industrialized countries.

Preliminary data collected in the European Union (EU) in the study conducted by the ILO in June 2012 on forced labor in the world shows that three quarters of the victims identified in the Member States of the EU are victims of trafficking for sexual exploitation (76% in 2010). Women and girls were the main victims between 2008 and 2010; victims were women in 67% of cases.

### *In the Southeast of Europe*

In 2011, in Southeastern Europe, the number of persons prosecuted increased by 29% compared to 2010, despite the difficulties faced by countries in the region to effectively prosecute traffickers. The regional dimension of the phenomenon is remarkable, considering the fact that most streams are intra-regional. Internal trafficking in countries is increasing, with an overall growth of 17% in 2011, though it is still two times lower than transnational trafficking. Sexual exploitation is the main form of exploitation in the region.

Thus, sexual exploitation is now the most common form of exploitation in the countries of southeastern Europe, with over 50% of the victims identified in the region. The top ten countries of destination for trafficking from southeastern Europe are Spain, Italy, Germany, Greece, Czech Republic, France, Cyprus, Poland, the United Kingdom, and Austria.

Among the most important countries of origin, one can find the Republic of Moldova, Albania, Bulgaria, Romania, and Ukraine.

The main forms of prostitution reported in the area are street prostitution, brothels, cabarets, clubs, and luxury prostitution (escorts girls etc.).

It is also noted that the massages concealing prostitution activities are also increasing.

One of the most recent trends in sexual exploitation is that the total number of victims has decreased in the Southeastern Europe in 2011. According to official statistics, the decline is particularly important in the Republic of Moldova, Serbia, Ukraine, Albania and Romania.

New phenomena also appeared in the region in recent years, such as internal trafficking of minors, particularly girls, due to the increasing use of social networks by adolescents. The increase in the number of child victims of trafficking, including Serbian in the Western Balkans, is of particular interest to the authorities in the region trying to implement appropriate policies, with particular emphasis on the prevention of trafficking.

### **Recruitment methods and profiles of victims**

In Albania, but also in Bosnia and Herzegovina, the main mode of recruitment is the false promise of marriage. Traffickers, in Bosnia – Herzegovina for example, often use a variety of means to coerce their victims to obey, such as making them be addicted to drugs and alcohol.

In Greece, young victims of sexual exploitation, the women, are often recruited by ads, travel agencies, or employment agencies.

In Slovenia, traffickers hide their victims in apartments, and then employ them in their nightclubs and cabarets to legalize their stay in the country very quickly.

In Bosnia and Herzegovina and Moldova, for example, many victims are minors from families with only one parent, usually the mother, or families in economic distress, social, and particularly vulnerable; but there are also unaccompanied and neglected minors or handicapped adults.

### **Mode of transport of the victims**

Most victims legally enter the territory where they are exploited, with genuine identification documents. It is only once they have reached their destination that they are notified of the amount of their debt to the traffickers, pushing victims into prostitution in order to reimburse their traffickers.

In most cases, these young women are willing to prostitute themselves because they are completely destitute. In case of disobedience, traffickers do not always use physical force, but the threat of financial penalties, giving them barely enough to survive, or psychological pressure wears on them.

The victims are transported by buses, cars, vans, boats, or aircraft. Very often they cross the border on foot, to avoid border controls. Traffickers prefer to transport through the internal borders of the European Union. For example, victims of Moldova and Ukraine come into Bulgaria, joining in organized tourist groups.

The traffickers often use the most direct routes to transport the victims. They do not fear border controls, and the victims are cooperative, because they do not know what they are arriving into, because they are vulnerable, and because they are not truly conscious of their situation as victims.

The traffickers move victims from one territory to another, depending on the season and the types of demands in the country.

### **The effects of the crisis on the market of sexual exploitation in Southeastern Europe**

The most profitable activity of organized crime – prostitution and human trafficking crime - developed due to the economic crisis in Southeastern Europe, Spain, and Greece in particular. The benefits of these crimes have reached the amount of 650 million € (\$878 million USD) per year in the countries of the region in the years 2007 and 2008. In 2011, internal sexual exploitation in Bulgaria has fallen, although it should be noted that most of the revenues from domestic markets are still generated by foreign visitors.

During the period 2010-2011, there was a shift of market exploitation of the Balkan countries, especially Bulgaria. The market related to the sexual exploitation began to fragment. As a result, small groups of procurers appeared at the expense of major criminal networks.

The economic crisis has reduced the demand for paid sex and the income of organized crime fell. In 2009, revenues from domestic markets decreased by 50% to 70% compared to previous years. A smaller number of customers were found in the border regions of Greece.

To compensate for the loss of income, criminal groups have expanded trafficking networks in foreign countries and developed through the use of internet, allowing them to provide sexual services, and recruit and control prostitutes. Ensuring a greater anonymity, the internet poses severe risks for the future.

### **Facts and statistics on sexual exploitation in the region**

Southeastern Europe is a region in transition where economic development and the welfare system are not homogeneous. These imbalances are a breeding ground for all forms of human trafficking. Illiteracy, domestic violence and discrimination are aggravating factors. Taking advantage of the vulnerability of populations who are in search of better living conditions and who desire to emigrate, traffickers have increasingly use "soft methods" such as emotional blackmail, and manipulation, making the work of the courts to obtain a conviction more difficult.

### **Geography of seasonal sexual exploitation**

In the southeast of Europe, seasonal exploitation is mainly found in the countries closest to the Black Sea and the Adriatic Sea. Nowadays, criminal networks have practically completed a "market study" to establish their criminal activities on the development of tourism in booming resorts. Their profits are maximized through the flow of tourists during holiday periods.

In Bulgaria, sexual exploitation, for example, is mainly concentrated in the large regional centers of Sofia, Plovdiv, Varna, Burgas, in winter sport resorts and in areas that are along the Greek coast.

### ***The case of Ukraine***

In Ukraine, there are about 2,000 prostitutes operating in the streets of Odessa during the low season. This number reached 6,000 during the summer. Criminal networks organizing mass arrivals of young women from Russia, Belarus, Ukraine, Moldova, and forcing them into prostitution in hotels, nightclubs, and cabarets. Very often, during this period, the Ukrainian victims, usually operated in Odessa, are sent for 3 months in other parts of the world, such as the Persian Gulf and the Middle East. Criminal networks then provide the victims with visas and organize the entire business process, from recruitment to travel through the housing and placement operations. Criminal organizations effectively operate seasonal interest centers for significant flows of foreign tourists during the summer and winter holidays. This allows the procurers to temporarily renew the "stock" of people locally prostituted and increase operating rates over very short periods.

### ***The case of Romania and of Bulgaria***

If one now examines Romania and Bulgaria, one will see that both countries have recently become destination countries for seasonal sexual exploitation. The coast of the Black Sea is actually a very attractive site and criminal networks have developed their activities in this area.

### ***The Western Balkans***

In the Balkans, the situation along the Adriatic coast is similar to that along the Black Sea. According to Bosnian NGOs, teenagers of Republika Srpska are regularly "leased" in the summer by their parents or legal guardian for a few hundred dollars to serve in the cabarets of coastal countries. It is important to note that the victims, according to their age, but also their specific characteristics (sex, origin, "skills") will be moved from one country to another, so that traffickers maximize their profits.

## **Obstacles in the fight against trafficking for sexual exploitation**

Most of the time, the victims of sexual exploitation refuse to cooperate with the police, even when their procurer is arrested because they do not see themselves as victims of trafficking. This is a real problem for the police and the judiciary, which requires a greater number of preventive measures for potential victims of trafficking. In fact, victims are often reluctant to accept help from NGOs, and, because of the psychological trauma they have suffered, they are likely to return to prostitution, even after the arrest of their procurer.

## **The extent of corruption**

Among the major obstacles in the fight against trafficking nowadays there is the corruption, the power of foreign mafias, the accommodating attitude of the authorities towards traffickers, and the migration policies implemented. Mafias have invested heavily in the coastal areas of the Western Balkan countries to build hotels and luxury resorts in which they can develop sexual exploitation networks. In addition, in many countries, the migration policies in place do not

necessarily respect the rights of trafficking victims which, according to the Palermo Protocol<sup>1</sup>, should be protected, regardless of the status they have in the country in which they live. This is how many victims are illegally arrested and deported without any form of protection.

### **Criminalization, and the trivialization, of prostitution which isolates victims**

Some countries criminalize prostitution and often view those who were sexually abused as offenders, who have committed offenses against morality. The victims of sexual exploitation do not then have the pleasure of enjoying all their rights. Instead, measures worsen their precarious situation by criminalizing.

In other countries, the laws in force accept and regulate street prostitution, which also represents a danger to the victims. Prostitution and its consequence, sexual exploitation, become commonplace. So much so that the fight against this phenomenon is not even a priority for the authorities, given the fact that the victims are "willing" to prostitute themselves and entering the criminal networks "voluntarily."

### **The use of the notion of voluntary victims**

The concept of voluntary victim is often used in different countries. The argument put forward is that the victims freely join sexual exploitation networks, while the increasing use of soft methods, such as manipulation and intimidation, require a more complex understanding of the phenomenon of sexual exploitation. Many victims refuse to be treated as victims for a variety of reasons: fear of reprisals, psychological control of the trafficker, or insufficient knowledge of the phenomenon of trafficking. All these factors have obviously not changed their status as victims. In fact, the concept of abuse of vulnerability lies at the heart of the definition given by the Palermo Convention and its protocols; it is considered one of the main means used by traffickers to enslave their victims.

The fight against human trafficking for sexual purposes, which today is the main form of exploitation in Europe, should be different from those that apply to the prostitution policy. They should also involve the strengthening of multidisciplinary cooperation, both nationally and internationally.

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<sup>1</sup> Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime., New York, November 15<sup>th</sup>, 2000.



# Cybertrafficking and cyberprocuring

Unfortunately, most of human trafficking and procuring affairs now take place over the internet. Cybercrime is one of the worst violations of human dignity, which explains the strengthening of the training of judges in this area. Recruitment agencies are multiplying online. It is important to note that procurers are often using social networks to more easily approach girls, while taking advantage of the innocuous first impression. In fact, sex offenders are at first "friends." This virtual prostitution is constantly developing with the explosion of web 2.0.

The concept of community sites, forums, and other social networks specifically allow free communication between people. This freedom lends itself to discrete offers of prostitution on sites, such as "classic" dating sites that do not monitor their services. The free interaction between users and the absence or lack of control of content facilitates this activity and the proliferation of networks. This new phenomenon of prostitution is growing, especially since it is not necessary for a procurer to have his own website. Indeed, a simple conversation in a chat room with a webcam can suffice. Thus some dating sites become virtual "sidewalks" that allow criminal networks to carry out their illicit activities within the technical boundaries.

Online prostitution is a booming business with hundreds of agencies registered in Europe and on websites. Tens of thousands of women are included in the directories –mobile phone numbers of prostitutes are displayed clearly on the internet. With one click, one can access platforms with real escort catalogs by country. Many of these sites are American. Comments often accompany the photos, stating that some "escorts" are independent. This phenomenon is international and, if one may identify some emblematic court cases for the period, it is clear that most of the time the sites continue their activities despite court rulings or they simply reappear under other names.

The preceding tendencies are confirmed in *Rapport mondial sur l'exploitation sexuelle*<sup>1</sup>, with a questioning of the activities of escorts as being as "independent" as they are often described.

The common thread in escort situations is the valuing of the supposed relationship between the client and the prostitute, which suggests at the same time the autonomy of the person one pays, conducive to fostering good customer consciousness, and the existence of a free contract between two individuals who trade a voluntary service. This unmarked picture on the internet suggests that prostitution is a pleasant occupation that allows you to make very satisfying encounters and experience moments of pleasure.

One can also highlight the ease of one-click access to the rates of sexual services, with variations on some sites. For example, the offering of an hour called "quick" for 250 € (\$340

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<sup>1</sup> Fondation Scelles, Charpenel Y. (Under the Direction of), *Exploitation sexuelle - Prostitution et crime organisé*, Economica Ed., Paris, 2012.

USD), the offering of "temptation" for 500 € (\$675 USD), and the offering of "weekend" for 5,000 € (\$6,752 USD).

In 2012, there were 15 judicial hearings of procuring and human trafficking online. Some sites remain fully active and simply reappear by changing names. At the judicial level, it may be noted that cases of cyber-trafficking and cyber-procuring are often with an international dimension, as installations of networks are increasing through the internet. Several digital businesses also have their origin in massage parlors.

### **Examples of cases of cyberprocuring and cybertrafficking**

In June 2012, 12 women were arrested in Paris, 9 of which were in massage parlors. They were suspected of procuring in particular gang, of concealed work, of assistance to foreign illegal residences, and of illegal practice of medicine. Following the investigations beginning at the end of October 2011, the investigators of the *Brigade de Répression du Proxénétisme* (BRP) and the *Groupe d'Intervention Régional de Paris* (GIR 75) had discovered massage parlors situated in the middle of many boroughs in Paris that offered natural massages by young Asian women who, with appropriate financing, would provide sexual services costing between 80 to 220 € (\$108-\$298 USD). These massage parlors had the same managers and employees, the same web host, and the same advertisements on their sites. Investigations have revealed that the real network manager opened exhibitions by installing a straw man manager or his associates, who pretended to control the parlors. It provided the site advertising via internet and after two months of operation, resold shares to its employees, to open new facilities.

Several networks of procurers, who were exploiting Brazilians, were also dismantled. It was through an internet site known for little announcements where one could find a housekeeper, that these ads for services by young girls priced at 150 € (\$202 USD) per hour were posted. The booking for the meeting was done over the phone, which was often based in another country. These advertisements with photos and measurements were entirely managed by procurers, who directed girls towards middle class or high-end hotels, where they met their clients that they acquired from the web. After many long hours of observation in hotel parking lots, the police determined that the main procurer was based in Spain and he controlled his business through the internet. Six females prostitutes worked for his company and he took most of their monthly pay, between 3,000 to 12,000 € (\$4,052-\$16,210 USD).

### **A significant increase in cases handled by the *juridictions interrégionales spécialisées* (JIRS)**

These courts have tried, for the period of reference, fifteen international business networks, for making online catalogs of women delivered on the Web to international customers. Legal qualifications are generally those used by organized gangs procuring and human trafficking.

Compared to 2011, it gradually appears that investigations on financial flows related to these illegal activities are carried out and that the legal characteristics of laundering and illegal practice

of bankers are determined. More deterrent confiscations of criminal assets must be a priority because cyber procurers are make large profits from this trafficking.

It is essential to strengthen the capacity of the police and national gendarmerie (branch of the French Special Forces in charge of public safety) to perform against the internet network, as more and more sites have elements to allow offenses characterized by procuring and human trafficking. These services are largely under-sized, despite the establishment for over ten years of the Office central de lute contre la criminalité liée aux technologies de l'information et de la communication (OCLCTIC), the Division nationale pour la répression des atteintes aux personnes et aux biens (DNRAPB), and within the national gendarmerie the Service technique de recherches judiciaires et de documentation (STRJD) who has had a cybercrime division since 2010.

Finally, it should be noted that JIRS have concurrent jurisdiction to the courts of common law. Sometimes non-specialized judges are in charge of such cases, which makes it complex or difficult to handle. The presentation of these court cases calls on a number of different services and should draw a number of conclusions for criminal policy to consider. For example, a systematic referral of JIRS of a complex international dimension requires contacts with Interpol, Europol, and Eurojust.

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# Taking responsibility for child prostitution in France

Though child prostitution<sup>1</sup> proves difficult to understand, due to the circulation of minors and the often underground character of this form of sexual exploitation, it is estimated that the number of child prostitutes in the world stands near three million. Even more alarming, 50% of those concerned are believed to have begun prostitution under the age of 18, and the average age of prostitutes is between 13 and 14 years old on the global scale (*Le Monde*, 27 janvier 2012).

Though France is well equipped with an arsenal to repress this phenomenon, which was recently denounced by the Association Contre la Prostitution des Enfants (ACPE) in an open letter addressed to Valerie Trierweiler, it cannot fully escape it (*Le Nouvel Observateur*, June 10<sup>th</sup>, 2012). According to the ACPE, there are 6,000 to 8,000 minors prostitutes on French territory. These children are both male and female, regular and occasional workers, and are present in the nation's capital, which contains roughly 1,000. Despite difficulties in gaining reliable numbers on this illegal activity, it is estimated that 70 to 80% of these children are foreign-born, with many coming from Asia, Africa, and Eastern Europe.

Facilitated by the vulnerability of minors, the rapid growth of the Internet and highly precarious socio-economic situations, child prostitution is not solely the product of criminal activities. Numerous children are in fact exploited by a close friend or family member. In December 2012, *L'Est Républicain* reported a case of a 17 year-old minor who was working in prostitution under the constraints of her oldest sister in Montbéliard. In addition to the victims of foreign trafficking networks, isolated minors are also the principal party exploited by child prostitution. In October 2012, 17 people were taken into questioning in Isere for facts related to the procuring of minors who had run away from home (*Le Figaro*, October 1<sup>st</sup>, 2012). Many young female victims are also victimized by men with whom they had fallen in love, as shown by the *loverboys* phenomenon. In September 2012, the correctional tribunal of Avignon condemned a 17 year-old boy to 30 months in prison for having seduced and convinced numerous young girls prostitutes (*La Provence*, September 20<sup>th</sup>, 2012). Even prostitution which is deemed "voluntary" and pre-prostitution behaviors are developing in a disturbing fashion and appear to affect all social backgrounds. Due to the particular forms of practice, the supply of sex services in exchange for non-monetary compensation (housing, consumer goods, nights out, or drugs) young persons working in these schemes are often unaware that they have stepped foot into the world of prostitution.

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<sup>1</sup> Prostitution is defined by the optional protocol CRC on the sale of children, prostitution and pornography involving children of May 25<sup>th</sup>, 2000 as "using a child, a minor, in sexual activities in exchange for remuneration or other advantages".

## **The diversity of international texts**

Numerous international texts demonstrate the will of states to create a better system of taking responsibility for victims of child prostitution.

Within the United Nations, the International Convention on the Rights of the Child (UNCRC) puts the obligation of protecting minors against all forms of sexual violence and exploitation onto the shoulders of individual countries. This convention nevertheless lacks the ability to have a direct effect, in so far as it gives great freedom to individual countries. Complementary to the UNCRC, the optional protocol of May 25<sup>th</sup>, 2000 on the sale of children, prostitution and child pornography, defines child prostitution clearly. It emphasizes the necessity of countries to protect the rights and interests of minor victims, by promoting the development of adapted legal procedures, allowing the severe punishment of adults involved in these acts of prostitution committed against those younger than 18. Highlighting the importance of increased awareness in the public and interstate cooperation, the protocol of May 25<sup>th</sup> 2000 had a direct effect on the internal legislation of signing countries. In France, the law of March 4<sup>th</sup> 2002 relative to parental authority took the recommendations of this text into account to suppress the involvement of young persons in prostitution.

Within the European Union, the Charter of Fundamental Rights of December 7<sup>th</sup> 2000 gives children a collection of rights including the right to protection and care. The decision relative to Combating the Sexual Exploitation of Children and Child Pornography of December 22<sup>nd</sup>, 2003 obligated states to incriminate child pornography, whose definition is now spelled out clearly within the Union's legal framework. In addition to the Recommendation on the Protection of Minors from December 20<sup>th</sup>, 2006 and the Directive of December 13<sup>th</sup> 2011 relating to combating sexual abuse, the sexual exploitation of children, and child pornography signifies the will of the European Union to increase their responsibility for minors who are victims of prostitution. Beyond its section dedicated to the reduction of child prostitution, the directive highlights the importance of prevention and insists on the necessity of providing aid adapted to minors, an aid which continues, "as long as the child is not reestablished." Countries also remain free to take additional measure that they judge to be well adapted for the betterment of their responsibility toward child prostitutes.

Within the European Council, the Convention for Combatting Human Trafficking of May 16<sup>th</sup>, 2005 includes a certain number of dispositions directly related to taking responsibility for victims of sexual exploitation. It imposes on nations the obligation to take necessary measures for identification (article 10) and for assisting those who are victims of prostitution. This text also obligates the concerned parties to take the necessary measures to allow the assistance of victims in their physical, psychological and social reestablishment, while taking into account the specific security needs of those concerned. The convention also stated that the assistance given must take the individual needs of children into account, and cannot be given in exchange for a victim's legal testimony (article 12). It is expected that the aid given to victims of human trafficking will include a reliable and appropriate form of housing. Though the convention is not specifically dedicated to combatting child prostitution, the Recommendation (2005) of the

Committee of Ministers to member states on the rights of children living in residential institutions also put forward numerous measures which take effect once a child forced into prostitution is removed from his or her family's custody by legal decision. The recommendation notes that each placement must guarantee the full respect of the child's fundamental rights. According to the recommendation, placing a child outside of his or her home is justifiable only in cases where the current environment is a direct exposure to danger. More recently, the Convention of the Protection of Children Against Sexual Exploitation and Sexual Abuse reinforces the mechanisms used in combatting sex tourism. Finally, a program entitled Building a Child-Friendly Europe: Turing a vision into reality (2012-2015) was put into place in order to keep track of the efficacy of existing precedents concerning the rights of children.

### **An application judged satisfactory on an internal level**

Despite numerous international texts, it is clear that the protection of child victims of sexual exploitation is often far from efficient on the national scale. The responsibility that the state owes to its children appears insufficient in numerous developing countries.

However, the recommendations enunciated on an international level are not without effect; numerous countries armed themselves with a set of laws meant to reduce the number of adults involved in acts of prostitution against children. In France, for instance, article 13-I of the law passed on March 4<sup>th</sup>, 2003 relating to parental authority states that, "child prostitution is prohibited within all territory of the Republic." This statement, however, is not meant to punish child prostitutes for their acts, since they are considered to be the victims. The only group whose acts are targeted, therefore, is the client.

Though this arsenal to reduce child prostitution is self-evidently necessary, it remains insufficient to assure the effective protection of child victims of sexual exploitation. The application of appropriate help remains fundamental to allow children to definitively leave the "infernal circle" that is prostitution.

### **The difficult detection of cases involving child prostitution**

Conditions prior to taking responsibility for the victims of child prostitution – their detection and their identification – remain hitherto insufficient. In a 2011 report on the sexual exploitation of children in France, the Special Rapporteur of the UN, Najat Maalla M'jid, highlighted that the extent of child prostitution within French territory was difficult to determine due to the official data on the subject. The clandestine nature of this phenomenon is often an obstacle to better understanding on the part of public powers. The facts at the heart of a decision rendered by the Appeals Court of Paris<sup>2</sup> on March 13<sup>th</sup> 2012 signify these difficulties. In effect, the personnel of a hotel where young Romanian women were forced to become prostitutes never revealed this fact to authorities, though they admitted to having known about what was taking place. The general inability to spot alarm signals constitutes an additional barrier to the evaluation of this

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<sup>2</sup> Appeals Court of Paris, Pôle 6, Chamber 10, Decision 07/0172, March 12<sup>th</sup>, 2012.

specific type of prostitution. In France, there exists neither formalized procedures nor established criteria for the identification of minors forced into prostitution.

French legislation is not, however, exempt from the rule of law concerning this material. Generally, the detection of cases of child prostitution involves police authorities as much as institutional or associative actors. The Penal Code states that mistreatment and sexual acts committed against a child younger than 15 years old must be denounced through the punishment of penal sanctions as an offence punishable by three years of imprisonment and a 45,000 € fine. According to certain associations, the processes of signaling cases of child prostitution authorizes all those who have knowledge of child prostitution to warn health professionals who can follow up with administrative or legal authorities. The process of filing a complaint regarding one or more of these legal infractions, meant to inform public prosecutors, should help the process of detection as well. The following parties are also capable of bringing to light acts of child prostitution: the victim, their parents or legal guardian, and any institution that aims to aid children in danger, which has functioned for five months or more (article 2-3 CPP). In practice, however, the victims remain hesitant to turn toward legal or administrative authorities, fearing their deportment or revenge on behalf of their traffickers. Given that NGOs encourage the steps taken by the victims, in practice they play a major role in contacting police and local authority services. The memorandum of February 5<sup>th</sup>, 2009 addressed by the Minister of Immigration to the prefects and general directors of police forces, calls upon these actors to allow the intervention of associations recognized for their assistance to victims. The defender of rights, in charge of assuring the respect of rights and liberties, is also called upon to play a theoretical role in the processes of taking responsibility for child prostitutes, insofar as it is his or her responsibility to hold the magistracy responsible, which appears to best justify the application of educative assistance measures.

French authorities keep track of the work that is done to help child victims of sexual exploitation. They indicate that putting Romanian police forces at the disposition of the Parisian police prefecture since 2011 has helped facilitate the identification of more than 200 young persons originating from Romania. Certain projects aiming to facilitate the detection of child prostitutes also merit citation. Such is the case of the memorandum “Human Trafficking: Bringing down those responsible and protecting victims” which was distributed to all sections of the French gendarmerie and which contains precise directives with respect to the identification and protection of victims. In the same framework, a guide elaborated by the ECPAT-France and the Brigade de Protection des Mineurs (Brigade of Minor Protection) was distributed in 2012 in order to facilitate the work of police detecting victims of human trafficking.

### **The absence of an institutional actor specialized in taking responsibility of child prostitution**

Even though there does not exist a specific structure dedicated to child prostitution in the institutional framework of France, the need for one is not unknown by public authorities.

Associations recognize France's high level of involvement in the fight against sexual exploitation of those less than 18 years old.

The law of March 4<sup>th</sup> 2002 *relative to parental authority* states in article 13 II that, "All minors who take part in prostitution, including those who do so occasionally, are deemed to be in danger and must be granted the protection of juvenile judges under the educational assistance procedure." Considered by French legislation as a victim that must be protected, the child prostitute benefits in full right from these protective measures. The diverse institutions of child protection, whether administrative or legal, have the duty to intervene in order to care for and aid minors in distress.

After the child, his or her parents, or public prosecutors signal abuse, the **Juvenile Judge** can take urgent measures in order to preserve the health, security, or the morale of the minor in danger. The child who is the victim of acts of prostitution will often be placed in a center specialized for the ordinances of article 375 of the civil code. In case of emergency, **public prosecutors** may also order the placement, as a provisionary placement which will then be confirmed or annulled by a juvenile judge within a maximum of three weeks.

Responsible for, "questions concerning the justice of minor and the communication between institutions intervening of behalf of justice,"<sup>3</sup> the **Direction de la Protection judiciaire de la Jeunesse** (DPJJ - Direction of the Legal Protection of Youth) is also called forth to play a major role in taking responsibility for child prostitutes. In addition to its diverse actions of education and reintegration, it is the Direction's responsibility to apply the decisions of legal tribunals for children regarding their placement in the 1,500 existing structures. The child victim can also be referred to **social help services for children** (ASE - Aide social à l'enfance). Aiming to propose a material, educational and psychological support system to minors confronted with social difficulties (L221-1 of the social and familial action code), the ASE can also reunite the child with a member of his or her family, or welcome the child into a specialized establishment.

This placement seems to be, in practice, the measure which is most often applied by juvenile judges in order to protect the victims of child prostitution. The appeals court of Rouen, on November 9<sup>th</sup>, 2009<sup>4</sup> confirmed the placement of two minors after the process of investigating and of educational orientation previously ordered concluded that "the actions of two children, in a precarious context, revealed how horrible their prostitution scenarios were."

### **The role of welcoming centers for the protection of children, taking concrete responsibility for child prostitutes**

In terms of assisting victims, authorities intervene frequently according to the bias of the NGO that supports them. Generally, these are organizations that offer assistance and legal counsel to victims. Taking concrete responsibility for victims is centered on three separate axes.

**Access to care and psychological support** comprises the first axis. In a report on the health concerns of prostitution presented in December of 2012 to the Minister of Women's Rights, Najat

<sup>3</sup> Decree of July 9<sup>th</sup>, 2008 relative to the organization of the French Ministry of Justice.

<sup>4</sup> Appeals court of Rouen, chamber of minors: decision 10/03711 of November 9<sup>th</sup>, 2010.



Vallaud-Belkacem, the Inspection Générale des Affaires Sociales (IGAS - General Inspection of Social Affairs) stated their concern for, “the situation of young minors becoming prostitutes.” Beyond the inherent risks of prostitution (HIV, hepatitis, violence), child victims are increasingly affected by “pathologies stemming from precariousness” (respiratory problems, addictions, or psychological disturbances). These problems develop as a result of isolation, precarious housing conditions, and the clandestine nature of their work. The inexperience and misunderstanding of the young eventually limits their possibilities of accessing means of prevention and care.

Frequently exposed to violence, victims often appear incredibly fragile on a psychological level. In this way, in a decision handed down on December 6<sup>th</sup> 2012 by the Appeals Court of Paris<sup>5</sup> a young Romanian girl named Daniela X was called to testify against a man she had met in a nightclub in Romania. Taken into questioning by the police, the young girl was placed into state housing. Psychological reports put together on her behalf revealed egregious difficulties: “loss of appetite, headaches, stomach aches, difficulties sleeping, inability to form relationships with adults or peers.” In order to determine the influence the acts had on her health and personality, and in order to guarantee her placement in an adapted treatment center, article 706-48 of the procedural Penal Code states that the child prostitute may be subject to expert medical-psychological examination. Though it is optional, these examinations on behalf of experts are often ordered by the public prosecutor during the stages of investigation, or by the judge.

The second axis of taking responsibility for the child victims of sexual exploitation is **education**. Education appears as the necessary condition for the reintegration of young children who are often not attending school. Aiming to reintegrate the minor by placing him or her into the daily life of a group, the procedure of educational assistance supposes prolonged individual surveillance adapted to the personality of the victim. Numerous welcoming centers work in order to house and professionally educate young victims of sexual exploitation in order to give them the chance to leave prostitution. Working directly with the DPJJ and the services of the ASE, the *Lieu d’Accueil et d’Orientation* (LAO) of foreign, isolated minors that is run by the Red Cross of Taverny receives young minors who were placed into state housing due to their involvement in prostitution. In general, this undertaking of educational responsibility appears effective. According to a study conducted by the NGO *Hors la-Rue* in 2005, out of 418 isolated minors, 90% of those placed received an education and short-term professional skills trainings.

Taking responsibility for child prostitutes rests similarly on the third axis, **information and accompaniment in all steps**. The goal is to establish a dialogue with the child in order to explain their rights and the procedures that may help him or her, especially when the child in question is an immigrant.

If the child victim has the right to be housed in a home provided by the services of ASE, associations unfortunately acknowledge that there does not exist similar procedures of “secure welcoming” applicable to adult victims of human trafficking. The project of the *Off the Streets* foundation, aiming to allowing child victims to live far away from their exploiters, has not achieved its end. In practice, placement does not allow associations to fully take children out of

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<sup>5</sup> Appeals court of Paris, Pôle 2, Chamber 4, decision 12/05235, December 6<sup>th</sup>, 2012.

the hands of sexual exploitation networks. The members of these networks willingly try to contact and convince minors to return within state housing.

As with any other child, those who are exploited are also entitled of specific rights, including the right to be heard by the French justice system. Once a child is in the custody of the institutional actors or association, the child must be informed of his or her rights according to article 388-1 of the civil code, following the law of March 5<sup>th</sup>, 2007 *relative to the protection of childhood*. The child victim also has the right to an attorney (article 388-1 paragraph 2, Civil code and article 20-2 of the Directive of 12/13/2011); it is important that the child can benefit from legal counsel and from appropriate defense. This right appears similar to the right of a child to be accompanied “throughout the investigation or judicial hearings” (article 706-53 Penal Code and article 20-3 paragraph f. of the Directive of 12/13/2011). The goal of this accompaniment is twofold: to reassure the child with the presence of a family member or specialized medical professional, and to facilitate the work of investigators. Despite these rules and regulations laid out by law, numerous associations cite the rare application of these procedures in cases involving child prostitution.

While judging the “satisfactory” measures put into place, certain associations regret that the application of these measures remains insufficient, due notably to a lack of means and the absence of coordination between independent actors responsible for child protections services. In a report in 2002 on “public politics and prostitution,” the French senate highlighted the necessity of raising awareness of prostitution through information distribution and public campaigns. It stated the “indispensable” nature of intervening in schools in order to promote an egalitarian education of the problem and recommended “to involve the Ministry of National Education,” in order to tackle the question of prostitution in the framework of a mandatory school curriculum.

Recently, the report of September 18<sup>th</sup>, 2012 of IGAS on “the health concerns of prostitution,” underlined the necessity of bringing particular attention to minors and to immigrants in unstable situations, and to better “approach the hidden side of prostitution.” This approach sites the importance of Internet monitoring.

In conclusion, if welcoming child victims of prostitutions appears to be a first step toward their reintegration into society, a minority of the children involved in the underworld of sex work has hitherto received necessary social services<sup>6</sup>.

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# Sex tourism

Sex tourists are those who have a tendency to combine “Sea, sun... and sex.” More precisely, sex tourism generally implies leaving your home region in hope of buying sex services through prostitution. From that point forward, the term “tourism” becomes inappropriate. While tourism implies the joyful discovery of a different country, sex tourism involves practices that are reprehensible in both a legal and ethical framework, given these travelers take direct pleasure from paid sexual relations that often involve minors.

Sex tourism is the commercial exploitation of children, women, and men, by one or more travelers out of their home city, geographic region, or country. These travelers come from all over, and their destinations include numerous countries around the world. Payment for sex is, by and large, monetary. However, these marauding exploiters may also pay for their pleasure with clothing, food, or other means. Transactions take place in various circumstances and environments (brothels, 4 or 5 star hotels, palaces, etc.). Contrary to preconceived stereotypes, sex tourists come from all sorts of socio-economic backgrounds. There are those who are married or single, male or female, well off or financially insecure, young or old.

Two types of sex tourism exist. The first consists of the purchase of a sex tour on the Internet. In Ukraine, for example, numerous Turks head directly into the country after having purchased these tours on the Internet. They are put up in hotels, where prostitutes are then put at their disposition. Each night, they are generally led to different brothels. The second type of sex tour consists of *safaris*, which generally take place in nightclubs. The word safari reveals both the explicit and dehumanizing nature of the event, given that tourists roam around the city in groups, guided by locals, in order to “capture animals” at their will.

## **A lucrative phenomenon in full expansion**

Tourism, in the general meaning of the word, is the most important industry in the world. This is due to the fact that it encompasses multiple interrelated sectors (restaurants, lodging, and vehicle renting, for example). It employs more than 8% of the world’s workforce and generates more revenue than any other sector of the world economy. The last publication of the World Tourism Organization (WTO) which held worldwide statistics on prostitution in 2012, highlighted this phenomenon: “Throughout the last sixty years, tourism has experienced a period of expansion and continued diversification, to become one of the most important and dynamic economic sectors in the world... Between 2010 and 2030, it is expected that the number of arrivals in emerging economies will rise twice as quickly (+4.4% annually) as arrivals in advanced economies (+2.2%)”

For all of these reasons, numerous countries are looking to use tourism as a supporting pillar of the economy, investment, and infrastructure development. A strong illustration of this phenomenon took place June 19<sup>th</sup>, 2012 when, for the first time in the history of G20 meetings,

in Los Cabos, Mexico, travel and tourism were cited in the final summary provided by world leaders. In the minds of these men and women, the potential of the travel and tourism sectors has become clear. It is now seen as a means of creating millions of new jobs in the world economy, with the capacity to bring in billions of dollars in additional the Gross Domestic Product (GDP).

Despite the positive news of economic growth within the sector, roughly 10% of all 900 million tourists in 2011 chose their destinations by taking into account the country's market for sex tourism. Since 1998, the International Labor Organization (ILO) has claimed that, "sex commerce took the dimensions of an industry and has directly or indirectly contributed, in an undeniable measure, to employment, national revenue, and economic growth." In effect, from a cynical point of view, it is impossible to find a better illustration of globalization. Responsive, effective, and lucrative organizations are implanted in all four corners of the world, perfectly mastering the theory of supply and demand. These organizations find people in search of work, and supply them with jobs based upon the state of the market and ever-changing demand.

To bring this discussion out of its hypocritical state, it is necessary to see how economic growth from sex tourism is founded on the degradation of female, child, and male victims of sexual abuse. What is worse, nations appear more eager than ever to incorporate revenue from prostitution into their annual GDP. It is unfortunate to note that, by legalizing a part of procuring, Germany and the Netherlands have made the choice to follow monetary interest placed in the framework of human trafficking for sexual exploitation. In the same line of reasoning, FEMEN denounced the fact that abolishing visas took place in order to develop tourism and open Ukraine to the West. In practice, however, this abolition additionally contributed to the development of sex tourism.

Finally, nations deserve heavy critique for allowing sex tourism to develop; for many, the goal of increasing economic expenditure makes them tacitly complicit in the industry. Nations often use revenues generated from prostitution in order to alleviate poor social support, unemployment benefits, or unequal economic opportunities for women. This practice deserves serious critique, given that much of this revenue is generated by the exploitation of children. Even though we know that the number of exploited children in the industry has increased, it remains impossible to fully portray the problem with hard data. Numerous factors render data collection difficult. First, sex tourism involving children is an illegal activity, often spread across the country or run by criminal organizations. Second, political actors are often embarrassed to admit the problem, and deny its existence or publically mitigate its importance. Those who ought to be responsible for bettering the country heavily fear the negative image that will be generated by admitting the problem. In their minds, an admission of child exploitation may stagnate the development of tourism.

### **Sports events, a powerful motor for tourism**

The cause and effect relationship between large sporting events and the increase in sexual exploitation is a central question that has become increasingly critical in the last ten years. It is undeniable that the more a sporting event is publicized the more it attracts spectators. Given the

influx of people traveling abroad to watch separate events, prostitution often becomes a problem in the areas that hold international games or tournaments. For the 2012 Euro Cup in Poland and Ukraine, tourists from the sixteen participating countries made the trek to watch the event. In the same fashion, during the 2012 Olympic Games in London, numerous supporters visited the country with personal interests that extended beyond their preferred sport.

Italians, Americans, Germans, and French chose girls in hotels that put catalogues of “services” at their disposition. These catalogues contained photos and short introductions of each girl. Clients were able to order whichever one suited their pleasure, in the same fashion as room service. The only difference between the two services was that, in this case, women or children replaced drinks and food.

FEMEN reported that numerous tourists, during the 2012 Euro Cup, after getting off of the plane, were directly given numerous offers for “massages.” They were also given a map of the city center, by the Office of Tourism, with addresses of “escort” services that included photos.

This solicitation during sporting events is internationally present. Sexually exploited women, men, and children are present in all corners; in train stations, airports, parks, the Internet, bars, night clubs, saunas, massage parlors, hostels, hotels, and brothels. The scene is similar to shopping mall, in which everything is available at arm’s reach. While the comparison is frightening, it is more than appropriate in relation to reality.

To combat this movement, FEMEN multiplied their actions, since 2012 in particular, by protesting topless, showing their bodies with slogans such as “Fuck Euro 2012.” Their fight continues to take place, in order to achieve, “the total eradication of prostitution, the most brutal form of female exploitation, by criminalizing clients, investors, and organizers of this commerce” (*Ackerman, 2013*).

### **The dangers of sex tourism**

Sexual exploitation, which is a large part of sex tourism, is ranked third in the shameful list of the most important illegal industries, following drugs and arms. There is reason to be alarmed, due particularly to the inherent dangers of this practice.

Sex tourism promotes the transmission of sexually transmittable diseases such as HIV/AIDS, which affect vulnerable children. To illustrate this point, it is necessary to note that, out of 11,000 prostitutes in Kiev, the capital of Ukraine, 1 out of 4 is estimated to be HIV positive (*Euronews, June 8<sup>th</sup> 2012*). In South-East Asia, entire villages in Burma have been decimated by HIV/AIDS, partly due to the return of child prostitutes who contracted the virus in Thailand.

In addition to the problem of infection, children are increasingly the victims of sex tourism. According to a study conducted by UNICEF in Costa Rica, 83% of boys and nearly 79% of girls interviewed have been the victims of sexual abuse before the age of twelve. Among these persons, 48% began prostitution around the same age, or beforehand. Most often these children are ethnic minorities, displaced or marginalized, and come from economically disadvantaged backgrounds. However, whatever their background may be, these children who suffer from these

treatments are often left with serious emotional, psychological, and physical scars. They develop feelings of guilt, depression, and occasionally commit suicide. In addition to having had their childhoods stolen, these children often find themselves stigmatized within their communities once they reach the age of maturity. Without the support of their community, they remain without normal social contact, and cannot fully evolve as a full member of society, as other children do. According to the NGO End Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), if Thailand and the Philippines enforced their legislation against child prostitution, countries such as the Dominican Republic, South Africa, Botswana, and Romania would be particularly affected.

### **Awareness and repression**

The fight against sex tourism takes place, first and foremost, by awareness of the problem. In this way, tourists can report crimes committed by others. They have the opportunity to see illicit acts committed by other tourists and, as a result, can report to competent authority figures. An agreement was signed June 5<sup>th</sup>, 2012 between hotel professionals (Accor group), the police (the Direction de la Coopération Internationale-DCI and the Office central de répression des violences aux personnes - OCRVP) and ECPAT France, so that professionals, receptionists, and hotel managers know how to react in cases of suspicious behavior. The agreement produced a widely distributed guide on how to spot the signs of sex tourism. For example, if a single man checks in with an immigrant child who does not resemble his physical complexion, receptionists are trained to contact their superiors or, in emergency situations, police and social services.

From a strictly legal point of view, numerous countries have established laws to prosecute tourists who commit crimes of sexual exploitation within separate countries. A tourist can therefore be held responsible for his or her acts, whether in his own country or the country in which the crime took place. Legislation such as this is commendable, in so far as tourists are unable to find countries willing to harbor them from punishment. It is, in fact, one of the most important tools in the fight against sex tourism, as it lowers the probability of a traveler avoiding penalties. With regard to children, articles 34 and 35 of the International Convention of Child Rights call on signatory states to protect children from all forms of sexual exploitation. The code of conduct for the protection of children in tourism and the travel industry (1998) that outlines an ethical framework of information was signed by nearly 600 tour operators, hotels, and travel agents, within 26 European, Asian, North American and South American countries.

In French law, involvement in child prostitution constitutes a legal violation both in France and abroad (Article 225-12-1 of the Penal Code). Sentences are determined by the gravity of the infraction<sup>1</sup> and can reach up to 20 years of imprisonment. International legal cooperation between France and certain European states such as Bulgaria and Romania has largely demonstrated its efficacy and has continued to develop over the last ten years. With this cooperation, states do not limit their investigations according to their borders, and are capable of responding against the transnational reality of sex tourism. Created by a decision of the

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<sup>1</sup> Rape, Sexual assault, Corruption of Minors, Involvement in Child Prostitution, Provocation of Child pornography.

European Council on June 13<sup>th</sup>, 2002, a simplified procedure of extradition between member states helped contribute to the efficacy and development of cooperation on a continental scale.

### **A fight that must not back down**

Despite the mobilization of tourism professionals and a growing awareness of the phenomenon, notwithstanding the laws developed, sex tourism remains a growing problem with few legal cases underway. Contrary to all notions of progress, the trivialization of paid sex, the search of adventures and strong pleasures helps enlarge an industry, against which many states who value revenue are unwilling to fight.

In Ukraine, prostitution, though illegal, involves between 63,000 and 93,000 persons, according to unofficial statistics. But the act remains relatively unpunished. In addition, no legal cooperation between France and the Ukraine or Belarus has been put in place. According to FEMEN, “On paper, the sex industry is prohibited, but in reality if there is a brothel next to a police station, the police will not shutdown the establishment, but will protect it.”

One of the methods to continue the fight and create a strong barrier against sex tourism would be the criminalization of purchasing sex. The Norwegian model, inspired by Sweden, introduced a law to achieve this criminalization<sup>2</sup>. Concretely, the Norwegian client that buys sex services in his or her country or abroad, is committing a crime. FEMEN has convinced a Ukrainian congressman to initiate a legal project founded upon the idea of client penalization.

With three major sporting events: the 2013 Confederation Cup, the 2014 Soccer World Cup, and the 2016 Olympic Games, Brazil is preparing for an influx of tourists, and everything appears to point toward an increase in sex tourism. An association of prostitutes is organizing, at this point, language courses in order to welcome tourists once they arrive. It is therefore necessary to continue the fight against prostitution, to raise awareness and to hold future travelers responsible for the issue of sex tourism, focusing in on the exploitation of children. The Fondation Scelles and other NGOs are calling for an international concentration of public and private efforts in order to help cure the scourge of sex purchased abroad.

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## 2012 Legal responses

The analysis performed by the CRIDES<sup>1</sup> of the Fondation Scelles, of public and private reports and articles published in 2012 on the business of prostitution allows us to measure and record sexual exploitation, in the same style as the previous year's analysis. Our analysis reveals the creativity and cynicism of traffickers, the appetite of clients for complete legalization, and the increased pressure placed on victims. Three affairs, updated in 2012, illustrate worrying characteristics:

- Romanian prostitutes tattooed in France and in Spain (March)
- The offer of a prostitute for 10 car washes in Malaysia (October)
- The prostitution of a female orangutan in Indonesia (May)

### Panorama of cases covered by the media in 2012<sup>2</sup>

<b>January</b>	Channels of human trafficking and male prostitution ( <i>Kenya – Persian Gulf</i> ) An activist is charged for having proposed sexual services to rural workers ( <i>China</i> ) The case of a Romanian procurer ( <i>Ireland</i> )
<b>February</b>	The boss of Paradise club in La Jonquera is pursued for evidence of involvement in human trafficking dating from 2008 ( <i>Spain</i> ) The arrest of a procurer who recruited prostitutes in South America through the Internet ( <i>United Arab Emirates</i> ) The head of a brothel which reduced 3 Thai women to “sexual servitude” is sentenced ( <i>Australia</i> )
<b>March</b>	Case in Fribourg against a human trafficking network ( <i>Switzerland</i> ) Beginning of Dominique Alderweireld's (Dodo la Saumure) trial for procuring ( <i>Belgium</i> ) The trial of Anna Gristina, involved in a network of escort girls for Wall Street (USA) The arrest of numerous members of a Hispanic-Croatian network ( <i>Spain</i> ) The dismantling of a Romanian network that tattooed its victims, in the suburbs of Madrid ( <i>Spain</i> ) A 26 year sentence is given to the head of a network which sold women to be sent to China ( <i>Vietnam</i> )

<sup>1</sup> Centre de Recherches Internationales et de Documentation sur l'Exploitation Sexuelle (International Research and Documentation Center on Sexual Exploitation).

<sup>2</sup> The entire collection of articles, in relation to this topic, are available from Fondation SCELLES/CRIDES.

<b>April</b>	<p>The owner of a cabaret in Fribourg is condemned to 22 months to be carried out in the case of recidivism, the charges of the director were then dropped, and he was given 6,000 Swiss francs in legal remuneration. <i>(Switzerland)</i></p> <p>Rapper T-Child sentenced to 50 years of prison for the prostitution of minors in Chicago <i>(USA)</i></p> <p>Secret Service agents questioned and critiqued for having paid for prostitution before the arrival of President Obama in Columbia <i>(USA)</i></p>
<b>May</b>	<p>A female orangutan, a sex slave for 12 years in a brothel, is saved <i>(Indonesia)</i></p> <p>77 years in prison for 9 people accused of using English minors in prostitution. <i>(United Kingdom)</i></p> <p>A child prostitution network is dismantled <i>(Australia)</i></p> <p>Adolescents are condemned for procuring minors though the internet under the threat of physical violence <i>(Canada)</i></p>
<b>June</b>	<p>170 years in prison for those involved in a child prostitution network <i>(Nepal)</i></p> <p>Zhang Ziyi, an actress, sues a newspaper that accuses her of prostitution <i>(China)</i></p> <p>5 Romanian procurers are released from prison <i>(Northern Ireland)</i></p> <p>14 Ethiopian victims of an Israeli prostitution network have been placed in detention since April due to a problem with specialized housing <i>(Israel)</i></p>
<b>July</b>	<p>2 men testify in a procuring case in Oxford <i>(United Kingdom)</i></p> <p>7 years of prison for the Chinese owner of 5 brothels where violence and death threats were employed <i>(Northern Ireland)</i></p> <p>Arrest of a gangster nicknamed “The Hamster” who used prostitutes to blackmail politicians <i>(Bulgaria)</i></p>
<b>August</b>	<p>Revelations in the ERGO case, in which the German insurer offered vacations to his best employees in Budapest with female prostitutes <i>(Germany)</i></p> <p>Arrest of foreign prostitutes in a club in Beijing <i>(China)</i></p> <p>The trial of travelers who had left Bangladesh after forcing a cleaning woman to become a prostitute <i>(Dubai)</i></p>
<b>September</b>	<p>Police operation against general prostitution in Meuse-Rhin region <i>(Germany)</i></p> <p>Arrest of procurers who forced minors to become prostitutes <i>(New Zealand)</i></p> <p>A new case takes aim at a Nigerian network <i>(Spain)</i></p> <p>A car wash offers a loyalty card that gives clients the right to a prostitute after 10 visits <i>(Malaysia)</i></p> <p>The trial of French pedophiles in Marrakech <i>(Morocco)</i></p>
<b>October</b>	<p>Dismantlement of a transsexual prostitute network from South America <i>(Italy)</i></p> <p>Dismantlement of numerous human trafficking networks <i>(Switzerland)</i></p> <p>A man and a woman auction off their virginity “to rescue those without proper housing” <i>(Brazil)</i></p> <p>4 men arrested for murdering an adolescent who refused to become a prostitute <i>(Afghanistan)</i></p>

<b>November</b>	<p>4 persons condemned after the dismantlement of a Romanian procuring network (<i>Belgium</i>)</p> <p>A procurer is condemned to death. He worked as a government employee by day, and a karaoke bar manager by night (<i>China</i>)</p> <p>Chinese massage parlor networks hid numerous illegal brothels (<i>The Netherlands</i>)</p> <p>Installing of parking meters for street prostitution in Zurich (<i>Switzerland</i>)</p>
<b>December</b>	<p>Dismantlement of a child prostitution network (<i>Canada</i>)</p> <p>Procuring network on the Internet is dismantled (<i>Indonesia</i>)</p> <p>A scandal is launched after the acquittal of 13 people suspected of kidnapping and prostituting young girls for VIP clientele (<i>Argentina</i>)</p> <p>Dismantlement of a network exploiting Korean women for prostitution and the pornography industry (<i>Taiwan</i>)</p>

### Panorama of highly covered cases in France (2012)

<b>January</b>	<p>Condemnation of Brazilian procurers (<i>Brest</i>)</p> <p>Dismantlement of a Cameroon prostitution network (<i>Caen</i>)</p> <p>Two Chinese prostitution networks discovered (<i>Paris</i>)</p> <p>Closing of a libertine club “Les Chandelles” that used prostitutes (<i>Paris</i>)</p>
<b>February</b>	<p>Condemnation of Claudia “head procurer” (<i>Marseille</i>)</p> <p>A prostitute is sentenced for violence against a handicapped client (<i>Mulhouse</i>)</p> <p>Arrest of a procurer recruiting on the internet under the guise of being a racy photographer (<i>Troyes</i>)</p>
<b>March</b>	<p>New prostitution networks in Bois de Boulogne (<i>Paris</i>)</p> <p>Dismantlement of a Romania network (<i>Bordeaux</i>)</p> <p>Sentencing of 3 police officers for violence against a female prostitute (<i>Colmar</i>)</p>
<b>April</b>	<p>Arrest of Spanish procurers selling Mexican prostitutes on the internet (<i>Tarbes</i>)</p> <p>Arrest of Hungarian procurers offering young women from the East (<i>Metz</i>)</p> <p>Two prostitution networks discovered (<i>Isère</i>)</p>
<b>May</b>	<p>An investigation is launched against two men accused of assaulting 13 prostitutes (<i>Versailles</i>)</p> <p>Dismantlement of a prostitution network in Roma camps where nearly 100 women were exploited (<i>Béziers</i>)</p>
<b>June</b>	<p>Dismantlement of a prostitution network in massage parlors (<i>Paris</i>)</p> <p>One year of prison for a man recruiting prostitutes through chats with young girls online (<i>Nanterre</i>)</p> <p>Seizing of a pavilion where an oriental cabaret involving prostitution was organized (<i>Sevran</i>)</p>

<b>July</b>	Dismantlement of a network ( <i>Vigneux</i> ) Prosecution of two Chinese women, one of whom had a fake Portuguese passport, who instigated prostitution in massage parlors ( <i>Caen</i> ) Arrest of two authors of a Chinese prostitution subsidiary who proposed sex services by SMS ( <i>Lyon</i> )
<b>August</b>	Zahia affaire: Ribery and Benzema are sent back to prison for solicitation of child prostitution ( <i>Paris</i> ) A Chinese prostitution strangled ( <i>Paris</i> ) A Romanian prostitute stabbed ( <i>Grenoble</i> )
<b>September</b>	One person arrested and placed under electronic surveillance after a prostitute fell from a window ( <i>Nice</i> ) A Bulgarian man sentenced to 6 months of prison for kidnapping a prostitute ( <i>Nice</i> ) A man who prostituted minors and single mothers was condemned to 30 months in prison and fined 3,000 € ( <i>Avignon</i> )
<b>October</b>	17 persons arrested for procuring, two of who are taekwondo champions ( <i>Rhône-Alpes</i> ) Trial of two massage parlor managers ( <i>Béthune</i> ) Creators of a Lebanese network, which forced models into prostitution, are judged. The affaire was revealed by a young Venezuelan woman who had been sold to M. Kaddafi's son ( <i>Marseille</i> ) A Bulgarian prostitute, mother of 5 children, gives up her last child after birth ( <i>Bordeaux</i> )
<b>November</b>	9 persons responsible for a Nigerian network are judged for trafficking numerous young African women via Italy ( <i>Strasbourg</i> ) 3 and 2 years of prison without parole for procurers who restrained a women in the trunk of their car, left in the middle of a cemetery ( <i>Nice</i> ) 4 Romanian procurers arrested for exploiting Roma minors in parking lots ( <i>Wattrelos</i> )
<b>December</b>	Procuring network dismantled ( <i>Bourges</i> ) A man is arrested for having robbed numerous escort girls ( <i>Reims</i> ) Arrest and sentencing to 6 months in prison for a manager of a site that offered South American prostitutes ( <i>Thonon-les-Bains</i> ) Sentencing of a young woman who prostituted her little sister to buy herself a cell phone ( <i>Montbéliard</i> )

### Legal sanctions in 2012

Resembling numerous expert observations from the European Council, which stated that the number of victims in Europe in 2012 increased, while the number of condemned traffickers decreased, a look at the outline put together each year by legal records confirms a weakening of

judicial responses. The appearance in 2012 of the 2011 outline allows us to reveal the following tendencies:

<b>2012</b>	<b>Condemnations for aggressive procuring</b>	<b>Numbers in 2010</b>	<b>Change in relation to 2010</b>
	220	250	-12%
Resulting in provisory detention	54%	40%	Increase of 35%
Average length of provisory detention	8.8 months	8.3 months	Increase of 12%
Average length of investigations	37.7 months	40.7 months	-7%
The rate of condemnations for women	33%	28%	Increase of 18%
Those condemned of foreign nationality	57%	56%	Increase of 2%
Average length of prison sentences	22.9 months	27.2 months	-15%
Average fine given	9,556 €	13,080 €	-27%
Total of number of infractions for procuring	414 condemnations	445 condemnations	-7%

Generally, even though the punishments for these infractions are more severe than the average sentence for all infractions (nearly three times more), the number of condemnations and the seriousness of punishments are decreasing.

It is meaningful to note that the period of investigations is lengthening (Provisory detention is extended, the length of legal procedures has decreased), and the period of legal trials shows a weakening for imprisonment and levying fines.

On the other hand, the profile of those condemned for aggravated procuring confirm that the specificity of these documents, with those sentenced older than average (57% are older than 25 years old, though only 17% of total criminals are this age), a growing involvement of female procurers (four times higher than general delinquency), and three times as many foreigners condemned than average.

In the French Penal Code, aggravated procuring, according to article 225-7, can be punished with a maximum prison sentence of 10 years and a 1,500,000 € (\$2,055,900 USD) fine. The difference between the sentences given and those written in the books is largely due to the low levels of appeals made against the first condemnation, given that procurers often keep quiet after their first trial and do not want to run the risk of seeing their punishment increased after appeal.

The gap between the fines given and the fines on the books shows that more work needs to be done in order to develop a more dissuasive response. What is needed is a combined approach

that seizes the effects of traffickers before the procedure and provides financial punishments proportional to profits after the procedure.

The creation in 2010 of the Management and Recovering Agency of Seized and Confiscated Goods (AGRASC) in France, which allows a glimpse into the real processes of identifying, seizing, and confiscating criminal effects, has only been able to seize 2.6 million € (\$3.5 million USD) of illicit profits generated from sexual exploitation.

A financial approach in the fight against sexual exploitation appears increasing indispensable. According to the United Nations, sexual exploitation has generated \$32 billion USD of revenue in 2012, which makes it one of the most lucrative forms of modern criminality.

### **The outlook of the French Court of Cassation in 2012**

The supreme legal court in France has few occasions to examine the current state of procuring and human trafficking laws. Out of 9,000 decisions given in 2012 by the criminal chamber, only 16 concerned either sexual exploitation or human trafficking, which is not surprising given that those tried are not likely to appeal up to the Court of Cassation. There are three principal observations to make. On one side, appeals are principally used for procedural decisions and are not used to challenge the facts of the case, to combat provisory detention, obligations of state-protection, or refusals of restitution. All of the above continues to push forward the discussion on the reality of charges and the sentences prescribed.

From another side, the strategies of destabilizing the repressive response were based upon the constitutionality of the legal cases in question. The Court has pushed back fundamental questions of constitutionality five times, underlining the fact that the aggravated charges as defined by the law, were proportional to what needed to be done in the fight against procuring. (Arrests number 1190116, 1190115, 1190116, 1290002 and 1290001).

From the final frontier of observation, the absence of debates held in front of the Court of Cassation, to give a precise definition to human trafficking, is unfortunate. This absence of precise precedents on the elements that constitute an infraction whose framework remains relatively hard to use and largely ignored by magistrates handling cases of procuring.

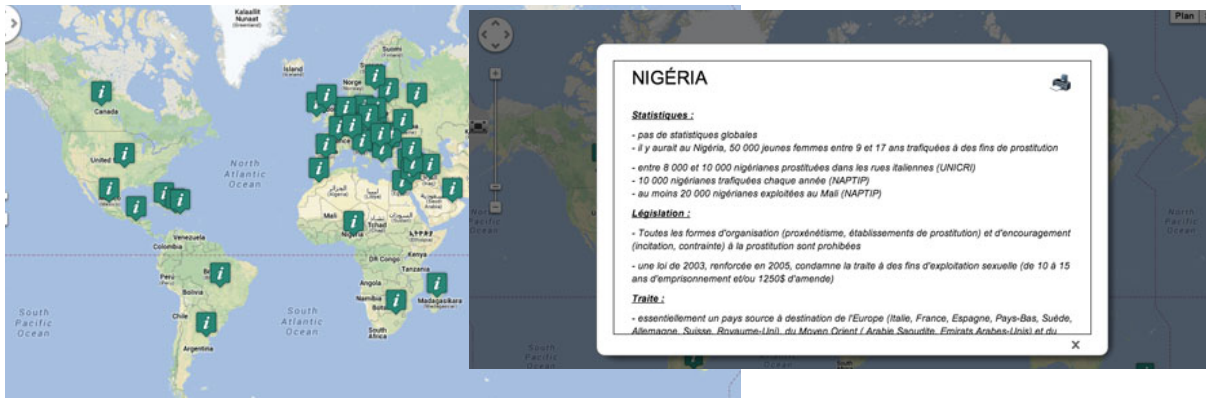
This is, however, the point of view of GRETA experts that, at the end of their evaluation of the French state in 2012, suggest a revision of the definition of the crime of human trafficking, and who highlighted the low number of trials (4 since 2007) that lead to sentencing for the heads of human trafficking networks.

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**NIGÉRIA**

**Statistiques :**

- pas de statistiques globales
- il y aurait au Nigéria, 50 000 jeunes femmes entre 9 et 17 ans trafiquées à des fins de prostitution
- entre 8 000 et 10 000 nigérianes prostituées dans les rues italiennes (UNICRI)
- 10 000 nigérianes trafiquées chaque année (NAPTIP)
- au moins 20 000 nigérianes exploitées au Mali (NAPTIP)

**Législation :**

- Toutes les formes d'organisation (proxénétisme, établissements de prostitution) et d'encouragement (incitation, contrainte) à la prostitution sont prohibées
- une loi de 2003, renforcée en 2005, condamne la traite à des fins d'exploitation sexuelle (de 10 à 15 ans d'emprisonnement et/ou 1250\$ d'amende)

**Traite :**

- essentiellement un pays source à destination de l'Europe (Italie, France, Espagne, Pays-Bas, Suède, Allemagne, Suisse, Roumanie-Liège), du Moyen-Orient (Arabie Saoudite, Emirats Arabes-Unis) et du

AMA

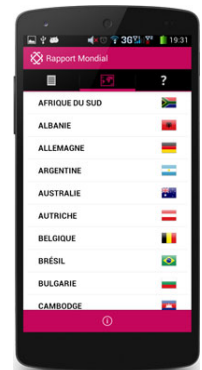


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## Albania

- Population: 3.2 million
- GDP per capita (in US dollars): 4,149
- Parliamentary regime
- Human development index (HDI): 0.749 (70<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.251 (41<sup>st</sup> rank among 147 countries)
  
- No official national statistics on prostitution.
- Prostitution is illegal. Prostitutes, clients and procurers are penalized by the law established on March 1<sup>st</sup>, 2012.
- Absence of any national data on the domestic trade phenomenon.
- Country of origin for slave victims trafficked to Greece, Italy, Macedonia, Kosovo, Belgium, the Netherlands, Germany, Switzerland, Ireland, and the United Kingdom.

On March 1<sup>st</sup>, 2012, the Albanian Parliament passed a law penalizing sexual services customers. This law is part of the governmental efforts to repress the prostitution phenomenon, as well as organized crime. The new law imposes prison sentences with a maximum term of 3 years for clients and from 5 to 15 years for procurers. Prostitutes are also condemned by the law and face sentences ranging from fines to 3 years of imprisonment. This evolution of Albania towards a global prohibitionist juridical system has had little coverage in both national and foreign press. This lack of attention is symptomatic of an obvious disinterest in prostitution in Albania, as opposed to the transnational trafficking on human beings, which is more “sensational” in the eyes of foreign observers and media.

### Overview of the fight against slave trade

Albania remains a country of origin of slave trade victims for the purpose of sexual exploitation. The main destinations of the Albanian victims are Greece, Italy, Macedonia, Kosovo, Belgium, the Netherlands, Germany, Switzerland, Ireland and the UK. The phenomenon of internal trafficking persists, however, its scale is hard to determine.

The U.S. Department of State has estimated that Albanian authorities were not making enough efforts in the struggle against the slave trade. This led to the downgrading of Albania in

the Report of 2012 on human trafficking. As a result, Albania went from tier 2 to the tier 2 watch list<sup>1</sup>.

The number of people charged and sentenced for human trafficking by the Albanian judicial authorities has strongly diminished in 2012, as reflected in the table below.

	Number of people charged	Number of people sentenced
2011	27	5
2012	11	2

This can be explained partly by a very high staff turnover rate in the judicial sector and the police. In 2012, 114 judges, prosecutors and police officers pursued specific training to struggle against trafficking. But, in spite of these significant efforts to train the staff, the major part remains untrained for these matters. Consequently, many victims find themselves suspected of prostitution, devoid of the assistance and protection to which they are entitled. In 2012, at least 3 victims of human trafficking were sentenced for their involvement in prostitution. In one of the cases, the Court sentenced both a trafficker and one of his victims for prostitution, which demonstrates the lack of training of the judges.

Moreover, the Albanian Government removed from office the National Coordinator of Combating Human Trafficking, whereas its efficiency did not seem to be discussed. As a result of the position remaining vacant for five months the interdepartmental cooperation and public-private cooperation severely suffered.

Most of the research on the phenomenon of human trafficking in Albania has been conducted by national and international NGOs. The Group of Experts on Action against Trafficking in Human Beings (GRETA) believes that the authorities should direct and encourage more research on trafficking since such work is necessary for the establishment of future political dispositions. Internal slave trafficking and the slave trade for commercial sexual exploitation purposes appear amongst the priority areas suggested by the GRETA.

In 2012, the number of identified victims has increased compared with 2011 (84 to 92 victims identified, including 26 minors). A total of 138 victims were received in 2012 by hosting centers handled by the Government or by NGOs. These centers terribly lack funding. The allocated government funds only cover the minimal food needs of the victims. No financial help has been allocated to support the needs of the victims with dependent children.

Two adult and one minor victims went missing in 2012 while they were hosted in government facilities.

Finally, the freedom of movement of the received victims was restrained.

### **Roma and Egyptian minorities: very vulnerable populations to trafficking**

Although Albanian law forbids all discrimination (whether they are based on gender, race, color, ethnicity, language or sexual orientation), Roma and Egyptian minorities suffer from

<sup>1</sup> The classification in the Watch List of tier 2 is a warning of the eventual degradation into tier 3.

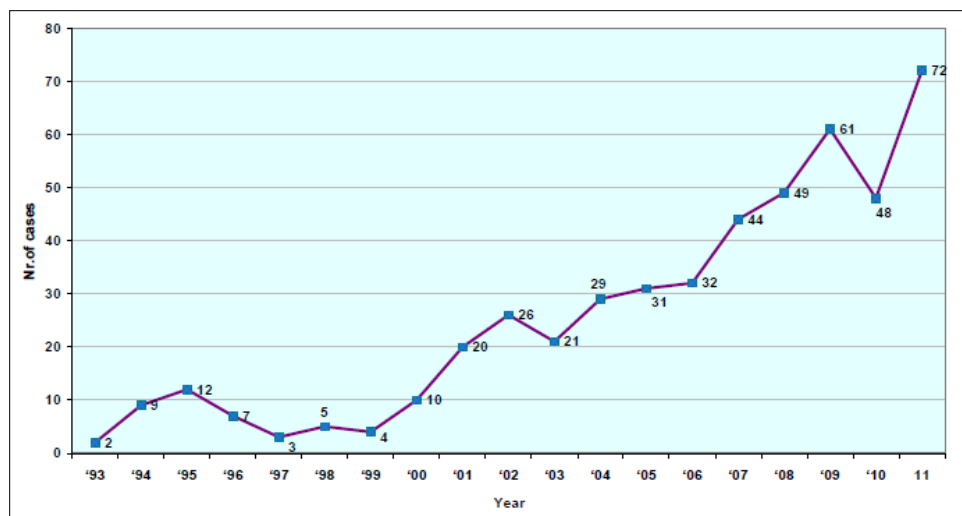
strong discriminations in the Albanian society and from the authorities. With no ID, no education, and no possibility to achieve reasonable economic security, Roma and Egyptian minorities, especially women and children, are easy targets for human beings traffickers (*U.S. Department of State, Bureau of Democracy*, 2013).

### A frightening underestimation of the number of people diagnosed with HIV/AIDS

Albania considers itself as a country, where the HIV/AIDS contamination rate is low. But, according to the World Health Organization (WHO), only 2,590 people out of a population of about 3 million inhabitants have undergone HIV/AIDS testing in 2011. In Albania, only 2% of health centers provide AIDS testing. Among the new cases of people affected in 2011, 73% are men (*WHO*, 2004). But what about the women victims of trafficking or prostitution who are also a highly exposed group?

In Albanian society, women are generally considered as human beings with no decision-making power. Therefore, it appears almost impossible for a woman, even more so for a female prostitute or victim of trafficking, to negotiate condom use with a man. They are then left in great danger of contamination. Plus, the stigma associated with the disease is such that they hesitate to take an AIDS test. Women are held responsible for the propagation of HIV/AIDS. If a member of the family is infected, the women have to pay for the cost of medical care. Moreover, infected women are discriminated against more than their male counterparts.

The figures published by the Albanian Government indicate a high increase since the early 2000's, as shown in the chart below.



The Government is not indifferent to this evolution. A national strategy to fight the epidemic was elaborated on during the 2010-2015 period. New laws have been adopted, including the law on prevention of HIV/AIDS contamination of 2008, and the law for the protection against

discrimination of 2010. Insofar, the authorities do not acknowledge prostitutes and trafficking victims as being part of the populations at highest risk, like injection drug users and men having sexual intercourse with other men.

About sixteen NGOs focus their efforts on fighting HIV/AIDS. Some of them, such as the Albanian Coalition for Promotion of Women and Youth in Politics (ACPD) and the National Association of Public Health (NAPH), work with Roman minorities in Tirana, and in other towns of the country. The NGOs carry out prevention activities with a particular emphasis on youth. They use various formats (televised programs, radio, posters, brochures, seminars, painting exhibits...). This is an important work because many Albanian have very limited knowledge regarding the prevention of sexually transmitted infections (STI) and general sexuality matters. Today, one regrets that no teaching of this kind is broadcast in schools (*European Scientific Journal*, november 2012).

### **The hard rehabilitation of trafficking victims**

A survey released in 2012 speaks specifically about the rehabilitation of trafficked human beings in Albania. It describes the multiple barriers that victims can encounter while seeking rehabilitation. The culture of shame developed during the communist era appears as the cornerstone of all these difficulties. Indeed, it drives the community to reject the slave trade victims by making them suffer all kinds of humiliation. The fear of seeing one's reputation affected by the simple association with a victim is very common.

The Albanian context is very unfavorable to women. Trafficking victims are considered as guilty of leaving their home, and bringing dishonor on their whole family. Some parents say they would rather see their daughter dead than coming home as a victim of the slave trade. According to the survey author, the rehabilitation programs must be immediately directed at this culture of shame.

Despite the conformity of the Albanian laws regarding the fight against human trafficking with international standards, one can see that those are rarely applied. A rampant corruption in the power structures and a high turnover rate of the staff concerned by this issue are the reasons of this obvious inefficiency.

The social integration of Roman and Egyptian minorities and the enhancement of women's place in society should be part of the priority goals of the Albanian Government, if it seriously wishes to fight trafficking. More attention should be given to the phenomena of internal trafficking, and prostitution and HIV/AIDS infection, especially for female prostitutes and trafficking victims. The influence of mentalities is considerable, but the NGOs alone cannot work miracles. One must hope that the politicians will know how to take the lead on this issue, and adopt a proactive legislation on prevention and information.

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## Algeria

- Population: 36.5 million
- GDP per capita (in US dollars): 5,404
- Presidential regime
- Human development index (HDI): 0.713 (93<sup>rd</sup> rank among 187 countries)
- Gender inequality index (GII): 0.391 (73<sup>rd</sup> rank among 147 countries)
- Member of the African Union since 1963.
  
- No official national statistics on prostitution.
- The Algerian Criminal Code, implemented in 1966, prohibits prostitution.
- Human trafficking has been illegal since 2009, but the government has not yet participated in a trafficking lawsuit.
- Age of sexual consent is 16 years old; legal age of marriage for girls is 18 years old; however, forced marriage for children is frequent.
- Corruption throughout the police force, as well as a serious lack of victim protection.
- Country of transit for sub-Saharan men and women attempting to travel to Europe, to a lesser extent a country of origin and destination.

The state of human rights in Algeria is as hard to describe as it is to discern. Ending a 19 year state of emergency in February of 2011, Algeria no longer suffers the same level of violence and political instability which plagued it since its independence in 1962, and human rights violations have dropped since the end of the civil war of the 1990's. However, state control of broadcast media and repressive press laws make it difficult to form a real picture of the current state of human rights. In particular, the level of protection of the rights of women and children remain unclear, and sexual exploitation is rarely reported.

Prostitution was a regulated institution under French colonial rule, from 1830 to 1962, but is now illegal under the Criminal Code of 1966. There are no national statistics on prostitution, and there is very little information on human trafficking, which was made illegal in 2009 under an amendment to section 5 of the Criminal Code. The 2012 U.S. Department of State Report on Human Trafficking lists Algeria as a tier 3 country, mainly a transit state for Sub-Saharan migrants on their way to Europe, and to a lesser degree a source and destination country for



forced labor, organ harvesting and prostitution. In the past decade Algeria has seen a rise in sexual violence against children, as well as public mob violence against prostitutes.

### **A History of French Regulationism**

The French administration in Algeria first began regulating prostitution one month after they conquered Algiers in 1830. Prostitutes were expected to register with the *mezuar*, a high ranking police functionary, and attend weekly medical exams. There were an estimated 13,000 registered prostitutes throughout the territory of Algeria, although the numbers in rural areas, particularly in the Kabylia were difficult to determine. Algiers was home to a vast number of “clandestine” prostitutes, either un-registered girls, or boys working out of bath-houses and *cafes maores* (illegal establishments where boys would dance for a male audience). Clandestine prostitution reportedly outnumbered the legal sex trade by approximately four to one. Somewhere around 65 legal prostitutes per year in the 1850s would remove their names from the registry list, often to obtain fake marriage certificates in order to avoid the high taxes placed on legal prostitution. Male prostitution and homosexuality were both illegal, and thus not directly regulated, although there were restrictions placed on the public bath houses where men were known to go for homosexual prostitution.

The majority of legal establishments, or *maisons de tolerance*, were in the European quarter of Algiers, and provided mainly European girls to European clients. In 1856 there were 4 brothels in Algiers, with not a single Algerian girl, this number only slightly increased in 1899, when out of the 13 brothels in Algiers, and 99 registered prostitutes, only 5 were Algerian.

Outside of Algiers regulation was less stringent, and the records thus less precise. Some ethnic groups within the Kabylia, such as the Ouled-Rabah and Beni-Amnerrm, institutionalized prostitution on their own, by recording and heavily taxing “public” prostitutes. In Constantine, prostitution was seen as a means of familial income, and un-married girls would leave their rural villages to go to the cities to become prostitutes or dancers, later returning home to marry.

Although the detailed reporting on prostitution during French colonial rule ended at the start of the war in 1954, some reports of prostitutes being used as informants by the National Liberation Front (FLN) exist. Prostitutes and “dancers” were recruited as spies by the independence movement due to their contact with French troops. Nationalist propaganda from the war depicted prostitutes as victims of the colonial system’s attack on the Algerian family system, and informing was seen as a means of redemption for “shamed” girls.

### **Sexual Exploitation today**

The Algerian Criminal Code, enacted in 1966, prohibits the solicitation of prostitution, and places the age of consensual sex at 16, and of marriage at 18. Rape, solicitation of prostitution, and pornographic material of a minor (under 16 years old) is punishable by 10 to 20 years imprisonment, although it is rarely carried out. In addition, any pornography is illegal and

punishable with up to 2 years in prison or a fine of \$27 USD. As of February 2009, human trafficking is illegal under the amended Criminal Code, with penalties of 3-10 years for trafficking for labor or sexual exploitation. However, according to the 2012 Human Rights Watch report, the government of Algeria has yet to prosecute a true human trafficking case. Women's rights are limited by the Family Code of 1984, and forced and early marriage and marital rape remain very real issues (CATW, 1998).

### **A Passage to Europe**

According to the 2012 Human Rights Watch report, there are an estimated 9,000 sub-Saharan trafficking victims in Algeria. Many of these come from neighboring Mali, where increased violence and political unrest has led to vast emigration. Many sub-Saharan victims enter Algeria voluntarily through the southern border near Tamanrasset, and while some continue on to Europe through the northern borders, others have their papers confiscated by their smugglers and are forced to work off their debts, whether by forced labor and domestic work, or prostitution. Although denied by the Algerian government, the U.S. Department of State Report on Human Trafficking states that the "chairmen" of the "African Villages" or non-Algerian ethnic areas around Tamanrasset, are often responsible for the forced prostitution of smuggled sub-Saharan women. An article in *El Watan* in December 14<sup>th</sup>, 2012 described the corruption and trafficking at the eastern border near El Tarf. An interview with a border security officer detailed how Algerian girls were sent to Tunisia, often with the aid of high ranking police officers and even imams. According to the interview these girls were to be sold as prostitutes, and often came from Annaba, Guelma, and Souk Ahras.

In 2012, three Algerians were convicted under the illegal immigration law of human smuggling, for transporting illegal immigrants from Algeria to Morocco, and it was suggested that they may have confiscated the immigrants' passports in order to extort a higher price.

Algerian trafficking victims mainly end up in France, Italy, and increasingly Israel (*Protection Project*, 2010). The traffickers, clients and procurers of prostitutes in Algeria are rarely prosecuted. Instead when a prostitution operation becomes public, the victims are arrested, and if they are trafficked persons, or in the country illegally, are deported through the southern border at Tamanrasset. Reports from the Algeria's government state that undocumented migrants are given a week in a detention center in Tamanrasset, as well as medical care and 3 meals a day before being turned over to their respective governments. However NGO's reported that out of the 8,000 persons deported through Tamanrasset, the majority are simply given a liter of milk a bit of bread and left at the border in the Sahara where many die. There are currently no government operated shelters for trafficking victims, and NGOs are prohibited from running any shelters for undocumented migrants (*U.S. Department of State*, 2012).

## **Annaba, a criminal haven**

Annaba has become notorious as a haven for illegal sub-Saharan immigrants hoping to find passage to Europe. With its constant influx of poor, undocumented migrants crime, including prostitution, is rampant. Young girls are tricked into paying smugglers for a passage to Europe which never comes, and often then turn to prostitution in desperation (*L'Expression*, March, 11<sup>th</sup>, 2013). A 2004 article looked into the lives of street children in Annaba, and in particular child prostitutes. According to the author the number of children, abandoned by parents too poor to care for them, living in the streets of Annaba is vastly underreported and rapidly rising. An interviewed police psychiatrist stated that the government did little to help these children, and what they did do made little difference. Most often the children, some as young as 7 years old, are picked up when caught soliciting, kept overnight at the police station, given breakfast paid for out of the police officers own pockets and sent to reeducation centers where they may stay a day or two before running back to the streets (*Algerie*, August 29<sup>th</sup>, 2004).

In 2012 the *Affaire d'Annaba* hit France and Algeria when a former member of a French Ministry, along with an imam and five Algerian gynecologists were arrested in Annaba for running a pornography studio (*L'Expression*, March 23<sup>rd</sup>; 2012). Jean-Michel Baroche took in over 96,000 € (\$131,577 USD) per month creating and selling pornography under the guise of running a modeling agency “Glamour Arabian Talent” (*Le Parisien*, March 26<sup>th</sup>, 2012). Baroche reportedly lured girls to his studio, with the promise of a modeling career, and gifts, then drugged them and forced them to participate in the films. Some of the girls were as young as 16. The gynecologists involved were used to create false certificates of virginity, or even perform hymen reparation operations (*El Watan*, May 9<sup>th</sup>, 2012).

## **Kidnappings on the Rise**

Between 1992 and 1998, during the first part of the civil war, an estimated 4,000 Algerian women were the victims of kidnapping, rape, and murder. In that time, at least 500 girls were kidnapped from rural villages and raped or forced into temporary marriages or prostitution before being murdered (*CATW*, 1998). Similar reports continued into the early 2000's, and have for the most part been blamed on Al-Qaida in the Islamic Maghreb (AQIM), the Al-Qaida union with the Salafist Group for Preaching and Combat (GSPC). The GSPC has also been known to take children to use as child soldiers or human shields (*Protection Project*, 2010). Since 2003 urban kidnappings have been on the rise. In 2011 over 500 children between 10 and 16 years old disappeared, many were found dead with signs of sexual abuse (*Al Monitor*, January 21<sup>st</sup>, 2013). One report states that there were 276 forced disappearances of children in 2012, with almost all resulting in sexual abuse and murder (*Magharebia*, March 3<sup>rd</sup>, 2013). Algerian children have also been kidnapped and trafficked to Morocco for organ harvesting; from there their organs are generally sold in Israel and the U.S. (*Protection Project*, 2010).

## Anti-Prostitution Violence

The small northern city of Tichy, of 17,000 inhabitants, is thought to have as many as 1,500 prostitutes, and has become a sex tourism destination (*L'Expression*, June 25<sup>th</sup>, 2011). Since 1993 there has been a strong movement against the level of prostitution in the small beach-side city. According to Mohand Haddadi, an active member of a group fighting to eliminate prostitution in Tichy, there are housing projects rented out entirely to prostitutes, and the city has become a "refuge" for prostitutes throughout the region (*La Nation*, August 16<sup>th</sup>, 2011). In 2010, after failing to persuade the Gendarmerie to clear out the prostitution venues, the people of Tichy took to the streets to protest, which eventually turned into a riot and led to the arrest of 46 of the suspected prostitutes, of which eight were detained and 10 were exiled from the region (*News24*, June 10<sup>th</sup>, 2011).

While the majority of the damage done in the 2010 Tichy riots was to property, others have had more disturbing outcomes.

In 2010, a series of home invasions, in which several young women were stabbed, beaten, robbed, and raped, was all but ignored by the police. One officer reportedly told a victim that he would not help her and that for all she knew he could be one of the assailants, another victim was told that if she wanted help she should just leave the city.

In 2011, in Hassi Messaoud, a city in south east Algeria, around 500 Islamic extremists attacked women suspected of being prostitutes. Any woman without a husband was considered a suspect; including many widows with young children who had moved to the city to work as domestic servants. Over the course of 5 hours over 40 women were beaten, tortured, and raped, 20 women were cut across the face and an unofficial report stated that 6 died.

Overall, the instability of Algerian government has led to insufficient action against the sexual exploitation of women and children. In addition, information coming from the state itself is sparse and often inaccurate. The rampant corruption and abuses by the police in regards to prostitution as well as trafficking victims need to be addressed in order to ameliorate the situation. Furthermore Shari'a law, as well as the Family Code, is preventing victims from obtaining the help they need and enabling the perpetrators of sex crimes. However, 2012 did see some attempted accountability on the part of the Algerian government, and increased international involvement, which may lead to advances at least on the trafficking front. In November 2012, the Director of Judicial Police of Algiers was elected to the Executive Committee of INTERPOL. Additionally, the Observatoire Algérien des Droits de l'Homme (Algerian Observatory for Human Rights) was created July 12, 2012.

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## Argentina

- Population: 41.1 million
- GDP per capita (in US dollars): 11,558
- Federal republic
- Human development index (HDI): 0.811 (45<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.380 (70<sup>th</sup> rank among 147 countries)
  
- No official national statistics on prostitution.
- Every year there are cases of disappearing girls (mostly under the age of 13) and women, victims of sexual trafficking networks.
- Prostitution is mostly found in the Center and South of the country, such as in Buenos Aires and Mar del Plata.
- Prostitution is legal but the exploitation of brothels and human trafficking are prohibited by a law that was established in 2008.
- Country of origin, trade and destination for human trafficking, especially with the purpose of sexual exploitation.
- Victims primarily native to poor provinces in the North of the country, Bolivia, Paraguay, Peru, and the Dominican Republic.

Every year, hundreds of young girls (some of whom may be less than 13 years old) and young women disappear in Argentina, the victims of networks involved in sex trafficking. They are sold, each at a different price.

These victims of sexual exploitation most often originate from the poor northern provinces of the country. Some of them come from even poorer neighboring countries, such as Bolivia, Paraguay and Peru or even the Dominican Republic. During the initial stages, they are systematically beaten and raped in order to break their will. Afterwards, they are forced into prostitution in the cities of Central and Southern Argentina, such as Buenos Aires and Mar del Plata.

Besides the more widespread occurrence of disappearances, another reality coexists, namely the fact that some women agree to be victims of sexual exploitation. In this case, the primary motivation is economic, reinforced by secondary family pressures.

To this day, prostitution remains legal in Argentina. However, the management of brothels and human trafficking are not. In fact, those activities constitute federal crimes since 2008 under a law successfully passed, which was lobbied by Susana Trimarco Veron, a national heroine honored many times in Argentina and in the United States and whose name has been mentioned for the Nobel Peace Prize.

Since the enactment of this legislation, 2,827 victims of sexual exploitation or forced labor have been rescued (*Le Matin*, February 10<sup>th</sup>, 2012).

### **Susana Trimarco de Veron, a “bold mother, enemy of procurers”**

Susana Trimarco de Veron was trying to find her daughter, Maria, who was abducted in 2002 by a prostitution network. At first, she looked for her on her own, before creating the Foundation Maria de Los Angeles, after which she received help in order to trace back the supply channels of young women for brothels. The Foundation, which brought together nearly twenty people – lawyers, psychologists and social workers – was able to rescue nearly 400 victims of sexual exploitation (*BBC News*, April 2<sup>nd</sup>, 2012). A single mother of humble background, Susana Trimarco de Veron is behind the arrest of a group of procurers tried in San Miguel, in the province of Tucuman, Northern Argentina.

The trial of thirteen men and women charged with having run brothels and been involved in the kidnapping of Susana’s daughter was the most publicized. Their acquittal shocked Argentina and led to a wave of protests of indignation throughout the country. According to Susana Trimarco de Veron’s legal counsel, the judgment highlights the ongoing impunity in Argentina. They decided to appeal this decision.

For her part, President Cristina Fernandez de Kirchner – who is very involved in the fight against human trafficking for sexual exploitation – said that although she was unable to prove it, she was convinced that the acquittals in question were a direct result of the corruption of the judges involved. To this end, she added that it was appropriate and imperative to proceed with the democratization of the justice system.

### **Police and justice corruption**

According to NGOs and international organizations, a number of federal officials are directly and/or indirectly involved in human trafficking. Some police officers turn a blind eye to the activities of trafficking and forced prostitution, and some judges fail to examine the cases in front of them in depth.

The authorities are still in the process of investigating 75 federal police officers removed from office for their complicity in human trafficking (*U.S. Department of State*, 2012). The former head of the anti-dealer police unit is under investigation for having operated several brothels for his own benefit.

Due to the corruption that exists in both government and society, it remains difficult to fight against the phenomenon of sexual exploitation. In order to move in that direction, Susana

Trimarco Veron explained that "politicians and police officers should stop being customers of those places for the fight against trafficking in women to become effective."

In the case of Maria de los Angeles Veron, a police officer mentioned that after receiving authorization to search the brothels of La Rioja in 2002, a judge made his unit wait for several hours, allowing the kidnappers of Susana Trimarco Veron's daughter to move her. This analysis was subsequently confirmed by the testimony of a victim of sexual exploitation, who reported seeing Maria leave immediately before the police arrived.

### **Health of the victims**

As victims of sexual exploitation, those working in Argentina are likely to be struggling with various sexually transmitted diseases, including HIV/AIDS. Promising better pay and by blatant refusal, clients will demand the girls to prostitute themselves without the protection of a condom, directly increasing exposure to venereal disease. Admitting that it helps them to prostitute themselves, a growing number of women consume alcohol on a regular basis, while others take up the habit of harder drugs.

These risk factors are accompanied by a marginalization of the victims. Less than 10% of them have health coverage. As a result, they have a limited access to prevention or treatment programs.

In addition, victims of sexual exploitation have a hard time aborting when they choose to do so. Indeed, even though Argentina allows abortion in cases of rape or dangers to mothers' health, politicians, doctors and judges continue to deny that right to victims of sexual exploitation.

A decision of the Supreme Court, dated March 2012, is expected to remove the barriers to abortion and keep judges from preventing the process of abortion. In a case dealt with by the Supreme Court, a judge previously held that there was no evidence of rape even though the 32 year old woman had been kidnapped and forced into prostitution. The Supreme Court overturned the judge's decision and forced health professionals to urgently practice an abortion on the woman, whose pregnancy had entered in its 10<sup>th</sup> week.

The decision of the Supreme Court, adopted by six out of seven judges, also blames the mayor of Buenos Aires, Mauricio Macri, and the judge, Miriam Rustan de Estrada, for revealing details of the case that led anti-abortion protesters to gather in front of the public hospital where the victim was having surgery and later in front of her home.

Data from the Argentinian Ministry of Health show that 80,000 women are hospitalized each year for complications resulting from illegal abortions, and suggest that 500,000 women resort to illegal abortions, as stated by women's rights activist Estela Diaz (*Le Nouvel Observateur*, October 12<sup>th</sup>, 2012).

Although significant progress can be noted, the Argentinian government is still not fully involved in the fight against prostitution or against human trafficking.

To this end, the anti-trafficking law would have to be strictly applied to punish the perpetrators, including when complicit government officers are involved. Funds for helping victims should be increased in partnership with NGOs. Also, the victims would be better helped



if they were known. As such, it would be appropriate to develop and implement protocols for local officials to identify and assist victims of trafficking and to intensify efforts to raise awareness of all forms of trafficking in persons.

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## Australia

- Population: 22.9 million
- GDP per capita (in US dollars): 67,036
- Constitutional Monarchy
- Human development index (HDI): 0.938 (2<sup>nd</sup> rank among 187 countries)
- Gender inequality index (GII): 0.115 (17<sup>th</sup> rank among 147 countries)
  
- No official national statistics on prostitution.
- Province of Victoria: 95 licensed establishments according to regulation authorities, at least 400 illegal establishments according to police forces.
- Prostitution legalized by licenses for establishments: Victoria, Queensland.
- Illegal organized prostitution (establishments): Western Australia, Southern Australia, Northern territory and Tasmania.
- Decriminalized prostitution (except for some areas): the Australian Territory capital, New South Wales.
- Divisions 270 and 271 of the Penal Code repress all forms of trafficking and forced prostitution (12 to 25 years of imprisonment, \$152,000 fine).
- Destination country for trade victims with the purpose of prostitution: largely Thailand, Malaysia, South Korea and China.

As prostitution legislation is under the states' and territories' responsibility, Australia stands for a very interesting case, which uses various approaches, that cover most of the responses commonly met in other countries. Models defined by legislature want from the criminalization of all forms of organized prostitution (Southern Australia) to its complete decriminalization. (New South Wales). In 2012, four states and territories (Southern Australia, Western Australia, the Australian Territory capital and Tasmania) were the subjects of an intense fight by different lobbies and pressure groups: passionate debates, epic votes for law propositions, arguments by interposing medias, official and university reports, public consultations etc. If the experiences and testimonies vary, supplying the speeches of two radically opposing visions, one notes, a certain evolution of mentalities. The speech on the professionalisation and the "secure" framework of prostitution, still popular some months ago, does not systematically mean unanimity. Those elected no longer hesitate to express their different visions outloud,

denouncing a world of exploitation and violence significantly controlled by the sex industry. Trade does not always take precedence over humans. Speech becomes free.

### **The lobby war**

In Western Australia, an amendment to the *Prostitution Control Act 2000*, aiming to remove prostitutes and brothels from residential zones, was submitted to a vote by authorities under the increasing public pressure. When most predictions were forecasting a favorable outcome to the bill, two representatives took advantage of the debates to ask for their own proposals to be included in the general text in exchange for their vote. Janet Woollard, not politically labeled, has thus proposed that the ban be effective within a 5 year period, that the number of prostitution establishments and of prostitutes employed therein be limited.

Adèle Carles, from the Green party, has granted her vote under the condition of an amendment, resembling that of the Swedish model: a fine for the clients (a little more than 100 € - \$136.75 USD) if they solicitate in the street, reinforcing the jail sentence for brothel owners who use minors, financial support for the victims, and making shelter and reintegration tools available for all those who show a desire to leave the sex industry. The general outcry was at the peak of claims. The Labor party strongly opposed the bill deeming that it would automatically end up in the rise of underground prostitution. For the Prime Minister and the Chief of the Liberal Party, making prostitution illegal in Western Australia is absolutely unrealistic. “I would love for it to be possible but everyone knows that it’s not” (*West Australian*, April 10<sup>th</sup>, 2012). For Christian Porter, member of the Liberal party, the first step must be to “stop the business in residential areas in accordance to the public's wishes” (*Western Australia Today*, April 5<sup>th</sup>, 2012), however; he seemed to agree with the idea of financially supporting those who want to leave prostitution. Mary Anne Kenworthy, owner of a brothel, believes that such an amendment would make her job impossible Adèle Carles responded, through the press that her aim “is not to back up owners of prostitution establishments. From my point of view, they are running an industry, whose profits come from exploiting women...” (*ABC News*, April 5<sup>th</sup>, 2012). No definitive decision had been made by the end of December.

In Tasmania, in early 2012, authorities initiated a public debate over the possible regulation of the sex industry, opening up to discussion a 30 page document on the “advantages and disadvantages” of different legislative orientations. Between the groups supporting the legalization of prostitution and the abolitionists, dozens of proposals and documents were sent to the Attorney General's office, with each lobby going with its own recommendations. The debate heated up when the union of prostitutes, *Scarlet Alliance*, attempted to pressure the organizers of a seminar and discussion forum open to the public, to prevent Sheila Jeffreys, Melbourne University professor and CATW Australia speaker to express herself (*Tasmanian Times*, June 4<sup>th</sup>, 2012). This incident made headlines. Organizers kept their programming and Sheila Jeffreys did not fail to remind, during her different interventions, that legalization fails to control the sex industry, does not resolve corruption, does not put an end to the violence women undergo in prostitution, and sends a strong signal to organized crime networks that are rapidly investing. For

many members of Whistleblowers Tasmania (Australian association against corruption and other frauds), the documents written by authorities are clearly oriented and based on the reports by Licensing Authority Prostitution in Queensland, which is in favor of prostitution regulation, and the management system of licenses granted to prostitution establishments, while roughly condemning the Swedish model. For Isla McGregor, the government seeks to legalize a regulation model (licenses type), a model that was rejected in 2005 through the Sex Industry Offenses Act. Otherwise, the document submitted to discussion does not immediately criticize the regulation model, while the Swedish model is harshly criticized. In contrast, the group *Scarlet Alliance* delivered a document criticizing both the Swedish and licensing models and promoting the decriminalization of prostitution such as in New South Wales to the authorities.

In Southern Australia, Parliament debated over the decriminalization of prostitution following the amendment proposal submitted by the Labor party deputy Stephanie Key. The result: the vote in favor of decriminalization failed to a close vote, 20 against and 19 for, while eight Parliament members were absent during the deliberations. Key has immediately asked for the bill to be resubmitted to a vote so that all the members of Parliament can vote. In fact, another proposition in favor of decriminalization was submitted to the Upper House in November with the same result.

The Australian Capital Territory (ACT) has also had some legislative setbacks in 2012. A committee elected from the legislative house was put in charge by the local government of examining the law (Prostitution Act 1992) and of reporting on its level of efficiency. If the conclusions generally emphasize a satisfaction with the current system (regulation and licenses for prostitution establishments), and deems that prostitutes are better protected, a member of the Committee clearly distinguishes herself from her colleagues. Vicki Dunne added a 9 page appendix at the end of the report in which she expressed her differences, presenting the Swedish model as an innovative approach centered on women and wrote that: “prostitution is not inevitable” (*MTR*, March 5<sup>th</sup>, 2012) The other members of the Committee did not wish to argue these points any further. She adds that all of the campaigns proposed to target the “clients” of prostitutes were postponed and that, overall, the members of the Committee refused to admit the connection between crime and the sex industry, despite recent cases. She has received the support of several abolitionists such as Melissa Farley. Among the report's 17 recommendations, 12 were accepted by the local government, among them, the information documents in multiple languages for prostitutes, and the increase of means for youth prevention. The report also recommended to no longer authorize policemen from obtaining prostitutes' information without a warrant. This proposal was rejected (*ACT Government, Media releases*, June 5<sup>th</sup>, 2012).

If Australians remain mostly skeptical to considering prostitution as a human right problem, the abolitionist defenders of the Swedish model have helped to avoid, during 2012, the tilting of three states toward legalization.

## Sex industry, human trafficking and organized crime

If testimonies remain as various and contrasted as the judicial approach to prostitution, policemen raids demonstrate that human trafficking with the purpose of sexual exploitation is overall present in the continent, even in the states and territories which “regulate”, “control” and/or “decriminalize”. As clients are still asking for non-protected intercourse, even in licensed establishments, and managers/owners of these establishments are taking from 40% to 60% of every transaction, the sex industry is still generating immense profits. The association *Eros*, emblematic representative of “adult entertainment”, estimates the sex industry's profits to just under 1 billion € (\$1.4 billion USD) per year and is worried about what the Australian government wants to take away in taxes<sup>1</sup>. If the state of Victoria estimates about a hundred “legal” brothels, police estimate that there are at least 400 illegal establishments, almost an additional establishment a month since the 1984 decriminalization (*International Human Rights Day*, December 10<sup>th</sup>, 2012). Australia's good economic standing attracts traffickers and favors “investments”. In June 2012, if Sydney's municipal authorities had, at first, opposed the construction of *Stiletto*, an installation project of the largest Australian brothel, open 24/7 with 40 rooms, the court has finally agreed with promoters by approving the project and ignoring the “moral considerations” expressed by opponents. The result: 12 million € (\$16.4 million USD) of investment (*The Telegraph*, June 20<sup>th</sup>, 2012).

In Queensland and in Western Australia, the “mining boom” attracts networks which “provide Asian prostitutes” to local or foreign workers. Prostitutes, widely originating from South East Asia are, according to the police, sold by their families to traffickers, and “are not, at all, autonomous. There are networks behind them”. (*International Business Times*, July 10<sup>th</sup>, 2012) They are threatened and undergoing constant pressure. It is impossible to assess their number, prostitution ads are multiplying in local newspapers. According to an article released in the *Brisbane Times* on July 10<sup>th</sup>, 2012, victims were sent from one city to another and do not stay for more than three weeks in the same place. *New-Zealand Television (with Reuters)* on December 30<sup>th</sup>, 2012, introduced a study for the government, realized in 2012, which shows that in New South Wales, more than one in two prostitutes (53%) come from Asia (China, Thailand, South Korea). In February 2012, a simultaneous police raid in several Sydney brothels saved three Thai victims that were being detained as “sexual slaves”. They arrived in Australia with student visas, their passports were confiscated. The owner of an establishment, a 42 year old Sino-Cambodian man was charged with human trafficking. The place where the victims were discovered, however, had an “excellent reputation” (*The Sydney Morning Herald*, February 3<sup>rd</sup>, 2012). In April, a woman of the same age appeared at court in Canberra for accusations involving slavery and breaches of immigration law. Among the victims, two young Thai women, whose exploiter -presumably forced them into prostitution in order to pay off a debt of 43,000 € (\$58,802 USD) - made them accept up to 14 clients a day. The accused kept all of the transactions, such that, the debt was not repaid. (*The Canberra Times*, April 12<sup>th</sup>, 2012). The

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<sup>1</sup> EROS (Australia's national adult retail and entertainment association) : <http://www.eros.org.au>

number of Asian prostitutes is steeply rising. There are, in Australia, a thousand prostitutes coming from South Korea. Other estimates indicate that there are one in six on Australian territory (*Dokdo South Korean News*, May 6<sup>th</sup>, 2012).

In Kings Cross, a Sydney suburb, illegal brothels are increasing. According to Sabrina Johnson, from the Nordic Model Australia Coalition Collective (NORMAC), there are close to a hundred, for which, “there is no doubt that the increase in supply has followed an increase in demand” (*Australian Studies Center*, 2012) even though legal establishments would be out of control. New South Wales government has made the same observations and wants to regain control of the establishments' management. Noting a lot of corruption within controllers, too much insecurity and an alarming multiplication of illegal places of prostitution, it wishes to establish new rules on the acquisition of licenses. It also intends to set up a specialized team, in charge of controlling those places which are believed to be violating the law (*The Telegraph*, August 30<sup>th</sup>, 2012). If the 2012 U.S. Department of State Report on Human Trafficking ranks Australia as one of the countries fighting against human trafficking, it also establishes the existence of trafficking with the purpose of sexual exploitation. People originating from Thailand, China, South Korea, Malaysia, are the first concern and the networks, often very organized, do not hesitate to use physical force, threaten family members, and blackmail in order to refund the traveling debt. According to the Federal Police, 44 human trafficking cases were conducted in 2012, of which, a third were linked to prostitution. According to the same report, 11 sex trade victims were identified in 2012 by the government and NGOs. Jennie Herrera however, recalls that it is impossible to know today the scale of human trafficking in Australia, but she estimates that the “asianization” of human trafficking with the purpose of sexual exploitation is a reality that nobody can deny (*NORMAC*, December 10<sup>th</sup>, 2012). Since 2003, 320 police operations linked to human trafficking have saved 187 people, among which, 167 were women. Among these women, 151 were forced into prostitution (*The Australian*, March 12<sup>th</sup>, 2012).

### **Various perceptions**

In general, if there is no uniform approach in Australia, owners of prostitution establishments will remain rather perceived as entrepreneurs. Prostitution is considered a full time practice, especially in states where prostitution has been legalized. This state of mind can be perceived in legislative decisions. Thus in February 2012, the court of Canberra recognized a motel owner who refused to rent out rooms to prostitutes as guilty. The Court ruled that discrimination linked to a person's activities was subject to possible condemnations.

Moreover, authorities and agencies in charge of granting licenses to establishments forget to mention that many brothel owners continue to hire sex victims, with an illegal status, because it is less expensive (*The Washington Times*, July 3<sup>rd</sup>, 2012). Not surprisingly, license owners are mostly men who benefit from an “activity” that they do not practice themselves. According to an article in *The Conversation* from October 1<sup>st</sup>, 2012, less than 10% of licenses granted in Victoria concerned women. But it does not matter since the taxes earned by the authorities on legal activities report significant sums. In a report from the Tax Office (*Australian Studies Center*,

2012) one learns that ten legal brothels can earn about 500,000 € (\$683,750 USD) for the government's pockets. In an audit conducted for the ACT, it is read that an escorting agency of about one hundred people can make, on average, a little less than 100,000 € (\$136,750 USD) a month. In the suburbs of Victoria, the revenue of prostitution would amount to 360 million € (\$492.3 million USD) each year. It is then not surprising that government agencies would want their piece of the cake. For Caroline Norma, “liberals, in their speech on sex workers' legitimacy, forget to mention the profits made by the sex industry, procurers, pressures, constraints and violence.”

What can be said on the verdict rendered by the Supreme Court of Tasmania on MP Terry Martin's case. He was caught with: possession of pedopornographical material, “using the services of 162 prostitutes on 506 occasions” of which one was a 12 year old girl, all because of his Parkinson's treatment which would make him sexually hyperactive... Verdict: the member of Parliament must simply leave his office and “seek treatment elsewhere”. The argument of his “huge contribution to the community” has been considered during the hearings. There was another issue on minors, a publicized case, where two sisters, 19 and 22 years old, would prostitute seven other minors to men in their fifties, for a pittance. The two sisters were arrested as well as the clients who were found. One of them was charged with rape.

### **Lessons to be kept in mind?**

As in other countries, it is mostly the illegal sector which appears to benefit from the legislative systems where prostitution has been allowed and/or decriminalized. In the state of Victoria, licenses were granted to establishment owners still on file for corruption or human trafficking. Ideologically, there are two opposing concepts: one promotes the free disposition of one's body and the legitimacy of “sex work”, such as the union *Scarlet Alliance*, and the other, militates for a responsible approach wishing to help prostitutes and suppress clients, such as the group *NORMAC* which aims to promote the Swedish model. Australia is divided into two visions without actually deciding. However, the movement in favor of regulating no longer seems omnipotent. The multiplication of human trafficking and corruption cases in regulationist states begins to discourage policies.

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## Austria

- Population: 8.4 million
- GDP per capita (in US dollars): 47,226
- Parliamentary system
- Human development index (HDI): 0.895 (ranked 18<sup>th</sup> out of 187 countries)
- Gender inequality index (GII): 0.102 (ranked 14<sup>th</sup> out of 147 countries)
- Member of the European Union since 1995.
  
- No official national statistics on prostitution.
- Legal framework: decriminalization of prostitution (in 1974) - taxation of prostitutes (1983). Access for the latter to social insurance (1998).
- The law of November 1<sup>st</sup>, 2011 set the practice of prostitution within a legal framework in the capital: it forbids soliciting and limits prostitution to only some districts, mainly around the Prater and Auhof areas so as to keep the practice of prostitution away from residential neighborhoods.
- On June 1<sup>st</sup>, 2012, the court of Graz overturned its judicial precedents so that prostitutes are allowed to declare their income.
- Legislation of prostitution is unique to each Austrian “land” (territory), hence the government’s clear aim in March 2012 to conciliate the different federal laws.
- Nigerian and Chinese channels appear in massage parlors.
- In 2012, 242 trade victims were identified.
- Construction of the largest brothel in Europe in Vienna’s suburbs, in November 2012.
- Country of transit and destination for human trafficking, especially with the purpose of sexual exploitation.
- 80% of the trafficking victims in Austria are women forced to become prostitutes; they come from Bulgaria, Romania or Hungary and half of them are minors.

Prostitution is more and more present in the Austrian political scene, and yet this issue is not a new one on the leaders’ agendas. Prostitution was no longer penalized as of 1974. In 1983, tax-paying became compulsory for prostitutes and in 1998, they could benefit from social insurance. Nevertheless the law of November 1<sup>st</sup>, 2011 which set a legal framework for the practice of prostitution entailed a social debate and a deep reflection on the place and rights of prostitutes.

However it is still difficult to achieve a synthesis of the situation in Austria, because there are no official figures. In 2012, Elizabeth Tichy-Fissbleger<sup>1</sup>, a specialist, estimated that 80% of the trade victims in Austria were women forced to become prostitutes, coming from Bulgaria, Romania or Hungary and that half of these persons were minors. But the year 2012 confirms that the number of Nigerian and Chinese channels is increasing through the appearance of massage parlors.

### **Mixed results after a year's law on prostitution in Vienna**

On November 1<sup>st</sup> 2011, Austria established a law against soliciting, which limits the practice of prostitution to certain districts, mainly around the Prater and Auhof<sup>2</sup>. Its main aim was to keep prostitution away from residential neighborhoods.

One year later, the situation shows mixed results. 1,784 fines for illegal prostitution were given to 250 people. 3,039 prostitutes were arrested in residential areas. The increased number of investigations by the police enabled them to give fines to clients and thus contributed to reducing the activities. The law has indeed allowed improvement of the close-by inhabitants' situation, but the text by itself does not address all the problems.

Whereas one of the aims was to draw prostitution out of the "gray" zone so as to avoid exploitation, violence and abuse, it turned out that women withdrew to venues and apartments illegally, in search of safe places. Most of them work in cars, at the client's mercy or in a few hotels rented hourly.

Besides, the majority of establishments do not abide by regulations. The law made it compulsory for the brothels' owners to get a license, the main standards for which were safety and hygiene (a shower, an alarm signal, a distinct entrance, no visibility from outside...). Only 23 venues out of 450 got the license. Yet, according to Sandra Frauenberger, who is the instigator of the law, one of the positive elements is the creation of small establishments run by women. But prostitutes have become less visible and more difficult to approach by social services and associations. Lots of them fear they might become more dependent psychologically and financially (incurring huge debts) on brothel owners. Contact has been lost with about 150 women, Nigerians in particular. The latter were working around the Westbahnhof but did not go to the permitted zones.

Since prostitution has been concentrated in two districts, many women have felt the need for a procurer who makes sure, in exchange for money, that no cheaper competitor appears and settles the conflicts between the women. The lack of bathrooms also increases the dependence on a procurer, as the city has not provided proper installations. Thanks to the procurer, they can use the baths of an apartment or go into a bar through an agreement with its owner.

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<sup>1</sup> The National Coordinator against human trafficking at the Austrian ministry of Foreign Affairs.

<sup>2</sup> See « Austria », Fondation SCELLES, CHARPENEL Yves, *Exploitation sexuelle - Prostitution et crime organisé*, Economica Ed., 2012.

## **Discussions on the possible improvements of the law dated November 1st, 2011 are still going on**

Originally, Viennese people agreed with the principle of the law, but none of them wanted to see her or his district to become a zone of tolerance. The Prater was very quickly jammed, while the Auhof was deserted as it was no longer safe. The bustle around the Prater led the inhabitants to complain about the prostitutes' soliciting. The latter dared come up to men accompanied by their children or threatened passers-by as soon as they were getting out of the subway. As a result, in Spring 2012, the law was adjusted and the discussion to open prostitution to other districts began. From now on, prostitution around the Prater is only permitted at night, between 10pm to 6am, so that the population may enjoy the day activities of this district without being disturbed. The Auhof is no longer a red zone, for safety reasons. The practice of prostitution at night around the school of economics or in Leopoldstadt was discussed, but the project was not achieved because of the protestations from the local and tourism representatives. Consequently, the Prater is the only zone, where prostitution is allowed. Almost 820 complaints for violations against the law on prostitution were registered in as short a period as the summer 2012.

The FPÖ (far right), the ÖVP (conservatives) and the Green party blame the law for being inefficient through hiding prostitutes in the day time and pushing them towards Vienna's limits at night. On the other hand, the Green party launched a campaign on June 12<sup>th</sup> 2012, on the occasion of the international day of prostitution which was entitled: « *Ich seh, ich seh, was du nicht siehst, und das ist... sexarbeit in Wien* » (I see, I see what you don't see, and it's... prostitution in Vienna).” This campaign intends to make prostitution a perceptible reality by denouncing breaches of the law in the capital and the low number of safe places for prostitutes. Indeed the campaign's spokeswoman, Birgit Hebein, compares prostitutes with “balls that district representatives and policy makers throw at each other”.

However, Sandra Frauenberger does not wish to modify the text of the law. A study meant to compare the systems of prostitution in Sweden, the Netherlands and Austria has been ordered by the capital's politicians; it was being written in 2012.

## **Towards a new definition of prostitutes' rights**

The court of justice of Gratz modified its case law (jurisprudence) when it allowed prostitutes to declare their income tax. Up to now, the court was against this measure as it judged these contracts to be illegal. The decision was brought about by the complaint from a bar-keeper who had lent money to a prostitute and one of her clients; the debt rose to 12,000 € (\$16,503 USD) for the woman and the drinks. The court of first instance had decided that only the money for the drinks was to be paid to the bar-keeper. But on appeal, the court admitted the money lent by the bar-keeper to a client for a prostitute was no longer immune from repayment; so the debt and the prostitute's income were fully acknowledged.

Austrian associations were gathered for a workshop by the Ministry of Women's Rights in July 2012; it claimed the next important step to achieve was the end of “lewd outrage,” was with

the implementation of regular investigations in brothels and the cancellation of legal costs. Indeed associations consider that, once the prostitutes have signed a contract, they will be protected by the Austrian law. They denounce the important amount of legal duties to fulfill by the prostitutes (income, compulsory registration, legal residence permit, weekly medical examinations...) and the few rights secured for these women. These social rights are all the more important, as 80 to 90% of the prostitutes in Vienna are former immigrants. This figure can be explained by the low number of jobs available to asylum seekers in Austria: prostitution, harvest or seasonal work. The workshop made several propositions in its conclusions: the federal competence should be appealed to in order to regulate prostitution on a higher level, procurers and traffickers should be punished more severely, risky sexual practices should not be publicized...<sup>3</sup>

The reform of the system seems to be all the more essential as it has been shown that Nigerian rings take advantage of the legal framework of Austrian prostitution and the process of asylum request in order to keep control of their victims<sup>4</sup>.

### **The harmonization of the law is at stake: the Carinthie as an example**

Each territory ("land" in German) has its own law concerning prostitution. But the national action plan to fight against trafficking, which was adopted by the government<sup>5</sup> in March 2012 claimed, as its main goal, the deliberate conciliation of the different federal laws. Laws actually differ a lot from one region to another.

For example, in May 2012, the Carinthie region was planning to take in 100 € (\$137 USD) per month and per prostitute (street or parlors) so as to earn 500,000 € (\$685,300 USD) a year. This tax was suggested by the Dobernich representative; it was rejected by the town councils and the Women's Ministry, for reasons of security and equality. Besides this measure would have weakened these women's already precarious situation and led the police authorities to raise a tax, an unusual activity for them.

Nevertheless, on September 25<sup>th</sup> 2012, the Carinthie parliament unanimously passed a bill which has much to do with the Viennese example. From now on, the brothels must be placed 300 meters away from schools, kindergarten, sports and entertainment installations, religious buildings, hospitals and barracks. The police will be trained to better prevent the problem and will conduct more severe investigations into the establishments in order to detect abuses and cases of trafficking in human beings.

Such investigations became necessary after two events occurred in the region. The first one: in the course of a raid of a brothel in Klagenfurt, the capital of Carinthie, a girl, aged 15, was found. She was a native of Romania and had been abused and ill-treated. Although she owned a

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<sup>3</sup> From a more general view, the group enhanced the importance of the combat against trafficking in children and of the collaboration among NGO's, embassies and experts. A reinforced cooperation (programs of prevention for populations at risk, activities, and development aid) with Nigeria, Moldavia, Bulgaria and Belarus has been planned.

<sup>4</sup> Procurers make the best of the fact that prostitutes cannot be expelled, as long as the asylum request is going on.

<sup>5</sup> The plan renews the goals of the preceding one such as described in the 2012 report, for the 2012-2014 period: (inter)national cooperation and coordination, protection of the victims, legal proceedings and assessment.

health record and was officially registered as a prostitute by the authorities, she had become a victim of the Romanian “loverboys” like her fellow country women who becomes adult prostitutes. These “loverboys,” who had brought her to Austria, acted as burglars while the girls were sexually exploited. They were also under an international arrest order. The owner of the prostitution venue claimed he was innocent and had been cheated. The second event was the suspension of a police officer who formerly worked at the head of the group for the fight against trafficking and clandestine immigration. He is accused of promising prostitutes in an illegal situation that they would not be harassed in exchange for sexual services.

### **Trans-border operations against human trade**

The traffickers who were arrested during the Montana European Operation<sup>6</sup> were sentenced in March 2012. Three men and three women were accused of exploiting 31 persons and forcing them into begging and prostitution. The enterprise was a family one. Victims and traffickers were all coming from Montana in Bulgaria, one of the most destitute regions in the country. The guilty parties were sentenced to imprisonment with terms that ranged from 12 months to 4 years. The Austrian associations were critical of the penalty, which they found lenient as compared with the violence of the crimes. In 2012, only 45 traffickers have been prosecuted, about 10 fewer than in 2010. In many cases, there was not enough evidence to allow significant condemnations.

In March 2012, another European raid was led in order to dismantle a Hungarian procuring ring, which operated in Belgium, the Netherlands and Austria. The police of these three countries worked in collaboration to arrest a Hungarian couple who recruited each week women and girls from their country and forced them to become prostitutes along the national roads.

In 2012, the Austrian government identified 242 trade victims, slightly fewer than in the preceding year. The authorities contributed to the creation of a shelter for female victims, which is run by nuns from the NGO Solwodi. This sheltered-housing can receive 8 persons and provides literacy courses, psychological and legal support, medical care and help to return back to Nigeria, Romania, Bulgaria or Moldavia.

No institutional help is given to male victims of the trade. The Austrian branch of Amnesty International has denounced the growing threat of victims being forced to return to their country, even when they are willing to testify at their trial.

### **The largest prostitution venue in Europe**

In November, the project of building the largest brothel in Europe in a Vienna neighborhood was announced. Planned for 2014, the “Funmotel” will host 150 prostitutes. About 1,000 clients are expected to come each day. A parking lot for cars and coaches will be available to them while their “privacy” will be protected by a three meter high wall. There will also be a gym, a

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<sup>6</sup> See « Autriche », Fondation SCELLES, CHARPENEL Yves, *Exploitation sexuelle - Prostitution et crime organisé*, Economica Ed., 2012.

beauty salon and a restaurant in the building. Gang-bangs, swapping and relations with pornographic stars will be allowed.

Two businessmen, Peter Laska and Werner Schmidt are at the origin of the project which will cost 15 million € (\$20.6 million USD). They estimate that the “Funmotel” will induce new standards concerning the field of prostitution. Schmidt even compares his project with the commercial transition from local groceries to supermarkets. The site is not yet precisely known; however, the press thinks administrative authorities and the police have already agreed with the project.

Austria is in a paradoxical situation as far as prostitution is concerned, as compared with its European neighbors.

On the one hand, the Viennese law contains strict rules, which regulate prostitution in the capital, for reasons of security and image. This reform is the only one at the time being, but the 2012 events reveal it has inspired other Austrian regions and has become a kind of model in spite of its mixed results. On the other hand, there exists this authorization to build one of the largest prostitution establishments in the EU, intentionally placed near the capital so as to lure international clients, and self-named “sex supermarket.” The political addresses to this project are rather soft (Sandra Frauenberger is delighted that women will be “practicing in safer conditions”!).

It will be interesting to follow the on-coming development of the situation in Austria. Indeed, whereas countries, such as Germany or the Netherlands where prostitution in large venues is very much developed, seem to be learning toward a more restrictive approach, Austria seems to adopt another view.

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## Belgium

- Population: 10.8 million
- GDP per capita (in US dollars): 43,413
- Federal government - Constitutional monarchy
- Human development index (HDI): 0.897 (17<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.098 (12<sup>th</sup> rank among 147 countries)
- Founding Member of the European Union since 1952.
  
- No official national statistics on prostitution.
- 23,000 prostitutes according to the police report (*Official site of Joelle Milquet*, December 4<sup>th</sup>, 2012); between 15,000 and 20,000 prostitutes according to *Tampep* in 2009.
- 15,000 prostitutes, of which 5,000 are in Brussels (*Espace P*).
- 4,000 to 5,000 prostitutes in Brussels, a third of which are men (*L'avenir*, November 16<sup>th</sup>, 2012)
- Abolitionist regime since 1948, confirmed in 1965.
- Regulationist components in municipal policies.
- The law of April 13<sup>th</sup>, 1995 (article 380) represses the organizational forms of prostitution (procuring, managing institutions of prostitution, soliciting).
- Human trafficking is set by the 5<sup>th</sup> and 9<sup>th</sup> paragraphs of article 433 of the Penal Code.
- The law of August 10<sup>th</sup>, 2005 modified various provisions, and reinforced the fight against trafficking, specifically human trafficking.
- Essentially a destination and transit country for trade victims.
- Main countries of origin: Bulgaria, Romania, Nigeria, China, Morocco, and Albania.

In Belgium, the legislative situation remains paradoxical. Although the country is still officially abolitionist, certain components of prostitution are largely organized and governed in towns. The debates surrounding prostitution continue and the solutions are imperfect –still trying to find the least bad. While waiting, this paradoxical legislation has been partially accepted and institutionalized at the level of the authorities (differences at the local and national level), which opens the door to abuses. The discrete traffickers survey and “supply” the “labor,” often with the knowledge of the authorities. While complaints of sexual exploitation have in fact decreased, victims are present, often outside the normal field of view and the situation remains half accepted, half-fought, not without reinforcement of trivialization of the sex market.



## Prostitution: social issues or electoral issue?

In December of 2012, 8 senators from the Mouvement Reformateur (MR)<sup>1</sup> filed a bill to "*renforcer la lutte contre l'exploitation sexuelle, à réglementer la prostitution et à humaniser les conditions de service* (strengthen the fight against sexual exploitation, and to regulate prostitution and to provide humane conditions of service)" (*Belgian Senate*, February 6<sup>th</sup>, 2013). While in the first review of the Swedish model, which would according to them, increase health risks and lead to isolation of prostitutes, they presented in their proposal, a series of measures to regulate prostitution under conditions to create an "*statut social indépendant, (independent social status)*" and to help prostitutes curb practices that are deemed non-compliant. The text also provides extended communal power, which must define the boundaries and schedules of the practices. This independent status would be obtained from a National Council for the Fight against Sexual Exploitation, composed of a civil society that are involved in prostitution-related issues and representatives of local authorities, after the prostitutes are registered. The status would guarantee, according to the authors of the bill, the "*conditions d'exercice*" (conditions of practice)" that agree with the legislation. The law would also grant the right to give "*habilitation (clearances)*" to salons and would ensure that the "*tenanciers (tenants)*" receive neither "*profit anormal (abnormal profits)*," abnormal services, or excessive rents (*RTL*, December 13<sup>th</sup>, 2012). Using the term "*prestataires de services sexuels (providers of sexual services)*" to speak of prostitutes, the senators, at the origins of their bill, also provide administrative retaliation for any difference in the rules of the common. These measures are particularly aimed for owners of salons. Though the press is talking about this in context of strengthening the fight against trafficking in women, the draft law proposed by the eight senators of MR cleverly never used that word in the ten items on display.

The Belgian context remains quite particular. The country officially became abolitionist under the suppression of the law on regulation in 1948. Since then the ratification in 1965 of the Convention of December 2<sup>nd</sup>, 1949 for the suppression of trafficking and the prostitution of others, confirmed this option. But, although prostitution is legal today, the exploitation is forbidden and is not considered an official profession. A number of brothels, known by the authorities, are "tolerated," with full knowledge of the facts.

Legal, forbidden, tolerated, and regulated: in total, each arranges with the "legal limbo." The arbitrariness prevails. For Sophie Jekeler, director of the Foundation Samilia which fights against human trafficking, there are still "*de nombreuses composantes réglementaristes dans les politiques communales (...) L'approche belge résulte davantage d'un savant compromis entre pragmatisme et dogmatisme* (many regulationist components in municipal policies (...)) The Belgian approach is more the result of a clever compromise between pragmatism and dogmatism)" (*Education Santé*, May 2012). For *Espace P*, an association that fights for a society where prostitution would be allowed, "*cette proposition de loi ne fait qu'officialiser la situation actuelle (this bill merely formalizes the current situation)*" (*La Dernière Heure*, December 14<sup>th</sup>,

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<sup>1</sup> The MR is a francophone Belgian political cartel of the right and center right, from the coalition of several parties.

2012). The police and the social workers are not optimistic about the willingness of people to register if this proposal were to be accepted.

The debate between abolition and regulation continues. Politics are extremely rushed, especially in the local level. Difficult to see clearly in between the real convictions of some and the electoral posters of others. When it comes to handling the demands of prostitutes, to fight against exploitation, crime and discontent among residents who are sometimes very virulent, finding a compromise is a perilous exercise. Thus, in the 2012 election of Saint-Josse, a neighboring municipality of Brussels that has a northern district that is very concerned about prostitution, all candidates spoke on the subject. The socialist, Emir Kir declared that "*la prostitution crée beaucoup de nuisances pour les habitants ainsi que de l'insécurité* (prostitution created many inconveniences for the residents as well as insecurities)." Although the common voted on this matter in June 2011, a rule (*Administration communale de Saint-Josse-Ten-Noode*, June 29<sup>th</sup>, 2011), intended to limit the number of "carrée" (windows in houses with prostitutes behind them)<sup>2</sup>, was just put into place this summer. Reportedly, there are 102 rooms like this today (*Le Soir*, September 18<sup>th</sup>, 2012). The Secretary of State of Brussels for Social Action has also spoken of the management of prostitution on the Antwerp model of Villa Tinto, a place regulated and built of fifty windows as previously described with social support in a "secure environment." Celine Fremault, of the *Centre Droit Humaniste* (CdH, Center Right Humanists) of Brussels, strongly criticized this position by saying that prostitution was one of the "*dernières formes de violences faites aux femmes* (last forms of violence against women)" and refused to legitimize a "*état prostitueur* (state prostitute)" (*L'Avenir*, November 16<sup>th</sup>, 2012) with this type of project. Her colleague, Eric Jassin, another local candidate, does not share this opinion. He hopes to decrease the number of persons, but does not formally oppose a project like that of Villa Tinto in Saint-Josse. The ecological candidate, Zoé Génot, is not against prostitution, but she wants to "*contrôler les carrées* (control the buildings with windows for prostitutes)," while the candidate of the Blues, Geoffroy Clerckx believes that "*la prostitution n'est pas gérée* (prostitution is not managed)" and that "les riverains sont oubliés" (residents are forgotten) (*Le Soir*, September 18<sup>th</sup>, 2012).

Belgium also hosted a large gathering of abolitionist NGOs on December 4<sup>th</sup>, 2012. Milquet, vice Prime Minister and Minister of Interior and Equal Opportunities, participated in the Conference of European Women's Lobby (EWL) on "10 years of policies on prostitution," which was held at European Parliament. He has clearly demonstrated his abolitionist position and recalls today "*d'après les rapports de police, en Belgique, on estime le nombre de prostituées à 23 000. Parmi celles-ci, 80% (soit 18 500 prostituées) seraient victimes de traite et une majorité des autres d'exploitation sexuelle*" (According to police reports, in Belgium, the estimated number of prostitutes is 23,000. Of these, 80% (or 18,500 prostitutes) are victims of trafficking and the majority of the others are victims of sexual exploitation" (*Official site of Joelle Milquet*, September 30<sup>th</sup>, 2013). Finally, the hesitation between abolitionism and regulationism can be found at all levels of decision-making from national to local. For the authorities, like for the

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<sup>2</sup>A room within a house that has a large glass window and the prostitute stands behind the window.

politicians, the position face to face to prostitution and its inclusion in society is more acrobatics orchestrated between repression, tolerance, organization, and rejection of a global vision.

### **Prostitution of the road, of windows, and of residents: a difficult equation**

In Brussels, the Alhambra quarter focused their attention on prostitution in 2012. In May, Mayor Freddy Thielemans (PS) wrote on his Facebook page: "*La prostitution et son lot de nuisances n'ont plus leur place à Bruxelles et encore moins dans le quartier Alhambra dont la rénovation par les autorités publiques se termine* (Prostitution and its share of pollution have no place in Brussels and even less in the Alhambra neighborhood, whose renovations by public authorities are finishing).<sup>3</sup>" A true discourse for "exasperated residents." In June, the city published a decree (*Arrêté communal de la ville de Bruxelles*, 2011), having seen a deterioration of their area, largely due to the development of prostitution that was in conflict with the function of housing. Entered into force in May, the order defines a new regulation defining a large area within which any prostitution activity is excluded from the public sphere. This prohibition also includes activities related to prostitution, particularly motorists soliciting prostitutes. It establishes an administrative fine of up to 250 € (\$335 USD) for anyone who violates the provisions of this regulation. This text has certainly caused opponents to react. For Marion Lemesre (MR), "ce n'est qu'une petite réforme pré-électorale, qui ne résoudra pas les problèmes de 'réseaux d'exploitation d'êtres humains', et ne fera que déplacer la prostitution dans un autre quartier" (it is only a small pre-electoral reform, which will not solve the problems of 'networks of exploitation of human beings', and will only move prostitution to another district) (Thielemans, June 4<sup>th</sup>, 2012). For Marion Lemesre, Antwerp is an example to follow: "STOP Antwerp regulation is clear: street prostitution is forbidden in the entire territory." While some 1,600 prostitutes are active in the area, an initial report in mid- September already mentioned 42 administrative fines between July 15<sup>th</sup> and September 15<sup>th</sup>, including 452 against motorists identified by their registration number (*Le Soir*, September 24<sup>th</sup>, 2012). Nonetheless, very few prostitutes were punished. In September, the association *Espace P* and several prostitutes tried to oppose the new regulation on an appeal to the Council of State. Punishing customers and soliciting is not within the competence of commons. For the mayor, however, the new law is a success because prostitution "has decreased by 30% in the area since the introduction of sanctions" (*Le Vif*, September 4<sup>th</sup>, 2012).

A little further north, in Schaerbeek, is the problem of Aarschotstreet, another place where prostitution is seen as "a degradation of the quality of life" of a neighborhood. A new police regulation on prostitution in windows was introduced in late 2011 (*Commune de Schaerbeek*, June 2011). It limits the exploitation of prostitution establishments to certain areas, allows only one operator per address, and a prostitute must be in control. To keep a room, one must be in possession of a "Certificate of Compliance" from the College of Mayor and Aldermen. The operator must have a clean criminal record. Violators are subject to administrative fines, the

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<sup>3</sup>Facebook site of de Freddy Thielemans (Bourgmestre-Président of Bruxelles): <https://www.facebook.com/Thielemans.Freddy/posts/170599453066154>

minimum was set at 200 € (\$268 USD). Six clients filed a number of appeals to the Council of State, which were all rejected (*La Dernière Heure*, March 26<sup>th</sup>, 2012). Reportedly, there are still a little less than a hundred rooms showcasing prostitution in the area.

If the goal of authorities is to fight against the sexual exploitation linked to prostitution, why use such a high property tax? On Aarschot street, "a 30 m<sup>2</sup> (322 sq ft) room reports 1,000 € (\$1,340 USD) for property tax" (*Le Soir*, July 30<sup>th</sup>, 2012). Equally challenging, to see this regulation as a tool in the fight against trafficking while on the same street, "one finds 90% of Bulgarians and Romanians" (*La Dernière Heure*, February 29<sup>th</sup>, 2012).

The Antwerp experience of Villa Tinto, former center of commerce transformed into aisles with windows for a prostitution mall, has many followers, especially in the political world (several local elected officials are for a similar project in their community) and with several associations. But it also has its detractors. In the analysis of "the establishment of resorts dedicated to prostitution," the Commission CEPESS led by Céline Fremault, the authors note, in terms of Villa Tinto, that the system is "*inefficace dans la lutte contre la traite des êtres humains*" (ineffective in the fight against trafficking in human beings). They believe that traffickers are still operating, and that they have become more adept at leaving much of the money earned to prostitutes. They add that "*presque toutes les personnes prostituées sont contrôlées par un proxénète. La ville est au courant de leur présence*" (almost all prostitutes are controlled by procurers. The city is aware of their presence).

In Ghent, a new regulation was implemented on October 1<sup>st</sup>. Solicitation, the "spot light" and "provocative attitudes" are now punishable by a fine of 120 € (\$160 USD). However, the mayor defends prostitution, "*une ville comme Gand a besoin de prostituées. Mais elles doivent obéir à des règles* (a city like Ghent needs prostitutes. But they must obey the rules)" (*Libération*, September, 24<sup>th</sup> 2012). Meanwhile, police multiply controls in the pink area. During an operation which involved dozens of police in June, the police made several "administrative arrests." They found that nearly 200 people came to Ghent, from northern France, to "visit some addresses of prostitution" (*Le Soir*, June 24<sup>th</sup>, 2012). Several hundred French sex tourists would in fact go every weekend to the bars in the city.

In Charleroi, an urban renewal plan has resulted in a shift of prostitutes since August 2011, which was not without causing some tensions of local residents. The municipal authorities have made three proposals for the relocation of prostitutes; one envisages the creation of an "eros center" in Charleroi. Politics, residents, associations, and prostitutes do not find common ground, each feeling aggrieved by the proposals of others. We see how difficult local officials are trying to "channel" prostitution on their territory without really succeeding.

However, complaints of sexual exploitation have decreased since 2010. From 653 complaints in 2010, only 471 complaints were filed in 2011. Under the growing weight of taxes, rents and prostitution windows, prostitutes will be "folded" to massage parlors and hotel rooms. For the association Payoke, there was no decrease, but "*une partie de la prostitution disparaît purement et simplement des radars* (part of the prostitution simply disappears from

under the radar)" (*L'Express.be*, July 30<sup>th</sup>, 2012). With each new measurement, prostitution adapts and the sex industry reaps.

### **Working in dirty sheets**

Obviously, how could we forget the "Dodo Brine" case as the press and even television have made and continue to make their bread and butter, but beyond this high level of media coverage, symbolizes the evil of an organized system, which arrives at self-justification in the exploitation of prostitutes. The trial began in March 2012 at the Criminal Court of Tournai, with Dominique Alderweireld ("Dodo") and seven other defendants for a wide case of pandering. One learns during the debates that Dodo had eight schools, in which young women were recruited through advertisements, but forced to declare themselves "independent". The story does not look like that of a procurer. At the bar among the accomplices, one finds three men and women, but none of the victims, who provided information in the present hearing, even though dozens of them were "employed" in institutions in question (bars and massage parlors). Nothing surprising about that. For Yves Charpenel, president of the Fondation Scelles, "les personnes prostituées déposent puis disparaissent (the prostitutes deposit and then disappear)," often overtaken by the pressure or fear of reprisals, making it difficult for investigators to characterize the facts of trafficking and procuring. The deputy prosecutor Master Algo has mentioned during the trial of "*faits de séquestration et d'intimidation à l'égard des filles* (acts of kidnapping and intimidation against girls)" (*Le Soir*, March 16<sup>th</sup> 2012) to prevent them from testifying. To the Office Central pour la Répression contre la Traite des Etres Humains (OCRTEH), there is no possible doubt that, "*les personnes prostituées qu'il enrôle sont presque toutes roumaines, placées en Europe par des mafieux roumains* (the prostitutes that he enlisted are almost all from Romanian, placed in Europe by Romanian mafia)" (*Le Nouvel Observateur*, March 15<sup>th</sup>, 2012). This is one reason, among others, why Dodo had to respond to allegations of "keeping house of prostitution or debauchery," "prostitution," and "pandering", which he found himself accused for 2000 -2009. His main line of defense, widely heard in the media, was to claim persecution of a man. "*Pourquoi moi? (Why me?)*" Repeated the accused, "*alors que cette "activité" est largement répandue*" (the 'activity' is already largely spread). "*Pourquoi il devrait être accusé pour la tenue de maison de débauche alors qu'il existe plus de 3 500 établissements similaires en Belgique*" (Why should he be indicted for keeping brothel while there are more than 3,500 similar establishments in Belgium?) added Mr. Wery, his lawyer (*Le Point*, March 1<sup>st</sup>, 2012 ). The prosecution, beyond a man and his accomplices, has focused its argument to remove the "Dodo system," an exploitation of prostitution with authors of "criminal association" (recruitment, "meter reading," and pressure monitoring) and victims (several dozen) who explained to police, that they have been abused. Some people declared themselves "independent," others were administratively listed as "part time sports masseuses" (*Le Nouvel Observateur*, March 15<sup>th</sup>, 2012), but the establishment takes around half of the earnings of prostitutes. Profitable for Dodo and his accomplices: 630,000 € (\$847,000 USD) in annual sales. In the indictments, his lawyers asked how they could blame their client "of having organized its

activity if it is considered that it is tolerated?" (*Nord Eclair*, March 23<sup>rd</sup>, 2012) and called for an acquittal. Bottom line, Dominique Alderweireld was sentenced to five years prison sentence for procuring and organized crime. The press had mixed results, which the court did consider, as they were embarrassed by the defense's arguments. However, the court did not hesitate to confiscate revenue activities Dodo and his accomplices earned: 4.2 million € (\$5.6 million USD), 2.7 of Dodo's assets will be foreclosed on (*Le Nouvel Observateur*, June 21<sup>st</sup>, 2012). A powerful symbol.

### **Trafficking and exploitation: Gains and pains**

Belgium is considered a country of destination and transit for its geographic position for human trafficking for sexual exploitation. The 2013 U.S. Department of State Report on Human Trafficking mentioned Bulgaria, Romania, Albania, Nigeria, and China as the main countries of origin of victims in Belgium. The 2013 report of GRETA adds Morocco to this list for 2012. On the site for the European Union, one can also read that most of the criminal groups of simply trafficking through organized networks come from Bulgaria, Romania, Albania, Nigeria, and Brazil. Certain Belgian women are prostituted in Luxembourg. In 2012, 190 suspects of trafficking for prostitution were investigated (50% of those investigated were for suspicions of trafficking), 48 were found guilty and condemned to prison terms of 5 years. On the ground, many cases are related through the press. For example, in February, a man and three Nigerian women were condemned to prison sentences between one to six years and fines from 2,750 € (\$3,696 USD) to 5,500 € (\$7,393 USD) for trafficking in human beings and prostitution with threats to the victims. Four of the victims testified and helped to dismantle this network of people who also operated in Turkey, Norway, Denmark and Spain. The victims were lured to Europe with false promises of jobs or studies. Nigerian networks have even established "victim exchange programs" (*European Commission*). For Yves Charpenel, we are faced with "*un marché qui s'accroît et se complexifie(...)* C'est d'abord une affaire d'argent (a market that is growing and becoming more complex(...)) This is primarily a matter of money)" (*La Libre Belgique*, October 25<sup>th</sup>, 2012).

The networks of traffickers are becoming very adaptive. Once a victim is suspected of being involved in a case or a police investigation, the networks take her to a neighboring country, and so on. In Liège, in September, the court condemned three Bulgarian procurers who prostituted a dozen young women, including a minor 15 years old. They were sentenced to prison terms ranging from five to six years for acts of trafficking, defilement, violence, and threats. The young women had a minimum quota of customers every day. They were continuously monitored by the traffickers, who had rented an apartment in front of the sidewalk, where they were forced to wait for their customers. In October, a 39 year-old Albanian procurer was sentenced to eight years in prison for prostituting young Belarusian and Lithuanian women.

Belgium has taken important steps in the fight against human trafficking and victim assistance has grown steadily since the 90s, as mentioned in the report of GRETA. Inter-departmental coordination with representatives of ministries and public agencies concerned with

these issues is responsible for implementing the second national action plan against trafficking for the period 2012-2014. The Center for Equal Opportunities and the Fight against Racism evaluates the entire system. There are three specialized centers for the victims that offer a full range of assistance ranging from accommodation to legal support. 185 new adults were assisted in these three structures in 2012. NGOs have been widely associated with different resources and several associations have been praised by the GRETA report for their contribution to the fight against human trafficking in Belgium.

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## Brazil

- Population: 198.4 million
- GPA per capita (in US dollars): 11,340
- Presidential regime with a federal organization
- Human development index (HDI): 0.730 (85<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.447 (84<sup>th</sup> rank among 147 countries)
- No official national statistics on prostitution.
- As a result of the Brazilian legislation in 2012, prostitution is decriminalized and considered as a “professional activity” by the Ministry of Labor and Employment, provided it is practiced by consenting and independent adults.
- Country of origin, transit, and destination.

Brazil, the land of hospitality and tourism, but also equally recognized among the most dangerous countries in the world, is concerned with the negative influence that international events, such as World Youth Day, World Cup, or the Olympic Games, could have for sex tourism. According to a study by Professor Miguel Fontes, National Consultant Social Service of Industry (SESI)<sup>1</sup>, the crime rate related to sexual exploitation can be largely determined by the poverty of the population and the importance of leisure tourism.

The head of special security for large events of the Ministry of Justice published in January of 2012 his “*Planejamento estratégico de segurança para a copa do mundo FIFA Brasil 2014* (Strategic plan of security for the World Cup FIFA 2014).” Among the mentioned objectives, one finds the prevention of prostitution, the repression of violence and of general criminal activity, sex tourism, and in particular child prostitution. The more specific institutions in charge of this mission will be the secretariat of human rights, the federal traffick police, and the civil police.

### Factual approach

At the global level, according to the UN’s report on child exploitation, Brazil is the country the most affected by child exploitation in South America and the second most affected in the

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<sup>1</sup> Institution whose goal is to better the quality of life of workers.

world. According to the United Nations Office on Drugs and Crime (UNODC), Brazilian women are among the main victims of human trafficking for purposes of sexual exploitation. Young celibate girls, between 18 and 21 years of age, who have little education are the main targets of international trafficking networks rampant in the country.

In Brazil, the number of cases of the sexual exploitation of children and adolescents is not diminishing. In 2012, one counted more than 1,000 cities affected by the sexual exploitation of minors, which represents about 20% of Brazilian cities.

Complaints of violations of human rights to the "Disk 100," specialized telephone service created in 2003 and managed by the Secretariat of Human Rights of the Presidency of the Republic, grew 77% in 2012 compared to 2011. This statistic does not necessarily indicate that violence grew in the country, but rather that violations of human rights are emerging out of silence. Between January and March of 2012, the "Disk 100" already counted 4,205 complaints of sexual violence. Salvador, Brasilia, Rio de Janeiro and Sao Paulo are the most affected cities, for both sexual exploitation and sexual abuse. Most complaints are then forwarded to the Prosecutor, so that he can exercise his power of criminal punishment.

Geographically, the regions the most affected are the northeast, the center-west, and then the north. A mapping of crystalization points of sexual exploitation facilitates locating, for the period of 2011-2012, 1,776 zones at risk, of which more than one third have already been diagnosed as being in the "critical stage"<sup>2</sup>. The work of the Secretary of Human Rights of the Presidency and the Republic, in collaboration with the federal police and the Minister of Justice, is focused on the sensitive zones, such as the federal highways, where human trafficking for sexual exploitation could happen. For the same period of 2011 through most of 2012, the federal police saved at least 663 children and adolescents from risky situations.

In 2012, the region Norte (north) of the state Amazonas, the Federal Public Ministry launched an investigation following complaints about the network of sexual exploitation of native children and adolescents, in the city of Sao Gabriel da Cachoeira, located more than 800 km from Manaus.

The typical profile of victims of sexual exploitation characterizes discrimination of gender, of age, of ethnicity, and of social class. Also, the victims are mostly young girls of black skin or a native from a poor social class and of a low educational level.

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<sup>2</sup> *Mapeamento dos Pontos Vulneráveis à Exploração Sexual de Crianças e Adolescentes nas Rodovias Federais Brasileiras 2011-2012 (Disque direitos humanos 100)*, Childhood Brasil, Organização Internacional do Trabalho, Polícia Rodoviária Federal, Secretaria de Direitos Humanos da Presidência da República, 2012.

## Analysis of regions of risky zones for sexual exploitation of children and adolescent

**Tabela 5 – Análise das regiões por níveis de risco dos pontos**

MAPEAMENTO 2011-2012					
Região	Crítico	Alto risco	Médio risco	Baixo risco	Total
CENTRO-OESTE	165	132	62	39	398
NORDESTE	195	88	65	23	371
NORTE	134	70	49	80	333
SUDESTE	88	95	94	81	358
SUL	109	95	79	33	316
<b>TOTAL</b>	<b>691</b>	<b>480</b>	<b>349</b>	<b>256</b>	<b>1.776</b>
<b>(%) em relação ao total de pontos</b>	<b>38,9%</b>	<b>27,0%</b>	<b>19,7%</b>	<b>14,4%</b>	<b>100%</b>

Source: *Mapeamento dos Pontos Vulneráveis à Exploração Sexual de Crianças e Adolescentes nas Rodovias Federais Brasileiras 2011-2012 (Disque direitos humanos 100)*, Childhood Brasil, Organização Internacional do Trabalho, Polícia Rodoviária Federal, Secretaria de Direitos Humanos da Presidência da República, 2012.

### The different forum of sexual exploitation and prostitution

Sexual exploitation and prostitution has always had a particular platform in Brazil: the streets of the country's major cities. However, the streets are not only forums for sordid "activities": they have also captured the internet.

On one side, the prostitution and sexual exploitation in the streets is not diminishing, and figures still show that the largest number of complaints and cases are in major capital cities of the most developed states. On the other hand, the Internet is now used not only as a "forum," but also as a way to structure networks to traffick people. Also, in 2012, the Parliamentary Commission of Inquiry on the Sexual Exploitation of Children and Adolescents was able to count nearly 450 commercial sites related to exploitation, pedophilia and pornography of children and adolescents<sup>3</sup>. Most of the sites are hosted in other counties, which renders investigations and prosecutions particularly complicated.

In regards to the government, who is equally involved in the prevention and prosecution of sexual exploitation crimes, the Minister of Tourism could, after having surveyed more than 2,000 tourism internet sites in Brazil that contain sexual references, obtain the withdrawal of such content. After a study by *ASCOM-Embratur*, 1,100 sites were modified in 2012.

Another aspect is the globalization of the network. Indeed, Brazil is at the same time a country of origin, transit, and destination of sexual trafficking victims. This is the world's second largest home to sex tourism, after Thailand. Sex tourists come mainly from Europe and the United States. On Brazilian territory, victims are also foreign persons, especially Paraguayans.

<sup>3</sup> Statistics announced by the President of the Commission, the Brazilian senator PT-DF Erika Kokay.

Abroad, Brazilian women, men and transgender are victims of trafficking, mainly in the countries of Western Europe, but also in more distant countries such as Japan. The victims, whose profile is once again one of the unmarried girl of lower social level, are essentially "recruited" by other women. The network itself is managed mostly by men.

A study in October 2012 by the Ministry of Justice, conducted with the Secretaria Nacional da Justiça brasileira (SNJ, National Secretariat of the Brazilian Justice), UNODC and the governments of several other countries, revealed that between 2005 and 2011, at least 337 people were forced to leave Brazil by physical force or breach of trust and forced into prostitution. The main destination countries were Switzerland (127 victims), Spain (104 victims) and the Netherlands (71 victims).

In 2012, among judicial affairs relating to international networks of sexual exploitation, one must remember that on December 6 in Bordeaux (France), a couple of procurers were sentenced to three years in prison for having organized the prostitution of thirteen young Brazilian girls whose papers had been confiscated. They were recruited by Brazilian residents in Spain.

### **Preventative approach**

Awareness campaigns are regularly scheduled throughout the country and abroad to prevent sex tourism. The "Don't Look Away campaign!" was launched with ECPAT (NGO fighting against child sexual exploitation) in 2012 and will be continued in 2013 in twenty countries. It aims to prevent sex tourism during the FIFA Confederations Cup in 2013, the FIFA World Cup in 2014, and the Olympics in 2016.

### **Legislative approach**

As a result of the Brazilian legislation in 2012, prostitution is decriminalized and considered a "professional activity" by the Ministry of Labor and Employment, provided it is exercised by willing and independent adults. However, in criminal law, prostitutes have the status of victim, and encouraging or forcing others into prostitution is illegal. Also, procurers and all others involved in brothels (managers of customers and of the prostitutes) are liable to prosecution.

Bill 5 (Projeto lei PL 4211) presented on July 12<sup>th</sup>, 2012 by MP Jean Wyllys aims to regulate the activity of prostitutes. This project aims to legalize prostitution with a goal of legal, social, and monetary protection of prostitutes. It is based on a distinction between voluntary prostitution and being paid, and sexual exploitation, defined as "the total appropriation or more than 50% of revenues by a third party, the non-payment of sexual service, forcing someone to engage in prostitution under threat or violence," which is still suppressed. The bill has sparked political and societal debates, particularly focused on whether legalization, instead, will be an obstacle to sexual exploitation in Brazil.

There is another legislative change to note, but experts are not convinced of its effectiveness. This legislative change is increasing the penalty for those who submit children or adolescents to sexual exploitation. The program coordinator of the NGO Childhood Brazil, based on the

experience of more stringent legislation, believes that this measure will not have the effect of reducing the crimes.

In June of 2012, the Comissão de Constituição e Justiça (Commission of Constitution and Justice) of the Senate approved the bill (Projeto Lei do Senado 495) amending the Estatuto da Criança e do Adolescente (Statute of the Child and Adolescent). This project increases the penalty for prostitution or sexual exploitation of minors, spending a minimum of 4 to 6 years and a maximum of 10 to 12 years imprisoned. The project also involves a longer prison sentence incurred by those who facilitated or encouraged the exploitation of minors on the Internet. The owner or manager of premises used for such crimes will be prosecuted.

Finally, the Brazilian Penal Code suffers from various shortcomings highlighted regularly. In 2012, the crime of "slave labor" was particularly discussed. While the Brazilian Penal Code criminalizes "slave labor", it does not specifically mention sexual exploitation as one of its variants. The Comissão Nacional para a Erradicação do Trabalho Escravo (CONATRAE, National Commission for the Eradication of Slavery) focused on the question of a possible recognition of sexual exploitation as "slave labor." This legislative change should come in 2013.

The evolution of the law should continue, thanks to the creation of a Parliamentary Commission of Inquiry into the Sexual Exploitation of Children and Adolescents. The objective of the Commission is to propose policy to curb the major problem of sexual exploitation in Brazil. It will also work with the recent Parliamentary Commission of Inquiry on Human Trafficking in Brazil.

### **Judicial approach**

The Brazilian judicial system, making progress on some points, still faces many problems that prevent effective prosecution. No reliable statistics from trials exist to determine the percentage of successful convictions.

On trial for human trafficking, according to a study in 2012 of the Conselho Nacional de Justiça (CNJ, National Council of Justice), between 2005 and 2012, a total of 1,163 trials were initiated for human trafficking, of which 428 are still underway in 2013. This study by the National Council of Justice follows the Report on Human Trafficking developed by the National Secretariat of Justice of the Ministry of Justice in collaboration with UNODC has revealed the existence of 475 victims of trafficking in Brazil, between 2005 and 2011.

In regards to the sexual abuse of children or adolescents, it seems that in many of the cases resulting in a conviction, the taking of evidence and testimony is particularly delicate. In addition, the victim remains precarious in many places.

Among the major obstacles facing justice, it is first necessary to mention the difficulty of gathering evidence and sufficient witnesses in contexts of *omerta*, corruption, the ignorance of rights, and human distress. But we must also emphasize the importance of threats made directly to the judges who try to get involved in the investigation of these crimes. According to the National Council of Justice in 2012, 150 judges in Brazil received to death threats.

Sexual exploitation is condemned by the conventions of the International Labour Organization (ILO), therefore the judges of the courts of labor law are competent to judge the compensation of victims of child sexual exploitation. This mechanism allowed, at the end of 2012, Judge Aldemiro Dantas (Parintins) to order five people involved in a case of pandering of minors to compensate victims for an aggregate of 600,000 BRL (about \$270,000 USD), even though the criminal proceedings had failed due to a lack of sufficient evidence<sup>4</sup>.

As sexual exploitation has international character, judicial cooperation should be one of the main objectives of public policy.

Mobilization is too messy and deserves greater cooperation. The action of public policy must be conducted in an integrated manner between ministries, state governments and municipalities of the country. It is essential to overcome the lack of preventive measures and assistance to victims.

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<sup>4</sup> Sentencing Regional Labor Court of the 11<sup>th</sup> Region, November 6<sup>th</sup>, 2012.



## Bulgaria

- Population: 7.4 million
- GDP per capita (in US Dollars): 6 986
- Unicameral parliamentary regime
- Human development index (HDI): 0.782 (57<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.219 (38<sup>th</sup> rank among 147 countries)
- Member of the European Union since 2007.
  
- No official national statistics on prostitution.
- Prostitution located overall in tourist neighbourhoods, seaside stations and highways.
- No specific legislation on prostitution, sanctioned as an immoral activity; criminalisation of procuring and of establishments of prostitution.
- The use of trafficking services is criminalised by article 159c of the Penal Code.
- Country of origin, progressively less of transit and of destination for human trafficking with the purpose of sexual exploitation.
- The Roma community, select target of human trafficking.

Bulgaria is one of the main origin countries for trafficking victims with sexual purposes. Two factors can account for this situation: Bulgaria's geographic position and economic situation. Bulgaria is in the South-East part of Europe, in the Balkan Peninsula and borders on Turkey, Greece, Romania, as well as Serbia and Macedonia. That is why it constitutes as a compulsory passage in and out for all kinds of traffics, particularly in relation with sexual exploitation, towards Western Europe. The economic situation is very difficult, with a rather low standard of living: the average salary is one of the lowest in Europe, about 290 BGN (\$203 USD - 148 €). After the fall of the communist regime, the shift from the communist model to free trade has been harsh, particularly in terms of employment (*Z Magazine*, June 2012). Whereas everybody had a job under the communist regime, this situation of full employment ended under the capitalistic model and unemployment has increased. Since the 1996/97 crisis, Bulgaria passed under the supervision of the IMF. The persistent economic crisis and the search for jobs to survive are some of the many factors which allow the luring of girls through offers of fake jobs.

Women's work in Bulgaria is also indicative of their vulnerability to become trade victims. Two cultural trends have a strong impact on Bulgarian women's condition: patriarchal

domination and the related norms on the one hand and emancipation from communism on the other hand. Women work, but patriarchal norms still command their social position and relationships (*TAMPEP*, 2007). These factors stimulate human trafficking.

### **An ill-definite framework for the prostitution system**

In 2012, 24 persons practicing prostitution and two procurers were arrested by the Bulgarian police in Sunny Beach, a sea resort in the Bourgas province (*Novinite*, August 16<sup>th</sup> 2012). Prostitution occurs mainly in tourist neighborhoods, sea resorts and highways. Bulgarian prostitution, be it within the country or outside, is one of the most developed in Europe. According to Tihomir Bezlov, a researcher at the Research Centre on Democracy who has specialized in the analysis of crime and corruption, the profits brought in by the exploitation of Bulgarian women are estimated to be between 900 million and 1.8 billion € (\$1.2 billion and \$2.46 billion USD) per year or between 3.6% and 7.2% of the Bulgarian Gross Domestic Product (GDP) (*7sur7*, December 12<sup>th</sup> 2007).

The phenomenon is increasing thanks to the legal treatment of prostitution. In truth, the prostitute status is relatively unclear as it is neither prohibited nor regulated by any explicitly focused law. The Bulgarian Penal Code mentions prostitution only when it constitutes another offence like, for instance, rape or drug administering (art. 155 of the Bulgarian code). Procuring as well as prostitution venues are forbidden; but the legislation does not suppress these actions under their legal name but on the grounds of lewd and vicious practices. It shows some persistent influence by communism on the laws in force. In August 2006, article 155 of the Penal Code was amended so that, today, there is a distinction between drug-related procuring (between 10 and 20 year imprisonment) and procuring without the use of drugs (minimal penalty of 3 years, instead of the 10 provided previously). The use of drugs is then an aggravating circumstance which causes the procuring-related penalty to increase from 3 to 20 years. While procuring is the real serious element and should be suppressed as such, the use of drugs predominates. This amendment allowed one of the most famous traffickers to be released after a 3 year imprisonment, which is a disgrace considering the seriousness his actions (*AEDH*, 2007).

Prostitution enjoys a kind of “limited legality” insofar as the prostitutes are not liable to penal proceedings because of their activities. Nevertheless they may be sentenced on grounds of offences of “lewd and vicious practices” even though the latter are not well defined by Bulgarian laws. So the prostitutes, who mainly work in the street, are subject to the arbitrary police force whereas the ones who are in venues are rarely questioned.

The absence of a clear status for prostitution led some politicians to consider legalizing prostitution in 2007. The government went back over this declaration as this solution would only result in reinforcing procurers’ activities. Legalization would be an incentive for the trade and fuel demand since it would legitimate it and enhance its value (*Prostitution et Société*, January 2008). The government does not want the country to become an official destination for sex tourism; it is said to be fully aware of the risk and has started to think over some other options, including the Swedish model (*The New York Times*, October 5<sup>th</sup> 2007).



## **Links between show-business, corruption and prostitution**

The development of prostitution in this country has given it the reputation of a hub for sex tourism. Most clients, if not all of them, are foreigners. Thanks to soaring prostitution in the street as well as in venues, a new trend has appeared at the end of the year 2011. Some politicians and business-men are said to enjoy paid sexual services from certain models, chalga<sup>1</sup> singers or even former “Misses”. Katrin Vacheva, who is a Bulgarian top model, has revealed in a talk-show that it is a common practice: a beauty queen, a model or a singer may earn between 30,000 and 40,000 BGN (\$21,000 and 28,000 USD - 15,360 and 20,500 €) each month in exchange for sexual services. These women are said to have their picture in a magazine for well-off men, business-men, bankers or politicians so as to help them make their choice. “*When you become Miss Bulgaria or win some other pageant, your price goes up, and you become desired by higher-class gentlemen*” (Novinite, July 14<sup>th</sup> 2010). The reverse phenomenon may also happen. Some young women, who wish to become escort-girls, begin a career as a model in order to meet wealthy clients. These covers make organized rings’ activity all the easier as the procurer takes on the manager’s figure. All legal proceedings on the ground of sexual exploitation are in vain as it is difficult to report any piece of evidence.

Moreover the politic body seems to be highly in the grips of procurer networks, particularly in terms of benefits. Services are more expensive and benefits may be increased through blackmailing. In July 2012, an important prostitution ring was dismantled. After gathering compromising information on politicians as clients, the procurers are reported to have used them in order to extort important amounts of money from them (Novinite, July 8<sup>th</sup> 2012). Prostitutes have also probably been used to corrupt civil servants. Corruption is sometimes so general among the political and justice authorities of the Bulgarian State that the European Commission has decided to freeze the funds meant for this government.

## **A widespread phenomenon: human trafficking**

Prostitution is one of the most profitable activities in Bulgaria according to a study published in April 2012 by the Research Centre on Democracy (*24 Heures*, April 2012). The prostitution of Bulgarian women working outside the country brings more money than the one inside the country. It amounts to 1.46 billion € (\$1.99 billion USD) per year. Human trafficking with the purpose of sexual exploitation, which has been initiated by Bulgarian networks, is unfortunately increasing in considerable proportions compared to the amount of money handled by the sex industry. However, these rings operate more and more often in countries where laws are more permissive, usually in those where prostitution is regulated such as Germany or the Netherlands; they do not have to worry about possible legal proceedings for their activities. They also operate from Bulgaria: they send women to Europe where the latter are controlled by former prostitutes and consequently escape from the police in the destination country.

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<sup>1</sup> The chalga is a Bulgarian folk music combining Bulgarian, Roma, Turkish, Arabic and Greek influences.

The “recruiting methods” are the same by all prostitution rings. In general, they include promises of fake jobs abroad, seduction tricks on the part of the so-called Loverboys, fixed in advance marriages and, to a lesser extent, abductions. The Bulgarian Code was amended in 2002 so that it integrates the offence of human trade, in compliance with the 2000 Palermo Convention. Yet the effective implementation of the law is still limited as the number of proceedings against persons accused of trafficking has decreased and investigations concerning collusion cases among policemen are relatively negligible. In this regard, according to the 2013 U.S. Department of State Report on Human Trafficking, in 2012 police authorities started 121 inquiries founded on the offence of trade whereas only 91 people were prosecuted for this charge by justice authorities. Bulgaria proved willful in terms of fight against trafficking. Following the recommendations by the Group of Experts on the Fight against Human Trafficking (GRETA), in 2009, the country criminalized the use of services provided by the trade in the 159c article of the Penal Code. Nevertheless we cannot help but note that such an amendment has no impact on the fight against human trade since, to be applicable, it requires that the prostitute should be identified as a trade victim, which is far from being the case.

In 2012, a worrying increase of human trafficking was recorded, originating particularly from the Balkan States; it included notably the sexual exploitation of minors according to the special representative of the *Organization for Security and Cooperation in Europe* (OSCE), Maria-Grazia Giammarinaro (*Le Monde*, November 9<sup>th</sup> 2012). More and more minors are exploited by rings due to their vulnerable situation; hence multiple prevention measures are engaged by the government to make people aware of the phenomenon. Since 2008, the *National Commission for the Fight against Human Trafficking* (CNLT) has launched awareness campaigns intended to take place on European Day of the Fight against the Trade. Besides, in collaboration with the national Agency for the Child’s Protection, the Education Ministry and several NGO, this commission has developed informational media on the theme “Human Trafficking: it is time to act” (GRETA, 2011), which have been publicized throughout the country and focused towards students and teachers in over 3000 schools. The great number of minors who are lured by the hope of “a better life” in a foreign country accounts for these measures of prevention: they are mainly intended to make school children and students aware of the trade risks.

### **The Roma population: a target population for human trade**

The Roma community, particularly women and children, is subject to the trade with purposes of sexual exploitation and represents a significant number of identified trade victims. The exploitation of this minority’s vulnerability can be explained by social exclusion, not to say a complete marginalization from the Bulgarian society, which leads a certain number of the community’s members to enter prostitution. In general, their family is at the origin of this decision, because it needs to be supported financially. Through its own illegal immigration channels, which are often connected with criminal organizations, specialized in trafficking for sexual purposes, the community sends girls to Western Europe to make them as prostitutes; some

of them are well aware of what is to happen. In 2012, according to a European journalist, the Stoliponovo district in Plovdiv probably concentrates the largest number of members belonging to the Roma community in the Balkans. Prostitution is sometimes the only means of survival for certain members of this community in the poorest country of the UE where 84% of its members are under the poverty line. They have very few opportunities to find a way out; education and professional chances are quite limited because of their marginalization. 150,000 children are forsaken each year in Bulgaria as their parents cannot provide for their elementary needs any more. They are placed in orphanages and, as a target for traffickers, they often end in prostitution. Women who have been recruited by these networks have to pay a debt; it is never entirely paid back because procurers grasp at any and all opportunities to make the prostitutes pay for extra costs. An organization including police women and former prostitutes provides aid to women practicing prostitution and urges them to give up this activity. It also helps victims who decide to bear witness against their procurers in trade-related trials (*TAMPEP*, 2007). It should be noted that this organization is more concerned about personal plans than about official programs. Action and financial means are limited. In 2012, Norway initiated a unique cooperation with Bulgaria and the European Council, which was intended to help the Roma community. The relevant measures deal with justice, particularly the fight against human trafficking and organized crime.

Indeed Bulgaria is one of the prominent countries for human trafficking, but it strives to invest itself as much as possible in the fight against that plague. Nevertheless prevention measures are aimed at the general population rather than at specific and the most vulnerable groups. For instance, prevention actions in the face of trade risks are usually achieved in large cities and rarely in neighborhoods inhabited by the members of the Roma community (*GRETA*, 2011). Except for the Varna town council, which conducts a prevention program there, the other cities cannot afford recruiting Roma members in order to train them in the prevention and awareness fields.

### **Enhanced international cooperation against human trafficking**

In these last few years, Bulgaria has made the fight against human trafficking one of its national priorities due to the number of Bulgarian trade victims; it also wished to comply with its international commitments. According to the 2013 U.S. Department of State Report on Human Trafficking, the government financed several seminars in 2012; over 180 state policemen, judges and prosecutors attended them with the aim of making the fight against trafficking and the relevant international cooperation more efficient.

Bulgaria is currently at the head of the operational cooperation within the EU through the interaction of national institutions, international mechanisms and the implementation of the main priorities recommended by the European Directive on the Fight against the Trade. In 2012, the Interior Minister, Tsvetan Tsvetanov, organized a conference on women's trade and prostitution where politicians and experts met NGO representatives in order to speak about politics, policies and other practices meant to fight against the prostitution phenomenon.

Besides, coordination and cooperation measures among police services prove to be of paramount importance, particularly because of the international characteristic of the procurer networks. In effect, their activities seldom remain limited to an only country. Young Bulgarian women are usually sent to Western Europe to practice prostitution; they may also be managed by a procurer network of a different origin from theirs, which makes the investigators' task all the more difficult.

The coordination between inquiries and information has the advantage of centralizing the obtained data and of accelerating, in a way, the treatment of the case by the police. For example, some coordination occurred in Bonn (Germany) between the German police and the Bulgarian authorities concerning the dismantling in that city of human trafficking with sexual purposes during the year 2012. All the questioned prostitutes were coming from Dobrich in Bulgaria; thanks to policemen from the regional police direction and the Dobrich Court (parquet), victims spoke so as to bring down the network that exploited them (BNR *Radio Bulgarie*, February 8<sup>th</sup> 2012).

The Bulgarian government is aware of this serious situation and initiates efforts to fight the trade at its origin by developing suppressive measures in compliance with its international commitments; it also fights the trade through mechanisms of protection for trafficking victims. In 2012, the Bulgarian State allocated \$59,300 USD (46,000 €) to the building of two shelters for victims of trade with sexual purposes, but some more efforts are needed. In order to increase the efficiency of the fight against trafficking, Bulgaria should take firmer legal proceedings against civil servants who were party to trade cases; it should also make clearer charges concerning prostitution in the Penal Code. In addition to the penal mechanisms for witnesses' protection and the creation of host shelters, the government should focus more on the victims' identification, particularly those from the Roma community, and on the awareness of the dangers from the trade.

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## Burma

- Population: 48.7 million
- GDP per capita (in US dollars): NA
- Civil government since March 30<sup>th</sup>, 2011, mainly composed of the old military regime which governed the country since 1962.
- Human development index (HDI): 0.498 (149<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.437 (79<sup>th</sup> rank among 147 countries)
- Member of the Association of Southeast Asian Nations since 1997.
  
- No official national statistics on prostitution.
- There are more than 10,000 prostitutes in the city of Rangoon.
- Prohibitionist regime (Suppression of Prostitution Act 1949).
- The law amending the Suppression of Prostitution Act 1949 of 1998 enlarged the definition of a brothel to include all places where prostitution takes place.
- Homosexuality is forbidden under section 377 of the Penal Code.
- Country of origin for trade victims heading towards China, Thailand, and Malaysia.

According to the 2012 U.S. Department of State Report on Human Trafficking, Burma is a country of origin for victims for human trafficking for commercial sexual exploitation. According to the estimations of the Burmese government, throughout the last five years, 80% of trafficking victims were forcibly married in China (mostly in the Yunnan province), whereas the other 20% were forced into prostitution in Thailand, and a small portion in Malaysia (*The Myanmar Times*, January 7<sup>th</sup>, 2013).

### **The most vulnerable Southeast Asian population**

The humanitarian situation in Burma is extremely worrying. Fighting between the Burmese army and armed ethnic groups still rages on in some borders. The ethnic groups are demanding more autonomy in a Union of Burma, who suffers from a serious imbalance since the Burmese State prevails over all other states. In the context of internal armed conflict, human rights violations such as forced labor, recruitment of child soldiers, sexual violence, the use of anti-personnel mines, and land dispossession, are commonly committed by the regular army and the ethnic armed groups against ethnic minorities in particular. In addition, decades of internal

conflict resulted in thousands of deaths, large flows of refugees to neighboring countries and internally displaced persons, 450,000 according to the latest estimates from United Nations Office for the Coordination of Humanitarian Affairs (OCHA), who live in camps where conditions are often more than worrisome, because, among other things, the low presence of foreign humanitarian actors on the ground. Indeed, foreign humanitarians are routinely denied access to victims by the authorities for alleged security reasons (*U.S. Department of State, Bureau of Democracy*, 2013).

Adding to this very worrying humanitarian situation, extreme poverty due to decades of questionable economic policy persists. Under the military dictatorship, the budget allocated to defense was oversized in relation to gross domestic product (GDP) of the country: more than 50%! In contrast, only 0.8% of GDP was spent on health and 1.8% on education (*Righting Wrongs*, May 2012). The illegal economy (smuggling, counterfeiting, opium and methamphetamines...) is used in particular to fund the militarization of the conflict parties, which is equivalent or superior to the licit economy. Drug addiction is therefore widespread in regions, for example, such as the Shan State in the northeastern Burma, which is also one of the Burmese States the most affected by trafficking. NGO reports reveal how drug production can have devastating effects on the population, with intoxicated men unable to provide for their homes and selling all their possessions, or their own children, for the sole purpose of obtaining drugs (*Burmese Women Union*, 2012). This is when women must earn enough money to support their families. But with a level of education lower, since men's education is a priority over that of women in Burma, they are easily deceived by the attractive jobs that traffickers offer. Moreover, the already extreme economic precariousness of populations has increased following the passage of Cyclone Nargis in 2008. A number of people gathered in abject poverty (loss of employment, housing, identification, etc.) fuels internal trafficking flows to the big cities of the country and external trafficking to neighboring countries (*Righting Wrongs*, May 2012).

All these elements combined with discriminatory government measures against ethnic minorities are causing mass migration to neighboring countries and are factors of vulnerability to trafficking of these people looking for a minimum of economic prosperity and peace.

### **An environmental region conducive to trafficking**

Aside from the multiple factors of vulnerability that were previously explained, there are also a number of elements that facilitate trafficking of Burmese: the permeability of borders with China and Thailand (two countries undergoing rapid economic growth, unlike Burma, which remains one of the least developed countries in the region), the membership of Burma Great Mekong Sub-region where commercial sexual exploitation has an important dimension (*UNODC*, 2013), and the cultural proximity, physiognomic and linguistic minorities with the Burmese people from neighboring countries who facilitate trade and meet the expectations of clients and potential husbands (*Righting Wrongs*, May 2012).

Trafficking takes an even greater demand in Burma, than in other destination countries. In China, the demand comes from the imbalance of male to female ratio resulting from the one-

child policy and "femicide" abortions (*PWO*, 2011). In addition, Burmese women are particularly prized by Chinese farmers, because the amounts to be paid to the intermediary are much lower than they would pay for the dowry of a Chinese wife. Testimonies of victims indicate that potential buyers shop in private homes or sometimes in markets to make their choice. Medical examinations are also conducted to ensure that victims are able to give birth. In Thailand, where the sex industry is highly developed, women and girls from Burma meet the demand for cheap and easily exploitable prostitutes (*KWAT*, 2008). Their situation is even more precarious than that of Thai prostitutes, because they not only perform an illegal activity, but in addition, they are often in a foreign situation. Therefore, they live in constant fear of being arrested by the police and enjoy no protection.

### **Efforts of the Burmese government: exaggerated or a reality?**

In 2011, due to internal political changes that have occurred in Burma, the country has moved to tier 2 in the 2013 U.S. Department of State Report on Human Trafficking. The main argument for the positive developments in the classification focus on the efforts made by the new Burmese government to fight against the use of forced labor and against the recruitment of child soldiers by the Burmese army. However, with regard to human trafficking for the purpose of commercial sexual exploitation, progress, if it even exists, is slim. The report emphasizes the creation of an anti-trafficking website, a dedicated victim assistance funds, and a national hotline (*U.S. Department of State*, 2012). The U.S. government is not insensitive to these efforts, and in November 2012, a joint plan as a framework for joint action by the two countries in the fight against trafficking has been established. This plan includes, among other things, the opening of a regular dialogue specifically on trafficking with the holding of workshops throughout the year, and technical assistance and training provided by the U.S. government formations. In addition, on December 12<sup>th</sup>, 2012, the Thein Sein government launched a new action plan to combat trafficking from 2012 to 2016. On this occasion, and for the first time in Burma, they held the International Day against Child Trafficking (*Mizzima*, December 15<sup>th</sup>, 2012). On December 16<sup>th</sup>, 2012, a concert was held in Rangoon by MTV Exit (End Exploitation and Trafficking) in cooperation with the Burmese government, the United States Agency for International Development (USAID), the Association of Southeast Asian Nations (ASEAN), and other NGOs, in order to raise awareness of trafficking (*The Guardian*, December 24<sup>th</sup>, 2012 ). Parallel to the reinforced U.S. cooperation, the Burmese government has pledged to cooperate with international organizations such as the International Labor Organization (ILO) or the ASEAN and national NGOs working on subject. Also note that in March 2004, Burma ratified the Convention against Transnational Organized Crime and its Protocol commonly known as the "Palermo Protocol" and in September 2005, it adopted a comprehensive national law specifically aimed at combating trafficking in human beings. In view of texts, Burma could appear as a "model pupil" in the fight against trafficking and to suggest that the situation will improve significantly. But in reality, it is clear that government efforts remain without impact, at least if we are to believe the reports of grassroots organizations and some miscellaneous facts related by



the Burmese press in 2012. Indeed, the Burmese NGOs emphasize the lack of protection and assistance to victims of trafficking, both internal and external to the government (*KWAT*, 2008) - with the exception of a reintegration program of two weeks (*Righting Wrongs*, May 2012) - contrary to the provisions of the 2005 law. Victims are often arrested for prostitution and sent to rehabilitation centers<sup>1</sup>. They, themselves, are sometimes accused of trafficking. Regarding lawsuits, progress has been slow. Even though the Anti-Trafficking Act 2005 provides for penalties of imprisonment ranging from ten years to life (*Righting Wrongs*, May 2012), in reality, traffickers often escape prosecution by paying bribes, kickbacks from police officers and/or justice. Some may be effectively prosecuted, but on other charges. In addition, state officials have not suffered any arrests, prosecution, or imprisonment for their complicity with the traffickers. During 2012, women from the Rohingya community were abducted in Sittwe, capital of Rakhine State, by Burmese officials. They were used as sex slaves in military bases (*U.S. Department of State*, 2013). Corruption is widespread at all levels of society and affects the fight against trafficking. In 2012, in Myeik District, near the Thai border, a group of students filed a complaint against the village chief for trying to exploit twenty people from his own village. Two months later, authorities still had yet not responded, demonstrating the climate of impunity in Burma (*Mizzima*, October 26<sup>th</sup>, 2012). In early 2012, a young woman of 17 years complained to the ILO after being forced into prostitution by family members. Asked about the reason for her choice to the call the ILO rather than the Burmese police, she expressed her lack of confidence in the Burmese justice and questioned the ability and willingness of the government to provide assistance victims (*Democratic Voice of Burma*, February 28<sup>th</sup>, 2012). Finally, the main shortcomings of the actions undertaken by the government are not addressing the vulnerabilities of people trafficked mentioned above, continuing to pursue policies that discriminate against ethnic minorities, and feeding flows voluntary to emigration. More generally, one sees how unlikely it is that the number of victims of trafficking could decrease significantly, as the fighting will take place in border areas and a solution to the minority issue that plagues the country will not be found.

In the absence of tangible proof of the sincerity and willingness of the regime to fight against trafficking effectively, one can assume that it strives primarily to improve its image on the international scene.

### **Worrying growth of prostitution in major Burmese cities**

Although prostitution is illegal in Burma, one estimates more than 10,000 prostitutes in the city of Rangoon (*Democratic Voice of Burma*, December 24<sup>th</sup>, 2012). The sex industry seems to be expanding since the cyclone Nargis in 2008. Like other countries in the region, the places where prostitution takes place are diverse: massage parlors, karaoke bars, dance clubs... (*Mizzima*, July 3<sup>rd</sup>, 2012). Prostitutes are required to pay bribes to police to turn a blind eye to their illegal activity. If they refuse to pay or they do not have the means, they may be arrested,

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<sup>1</sup> Rehabilitation centers are designed to treat "social evils" (drug addiction and prostitution). The reality of these centers is not documented at present.

imprisoned and sometimes detained in rehabilitation centers. The client, meanwhile, is not penalized. Violent behavior towards prostitutes is common, and many clients refuse to use condoms. It is estimated that in Burma, one prostitute in three is infected with the AIDS virus (*Democratic Voice of Burma*, December 24<sup>th</sup>, 2012). With approximately 216,000 people infected, the rate of HIV infection and AIDS in Burma is one of the highest in Asia (*UNAIDS*, 2012). Thein Sein's government is attempting to curb prostitution by prohibitions and restrictions on massage parlors, hotels, and housing brothels in Rangoon and Naypyidaw, the new capital (*Mizzima*, July 3<sup>rd</sup>, 2012). However, the impact of these measures on the prostitution phenomenon remains to be established.

Finally, in recent years, there has been a development of the tourism sector. According to government estimates, tourism revenues have been doubled since 2008. It is thus feared that sex tourism is developing in parallel, similar to what happened in Thailand or Cambodia. Moreover, in 2012, a small number of foreign pedophiles reportedly went to Burma to sexually exploit minors (*The New York Times*, April 10<sup>th</sup>, 2012).

Violations of human rights in Burma are systematic, and the state is guilty by negligence to condemn officials involved. In such a context, it seems natural to have doubts about the sincerity of the government's fight against commercial sexual exploitation. Resolving the ethnic issue and the establishment of peace will be a prerequisite to the establishment of the rule of law in Burma. Nevertheless, the democratic transition is still in its infancy, because it is a process that takes time. With the support of the international community, we can reasonably expect future improvements in respect of human rights in general and the fight against commercial sexual exploitation in particular.

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## Cambodia

- Population: 14.5 million
- GDP per capita (in US dollars): 946
- Constitutional monarchy
- Human development index (HDI): 0.543 (138<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.473 (95<sup>th</sup> rank among 147 countries)
- Member of the Association of Southeast Asian Nations since 1999.
  
- About 100,000 prostitutes.
- 65,000 children prostitutes of which, 20,000 are in Phnom Penh.
- Prostitution has been illegal since *The Law on Suppression of Human Trafficking and Sexual Exploitation* in 2008. Procuring is illegal, owning or running brothels is prohibited.
- Numerous prostitution centers in the big urban and touristic centers: Phnom Penh, Siem Reap, Sihanoukville, Koh Kong.
- Major destination for sex tourism together with Thailand and the Philippines.
- Point of origin, destination and transit for trade victims in South East Asia.
- Cambodian and Vietnamese victims.

Following the civil war and the Khmer Rouge genocide, which massacred a quarter of the country's population, Cambodian society was heavily scarred. Nowadays, with more than half of its population under 18, Cambodia has transformed into a young and developing country open to tourism. Yet, with a largely rural population, most people do not benefit from this increase in economic activity, and live in extreme poverty. Henceforth, the sex industry has become a plague to the Cambodian Kingdom, with NGO estimates placing the number of prostitutes near 100,000, mostly in Phnom Penh. Scarcely involved in the situation, lenient or inactive authorities make the situation worse.

### The weight of history

In less than 30 years, Cambodia has become one of the main centers for sex in Asia, competing with Thailand, the largest hotspot today, and with the Philippines. A growing social and economic trend, it all started by the early 1990's. After years of civil war, a UN Peace mission was left behind in order to supervise elections after the fall of the Khmer Regime. From

then on, the country opened its borders to the world and greeted an important number of NGO members, international civil servants, expatriates, tourists, and wealthy potential customers, all of whom were profitable sources for the country. When UN troops first came into the country, estimates of the number of prostitutes stood around 1,000. According to today's figures, the sex trade generates well over \$500 million USD annually.

Sexual trafficking within Cambodia intensified at increasingly cheaper rates, following new and repressive politics in Thailand that hardened sentences for criminals involved in sexual exploitation. Free lance prostitutes working in bars and clubs reserved to Western travelers, brothel-bars, karaoke bars, and massage parlors are well appreciated in Asia: the sex industry takes all forms as it expands throughout Cambodia.

### **Whether a choice or a necessity, prostitution is the result of duress**

The problem of prostitution in Cambodia is twofold. On one side of the problem, Cambodia faces an increasing demand for sexual services. On the other, a large section of the population considers the activity to be a source of income. Given that the country's Human Poverty Index (HPI) stands near 30%, with half of the population living on less than \$1 USD per day, Cambodia is one of the poorest countries in the world.

Until recently, most jobs and income opportunities originated from the textile industry. The country's low-cost labor – costing roughly \$0.35 USD per hour, one of the world's cheapest rates – induced firms such as Wal-Mart, Nike, and Target, to invest in Cambodia. These firms came into the country as part of a clothing industry that provides almost 90% of export revenue. Yet, with \$61 USD (47 €) in monthly salaries, scarce opportunities for career advancement, difficult working conditions, and high hierarchical pressure, the textile industry has become unattractive to younger people, forcing numerous young women into prostitution. A 2009 UN interagency evaluation of human trafficking showed that 20% of women who work in the textile industry, and who had been dismissed due to the economic crisis, moved into the sexual service industry. In relation to factory work, providing sexual services allowed young women to work in better conditions and earn a higher income. Per month, these women can earn between \$60 and \$70 USD (46 to 55 €), not including tips or commissions, which can triple the basic amount.

A relatively tempting situation when compared to factory work, this cost-benefit analysis forced the hand of 20% of women working in textiles to choose this activity. A single sexual act can go for \$5 USD (3,8 €) while a whole night could cost between \$40 and \$100 USD (31 to 77 €), whether with a freelance prostitute working in a cheap place or a karaoke bar hostess. Hostesses can rent themselves for a night or even for a holiday's duration, caricaturing female sex objects. And, as in all similar markets, there is a rate for local costumers and a special rate for tourists.

Even though it may appear to be a willing and consensual choice, prostitution is practiced under conditions of duress: 55% sell their bodies due to difficult family circumstances and 3.5% lured into it, trapped or sold. Within the country's economic and social environment, turning to prostitution as a means of survival occurs frequently. Within economically disadvantaged

neighborhoods, families are often pushed into selling their own children for very low price. "*In Cambodia, a child is worth less than a dog*", declares Patrick Roux, the founder of the NGO AVEC (Aide volontaire aux enfants du Cambodge - Voluntary Aid to the Children of Cambodia). The sale of young, virgin girls remains a widespread issue, although the 2008 law made buying one more difficult, according to Somaly Mam. Beyond the possibility of increased physical or psychological pleasure, the client might believe superstitions and myths which link sex with a virgin to luck, whitened skin, lengthened life duration or a cure for AIDS. Due to the prevalence of such absurd beliefs, buying the virginity of a young girl can cost the client up to \$4,000 USD (3,110 €).

The market for child pornography remains relatively large, which accounts for the high number of kidnapped children. In June 2011, the UN Committee for Children's Rights presented an appalling report according to which thousands of children were sexually exploited or submitted to sexual violence and pornography in prostitution networks all over Cambodia.

### **Who are the victims of prostitution?**

Cambodia is a country of origin, transit and destination of women and children for human trafficking and sexual exploitation. According to a report put together by a number of NGOs in Cambodia, Vietnamese and Khmers children and young adults are the main victims of trafficking and sexual exploitation. Interviewed by *Sisyphé*, S. Mam declared that according to *Save the Children Fund* over a third of sex workers in Cambodia are under 18 years old. The 2012 figures show that sexual trafficking victims are mostly girls, occasionally boys, between the ages of 3 and 17. Sexually exploited victims are slightly older but are, by and large, young adults between 18 and 25. A simple statement shows that child victims are slightly older when recruited, since "it's a high risk to sell minors in trading centers in Phnom Penh." The laws are strongly enforced, brothels are closed down and offenders arrested more often, declared the director of *International Justice Mission Cambodia*, a Human Rights Defender NGO. Once they reaching the age of 25, young women are considered too old to attract clients and are thrown back to streets.

Three distinct profiles appear when we begin to analyze the prostitute population: those without education or steady income, who come from disadvantaged rural areas, those who live with their parents, surrounded by close family, who sell their bodies to help those around them, and finally those sexually exploited by their employers. In the last two cases, between 75% and 85% of the children in question have attended some form of standardized education or are still in the educational system. Although unable to fully protect children against sexual exploitation, schools can serve as an important starting point for government and NGOs prevention programs aiming to reduce the number of children turning to prostitution.

Different 2012 reports point out that, lacking a means to support themselves or their families, the idea of consent on the part of children is nothing more than a false choice between destitution and prostitution.

## How does prostitution work in Cambodia?

By and large, Cambodia remains a rural country with only a few middle-sized or large towns. Taking into account geographical location, sexual exploitation is situated in places where wealthy nationals, western expatriates and tourists spend their time. The cities most affected are Phnom Penh, the capital of the country, Siem Reap, a historical site, Sihanoukville, and Koh Kong on the southeast coast.

One out of every two men who travel alone through Cambodia is estimated to have sex with a young prostitute. The question which comes next is clear. Who are these men? In reality, these men are hard to define by category. They could be anyone, and it has nothing to do with the cliché of an aging western man coming for young Asian girls. On the contrary, clients are getting younger: according to the NGO *Equality Now*, those between the ages of 18 and 24 are more likely to visit the country for its sex services than those between the ages of 25 and 29.

With regard to the cliché of all sex tourists originating from western countries, the evidence is again against sweeping generalizations. There is, without a doubt, a significant number of Americans and Europeans who travel to Cambodia for sex or who would participate in sex tourism if given the chance. Nevertheless, western clients are far from being the only ones who carry these fetishes into the Cambodian border. Estimates point out that 90% of the clients are Asian and, first and foremost, from local regions. Hence, while traffickers of sex slaves were estimated in 2012 to be mainly foreigners – mostly American, Thai or Vietnamese – most of the time sex exploiters are Khmer men, women who own entertainment centers, procurers (*brothel managers*), and *mama-san* (*brothel matron*).

## Impassive or powerless authorities

Since *The 2008 Law on Suppression of Human Trafficking and Sexual Exploitation* prostitution is strictly forbidden. From that point forward, authorities closed down a good number of brothels, even though it's still possible to go back and ask for girls. Svay Pak Brothel, outside Phnom Penh, remains an area for sexual trading involving children, despite frequent interventions by police. Given the inefficacy of the authorities the U.S. Department of State places Cambodia in the second tier. What this means is that the Cambodian government, in spite of carrying out important efforts, is failing to comply with the minimal standards established by the *Trafficking Victims Protection Act* (2000).

Overall, both the Cambodian police and judiciary systems suffer from a lack of resources. The country fights against prostitution without trained agents, with poor investigative methods, and with ineffective processes for charging and sentencing offenders. The country is plagued by corruption, and is unable to reduce violence in brothels or affect a significant drop in the number of identified victims from preceding years.

For instance, the police lack investigative experts to collect evidence. Their work is therefore entirely based on victims' accounts rather than other concrete, scientific evidence. However, given that victims are largely unprotected and vulnerable, many offenders take

advantage of the system to negotiate financial agreements in order to convince victims to modifying their initial accounts. Adding to these difficulties, the present rule of judges which refuses the possibility of under cover operations appears as a severe handicap to police and NGOs, according to whom mechanisms of trafficking children for sexual exploitation, are becoming more difficult to detect. With a larger use of middlemen in brothels, it happens less frequently in brothel using a greater number of go-betweens, leading into clandestine sexual exploitation of children. Acting under cover is often left aside although it is an essential means to collect sufficient proofs and dismantle whole prostitution networks rather than just the field actors.

In fact, whichever the hierarchic level, corruption is a curse and a burden to the Cambodian system. Collusion with the authorities contributes to a general feeling of impunity for the offender and justice denial for the victims. Cambodia is regularly ranked down among the most corrupted countries in the world, a fact which greatly damages any action against sexual exploitation the authorities might take (*Transparency International*, 2012). Thus, in December 2011 the previous Director of the Department of Human trafficking and Youth Protection of the Phnom Penh borough police forces, was charged with complicity and condemned in absentia, to 7 years imprisonment. He used to receive bribes from brothel in exchange for protection and information about police raids. To this day he still has not been arrested. Due to corruption of both Cambodian and Thai authorities, crossing the frontier both ways transporting victims is made easy.

Figures speak for themselves: in 2012, 40 people were condemned for sexual exploitation, yet less than the preceding year when 60 people were found guilty and still less than twenty in the year 2010. As for pedophilia, in 2012, 3 foreigners accused of sex tourism and abusing children, were condemned while two such cases are still pending. Yet other cases made quite a fuss and it is only under the joint pressure of NGOs and international instances that a foreigner, charged with pedophilia and who had been pardoned and released from jail, was expelled to South Korea. In December 2012 the charges against an Australian recognized guilty of pedophilia were reduced to nil. He was simply released, without the court considering the fact that his solicitor had bribed the victim's family into modifying their testimony. Besides, in February 2013, following the funerals of the last King of Cambodia, Norodom Sihanouk- who died in October 2012 – an important number of people convicted for pedophilia were pardoned. Yet a lot more should be done in suing and sentencing sexual criminals, which at present is scarce and inadequate.

However some positive actions might be singled out. Campaigns on sexual exploitation aimed at tourists' demands, have been launched to prevent trafficking, and more is gradually done towards prevention. Thus, the Ministry of Tourism joined NGOs to set up posters, inserts in reviews and magazines or booklets on the subject. Yet these actions are mainly aimed at foreigners, although natives are the first concern. In regards to preventing children's sexual exploitation, Cambodian authorities have set up training programs concerning violence against women, aimed at police officers and at the same time has decided to increase the number of



female police officers. During investigation proceedings children seem to trust women more often than men. Yet female police officers are far less numerous and under-trained than men. Henceforth *Project Childhood* (Protection Pillar)<sup>1</sup> organized actions informing professionals such as police and judiciary officers and judges, that justice in a judiciary penal system must be applied to victims with regards to human rights and sex equality. Consequently, in Phnom Penh, in September 2012, 36 under-commissioners, most of whom women, followed a program co-enquiring proceedings on children's sexual exploitation and protection<sup>2</sup>.

Due to international pressure, Cambodian authorities seem ready to deal openly with the problem: scandals have come to lights after sentencing pedophile criminals, such as for instance an 81 years old Swiss citizen having paid for sex with a 13 years old boy<sup>3</sup>. Supported by many VIP such as Demi Moore and Susan Sarandon, Somaly Mam, now an international icon, set light on the dramatic situation in Cambodia. *Trade of Innocents*<sup>4</sup>, Christopher Bessette's film dealt mainly with sexual exploitation in the country. Although still much is left to do, Cambodia is slowly progressing.

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<sup>1</sup> *Project Childhood* has been initiated by the Australian Agency for International Development against children's sexual exploitation in Mekong.

<sup>2</sup> UNODC, Cambodia fights sexual exploitation of children with more female police and by training all police on gender-based violence, November 12<sup>th</sup>, 2012.

<sup>3</sup> In 2012 he was sentenced to 5 years imprisonment, yet he had already been sentenced to 2 years in jails in 2010, for abusing four boys aged 11 to 13, which he served for 10 months.

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## Cameroon

- Population: 20.5 million
- GDP per capita (in US dollars): 1,151
- Republic
- Human development index (HDI): 0.495 (150<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.628 (136<sup>th</sup> rank among 147 countries)
- Member of the African Union since 1963.
  
- According to the official statistics, there were 18,000 prostitutes (men and women) in 2010. (Strategic National Plan to Fight Against HIV, AIDS, and STDs 2011-2015)
- About 40,000 girls (minors) are victims of sexual exploitation.
- Procuring is punished by an average of 10 to 20 years of imprisonment.
- Specific amendments or legislation: article 343 of the Penal Code and the law of December 14<sup>th</sup>, 2011 against children and adult trafficking.
- Country of origin, transit and destination of trade victims with the purpose of sexual exploitation.
- Domestic trade is a recurring issue.
- Destination country for sex tourism.

There is no precise and reliable statistic on the number of prostitutes and trafficking victims for the purpose of sexual exploitation in Cameroon. Generally, information is almost nonexistent on the matter, since very few surveys have been conducted on this phenomenon.

Nevertheless, at the beginning of 2011, the Cameroonian government demonstrated encouraging signs regarding the fight against sexual exploitation. Some progress has thus marked the year 2012, but the issues of support and care of the victims have not been discussed and dealt with by the authorities yet (*U.S. Department of State, 2012*).

### **Strengthening the Cameroonian legislative framework**

In April 2011, the government adopted a new anti-trafficking law, abrogating the law of December 29<sup>th</sup>, 2005, only in relation to trafficking of children. From now on, all kinds of trafficking, children and adults, are criminalized and punished by sentences that can reach 20 years imprisonment.

Since the adoption of this new law, the government has lead five investigations, two of which resulted in 20 year prison sentences. However, some progress still has to be made regarding the problem of corruption of the police authorities and civil servants. According to the 2012 U.S. Department of State Report on Human Trafficking, two of the five investigations opened in 2011 involved civil servants/public authorities. Today, none of these investigations have resulted in anything yet.

Moreover, many testimonies mention the constant issue of corruption in Cameroon. Without being directly involved in human trafficking for the purpose of sexual exploitation, the police often indirectly take advantage of it. The media thus report that “*the prostitutes of Yaoundé have established a form of complicity with some police officers.*” The women text message the place where the prostitute person and the client went, so that the police can go there and extort the client by threatening to arrest (*Slate Afrique*, April 29<sup>th</sup>, 2012). The money thus obtained, usually a bit higher than the agreed price for the trick, is then shared between the prostitute person and the policemen.

Along with the reinforcement of the legislative proposal, the Cameroonian Government also put in place an Inter-Ministerial Committee for Combating Human Trafficking. This Committee is responsible for supervising the implementation of the legislation and the National Action Plan to combat child labor and trafficking. More and more awareness-raising campaigns have been launched on a regional and national level, as well as training sessions to fight child trafficking and sexual exploitation in Cameroon. As an example, an NGO created and led by Chantal Biya, First Lady of the country, has entered a partnership with tourism agencies, and tour operators to fight sex tourism.

Although efforts are gradually made to prevent any kind of trafficking, including the one with the purpose of sexual exploitation, the Cameroonian Government still struggles to ensure protection for trafficking victims. There are now more and more to be identified, but there are still no specific mechanisms and assistance procedures to make sure the victims are immediately taken care of by the NGOs. Further, when the victims decide to file a complaint against their traffickers and get involved in the investigations, they do not benefit from any governmental protection. However, the danger is very real to them.

Cameroon has realized the plague of sexual exploitation and the recent measures show it. Nevertheless, adult prostitution, of men and women, but also of children, remains a major issue in the country.

### **A prostitution beyond Cameroon borders**

Inside the very Cameroonian territory, male and female prostitution remains very present. Still done in the street, in hotels or under the guise of a job as a housemaid, prostitution changes with the development of the internet. Thus, more and more sites offering “massage services” are created on the Cameroonian web. The owner of a cyber café has even helped a woman create her blog to sell her sexual services. According to him, this practice is quite common, and it only

requires going on “*a search engine and look(ing) for a masseuse in Douala*” to “*find many of them*” (Camer, 10 octobre 2012).

The rise of the internet in Cameroon has not only changed the prostitution practices in the country, but it has also widened its frontiers. Thus, many women are lured to Europe with fake marriages contracted on the internet, or false job promises posted online. These women are then forced to prostitute themselves in Switzerland, France, Denmark, Cyprus, Spain, Germany, or even Norway and Russia. France has the most important Cameroonian community in Europe, which would explain the high number of Cameroonian prostitutes in France.

According to the Office Central pour la Répression de la Traite des Etres Humains (OCRTEH - Central Office for the Repression of Human Trafficking), Cameroon beats sad records on the matter of prostitution in Europe. Thus, in 2005, 50% of the African women prostitutes in Europe were from Cameroon. Although a no more recent figure is available, two cases broke out in 2012 and revealed the connections that exist between Cameroon and France in the area of prostitution.

In Saône-et-Loire, a prostitution network led by Cameroonian storekeepers in Chalon was dismantled. Among other things, the prostitutes had to pay about 700 € (\$945 USD) to a “boss” living in Cameroon. A few months later, in Caen, a woman of Cameroonian origin, former prostitute, was sentenced to 3 years in prison for aggravated procuring. According to the elements of the investigation, the woman was exploiting some twenty prostitutes from Cameroon.

In the two cases, the prostitutes sent a certain amount of money every month to their relatives. Although the families sometimes truly believe their daughters have a “good” situation in Europe, most of the time, the women prostitute themselves with the complicity of their family.

Amely-James Koh Bela, founder of the Mayina association in Cameroon and author of striking books, assures that African networks have “a specificity”, which is the involvement of the family: “*Behind each girl, behind each child who is exploited*”, she says, “*there is a family member, a father, a mother, an aunt, a brother or a sister, and that is very hard.*” According to the activist, fake adoptions of African women living in Europe and in France, with the implicit complicity of the parents who stayed in their country, are commonplace<sup>1</sup>.

In a survey directed in 2006 by the association Children, Teenagers and Future (ASSEJA), the testimony of a young 15-year-old girl perfectly illustrates this situation: “*I came to my aunt’s to pursue my studies and work in a bar at night. When I arrived, my aunt asked me to wait and go to school the following year so that I could get used to the city. Later, she asked me to work at the bar every day. When a client came on to me, I told my aunt and she told me: ‘you’re a young and pretty girl, it’s normal that men are interested in you’. One night, she came and asked me to be nice to the clients, and assured me they weren’t mean and they wouldn’t hurt me. When a rich man came to the bar, she asked me to serve him in the room behind the bar. When we arrived, he offered me money and asked me to sleep with him. I’m not allowed to refuse, or I’ll get sent back*”

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<sup>1</sup> Amely-James KOH BELA doesn’t give however any precision on the extent of these practices in Cameroon itself.

to the village. After 30 minutes, my aunt came in and asked me if he was nice. She took the money and gave me a little of it to buy clothes”.

Thus, facing poverty, some people would not hesitate to prostitute members of their own family, often very young children.

### **Cameroon, the new top destination for sex tourism in Africa**

Child prostitution, a true plague in Cameroon with almost 40% of the young girl prostitutes aged between 9 and 20 years, attracts many tourists. Most of the children who are victims of trafficking are placed in hotels, nightclubs, and cabarets to be sexually exploited by tourists, who directly pay the owners of the establishments. The owners then pay the children.

Although the actors of the tourism industry claim to not take part in this children exploitation system, having adopted a charter against sex tourism in 2007, it is now obvious that the hotel staff does not hesitate to use stratagems to bring minor girls in the hotels, on the request of tourists (*Envoyé Spécial* - documentary, March 2<sup>nd</sup>, 2006).

According to the survey of 2004 of the Minister of Social Affairs (MINAS) and the UNICEF, the towns of Kribi and Limbé are the most affected by this phenomenon and attract tourists mainly from France or the United States. The Cameroonian newspaper *Le Messager* thus affirms that these people spend between 10,000 and 60,000 Francs CFA (between \$20 and \$80 USD), especially to have an underage girl in their hotel room.

The phenomenon of sex tourism, whose scope increased by the development of internet and the online release of pictures of the victims, is not the only form of exploitation from which children suffer.

Several surveys reveal cases of child pornography in Douala and Yaoundé. Even if these cases remain rare, the associations at the origin of this research raise the alarm by asserting that the production and broadcasting of pornography material with children are steadily growing in Cameroon.

Although child prostitution for the purpose of sex tourism is obviously one of the major problems that the Cameroonian authorities have to face, this phenomenon should not mask another aspect of child sexual exploitation.

### **The persistence of precocious and/or forced marriages**

In 2008, it was revealed that the precocious marriages rates remained quite high in Western and Central Africa. In Cameroon, the rates of marriages of children were of 23% in the urban environment, and of 57% in the rural areas. Young girls from 10 to 20 years of age are also “given” to sixty year-olds or more, in exchange of several financial or social benefits. The investigation made in 2004 by the International Circle for the Promotion of Creation (CIPCRE) reveals three cases of forced marriages with girls aged 5 and 9.

In most cases, these little girls are confined, raped, abused by their husbands, or abandoned when he takes another wife.

According to ASSEJA, in some parts of Cameroon marriages are sometimes decided before the child is even born. Thus, men touch the stomach of a pregnant woman declaring their intention to marry the child if it is a girl, either for themselves, or for their boys looking for a wife. Gifts are then given to the mother and the daughter until she reaches puberty, generally when she is 12.

Another similar practice to precocious marriages and/or forced exists in Cameroon, like in the rest of sub-Saharan Africa, called “forced sexual initiation”. In 2002<sup>2</sup>, the World Health Organization (WHO) observed that the first sexual experience was not desired for almost 40% of the girls, and 30% of the boys.

A real and worrying phenomenon, sexual exploitation in Cameroon, which takes adults and children victims, is moreover the cause of great issues of public health. These issues include the high early pregnancy rate among the victims, and the evolution in an environment characterized by drugs and/or alcohol consumption. Also, as a result of the frequent absence of a condom, many prostitutes are affected by HIV/AIDS. According to the National Strategic Plan for HIV, AIDS and STDs of 2011-2015, the number of victims infected with HIV rate went from 26.4% in 2004 to 36.8% in 2009. Furthermore, because of the homosexuality ban in Cameroon, awareness for male prostitutes is very low.

The year 2012 is marked by the awareness of the Cameroonian Government, which heads towards a reinforcement of the fight against human trafficking for the purpose of sexual exploitation. However there is still a long way to go, particularly in terms of protection and support of the victims.

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## Canada

- Population: 34.7 million
- GDP per capita (in US dollars): 52,219
- Constitutional monarchy with a bicameral parliamentary regime
- Human development index (HDI): 0.911 (11<sup>th</sup> rank among 187 countries)
- Gender Inequality Index (GII): 0.119 (18<sup>th</sup> rank among 147 countries)
- No official national statistics on prostitution.
- Prostitution is not illegal.
- Measures are taken in order to control prostitution in streets and bars.
- Country of destination for human trafficking mainly from Eastern Europe, the Caribbean and China. Transit country towards the United States.
- Development of sex tourism of Canadian nationals towards the Caribbean. Government participation in UNICEF's program against child sexual exploitation.

The Canadian population is mainly concentrated around urban centers while the Canadian State is formed of ten provinces and three territories united around the federal government in Ontario.

Each province has its own identity and keeps to its political and administrative autonomy. However the federal functioning is hindered by deep cultural disagreements, divergent social choices and different ways of thinking - obvious in the case of Quebec.

Over several years the federal government ran a number of national programs such as the 2011-2015 Project on Gender Equality; The Project for Solidarity and Social Inclusion, The Law on Citizenship, The Law on Settlement and Protection of Refugees (LIPR) which recommended a more rigorous follow up of refugees throughout the country.

### **Government programs, but to what end?**

Since the Pickton and Bedford cases<sup>1</sup>, Canadian society's attention is focused on the prostitutional phenomenon. The society is gradually becoming aware of the violence prostituted women are submitted to and of the lack of involvement of the authorities to protect them.

<sup>1</sup> See "Canada", Fondation SCÉLLES, CHARPENEL Yves, in *Exploitation sexuelle – Prostitution et crime organisé*, Economica Ed., 2012.

Besides, the divergent or even controversial positioning of the stakeholders- provincial authorities, the main charities and NGO, and other such concerned - led to passionate issues : hence any kind of option is opened while anything can be said and experimented. Authorities and NGOs blame each other for the consequences of a problem which question the law and the social system itself.

The Pickton case, named after the serial killer who killed prostituted women, clearly showed how the Canadian police were prejudiced against women whether they be poor, indigenous, drug-addicted or prostituted. All of which, according to Judge Opal's report, created serious dysfunctions.

Hence in the Bedford's case<sup>2</sup>, after many references between local and provincial courts, the Supreme Court finally decided in reference to the Charter of Rights and Freedoms to recognize the right to prostitution, yet only when hidden in brothels. Street prostitution, inciting and procuring remain forbidden, as well as any income linked to prostitution.

However, at the same moment the members of Stella, an association claiming rights for prostituted persons, demanded the same professional status and rights as any common workers.

The Quebec provincial government protested against the State professionalizing prostitution, arguing that considering it as a job on the labour market would aggravate human trafficking and sexual exploitation.

Approaches, rules, opinions and positioning led to such confusion that the Federal government decided to focus its objectives to facilitate fieldwork. Recall that only the federal government of Canada is empowered to endorse agreements, arrangements or treaties. It has strengthened the fight against trafficking in human beings and sexual exploitation of children.

### **The fight against human trafficking**

According to the 2013 U.S. Department of State Report on Human Trafficking, 300,000 people are crossing the borders daily, a door open to traffic, despite all the security agreements, protection of persons and other bi-lateral programs between the two countries.

Two elements aggravate the situation: Canada being a transit destination to people mainly coming from Asia, South America (Caribbean and Mexico) and Eastern Europe; all this together with the extreme vulnerability of indigenous native Canadian women. Vancouver and Toronto are two hubs to human trafficking mainly to USA.

Since 2011, law enforcement on immigration, citizenship, and on the implementation of refugee protection has been strengthened, including through the expansion of the functions of the National Coordination Centre of Trafficking in Persons (HTNCC). Now, the center is authorized to perform monitoring information on persons entering the territory and control their activities in places of prostitution (massage parlors, bars, dance halls ...)

Reinforcing measures against sexual exploitation of minors in Canada has ameliorated the problem, yet not solved problem. As a matter of fact, Canadian sex tourism abroad increased - mostly in Dominican Republic, Cuba and above all Mexico- involving boys and girls aged 3 to

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<sup>2</sup> Named after the judge who abolished the three rules of the Criminal Code restricting prostitution.

17. The *North American Free Trade Agreement* (NAFTA), a free trade agreement between Mexico, USA and Canada, which facilitates cross-border freedom of movement, had a perverted issue: that of facilitating the transfer of human trafficked victims and increasing sex tourism to Mexico.

Despite the measures of provincial governments and the federal government, this multiplicity of actions, studies and approaches has a double effect: to create confusion in the analysis and fundamental management prostitution and to strengthen vigilance associations.

### **Lobbying: vigilance, monitoring, and revelations**

For the associations, each new study, each event is an indicator of omissions and gaps in public policy. Thus, the film by Rodrigue Jean, *Épopée, les Prostitués par eux-mêmes* (*Epic, prostituting themselves*), focused on harassment and violence experienced by homosexual prostitutes (*Le Devoir*, January 26<sup>th</sup>, 2012). This film is also supported by the Rézo group, which focuses on the health, and well-being of gay and bisexual men, and has a program to male prostitutes.

Based on dozens of stories of men confined to "a kind of ghetto of Montreal" encountered in writing workshops, the director of the docu-fiction, has a better understanding of these "life stories, often punctuated with consumption especially crack cocaine, inexpensive and intensely addictive drugs," and ordinary prostitution stories lined by violence related to homophobia, abuse and rape.

Following this film, the organization "Gay listening" of Quebec has created the registry of homophobic acts (RAH). This service is available by phone, mail, email, chats, lists homophobic acts. The victims or witnesses of homophobic acts (physical and verbal abuse, intimidation, harassment, abuse, ridicule, discrimination...) can report anonymously and for free. The compilation and analysis of this data should provide further insights into the issue of homophobia and act at prevention.

Similarly, a study from the NGO Native Women's Association of Canada (NWAC) has alerted the public prosecutor on violence against Aboriginal women because of their origin. These women are only 3-5% of the Canadian population, but they represent 90% of victims of prostitution and trafficking. They suffer discrimination directly with the police and judicial authorities (as shown by the death of Ashley Smith, a young Aboriginal woman victim of police violence).

Associations in Anglo-Saxon countries have a strong influence over government decisions. Lobbying is a recognized activity, although sometimes disturbing. Their action is more effective as they gather in powerful coalitions.

These associations work together to develop action plans and know-how to use the simplest ways to attract attention. The World of Women has organized the Walk4Justice, a march from Vancouver to Ottawa for female victims of trafficking, missing and murdered (aboriginal women mostly). In Montreal, the association "La Maison de Marthe" organizes every Thursday a Circle of Silence in tribute to victims of prostitution and trafficking.

### **And further ahead...**

The problem is largely posed. In addition, it is interesting to note that it is often the victims or former victims, who are behind, and sometimes at the head of these actions and claims. They maintain a state of alertness and vigilance important in society. For now, these are questions of mentality and education that will lead to a total transformation of society.

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## China

- Population: 1.35 billion
- GDP Per capita (in US dollars): 6.091 (Hong-Kong, SAR, China: 36.796)
- Single party republic
- Human development index (HDI): 0.699 (101<sup>st</sup> rank among 187 countries)
- Gender inequality index (GII): 0.213 (35<sup>th</sup> rank among 147 countries)
  
- According to the Chinese Communist Party, there are between 3 and 4 million prostitutes.
- In continental China, prostitution is illegal (Article 66 and 67, *Law of the People's Republic of China on Administrative Penalty*, 2005). Prostitutes, clients, and procurers are penalized.
- In Hong Kong, prostitution in private apartments is legal. Solicitation and brothels are prohibited. In Macao, prostitution in private apartments is legal, solicitation is prohibited. In Taiwan, prostitution in private apartments is decriminalized, solicitation is illegal, and brothels are legal.
- Phenomenon of significant domestic human trafficking: lack of national data.
- Country of origin, transit, and destination for trade victims.
- Destinations of Chinese victims: Thailand, Burma, European, African and American countries.
- Origins of victims in China: neighboring countries (Burma, Vietnam, Laos, Singapore, Mongolia, North Korea), Russia, European, African and American countries.

As in previous years, the news in 2012 for prostitution in mainland China is marked by several large police raids in major cities. In Beijing, an anti-prostitution campaign, conducted from April 20<sup>th</sup> to May 30<sup>th</sup>, 2012, led to the closure of 48 facilities of "entertainment" (*China Daily*, June 13<sup>th</sup>, 2012). In a second campaign, the Beijing police conducted raids in 180 schools and 660 suspects were detained over a period of two weeks (*Global Times*, July 13<sup>th</sup>, 2012). After a report by Human Rights Watch in May 2013, widely publicized repressive measures have resulted in an increase in police violence and abuse in general against prostitutes.

The situation of prostitution in China is extremely precarious. Prostitutes are victims of discrimination, of violence, of arbitrary detention, of forced labor... no improvement is noted for the year 2012. Instead, it rather is a decline. Although some grassroots organizations are fighting for the rights of prostitutes to be respected, it is clear that the strategy adopted by the central government remains more repressive than ever. Prostitution is also officially regarded as part of

the "six evils" of society including gambling, superstitions, drug trafficking, pornography and the trafficking of women and children. Furthermore, prostitution is regarded by the government as a "disgusting social phenomenon" (*Human Rights Watch*, 2013).

### **Chinese legislation and its relations to prostitution**

Mainland China has a prohibitionist regime, resulting in the criminalization of prostitutes, procurers and customers. The peculiarity of the Chinese law lies in the fact that the prohibition of prostitution is under administrative law, not criminal law, as is generally the case. The fines to penalize prostitutes range from 500 CNY (\$82 USD) to 5,000 CNY (\$820 USD). In addition, prostitutes can be placed in administrative detention for 5 to 10 days, in the center of "detention and education" from 6 months to 2 years, or in the center of "reeducation through labor" for 3 years - in case of recurrence. Procuring is, meanwhile, prohibited by the Penal Code with imprisonment up to 10 years. The fact of knowingly transmitting a sexually transmitted disease (STD) through prostitution is punishable by a prison sentence of five years under the Penal Code (*UNDP*, 2012).

The system of administrative detention does not provide protection for those convicted. They have no access to a lawyer. Administrative detention is not decided by a court, but by a Committee headed by the police. Opportunities to appeal the judgment are almost non-existent. One can therefore, under international law, define administrative detention, sending in detention, and reeducation through labor as arbitrary since individuals may be deprived of their liberty without any judicial process. Studies have shown that abuses such as forced labor, torture, verbal abuse are common in these centers. The Chinese government does not release information on the subject. Further, one ignores these establishments and the number of people who are detained there (*Human Rights Watch*, 2013).

### **Police violence against prostitutes**

For a person to be detained because of prostitution, the police must have evidence that there actually was a sexual act in exchange for a monetary or material reward. But most often, the police hold the suspects with no or very little evidence. In addition, the non-registration of the fines collected is a common practice among law enforcement and is a significant extra-budgetary source. There are quotas for fines for the local police to reach, despite the prohibition by the Chinese Ministry of Public Security. The amount of fines subject to tax is unknown, leaving the spotlight on corruption (*Human Rights Watch*, 2013).

In addition to the fines being imposed in an arbitrary and non-transparent manner by the police to people suspected of being prostitutes, they are also victims of physical and verbal abuse, particularly during interrogations in which the police are trying to get their confessions. According to an article in the *South China Morning Post* on December 14<sup>th</sup> 2012, the extortion of confession is supposedly a common practice. According to a 2012 report by the United Nations Development Program (UNDP), cases of torture, including the use of electric shocks, have even

been reported, in contrast to the provisions of the National Human Rights Action Plan adopted by the country.

Moreover, the police supposedly use possession of condoms as evidence that the suspects are indeed engaged in prostitute activity, in spite of the instructions on Principles for Propaganda and Education Regarding AIDS Prevention from 1998 which insists that the police “refrain from using possession of condoms as evidence of prostitution.” The consequences of this practice are harmful to prostitutes, their customers and the general public, as it causes the prostitutes to not carry condoms on them, and therefore to have unprotected sex, which leads to risks of transmission of HIV/AIDS and other STDs. In addition, the police claim to provide protection to some prostitutes or some brothels in exchange for free sex (*Human Rights Watch*, 2013).

### **Abusive practices of Public Health Services**

Chinese law allows the Ministry of Public Health and the Chinese Center for Disease Control (CDC) to perform forced testing for HIV/AIDS tests, without requiring them to communicate the results to those tested. The survey conducted by the American NGO Human Rights Watch (HRW) reveals breaches of confidentiality of test results, with results communicated to third persons, and no provision of appropriate health care services to prostitutes with HIV/AIDS. In addition, prostitutes have told HRW researchers that they have been mistreated by the medical staff. In some cases, these abuses have led to the expulsion of prostitutes from public medical institutions, especially when the prostitutes are working with the police. All these violations of human rights to health, to dignity and to confidentiality of medical information are harmful to the health of prostitutes and the objectives of reducing HIV/AIDS among prostitutes and the general population.

During February 2012, in the Guangxi Zhuang Autonomous Region - second most affected place in China for HIV infection - a bill ending the anonymous testing was filed, creating a debate across the country. Hunan Province has already approved the measure. Lawyers and activists immediately protested against the removal of anonymous testing arguing that people would be less likely to take the test under such conditions, because of the strong social stigma attached to the disease. Officials from the Department of Public Health and director of the CDC were in favor of this measure because, by tracking people who had sex with or sharing needles with people who tested positive, the fight against the virus would more efficient (*Caixin*, June 3<sup>rd</sup>, 2012).

### **An alarming phenomenon of trafficking**

In 2012, China moved to tier 3 in the classification established by the 2013 U.S. Department of State Report on Human Trafficking. This decline, after nine consecutive years on the Watch List in tier 2, is explained by the fact that the Chinese authorities are not doing enough to bring the Chinese legislation against trafficking to the international minimum standards. It is both a country of origin, transit and destination. The phenomenon of internal trafficking is highly

developed and particularly affects the migrant worker population, which is estimated to exceed 236 million people. The situation of girls and commercial sexual exploitation of North Korean women victims is particularly alarming. Once adopted by the authorities, they are detained and forcibly returned to North Korea, where they might be extremely severe penalties up to the death penalty. In addition, the Chinese government continues to deny access to North Koreans in northeast China to the UN agency for refugees (UNHCR), leaving the refugees vulnerable to traffickers.

International crime syndicates and local gangs, with the help of corrupt officials, play a key role in the operation of Chinese victims abroad, as well as in the foreign victims in the China. In July 2012, eight girls of less than 14 years of age were abducted and forced into prostitution. Local officials and businessmen were among five people arrested in connection with the case. Although several press articles indicate a strengthening of anti-trafficking efforts put in place by the Chinese authorities, it remains difficult to get a clear idea because the government provides very little information, both about the arrests and prosecutions.

### **Prostitution and gambling in Macau**

Returned to China in 1999 by Portugal, Macau enjoys a high degree of autonomy from the central government outside of foreign policy and defense. The legal regime for prostitution differs from that enforced on the continent. In the texts, only prostitution in private premises is legal. Soliciting and procuring are prohibited by the Penal Code. They are respectively punished with a 5,000 patacas (MOP) maximum fine (\$640 USD) and 1 to 5 years in prison (*UNDP*, 2012).

Being the only part of China where gambling is allowed, 70% of Macau's economy depended on income from taxes on casinos in 2012. The profit of Macau casinos grew to be six times higher than in Las Vegas. In 2012, 28 million people visited the peninsula, a large majority from mainland China. Despite the illegality of prostitution in Macau, it takes place in some casinos, massage parlors, karaoke... The vast majority of sex workers are from mainland China, especially in rural areas. They enter the territory initially with two week tourist visas (*UNDP*, 2012). Other prostitutes are primarily from Mongolia, Vietnam, Thailand and Russia. Crime syndicates from China, Russia and Thailand are suspected to be involved in the recruitment of women victims for commercial sexual exploitation in the peninsula (*U.S. Department of State*, 2013).

The legislation of the Macao Special Administrative Region - Law Number 6 /2008 - prohibits trafficking in all its forms and provides for imprisonment up to 15 years. As of 2012, Macao made progress in the fight against trafficking in previous years: 2 cases of trafficking for sexual exploitation have been brought before the courts, nine traffickers were convicted, 25 victims identified and assisted. However, 17 other prostitutes associated with these cases were not recognized as trafficking victims, because of their "voluntary" association with traffickers. Until the end of legal proceedings, victims - identified as such - were accommodated in shelters run by the Social Welfare Bureau. Once the judgment was reached, they were repatriated without



being left with another choice. Macau authorities have made some efforts in prevention, including seizing 200,000 brochures relating to prostitution and arresting 423 people distributing them (*U.S. Department of State*, 2013).

In 2012, a scandal concerning money from prostitution in Macau began in the United States. Steven Jacobs launched a lawsuit against his former employer Sheldon Adelson (U.S. billionaire, owner of several casinos in the United States and Macau) accusing him of allowing free rein of prostitution in his casinos to increase attendance. S. Adelson is a major contributor to the Republican Party that massively funded Mitt Romney's campaign in the last U.S. presidential elections (*BBC*, August 24<sup>th</sup>, 2012). In addition, a case of prostitution of a minor in a casino owned by an American citizen was reported in 2012 (*U.S. Department of State*, 2013).

### **Prostitution and trafficking in Hong Kong and Taiwan**

Within the Special Administrative Region of Hong Kong prostitution is only legal in private premises. Soliciting and procuring in any form is prohibited by Section 200 of the Crimes Ordinance. In fact, one observes that prostitution takes place in private apartments, sublet to prostitutes mainly from mainland China. Most of them enter the country with short-term visas, or forged identity documents. The police raids in these apartments often lead to arrests for offenses of illegal residence. Prostitution also occurs in clandestine brothels in connection with organized crime, and karaoke, discos... (*UNDP*, 2012)

With regard to trafficking for sexual exploitation, Hong Kong remains in tier 2 for the fourth consecutive year in the 2013 U.S. Department of State Report on Human Trafficking. The efforts of the Hong Kong authorities to fight against trafficking are limited by legislation - Crime Ordinance, Chapter 200, Section 129 - which does not take into account all forms of trafficking, provides unequal application of formal procedures for identifying victims, and lacks of provisions protecting the victims.

According to the 2013 U.S. Department of State Report on Human Trafficking, there were three cases of prosecution under Section 129. 10 people have been convicted under Section 130, which prohibits forced or organized prostitution and/or for offenses related to trafficking prostitution, compared to six in 2011. However, the sentences are very mild. 6 people found guilty were sentenced on average to 6 months imprisonment, while others were placed under parole or sentenced to community service, which demonstrates that procuring is not considered a serious offense by the Hong Kong authorities.

Regarding the Taiwan Province of China, the regime is a regulationist regime. Only the solicitation is prohibited, prostitution in private places is decriminalized, and procuring is legal, but only in the official "red light districts." Prostitution outside these areas is penalized under Article 80 of the Social Order and Maintenance Act 1991 (recently amended in 2011) which provides for a fine to a prostitute of 30,000 TWD (\$1,026 USD ) and for the customer a fine of 50,000 TWD (\$1,700 USD), and the head of the house of prostitution five days of detention. In addition to the requirement to have a license to brothels and prostitutes, they must submit to periodic health examinations. Severe legal constraints on the licensed prostitutes and prostitution

establishments allowed<sup>1</sup>, combined with the decision of the capital, Taipei, to suspend the issuance of new licenses in 2001, which led to a great reduction of legal prostitution<sup>2</sup>. Along with this decline, according to a 2012 report by the United Nations Development Program (UNDP), one observes an increase in illegal prostitution in a wide variety of establishments (karaoke bars, massage parlors, etc.).

In the fight against trafficking, Taiwan is an exemplary student. According to the 2012 U.S. Department of State Report on Human Trafficking, it is located in tier 1 for the third consecutive year. Taiwanese legislative framework is in line with international minimum standards. Taiwan is primarily a destination for victims of trafficking, mainly from mainland China, Southeast Asia and South Asia. In 2012, the Taiwanese authorities have convicted of trafficking for commercial sexual exploitation 186 people, compared to only 113 in 2011, under Taiwan's Human Trafficking Prevention and Control Act with sentences ranging from 6 months to 7 years imprisonment. On the other hand, still in 2012, authorities have identified and assisted 310 trafficking victims. The peninsula has 21 shelters for victims of trafficking under the administration of two government agencies: the National Immigration Agency (NIA) and the Council for Labor Affairs (CLA) managed by NGO partners of the government (*U.S. Department of State*, 2013).

Efforts in prevention have also been made. In October 2012, the MTV EXIT's film "Enslaved," which features stories of trafficked victims went to Taiwanese television. According to estimates, the film was seen by about 200,000 people. In November 2012, the NIA organized a seminar in Taipei about experiences of trafficking victims and members of NGOs. A total of 220 aid workers, academics, and Taiwanese officials attended the seminar (*U.S. Department of State*, 2013).

With two special administrative regions, Hong Kong and Macao as well as the autonomous region of Taiwan, there are four very different legal frameworks that have been implemented, both in terms of prostitution that the fight against trafficking. This naturally results in extremely different situations. The lack of attention to the victims, their implicitly complicit attitude to the authorities, and the involvement of organized crime syndicates do seem to be common factors in these four contexts. Taiwan could be modeled in the fight against trafficking, as the country's actions seem effective.

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<sup>1</sup> The death of a brothel owner leads to the closure of the facility with the exception of a resumption of the license by a member of his immediate family.

<sup>2</sup> In 1973, Taipei had over a hundred licensed brothels, about 1,000 prostitutes. In 1997, there were more than 18, 128 licensed establishments and prostitutes. In 2011, the number of licensed brothels was only 10.

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## Colombia

- Population: 47.6 million
- GDP per capita (in US dollars): 7,752
- Presidential regime
- Human development index (HDI): 0.719 (91<sup>st</sup> rank among 187 countries)
- Gender inequality index (GII): 0.459 (87<sup>th</sup> rank among 147 countries)
  
- No official national statistics on prostitution.
- Prostitution is legal under the condition that it is consenting and that no minors are involved. Procuring is sanctioned by article 213 of the Penal Code. Sex tourism of minors is punished under article 219 of the Penal Code.
- Human trafficking with the purpose of sexual exploitation is illegal (anti-trafficking law number 985 of 2005, but the decree of victim protection required by said law is still not enacted).
- Sex tourism is mainly located on the Atlantic Coast in Cartagena and Barranquilla, as well as in Medellin or in the capital, Bogota. In Cartagena, nearly 1,500 boys and girls are victims of sex tourism.
- Each year, close to 35,000 Colombians are victims of human trafficking for sexual exploitation abroad.

Colombia is the only South American country still experiencing an armed conflict, which has lasted since the 1960s. A civil war from 1948 to 1957, caused by the assassination of leftist leader Jorge Eliecer Gaitan, resulted in an agreement called the "National Front," which lasted until 1974. Nevertheless, several armed groups including those with communist tendencies, challenged the agreement and refused to surrender. Thus, for over 50 years, armed conflict raged in the country involving different actors such as paramilitaries, Marxist guerrillas with the Revolutionary Armed Forces of Colombia (FARC) and the armed forces of the state (*Les Amis du Monde diplomatique*, June 8<sup>th</sup>, 2013).

The armed conflict has a negative impact on the population, including forced displacement to escape the violence, high unemployment... The poverty level remains high (45%). In this context, vulnerable, young Colombians are easy prey for sexual exploitation and may be the preferred targets of armed conflict. Sexual violence against women is a formidable weapon in the service of terror (*Le Monde*, March 2<sup>nd</sup>, 2013). The violence committed by various armed actors

in the conflict includes rape and prostitution. According to a study published in December 2010 by Intermon Oxfam, nearly 500,000 people have been victims of violence between 2001 and 2009. Armed groups have also forced more than 1,500 women into prostitution during the same period.

## **Legal framework in question**

### ***Trafficking in persons***

Colombia, with law number 800 of 2003 endorsed the United Nations Convention against Transnational Organized Crime adopted on November 15<sup>th</sup>, 2000 and the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially of women and children (*Ministerio del Interior y Justicia*, June 28<sup>th</sup>, 2013). Colombian law number 985 of 2005 provides that "whoever captures, transfers, harbors or receives a person, in the country or outside the country, for the purpose of exploitation shall be punished by imprisonment ranging from 13 to 23 years and a fine of 800 to 1,500 times the legal monthly minimum wage" (*IOM*, 2011).

A decree for the protection of victims required by the Anti-Trafficking Act 2005 was written in 2008, but has not been enacted to date. Colombia is recommended, by the 2013 U.S. Department of State Report on Human Trafficking, to issue the decree and to ensure that all victims of trafficking have access to the protection of specialized services. NGOs are much more active than the Colombian government. Nevertheless, the government finances many projects, such the opening an emergency shelter by NGOs for adult trafficking victims in 2012.

### ***Prostitution***

In decision T-620 of 1995, the Constitutional Court stated that prostitution is not desirable in that it is contrary to the dignity of the human person. But this does not mean it prohibited prostitution which does not constitute an offense (*Vanguardia*, May 7<sup>th</sup>, 2012). In decision T-629 of 2010, the same court, citing the constitutional principle, which guarantees the protection of the rights of persons belonging to a discriminated group, has traditionally protected the rights of victims of prostitution in areas such as wages and benefits (*Semana*, October 6<sup>th</sup>, 2010). To summarize, prostitution is legal provided there is consent and no minor is involved (*La Patria*, April 22<sup>nd</sup>, 2012). The Penal Code provides for various offenses including procuring, pandering of a minor, and sex tourism. A procurer can be punished with imprisonment from 2 to 4 years and a fine of 50 to 500 times the monthly minimum wage (Article 213), and imprisonment ranging from 14 to 25 years and a fine of 67 to 750 times said salary in case of procuring a child (Article 213A). As for sex tourism, under section 219 of the Code, one is liable to imprisonment of 4 to 8 years when minors are involved<sup>1</sup>. Prostitution is not protected by a standard; Senator Armando Benedetti announced that he will present a bill to regulate prostitution in Colombia, particularly on issues related to work, health, safeguards, dignity of work and rights (*El Espectador*, May 6<sup>th</sup>, 2012).

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<sup>1</sup> [www.alcaldiabogota.gov.co](http://www.alcaldiabogota.gov.co)

## **Internal and external trafficking in persons for sexual exploitation**

Most often, the legal prostitution in Colombia conceals trafficking for sexual exploitation, even if women decide voluntarily to prostitute themselves, with no other option to live. This is particularly the case of Colombian migrants fleeing the violence of Colombia (guerrilla threats) to neighboring countries like Peru or Ecuador, but also in Chile and Argentina (*Radio Miami*, June 20<sup>th</sup>, 2012). In Colombia, sexual exploitation represents 68.6% of human trafficking according to the International Organization for Migration (IOM). Trafficking in Colombia has two different realities, internal processes and external trafficking. According to the 2013 U.S. Department of State Report on Human Trafficking, the Colombian authorities have identified in 2012 128 new cases of trafficking, most of them concerning Colombian victims of sexual exploitation abroad. The sentences ranged from 6 to 10 years of imprisonment.

### ***Internal Trafficking for sexual exploitation***

Internal trafficking has increased by 140%, from 713 cases in 2008 to 1,708 in 2011. These are the known cases, the phenomenon remains invisible elsewhere. Internal trafficking networks have stepped up their actions against young boys and girls and adolescents (*La Patria*, July 1<sup>st</sup>, 2012). These networks, too often perceived as exerting an industry like any other, do not belong to organized crime and the international mafias. It is, ultimately, small sex operators that attract young victims (*El Pais*, September 3<sup>rd</sup>, 2012). According to the IOM, the places most affected by internal trafficking are Bogota, Cundinamarca, Putumayo, Nariño, Santander, and Sucre. 83.3% of victims are girls, while 16.7% of boys. According to the *Instituto Colombiano de Bienestar Familiar* (ICBF), two factors contribute to the sexual exploitation of children: family factors (physical abuse, sexual abuse, family dysfunction, family abandonment, economic pressure, parents involved in the sale of their children) and sociocultural factors (school desertion, begging, armed conflict, living in areas where prostitution is rampant) (*El Colombiano*, April 30<sup>th</sup>, 2012). The most effective way to capture future victims, who often use drugs and alcohol, is lapping near secondary schools, mostly in poor neighborhoods, where there are a lot of cafes to post offers encouraging young people to work as a model or football player (*El Tiempo*, August 30<sup>th</sup>, 2012). Sex operators try to bond with the friends and family of the future victim to exert threats, thereafter for refusing sexual intercourse or in case of escape (*El Pais*, May 20<sup>th</sup>, 2012). The person taking the child, a neighbor or a single family friend for example, may be part of a network or be a mere intermediary. He can get up to 1 million COP (\$553 USD) for each victim from cities like Cali, Medellin and Pereira. If the victim is in a rural area, the price is lower (*El Pais*, September 3<sup>rd</sup>, 2012). The police helplessly explain that the victims do not report their attackers, or claim their attackers are their "husbands," even if the disclosure may be made anonymously. Their silence makes the application of the law very complicated. The year 2012 was nevertheless marked by the dismantling of some sexual exploitation networks. The police succeeded in arresting 91 offenders involved in networks across the country (*El Pais*, November 20<sup>th</sup>, 2012).

### ***External trafficking for sexual exploitation***

External trafficking is so present in Colombia that a popular television series "*The promesa*" reveals the plight of thousands of people seeking to fulfill their dreams: a quest that leads some of them to believe in the false promises of someone they know or of strangers. According to INTERPOL calculations, 35,000 Colombians are victims of sex trafficking abroad each year (*El Espectador*, November 19<sup>th</sup>, 2012). Colombia was a country of origin for victims sent to developed countries, such as Japan, Spain, Hong Kong, and Singapore. But since 2010, the final destinations also include Latin American countries like Guatemala, Argentina, Barbados, Trinidad and Tobago, Panama, and the Caribbean. All strategies are good for attracting future victims who come to most of Pereira, Bogota, Cali, Medellin, Antioquia, Risaralda and Valle del Cauca. A study by the University of La Sabana in Bogota has identified three types of victims: those who are deceived, who are told that they are going to take care of children, for example, those who know they will enter into prostitution but do not know the actual conditions of the practice, finally, those who are aware of everything and do not care (*El Universal*, April 28<sup>th</sup>, 2013). 70% of victims of external trafficking were victims of a false job offer (*El Pais*, September 3<sup>rd</sup>, 2012). The reality of a trafficking victim is that of external debt. In order to send a Colombian to destinations where he/she operates, especially in the Asian market such as Hong Kong, Singapore and Japan, the network must pay \$4,200 to \$6,700 USD for transportation. Once there, the victim must pay a debt to the mafia of \$30,000 to \$35,000 USD of "debt," which would take two years to pay (*El Universal*, April 28<sup>th</sup>, 2013). Fighting against this scourge is necessary. The IOM program to fight against human trafficking responds in principle to all cases and supports victims across the country. The group against Trafficking in Persons of the Ministry of Interior receives all files and transmits them to the departmental committees (*El Pais*, September 3<sup>rd</sup>, 2012). However, the U.S. Department of State doubts in its 2013 Report on Human Trafficking, the reality of some of these committees, which exist only in name, and in particular due to a lack of funds.

### **Sex tourism amid scandals**

Many foreign tourists, mainly Italian and Spanish, make a trip to the Atlantic, Cartagena, Barranquilla, Medellin or Bogota Capital Coast to practice sex tourism involving children. In Cartagena, 1,500 boys and girls were victims of sex tourism in 2012 (*Stop child sex tourism-Blog*, January 29<sup>th</sup>, 2013). These victims can be contacted on the internet, in popular brothels or places of independent practice. Companies put foreign clients in contact with victims (*El Universal*, April 19<sup>th</sup>, 2012). Some "tour operators" create packages, where everything is included (*La Patria*, April 22<sup>nd</sup>, 2012). Few statistics exist on the subject, as it is quite illegal activity (*El Pais*, April 22<sup>nd</sup>, 2012). However, several cases have hit the headlines in 2012.

In April 2012, more than a dozen secret agents of U.S. President Obama were suspended, after being implicated in a case of alleged prostitution in Cartagena before the arrival of the president (*Le Monde*, April 15<sup>th</sup>, 2012). "Such practices do not happen only once, if they have not already happened before," said the President of the Commission on the monitoring of U.S.

government departments, Darrell Issa (*Le Monde*, April 16<sup>th</sup>, 2012). This scandal has inspired publicists. The U.S. airline Spirit Airlines has an ad campaign for flights to Colombia with a poster depicting a secret agent in the foreground, behind him with four women in swimsuits and the slogan "More bang for your buck". The campaign was withdrawn following reactions of Colombian authorities, who denounced incitement to sex tourism (*Americas*, April 23<sup>rd</sup>, 2012).

A similar case took place a few months later. The Ambassador of Honduras to Colombia was forced to resign after revelations of an evening organized December 20<sup>th</sup>, 2012 by his bodyguard in the offices of the embassy, with alcohol and prostitutes (*Midi Libre*, January 6<sup>th</sup>, 2013).

Sex tourism is a Colombian reality. However, according to the 2013 U.S. Department of State Report on Human Trafficking, it is clear that in 2012, there was no investigation, prosecution or conviction for sex tourism offenders.

### **The role of NGOs**

In August 2012, thanks to the work of *Terre des Hommes* Foundation in Colombia, Cartagena court sentenced a trafficker to 9 years in prison for child pornography and child sexual abuse. *Terre des Hommes* organizes awareness seminars and training on the topic of sexual exploitation of children in partnership with the NGO *Aldeas Infantile and Herlinda Madre* Foundation. These campaigns aim to restore public confidence in state institutions, as the distrust of citizens partly explains the low number of complaints filed related to the number of victims. Fighting against this lack of trust contributes to the fight against sexual exploitation.

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## Congo (Democratic Republic of the)

- Population: 69.6 million
- GDP per capita (in US dollars): 272
- Presidential regime
- Human Development Index (HDI): 0.304 (186<sup>th</sup> rank among 187 countries)
- Gender Inequality Index (GII): 0.681 (143<sup>rd</sup> rank among 147 countries)
- Member of the African Union since 1963.
  
- No official national statistics on prostitution.
- Over a hundred ethnic groups.
- Congolese legislation prohibits forced prostitution as well as prostitution of minors (under the age of 18).
- Country of origin, destination, and possibly of transit for trade victims.

The Democratic Republic of the Congo underwent three successive wars between 1996 and 2008, which killed over five million people and displaced more than 2.5 million.

### **A country ravaged by murderous conflicts and resulting instability**

In April 2012, the security situation in the east of the country deteriorated rapidly. Hundreds of militiamen of the National Congress for the Defense of the People (CNDP), who had been integrated in the national army, FARDC, revolted and formed M23, an armed group supported by Rwanda. The name M23 comes from the peace agreement signed on March 23, 2009 that, according to the militia, was not respected. Bosco Ntaganda, who was accused of war crimes and crimes against humanity in front of the International Criminal Court in 2006, notably directed the group.

At the end of November in 2012, the M23 group occupied Goma, in North Kivu, during 11 days. Due to international pressure, the group left the area, provoking the displacement of more than 130,000 people around Goma and the flight of 47,000 others toward South Kivu (*UN News Center*, December 9<sup>th</sup>, 2012).

The government's reallocation of troops in the fight against M23, in both North and South Kivu, created a security vacuum in the zones without the FARDC. This provoked an increased activity of other armed groups such as the Lord's Resistance Army (LRA) and the Democratic

Liberation Forces of Rwanda (FDLR). Due to the conflict, and additional 500,000 were displaced. The citizens of these regions remain particularly threatened by kidnappings, forced enrolment and forced work in the mines, and by sexual violence.

For this reason, despite the disputed reelection of President Joseph Kabila in 2011, the east of the country remains scarred by conflict between government forces and Congolese, Rwandan, and Ugandan rebel forces. In the east, the government remains unable to fortify, legitimize, and reinstate its authority.

### **A state with worrying areas of sexual violence**

According to the 2013 U.S. Department of State Report on Human Trafficking, the Democratic Republic of the Congo (DRC) is a source, transit point, and destination for human trafficking with the purpose of forced prostitution.

The majority of this traffic originates in the heart of the Congo. Those responsible are situated in the east of the country (North Kivu, South Kivu, Oriental Province). They are often members of armed groups and government forces, who have escaped the control of the government. Those involved include the M23, the FDLR, the Coalition of Congolese Resistance Patriots, numerous local defense groups (Mai-Mai), the Patriotic Resistance Front in Ituri (FRPI), the Popular Front for Justice in Congo (FPJC), Allied Democratic Forces, National Army for the Liberation of Uganda, and the Lord's Resistance Army. These groups continue to kidnap and recruit men, women, and children by force to increase their ranks and serve as sex slaves.

The Secretary General of the United Nations, in his report on children and armed conflicts, indicated that 80% of enrollments counted in the DRC in 2012 took place in the provinces of North and South Kivu. 5,022 child victims of sexual violence received the help and support of the United Nations.

He reported numerous instances of gang rapes in 2012, confirmed by the report published by the U.S. Department of State on Human Rights Practices in the DRC. More precisely, on the 24<sup>th</sup> and 25<sup>th</sup> of June 2012, nearly 100 combatants suspected of membership to Mai-Mai Lumumba attacked the nature reserve of Okapi in the Mambasa territory. At least 51 women were raped and 22 used as sex slaves. At the end of 2012, 17 of these 22 women were estimated to still be in the hands of the Mai-Mai, are sex slaves. An arrest warrant was launched against Moran, the presumed leader of the Mai-Mai.

In June, members of the Mai-Mai Simba group raped an additional 28 girls between the ages of 10 and 17 in Epulu, a city in the Orientale Province.

Between November 20<sup>th</sup> and 30<sup>th</sup>, government security forces committed acts of violence in Minova and in the surrounding area, near Goma in North Kivu. Following M23's capture of Goma, the group quickly fled the area. 126 cases of rapes were reported; two soldiers were arrested.

In the meantime, no progress has been made in the trial of seven individuals accused of organizing gang rapes of 303 children, women, and men, in 13 villages of Waliakle, in North

Kivu, between July and August 2010. The FDLR, Mai-Mai Cheka, and FPLC reportedly committed these rapes collectively, alongside the combatants directed by Colonel Emmanuel Nsengiyumva. One of those arrested escaped from prison in Goma, when the city was captured by M23 on November 20<sup>th</sup>, 2012. The seven accused are therefore still on the run.

Taking into account the number of armed conflicts and military incidents, full statistics on rape, and particularly rapes against men, are hard to collect. The director of protection for the United Nations High Commissioner for Refugees (UNHCR) in Ituri indicated that more than 1,500 cases of sexual violence were registered in 2012 in the Orientale Province district (*Radio Okapi*, March 23<sup>rd</sup>, 2013). During the first six months of 2012, *Heal Africa*, an NGO based in Goma, counted 178 men and 2339 women, including 745 minors, among the survivors of sexual violence in 14 clinics throughout North Kivu. The U.S. Department of State's Bureau of Democracy reported in 2013 that among 4,464 survivors of sexual violence in 2011, 33% were children.

It is appropriate to note that women who are raped encounter particular difficulties, given that their spouses and communities frequently reject them for being pregnant with the child of their aggressor. After the attack, they also encounter medical issues, and are unable to receive proper treatment. They must supply for their needs and the needs of their children, abandoned and without a helping hand.

In addition to these issues, young Congolese women are forced by criminal networks, gangs, or brothel directors to become prostitutes in brothels, simple camps, around markets, or around mines. Girls living on the street are especially vulnerable to sex trafficking. In Kinshasa, Chinese and Congolese women are victims of prostitution in massage parlors run by Chinese citizens. According to a report by the World Bank in 2010, 26% of children living in the street were girls, of whom 9 out of 10 were involved in prostitution and 7 out of 10 were raped (*U.S. Department of State, Bureau of Democracy*, 2013).

Congolese women and children are also the victims of forced work and prostitution in Angola, South Africa, East Africa, the Middle East, the DRC, and in Europe. Women from Bas-Congo are also forced by their family to become prostitutes, and sent to Angola where they become merchandise for sex commerce. Certain reports state that young Congolese women from Bandundu and from Bas-Congo are attracted to Angola by the promise of employment. Once they arrive, they are often trapped and forced into prostitution or other lines of work.

### **Large cities and rural commercial centers particularly affected by child prostitution**

A memoire in 2012 by Blaise Masirika Irengé, which describes 61 child prostitutes working in the Kavumu mall in South Kivu, reveals the proliferation of child prostitution in large cities and rural commercial centers of the DRC. This phenomenon can be explained by the successive wars, which affected the Republic, and kept the population in a lengthened period of poverty. This poverty pushed many girls to abandon their studies early, and to begin as prostitutes. In conflict zones, notable in the east of the DRC, sexual violence is widespread. Violence and insecurity provoke the displacement of habitants toward urban areas or relatively safe rural

commercial centers. Having abandoned their work and their fields, those who flee their homes often find themselves with no means of survival, and become involved in black market activities such as prostitution. According to a study in 2011, the commercial center of Kavumu comprises around 40 brothels which house young girls, and more than 10 hotels or nightclubs in which minors prostitute. Their presence can be explained by the construction of the Kavumu airport, the presence of the United Nations Organization Stabilization Mission in the DR Congo (MONUSCO), the number of nightclubs, the number of people displaced from local villages, and the existence of numerous military camps.

In addition, the author of this study revealed that superstitious beliefs attribute certain benefits to having sexual relations with minors (presumed to be virgin, or having had few sexual partners). These beliefs hold that sex with minors allows one to avoid and cure HIV/AIDS, to gain personal success, to maintain virility, and to prolong life.

The study additionally reports that 59% of girls questioned prostitutes due to difficulties of survival. 27% reported that they practiced the activity in search of sexual pleasure. 94% had left their home village, most often for reasons pertaining to insecurity. 77% did not live with their family, due to their family's poverty. 29.8% lived without their family in order to gain liberty, and 27.7% stated that their familial homes were a bad environment. 91.8% of all women had stopped their studies prematurely, mostly due to familial poverty. Nearly one third sell their services to partners of all professions, while 13.1% only sell their bodies to government workers. 59% don't undergo medical examinations, but 59% use a condom. The older girls, between the ages of 15 and 17, are twice as likely to use a condom than the younger girls who are less than 15 years old.

### **Significant legislation to punish prostitution**

The DRC maintain a significant legislative arsenal to punish forced prostitution and child prostitution. To speak of precise legislation, the DRC's constitution, adopted in 2006, obliges public powers to reduce violence against women (article 14) and to eliminate sexual violence (article 15).

Law number 06/018 of July 20<sup>th</sup>, 2006, pertains to sexual violence, prohibiting *inter alia*, procuring, force prostitution, sexual slavery, child prostitution, trafficking or exploitation of children for sexual purposes. All of these activities are punishable by a fine and by a prison sentence that ranges between 3 months and 20 years.

Law number 09/001 of January 10<sup>th</sup>, 2009, pertains to the protection of children, punishing procuring, sexual exploitation, sex slavery, and trafficking involving children. Enrolling or using children in armed forces or as a police force is also prohibited. All of these acts are punishable by a prison sentence of 5 to 20 years. Despite the text, this law has yet to be fully put in place, due to an absence of certain decrees hitherto not adopted.

Two decrees, numbers 09/38 and 09/37, of October 10<sup>th</sup>, 2009, put a national agency to reduce violence against women, and a national foundation to promote women and protect children, into place.

In addition, the DRC joined the optional protocol of the convention for child rights on November 11<sup>th</sup>, 2001. This protocol directly deals with the sale, prostitution, and pornography of children.

### **Insufficient prosecution on the national level**

On October 4<sup>th</sup>, 2012, the Congolese government and the United Nations signed an action plan to prevent and end the recruitment and exploitation of children, and to end sexual violence committed against armed forces.

Even though the government is cooperating with the identification and decommissioning of child soldiers, the fact that the immense majority of those who violate human rights remain unpunished is worrying. Out of 185 cases of rapes and forms of sexual violence committed in 2012, attributable to government forces, only 40 offenders were arrested, and only 4 were sentenced (*United Nations*, 2013).

Even though certain programs directly support the victims of sexual violence in urban areas with medical services, the needs of the victims remain largely underserved. NGOs continue to supply essential support to victims of sexual exploitation. The inaccessibility of care remains more devastating in reclusive regions where infrastructure is weak. Even though provincial and local authorities are engaged and willing to help, they do not have the necessary resources to meet the needs of victims of sexual violence.

Moreover, the government lacks the procedures to proactively identify victims. Without identifying the rapist, victims are unable to receive legal or financial redemption. Even though victims can file a claim, they often do not. Tribunals and courts are perceived as corrupt; many Congolese believe that the outcome of a trial falls entirely in favor of the wealthiest party. Military courts are often subjected to political and military interferences. Judges attempting to investigate high-level officers of the FARDC, who were well connected politically, were threatened. In the same way, witnesses who supply information on officers also become the target of numerous threats. Other factors, such as the costs of justice, the length of procedures, the distance between courts and victims, fear of humiliation, and the possibility of retaliation, often dissuade victims. It is often out of familial pressure that victims keep silent; a case could well result in dishonor. A certain number of victims even find themselves forced to marry their rapist or to abandon prosecution in exchange for money or “gifts.”

Even when victims successfully prosecute their rapist, many of them escape direct sentencing, do not serve full prison terms, or avoid paying the victim legal remuneration. With the authority of the judicial system and witnesses sapped, the latter often turn to out of court settlements that rarely benefit them.

The absence of independence and efficacy of the judicial system, which allows sexual violence to persist, favors the impunity of rapists and those who physically abuse women and children.

## **A difficult and slow repression by international criminal justice**

On April 19<sup>th</sup>, 2004, Joseph Kabila, the President of the DRC since 2001, sent a letter to the International Criminal Court (ICC), reporting the situation in the whole of the Republic since the 1<sup>st</sup> of July, 2004. He asked the court to investigate the crimes relevant to the Court's jurisdiction, and committed in the DRC since this date. President Kabila argued that the Congolese authorities were not suited to investigate or to prosecute these crimes. The Rome Status of the ICC notably reprimands war crimes and crimes against humanity such as rape, sexual slavery, and forced prostitution. To date, the attorney general of the ICC has accused numerous people in the DRC of rape, sexual slavery, but not for forced prostitution.

Thomas Lubanga, the former president of the Union of Congolese Patriot (UPC), and its army the Patriotic Force for the liberation of the Congo (FPLC), was sentenced in first instance on March 14<sup>th</sup>, 2012, for the enrollment and conscription of children under the age of 15. He was condemned for having forced them to participate in armed conflicts in Ituri between 2002 and 2003. Throughout the process, witnesses declared that girl soldiers were the victims of sexual violence and rape. Nevertheless, Th. Lubanga was not charged for sexual violence. At the end of his trial, on July 10<sup>th</sup>, 2012, Th. Lubanga was condemned to 14 years of imprisonment. His lawyers have called for a retrial.

Bisco Ntaganda, the presumed former Deputy Chief of the General Staff responsible for military operations of the FPLC, received two arrest warrants from the ICC in August 2006 and July 2012. He is suspected of having enrolled child soldiers, sex slaves, and of committing numerous rapes between 2002 and 2003 in Ituri. In April 2012, the Congolese government supported his arrest and national prosecution. However, before his defection from the FARDC in April 2012, B. Ntaganda was a Commander in the Congolese national army, and acted with complete impunity. In March 2013, he turned himself in to the American Embassy, without any intervention on behalf of the Congolese government. He was then transferred to the ICC. The hearing to confirm charges against him should begin February 10<sup>th</sup>, 2014.

Germain Katanga, the presumed former commander of the FRPI, and Mathieu Ngudjolo, the presumed former director of the Nationalist and Integration Front, were accused of organizing an attack against the village of Ituri in 2003, where children were raped, enslaved, and used as child soldiers. The charges against them were disconnected on November 21<sup>st</sup>, 2012, and M. Ngudjolo was acquitted on December 18<sup>th</sup>, 2012, due to insufficient proof. G. Katanga awaits his judgment.

Sylvestre Mudacumura, the presumed head commander of the FDLR, holds an arrest warrant since July 13<sup>th</sup>, 2010. He is suspected to have committed at least nine war crimes, including rape, in North and South Kivu, between January 2009 and September 2010. He remains on the run.

Callixte Mbarushimana, the presumed executive secretary of the FDLR, was arrested in 2009 for having committed war crimes and crimes against humanity, including rape, in Kivu. He was subsequently released. The Pre Trial Chamber I of the ICC refused to confirm the charges against him, on December 16<sup>th</sup>, 2011, due to insufficient evidence.

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## Croatia

- Population: 4.4 million
- GDP per capita (in US dollars): 13,227
- Parliamentary regime
- Human development index (HDI): 0.805 (47<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.179 (33<sup>rd</sup> rank among 147 countries)
- Member of the European Union since 2013.
  
- No official national statistics on prostitution.
- Prostitution is illegal. Prostitutes and procurers are penalized under articles 114 and 115 of the Penal Code.
- Country of origin, transit, and destination for trade victims.
- Foreign victims in Croatia are from Serbia, Bosnia-Herzegovina, and other Eastern European countries.
- Croatian victims are exploited on national territory and in other European countries.

On October 4, 2012, the Minister of the Interior Ranko Ostojic (Social Democratic party) submitted a draft amendment to the law on offenses relating to public order. This project calls for the criminalization of sex clients. Fines from 4,000 to 10,000 HRK (from \$720 to \$1,802 USD) are provided, roughly double the average Croatian salary, for both customers and the prostitutes. Today, only the prostitutes and procurers are penalized. The penalty incurred by people is 800 HRK (\$144 USD). The draft amendment to the law also provides for penalizing the attempted purchase of sexual services by a fine ranging from 1,000 to 5,000 HRK (\$180 to \$900 USD). Prime Minister Zoran Milanovic was fairly skeptical about the possible criminalization of clients, believing that such a legislative scheme was bold, avant-garde and had to wonder why other very liberal European countries have not yet adopted this model. The adoption of this law, if it ever takes place, would be preceded by a lengthy debate on the best way to combat the phenomenon of prostitution (*Vecernji List*, October 4<sup>th</sup>, 2012).

### General inventory of trafficking

Croatia is a country of origin, transit, and destination for victims for human trafficking for sexual exploitation. Women and girls are the victims of trafficking within Croatia and other

European countries. Young foreign female victims of sexual exploitation in Croatia are from Serbia, Bosnia-Herzegovina, other Eastern Europe and the US. The Adriatic coast is considered a hotbed of commercial sexual exploitation, especially during the peak tourist season. All agencies, both institutional and non-governmental, agree that the extent of trafficking in Croatia is very likely underestimated.

### **An adequate anti-trafficking device...**

Croatia is part of the UN Convention against Transnational Organized Crime and it has followed the protocols of the Convention of the Council of Europe for combatting human trafficking since 2007. The new Croatian Penal Code, adopted in October 2011 and enacted on January 1, 2013, separates the offenses of human trafficking from that of slavery. This clear distinction between trafficking and slavery, which so far was lacking in the Croatian legislation, is a major step forward for Croatia, which is now in accordance with minimum international standards on trafficking (*European Commission, 2013*).

In February 2012, Croatia adopted a new plan of action to fight against human trafficking for the period of 2012 through 2015. It is the fourth document of this nature to be adopted by the Croatian government since 2002. One of the principal objectives of the new plan is to reinforce the efforts that help victims. In March 2012, a new national committee against human trafficking was created. Its manager was appointed in November and the first meeting of the committee took place in December 2012 (*UNODC, 2012*). In their report published in 2011, the Group of Experts on Action against Trafficking in Human Beings (GRETA) welcomed all measures adopted by the Croatian authorities and provided a solid base to prevent and fight against trafficking in human beings.

Another piece of evidence of the good work of Croatia: the country actively participates the international cooperation in the fight against trafficking. Croatia participates in most of the conventions of the Council of Europe by cooperating in criminal matters. In addition, it recognizes several bilateral agreements with other countries in the Balkans, such as the Cooperation Agreement and surveillance of borders between states, signed by Croatia and Bosnia-Herzegovina or the Agreement on police cooperation between Croatia and Serbia (*GRETA, 2011*).

### **...but concrete results are expected**

Despite all of the previously cited positive elements, the few victims that were actually identified by the Croatian authorities demonstrate the evident failure in the implementation of these anti-trafficking devices. The number of victims identified in 2012, according to the 2013 U.S. Department of State Report on Human Trafficking, remains as low as in previous years with only nine victims identified as trafficking for sexual exploitation, including three minors. The Department of Organized Crime of the Ministry of Interior is the government agency responsible for the identification of victims and the protocol for the identification, assistance and protection

of victims of human trafficking. To overcome the procedural difficulties, GRETA has highlighted the need for better coordination between the different actors, and the adoption of a proactive approach on the part of authorities to more effectively identify victims. It also noted that no studies on trafficking have been conducted since 2007; the government has not yet measured the full extent of trafficking in the country. Identifying major trends in trafficking in Croatia appears to be a necessary step in establishing broad guidelines to effectively combat this phenomenon (*GRETA*, 2011).

Another major problem resides in the judicial treatment of infractions. Very few traffickers are actually sentenced for the trafficking crimes. In the 2013 U.S. Department of State Report on Human Trafficking, in 2012, of 9 persons prosecuted, seven were accused of transnational trafficking in women and only 2 of trafficking for sexual exploitation, while in all cases, women were forced to prostitute themselves physically. The traffickers were condemned to more severe prison punishments than the year before: sentences of 9 months to 10 years of imprisonment were imposed in 2012 against sentences from 1 to 9 months in 2011. Despite this improvement, the European Commission considers that the level of punishments is still weak compared to the amount of organized crime. The fact that the sentences are not a sufficient deterrent against the crime also undermines the effectiveness of anti-trafficking on Croatian territory. The Croatian government has funded numerous training justice personnel and police during 2012. However, the European Union urged Croatia to increase their efforts (*European Commission*, 2013).

### **Scandal in the Zagreb Police**

Beginning December 2012, Mislava Merkas, criminal police inspector of Zagreb, was arrested. Responsible for the repression of prostitution for six years, he was suspected of procuring and disclosing information on raids with procurers. According to some estimates, he pocketed \$336,000 USD for his criminal activities. His wife, also a police officer, was involved. In total, 12 people have been suspected in this case that could turn if the facts are proven by one of the greatest scandals of the Croatian police.

Following this case, the national media was surprised that the actions of M. Merkas have not been identified and/or reported earlier. One may wonder if the inspector would not disclose information about other subjects (*Vecernji List*, December 8<sup>th</sup>, 2012).

The police suspected of being "passed to the other side of the law" is not uncommon in Croatia. In 2012, twenty police officers had been arrested for a wide variety of offenses such as corruption, abuse of power and authority, complicity in criminal acts, etc. (*Vecernji List*, December 7<sup>th</sup>, 2012).

For ten years, the Croatian government has initiated a process of reforms in the legal field. Through these efforts, Croatia has managed to build a solid foundation in the fight against human trafficking. Various foreign observers such as GRETA or the U.S. Department of State did not fail to note. Croatia, however, must improve the implementation of the various mechanisms provided in the texts. This necessitates a proactive approach to better identify victims of trafficking through better training authorities (court personnel and police) and a greater

awareness of the most vulnerable populations. In light of the scandal that erupted in late 2012 the Zagreb police, it is clear that the fight against corruption and organized crime go hand in hand with the fight against human trafficking and procuring. If the bill calling for the criminalization of sexual services clients is passed, there is good reason to believe that this will reduce both procuring and trafficking for sexual exploitation.

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## Cuba

- Population: 11.2 million
- GDP per capita (in US dollars): unknown in 2012 yet – 5,383 (2008)
- Socialist government with a single party
- Human development index (HDI) : 0.780 (59<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.356 (63<sup>rd</sup> rank among 147 countries)
- No official national statistics on prostitution.
- This is an underestimate of the reality of the situation. In 2010, Amir Valle estimated 20,000 “jineteras” (occasional prostitutes) and 40,000 gay prostitutes in La Havana.
- Prostitution and procuring have been forbidden in Cuba since 1959. The law of 1998 reinforced the repression of prostitution and procuring by making these actions punishable by imprisonment.
- In 2012, President Castro called out to the public for the reinforcement of the fight against sex tourism and prostitution.
- Country of origin, transit and destination for human trafficking.

In spite of the economical problems caused by the end of the soviet regime and the breaking away from Moscow circa 1992, Cuba remains the richest island in the Caribbean.

Following the 1959 Revolution and despite the restrictions on freedom, the country experienced an economic growth and a better quality of life due to improvements in health and education services.

According to the report from the Economic Commission for Latin America and the Caribbean (ECLAC), Cuba is leader of the whole Caribbean and Central America area, concerning the prevention and risk management policy. Cuban physicians are sent to help in Haiti, and the Cuban government is thoroughly involved setting a sustainable development policy, protecting the natural resources of the country and is investing in social development more than anywhere else in the area. Yet more than 10% of the population live below the poverty line.

Food shortage (rice, coffee, sugar, oil and so on) drive all social classes to keep several jobs and use any possible means-including illegal ones to negotiate privileges, services, preferential treatment or simply daily products. Crime against property and people is worsening in the

country. Prostitution is becoming more commonplace than ever, and nowadays Cuba is a source country for human trafficking towards other countries- Mexico, North America and South Europe.

Yet at first the Revolutionary regime worked hard at eradicating prostitution. In order to promote “women’s rights equal to men’s”, Fidel Castro committed himself to fighting prostitution, which he considered a “social but curable disease”; hence between 1959 and 1998 the government engaged a number of determining actions. Nowadays, these measures are more often ignored or forgotten, but they deserve to be known if only for the methods which they resulted in, whatever their costs to the government may have been.

### **Castro’s experimentations in eradicating prostitution<sup>1</sup>**

#### ***Looking back up the Cuba’s History***

Under Batista’s Presidency and during the prohibition time in USA, Cuba was an escape hatch to the Americans, while maffiosi nets dealt with alcohol, drugs and prostitution. This explains the choices of the Revolutionary in the field of prostitution: to fight corruption, and eradicate “man’s exploitation” in Cuba, prostitution symbolizing “sex inequality and male domination”.

Until 1998, the government preferred to persuade, care and educate and the program went as far as taking charge of the children and the families of the women “volunteering” to reconvert. Women who continued to engage in prostitution clandestinely were subject to terms of re-education camps, but more stringent operating on the same model, family care and financing less. In the end, educated (mostly illiterate) formally, employed and relocated (elsewhere) with their families, women were expected to become models of “activists of the revolution.” From 1962, training and counseling of women were assigned to an association, the Federacion de las Mujeres Cubanas (FMC), an offshoot of the Ministry of Interior (MINIT).

Note that the same proposal was made to the procurers, the majority chose exile or underground.

#### ***Efforts, failures, and repression***

In 1998, FMC listed 100,000 women prostitutes for the whole island.

However, in 1992 while the country was facing an economic disaster, Fidel Castro asked Cuban people “*to fight, imagine and solve*”... and that’s how the old excesses reappeared: prostitution, corruption and all kinds of traffics.

The hectic rush for survival opened widely to “jineterismo” (occasional prostitution in return for some facilities or advantages) and to “titillerismo” (young girls being laid astray by socially high ranked men in exchange for “plush accommodations” among other privileges).

The 1998 law against prostitution became more repressive going so far as imprisonment.

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<sup>1</sup> According to the study published in a journal DIRE N°3/2012: Relations of gender and social practices, the situation in Cuba, by Dominique Gay-Sylvestre (University of Paris VII)

### ***What other choices?***

In 2002, opening the country to mass tourism brought back dollars, mass procuring and mafia networks, which took hold of hotel chains, sea resorts, leisure centers and illegal products. The image of “the beautiful, perfect Mulatto woman,” who would induce erotic fantasies, which at first was just an image to attract tourists and that President Castro added on to advertisements to attract attention of tourists, turned into a call for leisure complexes, beaches and bars. Neither the country nor its people got any wealthier for it, yet it benefited to dealers and traffickers of all types, who definitely enriched themselves.

### **What remains of this period?**

In 2012, the situation is worse than ever. Miserable women are attracted by the image reflected in glossy magazines, of *jineteras* as luxury products consumers, which in fact conceals the violent, harsh reality, such as abduction of young women and children from country or urban destitute districts. Meanwhile, the same mass medias show the dashing well off young men living off the money earned from prostituting these young girls.

Prostitution is prohibited by law, "home from home" was developed to avoid checks and retain customers. This is "B & B" where customers find the person of their choice, thereby establishing links with families.

The friendliness and hospitality that made the reputation of the country, is tainted by dishonesty and violence which raise suspicion and concern among ordinary travellers. Forums on the Internet are increasing and allowing us to understand the other aspect: under the guise of trying to compare the qualities of different resorts, reporters were open to gather information on prostitution. Similarly, after reporting on prostitution, some have video clips of the punishment for prostitutes.

### ***An attempt to open up analysis and actions***

In 2012, three millions visitors from North America and Southern Europe brought more than 3 billions dollars to Cuban tourism. Cuba could soon catch up with the Dominican Republic as first destination country for tourism. Yet, Public Treasury and Welfare hardly benefit from such a profitable income, as most of it controlled by the mafia networks running the facilities and dealing with prostitution activities, such as providing drugs, alcohol or luxury products.

The 2012 and the 2013 U.S. Department of State reports on human trafficking indicate the absence of state policy to fight prostitution and human trafficking, to protect children, and to engage legal proceedings against procurers or sexual abusers compared to the high number of complaints.

However, things seem to be moving. It should be recalled that in 1995, Cuba has acceded to the Stockholm Action Plan against prostitution.

Always in the interests of equality, the FMC and the Cuban National Center for Sex Education (CENESEX) were created. Vilma Espin, a founder and director of the FMC is a radical, committed feminist and who enjoys listening to the government. Mariela Castro, a

sexologist, psychologist and director of CENESEX is the daughter of the current President. In a joint effort, the two organizations have proposed measures to reduce all advertisements of a sexual nature, raise educational programs for women prostitutes, take actions to quickly decrease sex tourism and implement educational programs for men who consider it "normal" to prostitute their companion (*Greenleft Weekly*, October 21<sup>st</sup>, 2012). Shortly thereafter, President Raul Castro admitted the excesses of mass tourism.

The 2013 U.S. Department of State Report on Human Trafficking highlights the growing importance of children and young people being sex-trafficked, and of all type of traffics taking place in the country in view of new markets. It underlines how difficult it is to get information from NGOs as well as from the official services and; one must note the control exerted by the government. Cuba did not sign the 2000 UN Protocol against Human Trafficking.

Fighting prostitution is a long term job, moreover when dealing with human trafficking on an international level. It demands important efforts from all concerned, mainly politicians and NGOs, to reach a point of assessment and report results.

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## Cyprus

- Population: 1.1 million
- GDP per capita (in US dollars): 26,315
- Presidential regime
- Human Development Index (HDI): 0.848 (31<sup>st</sup> rank among 187 countries)
- Gender Inequality index (GII): 0,134 (22<sup>nd</sup> rank among 147 countries)
- Member of the Union European since 2004.
  
- No official national statistics on prostitution.
- Prostitution is legal. Procuring and brothels are illegal.
- Law 87(I), adopted in 2007; this law aims to fight against human trafficking and help protect the victims.
- Prostitution takes place in bars, nightclubs, private apartments, spas, and massage parlors.
- Country of transit and destination. Transnational trafficking of adults for sexual exploitation is the most widespread trading form.
- All victims identified throughout the last years are of foreign nationality (Greece, Romania, Bulgaria, and to a lesser extent, Latvia, Lithuania and the Czech Republic).
- The majority of trafficking victims are women, who are trafficked for the purpose of sexual exploitation.

At the crossroads of Europe, Africa, and Asia, Cyprus is a transit point and destination for human trafficking. Often singled out by international organizations for its unfortunate reputation, the efforts of the national authorities to curb the problem are highly cited. Cyprus, known as Aphrodite's island, has changed its image. Monumental advancements have been made, with legislative evolution, activist groups, a special police force, and housing for female trafficking victims. Nevertheless, the progress that has been made should not deter the country from dealing with the current reality. A few individuals who organize prostitution in their apartments have been arrested, yet nightclub directors remain largely unprosecuted. These venues, which make up the Cypriot landscape, are the first to recruit young foreign girls who end up prostitution activity. Closing "brothels" is mandated by the Penal Code, but the reality of the situation requires a clearer definition of the term.

### **The consequences of the Rantsev v. Cyprus and Russia**

Oxana Rantseva, a 20-year-old Russian woman, who arrived in Cyprus on an “artist’s” visa to “give performances in a cabaret” fled the country three days after her arrival. The director of the establishment found her, and brought her to the police in order to reveal the irregularity of her stay. The Cypriot police found no legal infraction in her case, and allowed the director to leave with the girl. The following night, the young girl died after falling from the 6<sup>th</sup> floor of an apartment that belonged to one of the cabaret’s employees. The penal case, which opened in Cyprus, failed to establish criminal responsibility for the girl’s death (*ECHR*, 2010).

In January 2010, the European Court of Human Rights condemned the Cypriot state for the ineffective investigation into the death of a possible human trafficking victim, and for failing to put in place a legal and administrative system to fight against trafficking. The Council of Europe’s Committee of Ministers, which keeps watch on the application of international laws, must now ensure that the state takes the necessary measures to conform to the court’s legal requirements.<sup>1</sup>

With regard to the investigation of Oxana Rantseva’s death, the Cypriot Attorney General has not yet indicated the best legal timing for prosecution. For this reason, Cyprus remains under the Committee of Minister’s surveillance, and must keep the Committee up to date on the case.

With what concerns the obligations beyond the facts of the case, the Committee stated, during its reunion in 2012, that the action plan presented by Cyprus was sufficient. It considers the Cyprus state to have, “taken the necessary measures to prevent human trafficking and guarantee judicial prosecution of human trafficking cases”. Generally, the Committee only carries out an *in abstracto* examination of adopted legal measures. If legislation is not correctly applied once written in ink, the European Court may still charge Cyprus.

To deal with artist visas, the Cyprus state heavily reduced their distribution in order to further comply with legislative standards. Whether or not these new distribution procedures will help improve the country’s system of prostitution has yet to be seen. From here on out, all foreigners who enter Cyprus on an artist visa must show certain criteria to demonstrate their artistic competence. It remains difficult, however, to regulate this process effectively. Young women, who are hoping to enter the country under the pretext of being an artist, can simply demonstrate their ability to dance. Once granted their visas, these girls are often insufficiently aware of the risks of being victimized by human trafficking.

### **Rare condemnations do not sufficiently account for the dimension of human trafficking**

In January 2012, the press reported that a man and woman of Greek nationality were arrested in Larnaca for running a brothel. In May, the police arrested two Vietnamese women and one Slovakian man under the same charges. In September, in Limassol, four young women

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<sup>1</sup> For the execution of the Rantsev case, see the Council of Europe website : [http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases\\_fr.asp?CaseTitleOrNumber=rantsev&StateCode=&SectionCode](http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_fr.asp?CaseTitleOrNumber=rantsev&StateCode=&SectionCode)

around the age of 20 and one 45-year-old man were arrested and detained. According to the Cypriot Penal Code, for reasons of public order and morality<sup>2</sup>, brothels (article 156) and procuring (article 157) are prohibited.

Along with these restrictions from the Penal Code, the government adopted the 87(I) law of 2007, which handles the prohibition of human trafficking and the protection of victims. After the ratification of numerous international texts, the Cypriot state passed this law in order to bring their legislation in line with international standards. According to the law, those who are charged with human trafficking may serve up to 15 years in prison (article 5), or up to 20 if they traffic children (article 6). This law also established punishment for the sexual exploitation of adults (up to 10 years of imprisonment) and of children (up to 20 years of imprisonment). Child pornography is also punishable (GRETA, 2011).

Rita Superman, the head of “The police force for the prevention and fight against human trafficking” counts 33 cases in 2012 which have been the object of investigation. Among these cases, only 5 are based on infractions against the law of 2007, for human trafficking or sexual exploitation. It is therefore clear that the accusations are mostly based on lenient and inappropriate provisions from the Penal Code. The law of 2007, of which the Cypriot state is proud, appears to serve as little more than a looking glass. In practice, the magnitude of human trafficking and sexual exploitation are not sufficiently taken into account. To this date, sentencing for these crimes remains rare.

### **NGOs associated with the action of public powers**

The law 87(I) of 2007 set the foundation for the creation of the Multidisciplinary Coordinating Group (MCG) to fight against human trafficking. Presided by the Minister of the Interior, the group aims to identify and solve national issues. Its first plan of action was adopted to cover 2010-2012, and further elaborated the work to be done between 2013 and 2015. Given that it follows through directly on these plans, the group plays a major role in the fight against prostitution (*European Migration Network*, 2012).

On December 22<sup>nd</sup>, 2010, the MCG proposed an amendment to the law of 2007 in order to raise the number of its NGO members. This proposition, recently approved by parliament, took effect on March 9<sup>th</sup>, 2012. Today, two additional organizations work on the elaboration and monitoring of the action plan. The associations *Action for Equality Support Anti Racism* (KISA) and *Cyprus Stop Trafficking* are working alongside the *Organization for Protecting Victims of Sexual Abuse and Exploitation* (STIGMA) and *Mediterranean Institute of Gender Studies* (MIGS).

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<sup>2</sup> The provisions of the Criminal Code relating to prostitution are inserted in Part IV entitled "The offenses harmful to the public interest" and, more precisely, within a sub-section entitled "Offences affecting ethics".

### **Progress must be made on the identification and protection of victims**

The Cypriot government has made numerous efforts, including weekly seminars organized in May 2012, to educate judges, social workers, and local authorities on the issue of human trafficking. The MCG planned the implementation of new education programs for public officers in 2013, in order to make their education more systematic. The results generated from this education program, with regard to human trafficking, will clearly signal the government's success or failure.

According to the 2011 report conducted by the Group of Experts on Action against Trafficking in Human Beings (GRETA), more must be done on this front. The definition of "a trafficking victim" outlined in the law 87(I) of 2007, does not allow identification or an effective protection of potential victims. According to the text, the person who demonstrates that he/she has experienced "damage or a financial loss caused by a trafficking infraction" is a victim of human trafficking. Though the Cypriot government claims that this criterion is not used in practice, GRETA insists on the necessity of legislative revision. To this day, no modification has been made.

In addition to this legislative difficulty, multiple factors obstruct the identification of victims. During a conference on prostitution and violence against women, organized by the European Women's Lobby (EWL) and the office of the European Parliament, R. Superman stated that prostitutes do not have confidence in the police (*MIGS*, November 13<sup>th</sup>, 2012). For this reason, prostitutes refuse to cooperate out of fear that they will be extradited or pushed back into the hands of their procurer. As a direct result, police authorities are often unable to receive sufficient evidence or testimonies to conduct proper legal cases.

### **Toward better media accountability**

On May 7<sup>th</sup>, 2012 eleven Cypriot NGOs lodged a complaint against *Time Out* magazine, for advertising cabarets and escort agencies. According to the organizations, these advertisements promote the sex industry and normalize sexual exploitation (*MIGS*, July 25<sup>th</sup>, 2012).

Though the magazine argued that it had no intention of endorsing illegal activities, the national commission in charge of examining media-related accusations, found the defendant guilty and condemned the advertisement. According to the commission, it is known that the girls who work in these Cypriot establishments are mostly victims of human trafficking. For this reason, the magazine knew or should have known that such an advertisement was against the journalistic Codes of Ethics.

This decision, which reminded the media of their obligation to "promote human rights and fundamental freedoms for all", was warmly welcomed by local organizations. These organizations, in turn, called on the directors of the magazine to teach their readers the reality of cabarets, instead of encouraging them to buy sexual services.

On a visit to Cyprus in April 2012, Myria Vassiliadou, European Union (EU) coordinator for the fight against human trafficking, underlined the importance of taking measures to reduce

consumer demand (*MIGS*, April 7<sup>th</sup>, 2012). Within the measures meant to accomplish this goal, organizations must target the content published by media agencies.

### **One third of Cypriot children are exposed to Internet dangers**

The law 87(I) of 2007 takes the specificity of minors into account, and outlines more severe punishments for child prostitution. Sexual exploitation of a child under the age of 18 carries a sentence up to 20 years of imprisonment. Recruiting or using children in order to produce pornography is punishable by a heavy fine and/or by a prison sentence up to 10 years.

Though Cyprus was among the first nations to ratify the Council of Europe Convention on Action against Trafficking in Human Beings in 2008, the country has yet to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), proposed in 2010 and ratified by 27 of 47 member states. According to article 23, all states agreeing to the convention must take “necessary legislative or other measures to criminalize the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age [of maturity] for the purpose of committing any of the offences established... against him or her, where this proposal has been followed by material acts leading to such a meeting.” Today, more than 30% of Cypriot children read blogs or use social media regularly, whereas the European average is 23% (*UNCRC Policy centre*, 2013).

In 2010, a 38-year-old Greek man was “bound by friendship” to a young 11 year-old-girl through social networks. After proposing a meeting between the two, the man sexually abused the girl in question. He was consequently sentenced for rape, corruption of a minor under 13, and for sexual exploitation of a minor. This case was the first of its kind handled by the Cypriot police. The objective of penalizing “grooming” (as outlined in article 23 of the Lanzarote Convention above) is to prevent this type of abuse by calling in the adult and punishing him/her before the committal of the act.

In 2012, four Cypriot, Greek, Italian, and Portuguese NGOs developed a partnership (named IMPACT) to prevent human trafficking and protect child victims of sexual exploitation. Financed by the European Commission, these organizations must explain the application of separate international conventions in their own countries, while identifying legal and practical strategies that could strengthen the fight against child prostitution.

### **A critical situation in the Northern Cyprus**

The authorities from the southern island have no control over the northern territory, in which the situation continues to worsen. With prostitution at a low price, sex tourism is expanding rapidly, while authorities are adding to the demand rather than fighting against it. Army soldiers represent an important part of the clientele and regulation is almost inexistent. It’s a true land without laws, in which prostitutes come from Belarus, Uzbekistan, Kirgizstan, Kazakhstan, Ukraine, Moldova, and Japan. Due to the economic crisis affecting the southern section of the

island, where the cost of sexual services has been cut in half, many prostitutes are trying to move back into Northern Cyprus (*North Cyprus Daily*, May 16<sup>th</sup>, 2013).

Though the situation continues to worsen in the northern section of the island, southern authorities are making progress. Nevertheless, the efforts made before and during the Cypriot presidency of the Council of the European Union (July to December 2012) must be followed by additional action. The progress left on the front of human trafficking and sexual exploitation must be accomplished in the long term, in order to bring concrete success through abolition.

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## Czech Republic

- Population: 10.6 million
- GDP per capita (in US dollars): 18,608
- Bicameral Parliamentary regime
- Human development index (HDI): 0.873 (28<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.122 (20<sup>th</sup> rank among 147 countries)
- Member of the European Union since 2004.
  
- No official national statistics on prostitution.
- The country does not prohibit prostitution, only its organized activities, such as procuring, and prostitution networks. Opening brothels is authorized.
- Multiplication of brothels in the capital and neighboring German or Austrian regions.
- Development of male prostitution of minors, the victims often belong to the Roma community.
- Country of origin, transit and destination for human trafficking with the purpose of prostitution.

The Czech Republic is considered a country of origin, transit and destination as far as forced prostitution is concerned. The opening of the Czechoslovakian borders in 1989 and the abolition of the communist law that prohibited prostitution in 1990 have allowed the prostitution system to develop such as it is known today. The number of prostitutes has increased significantly, in particular in Prague and the border regions with Germany and Austria (*ECPG*, 2010). The Czech Republic has become in a few years a destination renowned for commercial sexual activities such as prostitution and pornography. The country does not prohibit prostitution, only the activities that organize it: procuring, prostitution networks and, a few years beforehand, brothels. Considering that prostitution cannot be an evaded phenomenon because of the high number of prostitutes in the country, and the increase in sex tourism, some people have planned to regulate prostitution.

### **From the opening of brothels to the bill of legalization**

A few years ago, the Czech Republic authorized the opening of brothels, the number of which kept increasing in the capital and the border regions with Germany and Austria. In 2012, a brothel opened in Place Wenceslas, which aroused the indignation of the people of Prague (*Czech Position*, May 3<sup>rd</sup>, 2012). This brothel was visualized according to the Dutch model, with

half-naked women dancing behind red-lit shop-windows, a typical feature of Dutch brothels. The government unsuccessfully attempted to close this brothel several times. As they were visiting the establishment, the local authorities realized it had not received the authorization from the Planning Office to open to the public (*Czech Position*, May 24<sup>th</sup>, 2012). The Prague Municipal Council, therefore proceeded to close it in May 2012.

The population seems to have been troubled by the possibility of exploiting brothels to the extent that they close as soon as they open. In June 2012, a Czech photographer, Hana Jarklova, exhibited in London the photographs of a brothel called *Big Sister* which had been closed in 2010. Sexual services were free in this venue as long as the clients agreed to have the scenes filmed and broadcasted on a website with paid access (*Wired*, June 14<sup>th</sup>, 2012). This example demonstrates the delicate border between pornography and prostitution.

These events have re-launched the debate on the regulation of prostitution. Since 1993, five unsuccessful attempts have been conducted by politicians. The point was to fully consider prostitution as an economic activity, to establish a regular health check for prostitutes, and to also tax their income. None of the presented bills were received positively by Parliament, except for the one concerning the city of Prague<sup>1</sup> in autumn 2012. Its aim was to prohibit prostitution in the street and public spaces (*Czech Position*, May 24<sup>th</sup>, 2012).

A national bill to make prostitution legal has recently been presented. What will become of this proposition is not clear. However a certain number of international organizations have asked the Czech Republic to consider regulating prostitution, instead of extending the ramifications of organized crime.

### **The development of the prostitution of male minors**

In general, it is rather difficult, to obtain relevant information on the prostitution of minors given the underground nature of the activity even though it is an offense since 2002. Child prostitution in the Czech Republic has decreased according to the NGO *End child prostitution, child pornography and trafficking of children for sexual purposes* (ECPAT) thanks to the enhanced protection measures. In Prague, however, the situation has practically not changed, particularly in train stations. The number of young boys prostitutes is increasing significantly, particularly among those belonging to the Roma community; some families of this origin sometimes sell one of their children for 5,000 CZK (\$248 USD) so as to pay off a debt. These children are twice as likely to be sexually exploited, because of their age and their socio-ethnic background. Honza who works as a prostitute in train stations, began to do so when he was 15 (*Romea*, April 28<sup>th</sup>, 2012). He is now 21 years old and explains that the prostitution of male minors is linked to an eventual dependency on drugs, which is confirmed by the 2010 ECPAT Report. Many teenagers enter prostitution or pornography in order to finance their addictions. Traffickers then take advantage of their situation to integrate them into their networks.

The prostitution of minors is also practiced in more secluded places such as apartments and hidden shops. Pedophiles are all the more discreet as the incurred penalty for soliciting paid

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<sup>1</sup> Each local council may present a bill concerning its own city.



sexual services from a minor ranges from 5 to 12 years of imprisonment (ECPAT, 2006). In December 2012, a documentary was filmed about pedophilia and child prostitution in the Czech Republic. The journalists infiltrated the city of Cheb as if they were German tourists. They were offered nine year old girls for 180 € (\$245 USD) (BBC Radio 4, May 6<sup>th</sup>, 2011). Others claim to have seen procurers “supply” babies in exchange for money to clients who were waiting in their car.

Child prostitution is problematic, especially in border regions because it is very easy for German or Austrian clients to cross borders in search of paid sexual relations with minors. The Czech Vice Squad insists that prices are relatively high for minors under the age of 15. The purchase of children can amount up to 20,000 € (\$27,272 USD) (ECPAT, 2004). Child prostitutes are also used for pornographic pictures or videos. A certain number of transnational networks of child pornography have been spotted in the last few years, which reveals a significant increase of the demand for pedopornographic pictures and videos (ECPAT, 2010).

As a consequence, it must be admitted that the measures to fight against human sexual exploitation are too general and do not take into account the specificity of the minor and his or her exploitation. These measures should be more adjusted to their target. Public awareness is the priority, especially at schools, because school-children are the main targets.

### **Border prostitution: a sector in crisis**

The prostitution phenomenon has been increasing significantly since the 90's on the German-Czech border, fueled by the developing tourism. The gap between the two countries' standards of living, as well as the lack of regulation in the Czech Republic have led to such an explosion of border prostitution that it is commonly called “*the Brothel belt*” (ECPAT, 2004). “*The border here is the institution that allows some sort of sex commerce at the borders of the Czech Republic, as a result of the juxtaposition of low salaries and few opportunities for the low-skilled workers on one side of the border with potential clients who are easily available and comparatively well-off on the other side*” (Revue Française de Sociologie, April 1<sup>st</sup>, 2007). One of the solutions to fight against this phenomenon was to establish a cooperation between police forces of the concerned countries. Unfortunately it remains very limited.

Nevertheless, border prostitution has changed because of the financial crisis. The prostitution venues along the border are disappearing as there are fewer and fewer clients and the prostitutes of Romanian and Bulgarian origins are sent where the economy is thriving, because of the enlargement of the EU (Press Europ, July, 21 2009). According to the director of the NGO *Bliss without Risk*, prostitution moved in 2012, it left brothels and moved into residential apartments so as to recover Czech clients. (Czech position, April 24<sup>th</sup>, 2012).

### **Limited beginning of the penalization of the prostitution's client**

In 2012, the city of Chomutov, which was facing many problems with street prostitution, took a by-law requiring authorities to fine anyone who is seen soliciting sexual services from a

prostitute (*The Czech Daily Word*, January 2<sup>nd</sup>, 2012). It was a first for the country. However, it is suitable to insist on the limited scope of this progress as only the city of Chomutov undertook this step. This by-law was adopted as a more prohibitive approach of prostitution with the purpose of keeping the order than to protect the victims of prostitution.

The attempts at prohibiting prostitution are not isolated and the city of Chomutov has already taken some measures in the past to decrease the demand and, *a fortiori*, the supply of prostitution. In 2010, a citizen started to put up posters on the highways showing a girl in a short dress and a skull. A caption written in Czech and German read: “*I offer syphilis, gonorrhea, AIDS*” (*Café Babel*, June 3<sup>rd</sup>, 2010). The aim was to slow down clients’ urge. Other posters on the highway warned about crimes relating to prostitution. Although the process is straight forward, it is also very stigmatizing for prostitutes. It is worth asking about the extent of these poster campaigns launched by private initiative. It would have been more positive to insist on the protection and support of prostitutes, especially because the police are instructed to question all of these people for disturbing public order.

In 2008, the local police decided to show, on a created website, the photos of drivers as they were soliciting a prostitute’s services near the highway (*The Czech Daily World*, January 2<sup>nd</sup>, 2012). This initiative was ineffective because the pictures did not allow for the immediate identification of the clients.

### **Incrimination of human traffickers and protection of victims**

The provisions relating to the offense of human trafficking have been amended several times in order to comply with the international commitments of the Czech Republic, including the Palermo Convention of 2000. The first draft, dated 2001, only took into account international trade. The victims had to be transported across border in order for the trafficker to be charged with human trafficking (*EWLA*, 2001). Article 232a was modified once more in 2004 when the foreign element was suppressed. Only trade with the purpose of benefits from paid sexual relations was mentioned, but this article does not respect the international definition of human trafficking, which considers the commercial exploitation of prostitution, pornography and other forms of exploitation outside all sexual purposes (forced labor or organ trafficking). Finally, the last modification occurred on January 1<sup>st</sup>, 2010 when the reform of the 1961 Penal Code took place. The new article 168 integrates all forms of trade and explicitly mentions child trafficking and other forms of sexual exploitation.

Although this definition is adjusted to the international commitments of the Czech Republic, the implementation of the law by the relevant authorities is a challenge, considering the lack of interpretation of the terms of the law and the lack of consensus among the police, the prosecutors, the Ministry of the Interior and the various international organizations. According to the 2013 U.S. Department of State Report on Human Trafficking, in 2012 the Czech authorities prosecuted 28 persons suspected of trafficking, only 5 of whom were condemned which is a low number in view of the realities of human trafficking. The details of the cases have not been

published, so it is not possible to say whether they implied trafficking with the purpose of sexual exploitation or forced labor...

In the same year, the Czech Republic also adopted its fourth national policy to combat human trafficking, providing different measures of cooperation and prevention. The Ministry of the Interior canceled some aid funds to victims whereas the identification of the latter and their treatment are a fundamental step in the struggle against trafficking. The difficulties for understanding the issue and the absence of consensus lead to the failure of the identification of presumed trafficking victims.

In conclusion, the question arises, whether the efforts relating to the struggle against human trafficking and those to diminish prostitution in the Czech Republic are not in vain, even though the government has drafted a bill to regulate prostitution.

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## Denmark

- Population: 5.6 million
- GDP per capita (in US dollars): 56,210
- Constitutional monarchy
- Human development index (HDI): 0.91 (15<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.057 (3<sup>rd</sup> rank among 147 countries)
- Member of the European Union since 1973.
  
- No official national statistics on prostitution.
- Street prostitution is especially found in Copenhagen, Odense and Aarhus.
- Prostitution is legal, but the selling of sex services from a person under the age of 18 is illegal (law 141, enacted July 1<sup>st</sup>, 1999). Procuring remains an offense punishable by four years imprisonment.
- Human trafficking with the purpose of sexual exploitation, forced marriage, forced labor, slavery and its equivalent practices, and selling organs are criminalized. In March 2012, the government decided to increase the convictions.
- Country of transit and destination for trafficking with the purpose of prostitution.
- Victims are overall native to Africa, Central Europe, and Eastern Europe.
- 94% of victims are identified as women, between 20 and 35 years old, living in a precarious situation and having to financially support their families in their home countries.

Denmark has not yet adopted a law against the sale of sexual services, like that of other Scandinavian countries. Law 141, enacted on July 1<sup>st</sup> 1999, allows an individual to prostitute oneself, but it forbids the sale of sexual services of someone younger than 18. Procuring is a crime punishable by 4 years in jail.

The center-left government, elected in September 2011, was in favor of the prohibition of prostitution, according to its manifesto. However, a bill prohibiting the purchase of sexual services has been rejected on the report of the Committee on the Ministry of Justice in November 2012. The decision was based on a study commissioned by the Department of Justice by the government. The study noted that a ban would not help women. Instead, it might stigmatize and further aggravate the condition of prostitutes.

This decision has amplified the debate about prostitution and trafficking in women for sexual exploitation. Political parties in power support a law criminalizing the client. They fear that Denmark may become a haven for prostitution since the other Scandinavian countries have passed legislation prohibiting the purchase of sexual services.

In 2009, a report on the *Servicestyrelsen* prostitution, extension of the Danish Ministry of Social Affairs, argued that there was no information showing the impact on Danish territory of the law prohibiting the purchase of sexual services, enacted in Norway the same year. Since then, no other reports have been published on the potential impact.

For the organization that assists victims of trafficking *Reden International*, forced prostitution and trafficking are two crimes encouraged by the legal prostitution market. Thus, to combat trafficking in persons for prostitution, one must criminalize the client. Despite the opposition to this penalty, the government recognizes that demand drives the market. Several campaigns of public awareness around this merchant link have been launched in recent years (most recently in September 2011, with the campaign: “*Ud med bagmendene*”- *Lets get rid of the traffickers*).

The public stance against prostitution leading Sweden and Norway to criminalize the purchase of sexual services, is not as strong in Denmark. A study in 2011 by the Institute of Wilke shows that 50.9% of the Danish population is against such a law. The survey revealed a gap between women and men. About 6 out of 10 men were in favor of legalizing prostitution against only 4 out of 10 women.

### **Increase in prostitution inside the country**

In recent years, prostitution has moved from the street to private places. Currently, according to the observations of the Competence Center for Prostitution, under the Ministry of Social Affairs, prostitution is concentrated in the massage parlors, making it less visible. One most frequently encounters Nigerian, Romanian, Hungarian, Lithuanian, and Thai women and transsexuals from Latin America. According to a report in 2009 from *Servicestyrelsen*, the vast majority of prostitutes in Denmark are from Asia, Central Europe and Eastern Europe.

But in recent years, there has been strong growth in the number of African prostitutes. This was facilitated by the opening of borders between member countries of the Schengen area. Indeed, the victims of trafficking of non-European origin can more easily get to Denmark. The report is based on observations of *Centeret Mod Menneskehandel* (Center against Trafficking in Human Beings). This governmental organization was created to combat trafficking in the 2007-2010 national action to fight against human trafficking plan, which collects and publishes statistics on victims.

Between 2008 and 2009, *Centeret Mod Menneskehandel* estimated that there were at least 5,500 people including 1,141 prostitutes working in the street. Approximately 2,500 were foreign prostitutes. These figures have been criticized by an organization defending the rights of prostitutes *Sexarbejdernes Interesseorganisation* - Sex workers' Interest Organization (SIO). According to their own report in 2010, there are approximately 2,500 women on average per day

on the prostitution market with about 2,800 purchases of sexual services a day in Denmark. But some areas of aid and assistance, as well as NGOs have emphasized the difficulty to provide figures on the number of prostitutes in the country, as these figures can only be based on observations, not necessarily reflect the reality.

In 2011, the *Centeret Mod Menneskehandel* was in contact with 608 prostitutes in Copenhagen, 119 of which had recently arrived in the city (48 Nigerians, 7 from African countries, 17 Romanians, 5 Czechs, 4 Bulgarians, 23 other countries in Eastern Europe, 2 in Southern Europe, 2 South American, 9 of unknown nationality and two Danish).

In Odense, the social workers met 24 prostitutes.

The NGO Reden International, located in Copenhagen, noted that prostitution carried out on public roads was higher during the summer and the last quarter of 2012, which would tend to show that street prostitution is influenced by seasonal variations. The women also suffered other events such as police operations. In June 2012, two major police raids took place against Nigerian women. Some chose to leave for another European country, others have chosen to remain in the country and to be more discreet.

The Romanians are the most important day group, and the Nigerians occupy the night. Danish women are prostitutes in the street, primarily to fund their drug use. Male prostitutes most often use websites.

### **Legislation against human trafficking**

A Danish law against human trafficking (article 262a) was adopted by the government in 2002. The law criminalizes human trafficking for sexual exploitation, forced marriage, forced work, slavery and similar practices, and the removal of organs.

In 2011, 14 criminal cases were launched and 9 people were sentenced for trafficking for prostitution, against 13 instructions and 11 convictions recorded in 2010. The punishment ranged from 9 to 30 months in prison. However, services for victims found that some traffickers, despite their conviction, continued their “remote” activities with relative impunity.

In March 2012, the government decided to use heavier sentences. The maximum penalty is increased from 8 to 10 years in prison for violations of the law 262a. This law is in line with the European Directive on the Prevention of Human Trafficking. Thus, any Danish citizen or any person with a permanent residence permit in Denmark can be prosecuted, even abroad.

### **A country of destination**

Denmark is a country of transit and destination for prostitution. Victims are from Africa, Central Europe, and Eastern Europe. Identified victims are usually female (94% of victims), between 20 to 35 years old, living in a precarious situation where they must financially support their families who are back home. They are often recruited by someone who they know. The traffickers come from the same countries as the victims. They have also sometimes been victims before becoming traffickers. Almost all the victims were indebted to their traffickers for travel,

visas... This debt may rise to around 60,000 € (\$80,520 USD) or more. This amount often exceeds the actual expenses.

Since the beginning of the census in 2007, the figures provided by *Centeret Mod Menneskehandel* show continued growth in the number of victims of trafficking. But, the center believes that these estimates are undervalued. Most victims are identified by the police and organizations working on the ground.

Between 2007 and the first half of 2012, 246 victims of trafficking were identified (17 in 2007, 28 in 2008, 47 in 2009, 53 in 2010, 60 in 2011), including 227 victims of sexual exploitation. The most represented group consists of women of African descent, mainly from Nigeria. According to police, African prostitutes arriving in Copenhagen are more visible. This trend is also observed in the other Scandinavian countries.

In 2012, 41 victims of trafficking were identified. Of the 41, 31 were victims of prostitution-related crimes, 28 were from African countries (19 from Nigeria, 2 from Cameroon, 1 of Cape Verde, 1 from Uganda, 1 from Togo, 1 of the Gambia, 1 of the Ivory Coast, and 1 from Kenya), 1 from Latin America (Dominican Republic), 5 from Europe (3 from Romania, 1 of the Czech Republic, and 1 from Poland), and 8 from Asia (4 from Thailand, 2 from Vietnam, 1 of Nepal, and 1 of the Philippines).

Specific rules for people residing in Denmark that were illegally trafficked are governed by the Danish Aliens Act. A reflection period of 30 days is offered to victims and may be extended up to 100 days in cases where the victim cooperates with the authorities. This period of reflection can be seen as an adjournment of the return to the country of origin.

### **Illegal immigrants or victims of trafficking**

During a police operation in Copenhagen in June 2012, 31 Nigerian prostitutes were arrested, suspected of illegally staying in the country.

These police actions have raised concerns of some NGOs on the treatment of trafficking victims, considered criminal, shared by the Group of Experts on Action against Trafficking in Human Beings (GRETA) in their report on the implementation of the Convention of the Council of Europe on trafficking in human beings. The NGO *Sexarbejdernes Interesseorganisation - Sex Workers' Interest Organization* (SIO) reported an increase in repressive measures against prostitutes since the election of center-left government. The police threatened eviction of victims if they do not cooperate and street prostitutes regularly receive fines of about 90 € (\$120 USD) without explanation.

In Denmark, the identification of a victim must be made within 72 hours. Beyond this period, the potential victims often remain incarcerated for violation of immigration law or for minor offenses.

Few victims are allowed to stay in Denmark for the time needed to establish a relationship of trust between them and the authorities, which would facilitate the prosecution of their traffickers. Indeed, Denmark is the only member of the European Union, where there is no statutory



provision for trafficking victims to seek or obtain a residence permit. Thus, a permanent residence permit may be granted on the basis of their status as trafficking victims.

Denmark has improved its ability to protect and identify victims in recent years and the number of identified victims is increasing. In its 2011-2014 action plan against trafficking in persons, the Danish government has been aware of the actual stress experienced by victims of trafficking when they are identified by the operations of the police. The country has also acknowledged that the very short period of qualification as a victim is an obstacle to the identification of traffickers. The government has finally admitted that the work of NGOs working in the streets to identify victims is essential.

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## Dominican Republic

- Population: 10.2 million
- GDP per capita (in US dollars): 5,736
- Presidential regime
- Human development index (HDI): 0.702 (96<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.391 (108<sup>th</sup> rank among 147 countries)
- No official national statistics on prostitution.
- Between 30,000 (according to the MODEMU-HOPE Foundation , 2008) and 100,000 prostitutes (according to the NGO, *Center for Integral Orientation and Investigation - COIN*).
- Prostitution is neither illegal nor prohibited; only the prostitution of minors is strictly prohibited. Physical, psychological or sexual abuse against minors is punishable by a sentence of up to 20 years imprisonment.

Hispanola is the second largest Caribbean island, after Cuba. It is divided into the Dominican Republic in the east and Haiti in the west. The constant migration between the two countries is not beneficial to anyone.

### **An out of control migration**

Haitian laborers, most of whom are illiterate and without papers, migrate to the Dominican Republic to live and work in slavery-like conditions, mainly, as sugar cane cutters. Young students are often subjected to ethnic violence as well. According to Dominican Republic authorities, at least 500,000 Haitians are staying illegally in the country.

According to the Dominican Residents Association in Haiti, over 10,000 Dominican natives are living in Haiti, most of whom arrived after the 2010 earthquake (they were about 6,000 before that). According to the yearly report of the National Office for Statistics (ONE), 1.1% of Dominicans migrated to Haiti in 2011.

With 191,920 people crossing the border in 2012, migration widely surpassed the peak number reached in 2007 of 142,803. The President of the Dominican Residents Association in Haiti regrets that most often, Dominican women tend to be associated with prostitution, and Dominican men with crime and vandalism. However, men work in various sectors (agriculture, construction, industrial or computing engineering).

Haitian children often orphaned or abandoned are the most likely to suffer from this constant crossing between both countries. These children are bought, rented, resold, lured with unrealistic promises, and are therefore, the primary victims of child trafficking and sex slavery.

### **And still human trafficking**

Organized crime and procuring networks in the Dominican Republic spread to Haiti, Venezuela, Colombia, Mexico, even North America, and as far as Europe and Asia. One can add to that, the beginning of a new progressive trade, which is no less organized, yet a bit restricted at the moment, towards Guyana and Guadeloupe. In October 2012, a series of arrests took place in Fort-de-France and in Guyana, which led to the dismantling of a procuring network. Eight people were indicted and three were imprisoned. According to the Guadeloupean police forces, it was a “real criminal organization” whose leaders recruited female prostitutes from Venezuela, Colombia and the Dominican Republic. “They would target them and take care of all of the processes of bringing them to Martinique. They would later, find them clients on the internet, by word-of-mouth or by gathering them in gambling rooms.” In a year, about 30 prostitutes were identified and 15 testified to the police. They practiced at Terres-Sainville, at Fort-de-France and at private parties in residencies where there was often cocaine. (*France-Antilles*, October 13<sup>th</sup>, 2012).

Even worse, this still “amateur” individual procuring, tends to develop perniciously in the French Caribbean area. Less than two weeks later, a discreet prostitution network was also dismantled in Guadeloupe (*Maximini*, January 27<sup>th</sup>, 2013). A Guadeloupean and a Dominican woman who were managers of a restaurant in Capesterre-Belle-Eau, would offer young Dominican women, who were brought over with the purpose of prostitution, to their customers during the evenings and week-ends. This lucrative side-job seemed to be working thanks to word-of-mouth.

In order to fight against these mafia organizations and increasing number of individuals, the powers of the Interinstitutional Committee of Protection for the Migrant Woman (CIPROM) created by the decree 07-99 had to be expanded. In order to inform, sensitize and protect people against human trafficking and repressive measures of this multi-rooted plague, a think tank has been set up.

### **Ways and means of approaching the prostitution phenomenon**

#### ***AIDS and Prostitutes***

The U.S. Agency for International Development has followed the evolution of HIV/AIDS in the Dominican Republic. According to the Kerrigan report, which describes the situation of HIV-positive prostitutes worldwide, 61,000 women in the Dominican Republic are HIV-positive and AIDS is the first cause of death among 15 to 49 year old women. 12% of prostitutes are HIV-positive. Dominican health services and NGOs such as the Center for Integral Orientation and Investigation (COIN), the United Women's Movement (MODEMU), or lately the COVIH, have

set up a number of plans to facilitate access to medical treatments, care and support for HIV-positive prostitutes. However, it seems that American funds have not always directly reached their target. They have passed through intermediary organizations, which have slowed access to credit for all those concerned.

### ***Two NGOs dealing directly or indirectly with prostitution***

COIN, an American NGO, works at preventing AIDS, improving sexuality and birth conditions in the Dominican Republic. COIN, which is also a research center, reports that about 100,000 people practice prostitution in big, urban cities and tourist resorts, but some do it in a more private matter, by having their own local clientele. The United Women's Movement (MODEMU), a women organization, created in 1996 by a former prostitute, Jacqueline Montero, following the first conference on the situation of Dominican prostitutes, is made up of former and current prostitutes. Presided by J. Montero, the association aims to promote the rights of all those linked to the sex industry, educate them on the prevention of AIDS, and support those who wish to engage in a different lifestyle. As J. Montero admits: "*most of the time a woman gets into this practice because of a friend, because she was sexually assaulted as a child, or due to a bad husband. Personally, it was for all three reasons*". A lecturer at the Gender Studies Department of the University of California Riverside (UCR), J. Montero is also a town council member and is considering running for Parliament in 2016 in order to legislate for a law "ensuring respect for the rights of her colleagues". In 2012, MODEMU had 6,000 members. By informing them of their rights, this association permits prostitutes to regain some self-respect. It also helps women to protect themselves and to find the means to be safe in a particularly violent environment. Male prostitutes (called « *sanky-panky* ») joined the organization in 2011 and since then do the same with their male colleagues. In 2005, MODEMU and the HOPE Foundation merged into MODEMU-HOPE in the Dominican Republic. The new organization reinforced their goals and modes of action recommended by their President, in the fields of human rights and access to care. Nowadays, MODEMU-HOPE is helped by a number of sponsors (UCR Women Studies Department, UCR American Latin Studies program, LGTB center...).

### **Sex tourism**

In 2012, the Dominican Republic hosted about 5 million tourists, as the primary country for tourism in the Caribbean, before Cuba. Three types of tourism can be distinguished.

#### ***Luxury Tourism***

On the way to Santo Domingo, one passes La Casa del Campo, in the town of La Romana. The fees to play golf, polo or to benefit from a private beach, closed off to locals, can reach up to \$600 USD per day. Wealthy North Americans can land their jet on a private airfield.

#### ***Mass Tourism***

Going along the south-east coast, one leaves luxury tourism in order to arrive in the mass tourism zone. In order to develop this tourism, encouraged by the government, hotel networks

were created by wealthy Dominicans, whose funds come from laundering drug money. Hotel capacity rose from 12,000 rooms in 1995 up to 60,000 in 2012, reaching 5 million tourists. At the same time, sex tourism was developing and no official census was identified. Charter flights brought in hundreds of British tourists to large ensembles such as Bavaro Beach; which holds 1,000 rooms. Due to the low Dominican salaries, low cost vacations are able to be proposed to American and European tourists. The main tourist zones in the country are Bavaro, Punta Cana (with many hotel complexes), Santo Domingo (Colonial Zone) and Las Terras (Samana Peninsula). Tourists are mainly North American or European (German, British, French, Spanish). Tourist sea-resorts surround poor areas. It is not rare to encounter a luxury hotel resort right next to sugar cane fields where Haitian *braceros*, real slaves, work.

### ***Sex tourism***

Sex tourism appears in towns such as Punta Cana, Boca Chica and Sosua, including Santo Domingo, the capital city. More important cities such as Santiago are organized sex tourism centers. Wealthy Dominican businessmen benefiting of tax rebates, create important tourist resorts offering prostitution services. Soliciting (prostitution; drug or counterfeit goods sales) is frequent in tourist resorts or on beaches. Canadian or British “clients” are the most numerous, but nowadays, one can add more and more Asians tourists (Chinese, Korean, or Japanese). Besides offering all-inclusive packages, hotels have also set up a system of fake guides, fake friends in order to welcome the unaware tourist and trouble him after spending a few days with a young girl who is actually a disguised prostitute. Many internet chat rooms demonstrate this reality. On the one hand, tourists are concerned of being caught in a trap, and on the other hand, there are sex tourists eager for new experiences who seek information on what is in offer at the best price. The possession of the smallest quantity of drugs, even for self use, is strictly forbidden and can be charged with up to 20 years in prison. Despite official diplomatic warnings, sex tourists do not seem to worry.

### **Some hope ahead**

The hotel chain of the Matutes group (GEM), along with the Fiesta Hotel Group, committed themselves to fight against child sex abuse in the Dominican Republic, acting against child prostitution and encouraging more appropriate behavior in tourist areas. The GEM signed a cooperation agreement with international organizations: UNICEF, World Tourism Organization, and the NGO End child prostitution, child pornography and the trafficking of children for sexual purposes (ECPAT). The Fiesta Hotel Group also signed a « Code of Conduct » protecting children from sexual exploitation in trips and tourism and committed to respecting this code in all of their establishments (Resorts Grand Palladium in Punta Cana, Dominican Fiesta Hotel & Casino in Santo-Domingo). The staff is trained to become aware of the necessary ways to face the problem. Subcontractors must agree to a moral clause in order to be accepted. Brochures, catalogs, videotapes and websites on child sex abuse are available in the hotels for tourists so that they may enjoy a responsible stay (*Rep-dominicaine*, January 7<sup>th</sup>, 2012).

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## Egypt

- Population: 84 million
- GDP per capita (in US dollars): 3,187
- Presidential regime
- Human development index (HDI): 0.662 (112<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.391 (125<sup>th</sup> rank among 147 countries)
- Member of the African Union since 1963.
- No official national statistics on prostitution.
- Egyptian women are victims of “summer marriages” or “temporary marriages” with rich men native to the Persian Gulf.
- Sex tourism in Egypt mainly located in the cities of Cairo, Alexandria, and Luxor.
- In February 2012 the *National Council for Childhood and Motherhood* intended to recognize and identify the victims of human trafficking.
- Country of origin, transit and destination for human trafficking with the purpose of sexual exploitation.
- Victims are mainly native to South East Asia, Sudan and Ethiopia.

As a country of transit, many female Ukrainians, Moldavians and Russians pass through Egypt before being sent to Israel to be sexually exploited. As a country of destination, many females from Southeast Asia, Sudan and Ethiopia are smuggled into Egypt (*U.S. Department of State*, 2013).

Accounts of men exploited sexually are marginally documented, but men from Southeast Asia and Africa are often exposed to labor exploitation in Egypt. As of 2012, Indonesia has been noted to have the largest number of domesticated servants in Egypt. In addition, around 200,000 (of the one million) street children are subjected to sex trafficking and forced begging.

### **Egyptian army doctor cleared of administering ‘virginity tests’ on women activists**

A controversial headline of 2011 was when army officials forced virginity tests on seven unmarried women who were protesting Mubarak’s presidency during the Tahrir Square



revolution on 9 March 2011<sup>1</sup>. One of the female victims told Amnesty International that she and the other women were forced to undress and were strip-searched by a female guard while male guards looked on and took pictures. The girls were then taken to Dr. Ahmed Adel for “virginity tests” (*The Guardian*, March 11<sup>th</sup>, 2012). A positive outcome that resulted from this situation was that forced virginity tests were ruled illegal in Egypt in December of 2011 (*The Guardian*, December 27<sup>th</sup>, 2012).

Dr. Adel was acquitted of carrying out forced virginity tests following public unrest and protest relating to this issue. However, in March of 2012, Ahmed Adel was found “not guilty” of indecency in a military court in Cairo. This jurisdiction frustrated many activists and feminists in Egypt and around the globe.

### **Summer or Temporary Marriages**

The end of Dictator Hosni Mubarak’s rule in Egypt, after the Tahrir square protests, has led to an afflux of businessmen from Middle Eastern countries coming to this country (*Slate Afrique*, February 1<sup>st</sup>, 2012). In 2012, numerous wealthy men from the Gulf, specifically from Saudi Arabia, United Arab Emirates and Kuwait, travelled to Egypt solely to acquire “temporary” or “summer marriages” with Egyptian females. Pre-marital sex is prohibited under Islamic law and many hotels and landlords demand proof of a marriage contract. Thus, these temporary marriages contracts are a way around Islamic law. These marriages aren’t legally binding and end when the tourist returns home. Generally, the girls’ parents initiate the summer marriage, as they profit from the transaction. Intermediaries, who link wealthy men with poor families who have young daughters, usually organize the marriages. The foreign “husbands” give their wife’s family dowry presents and money ranging from 320 to 3,200 € (*The Independent*, July 15<sup>th</sup>, 2012). Children in these marriages usually experience forced labor and sexual subjugation. The Egyptian government does little to address this issue as the Gulf tourism helps to strengthen the economy (*Bikyasr*, January 15<sup>th</sup>, 2012).

The Egyptian government does prevent foreigners from marrying Egyptians if there is more than a ten-year age difference. The problem with this rule is that marriage brokers can easily forge the ages to eliminate the age disparity issue. Even though the marriages aren’t legally binding, and technically end after the tourist has returned to his home country, the prospects for summer brides’ girls are bleak. There are three typical paths for summer brides after her marriage: she either is taken back to the Gulf tourist’s home country to work as a slave, or she is shunned by Egyptian society if she stays in the country after her temporary husband leaves her, or she is abandoned by her temporary husband in Egypt and is forced to join the street children (*Al Arabiya News*, July 15<sup>th</sup>, 2012).

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<sup>1</sup> See “Egypte”, Fondation SCELLES, Charpenel Y. (Under the Direction of), *Exploitation sexuelle – Prostitution et crime organisé*, Economica Ed., 2012.

## **Egypt's Constitution does little to deter human trafficking**

The post-Mubarak October 2012 Egyptian draft constitution has been criticized for allowing, “loosely worded constitutional articles” which only intensify the problem of human trafficking in Egypt. The Director of Human Rights Watch (HRW) of the Middle East and North Africa, Sarah Leah Whitson, said: “this draft constitution contains many loopholes that would allow future authorities to repress and limit basic rights and freedoms.” These loopholes stem from a lack of clear language against torture, freedom of religion, freedom of the press and women’s and children’s rights (*International Business Times*, October 8<sup>th</sup>, 2012).

Only in article 10 of the Egyptian constitutional draft is the role of women in Egypt brought up. Article 10 declares that the State of Egypt “will provide motherhood and childhood services and shall balance a woman’s obligations toward the family and public work” (*Human Rights Watch News*, November 30<sup>th</sup>, 2012). The problem with this statement is that the state’s role should be restricted to ensuring equality instead of interfering with a woman’s choice about her family or professional life. Egyptian women’s rights advocate Nihad Abu El Konsam stated that lawyers have made numerous proposals for constitutional articles that would make up for the social and cultural problems in our society... but the Islamists ignore it.

Demonstrators and critics of the constitution were brutally attacked by members of the Muslim Brotherhood outside of the presidential palace on 5 December 2012. President Mohamed Morsi passed the draft constitution in late December of 2012, despite concerns by human rights groups (*Deutsche Welle*, December 21<sup>th</sup>, 2012).

## **Developments in the battle against sexual exploitation**

Although there are clear constitutional and legal enforcement problems regarding human trafficking in Egypt, in the year 2012, advancements were made in this area to reduce human trafficking. The Egyptian Government adopted the International Organization for Migration (IOM) recommended victim referral mechanism in Feb. 2012, which appointed the NCCM (National Council for Childhood and Motherhood) as the official network for victim screening and identification. It is a comprehensive national plan to combat human trafficking by working co-operatively with international and local NGOs, and developing standardized victim identification procedures. About 600 government officials and NGO workers participated in the IOM-funded trainings on identifying trafficking victims. The IOM and NCCM provided protection and assistance to 122 victims of sex trafficking from January of 2011 to February of 2012.

Although policies to assist trafficking victims have been initiated by the IOM and NCCM, most government officials fail to employ proper trafficking victim identification and referral procedures. As of 2012, there is little evidence that the Egyptian government has made any real effort to reduce the demand for prostitution or to raise awareness of sex tourism in its country. Similarly, there has been no visible reduction in the number of Indonesian domestic and sexual

slaves in Egypt. Political instability, scarce funding, strict Islamic interpretations and misogyny are hampering the fight against sexual exploitation.

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## France

- Population: 63.5 million
- GDP per capita (in US dollars): 39,772
- Bicameral presidential regime
- Human Development Index (HDI): 0,893 (20<sup>th</sup> rank among 187 countries)
- Gender Inequality Index (GII):0,083 (9<sup>th</sup> rank among 147 countries)
- Founding Member of the European Union since 1952.
- 20,000 prostitutes (according to estimates based on police sources)
- Abolitionist regime, repression of soliciting and resorting to prostitution of minor or vulnerable victims.
- Country of destination from Eastern Europe, Western Africa and Asia.

The year 2012 was marked by the continuation and expansion of the debate on prostitution initiated the previous year. The various issues of prostitution and sexual exploitation had rarely been under such a spotlight.

There are multiple reasons for this, which can be summed up by three converging factors:

- First, criminal activities linked to prostitution worldwide, including France, have been gradually revealed through repeated publicized cases.
- Secondly, the trivialization of sexual exploitation as shown by the media's fascination for commercial forms of organized prostitution and student prostitution, which tends to show that young French people may be of concern.
- Finally, the diverse and sometimes confusing reactions of the public, the national and local authorities that notoriously lack reference to a social fact that was up to now largely underestimated.

Understanding the key issues of the current situation requires several approaches.

### **The legal framework in question**

According to the 2011 Geoffroy-Bousquet parliamentary report, the legal framework is unsustainable. Opposing views on prostitution led to intense debates in 2012. The common factor was noting that the legal responses to prostitution needed a clarification of political choices concerning protection of victims, punishment of traffickers and penalization of clients.

At the beginning of the year, the electoral campaign allowed for the opportunity to question the candidates on the measures they would further implement to the 2011 parliamentary report. The two finalists took similar stances in favor of opening a parliamentary debate on these issues.

The candidate, François Hollande stated that he was in favor of suppressing the offense of passive soliciting and of initiating a debate over client penalization.

National coordination, imposed by the 2011 European Union directive, was created on the eve of the presidential election and the elected candidate charged Najat Vallaud-Belkacem, Minister of Women's Rights, with monitoring it.

On April 13<sup>th</sup>, 2012, the “Abolition 2012” group made an appeal following up on the November 29<sup>th</sup>, 2011 symposium at the National Assembly and on the parliamentary resolution of June 9<sup>th</sup>, 2011. It was also announced that a bill inspired by the Geoffroy-Bousquet report would be examined and, Minister Najat Vallaud-Belkacem stated her commitment to abolish prostitution in France and in Europe on several occasions during June 2012.

However, no progress was made during the second quarter: the consultations on the goals and terms of the future bill continued on without any sign of a consensus in the near future.

On December 4<sup>th</sup>, 2012, Brussel's call “Together for a Europe Free from Prostitution” to the European Parliament, united 200 associations on violence against women, coming from 25 member states and 4 other countries, at the initiative of the European Women's Lobby (EWL), the Fondation Scelles and the Mouvement du Nid, two French organizations. This appeal emerged from an assessment and comparison of the contradicting legal frameworks of Sweden and the Netherlands, a European debate on abolishing prostitution.

### **The repressive response as an indicative**

A few high-profile cases occupied the limelight, mainly the Carlton de Lille case with the indictment of Dominique Strauss-Kahn (DSK) for aggravated procuring, the conviction of Dominique Alderweireld (nicknamed “Dodo la Saumure”) in Belgium, and also the “Zahia” case with two star players of the national soccer team being sent to a correctional facility.

The almost daily legal cases on sexual exploitation demonstrated the disturbing progress of the diversity, violence and trivialization of prostitution nowadays. Three elements marked 2012:

- the confirmation of a mainly foreign prostitution, increasingly diversified in a mobile and adaptable network of organized crime,
- the extent of trafficking in rural areas, which appeared unaffected, sometimes leading to unexpected reactions by local representatives. For instance the “anti-prostitution” decrees forbidding prostitutes to park their van along the roads (*La République du Centre*, March 28<sup>th</sup>, 2012).
- the awareness of a more apparent recourse to prostitution among the youth, including French, through the facilitation offered by the internet and social networks, which contribute to making prostitution more common and virtual.

### **The debate in the media favors complementary themes**

The current situation has constantly generated analyses and debates in the media with several subjects generating a more particular interest in the public. Whether it could be movies or TV shows where prostitution is present, the publication of records in news or leisure magazines has invited the public opinion to take an interest in a wide range of indicative subjects on the reality of prostitution in France today:

- student prostitution constantly held the media's attention despite the lack of data;
- internet use driven by repeated legal cases,
- violence against prostitutes continuously demonstrated by various cases taking place in France,
- the growing phenomenon of Chinese prostitution, mainly investigated by the magazines *Marie-Claire* in March, *les Inrocks* in May and by the NGO Médecins du Monde in December.
- the matter of penalizing clients gave the occasion to people in favor of prostitution, to be in the media's foreground, such as, among others, the researcher Marcela Iacub, who states that she is in favor of a public sex service; a union of sex workers (STRASS) lobbied for a legal sex market (which would be less profitable if the clients were penalized), Patrick Bruel, a French singer, declared that "prostitution is mandatory" as a support to Dominique Strauss-Kahn and another French singer, Antoine, said he was outraged by the "hypocrisy of the speech on prostitution" and added that in Sweden a wave of rapes followed the implementation of client penalization.

### **New perspective brought by the three main reports**

More in depth, intense debates on the reality of prostitution in France and its possible treatments were fueled by three successive reports.

The report on the hypersexualization of young girls requested to Chantal Jouanno by Roselyne Bachelot was disclosed in March 2012 and allowed to engage in a reflection on the dangers of the misuse of the image of young girls' bodies. Twelve recommendations are intended to prevent harm to the dignity and the trivialization of sex

The report by the Inspection Générale des Affaires Sociales (IGAS - General Inspection for Social Issues) presented in December reveals the extent of attempts against prostitutes' health and physical security, closely linked to social insecurity. This assessment on the health issues of prostitution highlights its diverse and violent aspects as well as the need to take a multidisciplinary action.

Finally, after various consultations in the beginning of 2013, the report on the French situation by the Group of Experts on Action against Trafficking in Human Beings (GRETA) confirmed the need for a complete and coherent reform of France's public policy regarding prostitution. This reform, which started to take on an institutional form in 2013, is particularly sensitive in the identification of victims, the training of those concerned and the effectiveness of public devices which were still modest and poorly efficient in 2012.

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# Germany

- Population: 82 million
- GDP per capita (in US dollars): 41,514
- Federal Republic
- Human Development Index (HDI): 0,920 (5<sup>th</sup> rank among 187 countries)
- Gender Inequality Index (GII): 0,075 (6<sup>th</sup> rank among 147 countries)
- Founding Member of the European Union since 1952.
  
- No official national statistics on prostitution.
- Between 12 and 14 billion € (\$16 to \$19 billion USD) generated by prostitution in Germany.
- The law of 2002 established prostitution as a job, and as a result made prostitutes taxable (varied methods of taxation concerning prostitutes).
- Country of origin, transit and destination.
- 85% of the victims of human trafficking in Germany are native to Europe; 15% are Nigerians.

Germany occupies a unique place in Europe because of its 2002 law on prostitution, which recognizes prostitution as a job, does not consider it immoral, and consequently makes prostitution taxable. Beyond the large venues, prostitution in Germany is mainly operated by escort services, in apartments or in the street. This sector handles large amounts of money, between 12 and 14 billion € (\$16 to \$19 billion USD) each year. In spite of these huge revenues, many people criticize the 2002 law, considering it to have turned Germany into the “largest brothel in Europe.” 2012 celebrates the 10<sup>th</sup> anniversary of the law, providing reflection on its failure or its success, the diversification of the methods for taxing prostitutes and the trivialization of prostitution in society.

## Evaluation of the law

One decade after it was published, politicians are considering once more the issue of prostitution to evaluate the law without turning to abolitionism. Indeed, 78% of the German people (among whom 76% are women) are against the abolition of prostitution<sup>1</sup>.

Hans-Peter Uhl, from the CSU (center-right), thinks “the law was well thought out but ill implemented.” One of its aims was that prostitutes were supposed to register themselves in order

<sup>1</sup> Figures from Günther Jauchs’s talk-show on human trafficking, December 2012.



to have access to social services. This opportunity is rarely used, since many prostitutes seek to avoid administrative and contractual complexities. Brothels managers and procurers are the great winners as, actually, very few things have changed. The manager of the Eros Center “Le Pasha” in Cologne explains that, thanks to the law, he may now market or post an advertisement “money back guarantee” on his establishment. Their business is no longer illegal. Advertising for prostitution does not come without problems. In Nuremberg, leaflets were handed out near a nursery; they invited the fathers to visit prostitutes in apartments looking onto the yard of the nursery. It was suggested to the men to “go and fetch their children ahead of time so as to spend some good time before” or “to watch the children playing in the garden during the adult games”. As a result, the local council prohibited prostitutes to rent an apartment hourly.

The Coalition together with the Green Party are consequently discussing changes of the law so as to have a better control of the brothels. Among the changes hoped for, compulsory licenses for brothel managers are proposed so that controls are made easier and prostitutes are obligated to go through a medical examination. Only 1% of the latter are thought to have medical insurance. In addition, this would give human trafficking victims an opportunity to meet doctors and social workers. The law has made it difficult for policemen to act against human trafficking since they need strong evidence and facts. They are often accused of corruption by the victims who do not trust them. The debate also dealt with raising the age of sexual maturity. It had already passed from 16 to 18 years old in 2008 but some politicians have put forward the idea of fixing it at 21 years old in order to protect some naïve young girls.

### **Good results in the struggle against trafficking**

In 2012, 85% of the trade victims in Germany were coming from Europe, 20% of whom were coming from Germany itself, 20% from Romania and 19% from Bulgaria. The non-European victims were often coming from Nigeria. Most of them had been exploited in bars, brothels and apartments. 36% declared they were prostitutes knowingly. According to the 2013 U.S. Department of State Report on Human Trafficking, the German government has improved its capacity to identify trade victims by 75%. The authorities have allowed the identified victims a longer stay and have sometimes given them working permits particularly during the juridical proceedings when they agree to bear witness. But one of the problems is the light punishments for procurers and traffickers, most of them receiving no prison sentence, which places victims in a dangerous situation after the trial.

Germany favors European cooperation for fighting trafficking as revealed by the trans-border operation in the Meuse and Rhine regions. Indeed, 350 Belgian, German and Dutch policemen led a series of investigations into private clubs and bars on September 21<sup>st</sup> and 22<sup>nd</sup>; they were accompanied by members of the Parquet and the inspection services; the aim was to check whether the foreigners’ rights, and social legislation were respected, and to determine cases of human trafficking.

## Taxation concerning prostituted persons

In Germany, prostitution is legal. Any registered person has to pay income tax. In 2011, the city of Bonn instituted a system of parking-meters for prostitutes<sup>2</sup>. In 2012 the town council decided to renew this tax, which had brought in 250,000 € (\$399,925 USD) the year before. Although this money amounts to nearly nothing in the town's budget (1.2 billion € - \$1.6 billion USD for the year 2011-2012), it has been used to pay for locked-up parking garages where clients could park their car and for security costs (increased surveillance). Monika Frömber is a town councillor; she thinks the parking ticket machine is the best solution since most prostitutes do not speak German and are unable to fill in their tax-return forms. Besides, as lots of them often do not work a whole month because they often move out, the daily parking ticket addresses this mobility quite well. Most prostitutes duly pay their taxes. In one year, some 20 warnings and 7 fines have been delivered. Other cities such as Soltau in Lower-Saxony have been inspired by this approach. The city council wished to create a 5 € (\$7 USD) daily tax for owners of "love mobiles", a kind of brothel which could be seen right on entering the city. Nevertheless justices decided in November 2012 that only tenants of trailers should pay the tax, exempting the owners. This judgement sets a precedent.

However Germany is facing a serious problem. Lots of prostitutes are not registered by the authorities and do not pay the tax. In 2012, a survey showed there were only 29 prostitutes officially registered in the city of Hamburg while the "red district" is said to have 2,500 residents, perhaps up to 4,000 according to the associations. Many prostitutes dare not say to the tax services they are prostitutes and prefer to declare themselves as dancers, masseuses or sports coaches. Even though they are recognized by the law, they fear stigmatisation above all. It may also lead to social injustice: for instance, the 2012 case of a prostitute in Nuremberg who was not registered and had declared no trade and no income; she was ordered to pay back the government aid she had received since 2008 (40,000 € - \$54,392 USD).

## Trivialization of prostitution?

The hockey team of Landshut in Bavaria, called "The Cannibals", has chosen the brothel "Lustra" as a sponsor. The players' jersey is rose, fuchsia-colored with a symbolical pin-up and a red mouth reading: "the world could be so sexy". The leaders think this sponsor is not an ethical problem since they only deal with "professionals" and not with forced women. They claim no negative reaction from the public opinion. However they lost a paramount sponsor, the fashion chain "Wöhr". In Karlsruhe, in the south-east region of the country, two young people, aged 14, stole their mothers' jewels. Once they had gathered 3,000 € (\$4,079 USD), they bought pizzas, kebabs, gambling games and a visit to a brothel. In Hanover, the exhibition "bar-code" showed an artistic project intended to prove that paid-for sex can be genuine, with independent and self-governing prostitutes. The project shows a prostituted woman in a red-lit cage, with 4 million stickers on her and around her that read: "Discount! Sale! Special prices!" The exhibition's

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<sup>2</sup> See "Germany", Fondation SCELLES, CHARPENEL Yves, *Prostitution et crime organisé*, Economica Ed., 2012.

spokeswoman felt the visitors' uneasiness and deplored that “*this practise was always associated with constraint and crime, but many women are prostitutes willingly*”.

### **The results of the outrage of the Gellért thermal baths**

Since the June 2007 evening party in Budapest was disclosed<sup>3</sup>, the fame of the Hamburg-Mannheimer has been seriously damaged as it was seeking to reach the position of a modern insurance company. Since then, the leaders have recognized that was a mistake, claiming that it was an exceptional case. Nevertheless, new revelations are emerging and publicized by German media. The conclusions of the June 2011 internal report about the trip were revealed in 2012. They set forth the various violations of internal rules committed on that night. Not only did this “reward” entail a cost of 83,000 € (\$112,763 USD) but many expenses were not sufficiently documented and consequently justified: 4,000 € for services normally free from a Hungarian agency, 36,000 € (\$48,952 USD) for flight tickets (twice paid for...), a score of people added on the bill without any justification... Even worse are the embarrassing disclosure of a trip to a brothel in Majorca for 2,428 € (\$3,301 USD) and the stays in a Jamaican erotic club in 2009, in 2010 and in 2011. The insurance company lost over 500 clients in 2011 after the Budapest scandal was revealed.

The 2012 year is consequently marked by the diversified modes of taxation concerning prostitutes and the trivialization of prostitution in society. It is also clear that Germany is still in search of a system which allows the country to integrate and improve the working conditions of prostitutes. This is all the more necessary as, on the occasion of the law's tenth anniversary, analysis showed clearly the failures of regulation. A new movement is growing, after the horror induced by the “*Flatrate Bordell*”<sup>4</sup> which offered unlimited sexual services for a set price and “happy hours”, which questions the difficulties of authorities to carry on their investigations as they are facing criminals operating in legal establishments. Germany is most interested in the French debate on prostitution and in the reflection conducted by its Dutch neighbour, which will soon be stricter against human trafficking and forced prostitution. Discussion is not remotely over beyond the Rhine.

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<sup>3</sup> The company had invited its best clients to an evening party in the thermal baths in the company of prostitutes, see « Germany », Fondation SCELLES, Charpenel Y. (Under the Direction of), *Exploitation sexuelle – Prostitution et crime organisé*, Ed. Economica, 2012.

<sup>4</sup> See « Germany », Fondation SCELLES, CHARPENEL Yves, (Under the Direction of), *op. cit.*



## Ghana

- Population: 25.5 million
- GDP per capita (in US dollars): 1,605
- Presidential regime
- Human development index (HDI): 0.558 (135<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.565 (120<sup>th</sup> rank among 147 countries)
- Member of the African Union since 1963.
  
- No official national statistics on prostitution.
- The International Organization for Migration (IOM) has identified that child sex trafficking is rampant along fishing and oil ports near Lake Volta.
- Adoption of an immigration law in June 2012, which explicitly prohibits human smuggling and trafficking.
- In 1998, all types of ritualized labor were banned through an amendment in the Ghanaian Penal Code .
- Country of transit and destination for sex trafficking.

As of 2012, there are around 200 brothels in Ghana and 80 to 90% of the victims of sexual exploitation are girls. These girls are often sold or bonded to the sex trade in order to provide food, shelter, and money for their families. Ghana is endowed with gold and cocoa as natural resources and is rising economically in areas such as Lake Volta. Yet, the International Organization for Migration (IOM) has identified that child sex trafficking is rampant along fishing and oil ports near Ghana's Lake Volta.

Ghana is considered both a country of transit and final destination for sex trafficking. Women arrive predominately from: China, Nigeria, Cote d'Ivoire, Burkina Faso, and Benin and are either subjected to sexual exploitation in Ghana or transported to another country. Superintendent Patience Quaye, director of the Anti-Human Trafficking Unit (AHTU) of the Ghana's Criminal Investigation Department (CID), explained that Ghana is a prevalent transit point because it is comparatively easy to obtain traveling documents in Ghana to travel outside of the country. Consequently, Nigerian traffickers use Ghana as a transit point to travel outside Africa to places such as the United States (*YouTube*, May 2011). As a final destination,

trafficking victims are brought to Ghana and forced into either sexual, domestic (such as fishing), or mining and quarry work.

Dr. Peter A. Wiredu, director of Ghana Immigration Service (GIS), noted that between January 2012 and May 2012, immigrant officers dealt with 124 cases involving migrant smuggling by the interception of immigrant officers. Kotoka International Airport is a popular location for immigrant smuggling (*Ghana News Agency*, July 6<sup>th</sup>, 2012). Since the AHTU was formed in 2009, they have been working with other non-profit organizations in Ghana as well as the International Criminal Police Organization (INTERPOL). The AHTU sends INTERPOL evidence of foreign sex traffickers in Ghana, in the hopes of tracking and punishing these perpetrators (*YouTube*, May 2011).

### **The anti-human trafficking unit**

The AHTU has been working with Ghanaian government this year to create an anti-trafficking awareness campaign. According to the 2012 Trafficking in Person's Report, the AHTU has identified 409 trafficking victims in Ghana. In 2012, AHTU received over 117 reports of trafficking cases and initiated 91 investigations across Ghana's ten regions.

While identification of trafficking victims is at an all-time high, the AHTU is under-funded and understaffed. Only 16 out of the 91 ATHU investigations were prosecuted. Police officials of the AHTU division are the only people who are able to prosecute human trafficking cases (*U.S. Department of State*, 2012). In order to strengthen victim protection in Ghana, the AHTU needs more government funding and a larger police staff.

### **Prosecution of offenders**

From a legal perspective, the 2005 Ghanaian Human Trafficking Act was amended in 2009 to adhere the definition stated in the 2000 United Nations Trafficking in Person's Protocol which: prohibits all forms of trafficking and ensures anywhere from five to twenty years of prison for trafficking convictions. Before Ghanaian President John Evans Fiifi Atta Mills died in July 2012, he worked to pass the Immigration Act of 2012; a law that explicitly forbids human smuggling and trafficking (*Modern Ghana*, September 8<sup>th</sup>, 2012).

A national human trafficking conference, on July 5<sup>th</sup> and 6<sup>th</sup> 2012, focused on the theme of "Building Partnerships to Counter Human Smuggling and Trafficking in Ghana". This conference brought together anti-human trafficking experts along with several Ghanaian diplomats and journalists to discuss how to "tackle the menace" of human trafficking. Patrice Quaye, superintendent of the AHTU, emphasized the need for collective international efforts between the Ghana Immigration Service (GIS) and the European Union (EU) as partners. Claude Maertan, head of the EU delegation to Ghana, emphasized involving the United Nations Office on Drugs and Crime (UNODC) to help the anti-human trafficking movement (*Ghana News Agency*, July 6<sup>th</sup>, 2012).

The UNODC did indeed help Ghana in its efforts to reduce the smuggling of migrants. The EU funded the project “Countering Human Smuggling and Other Irregular Migration” which commenced in November of 2011 and finished in March of 2012. The GIS requested the UNODC’s “Global Programme against the Smuggling of Migrants” to help with the training of officers who would implement this protocol. The UNODC and GIS thus collaborated and created an extensive and selective three-stage training course to train future educators of this program. The training started off with a two-day informative workshop in November of 2011, in which 60 police officers participated. The second stage, directly after the first, was a six-day training for 25 of the 60 officers (those with the best training potential). The third stage, in March of 2012, was a workshop for 15 of the 20 officers, and was taught by GIS and UNODC experts. The 15 officers who passed this 3-tier training are now in charge of educating the rest of the Ghanaian Human Trafficking and Smuggling Migrants Units (UNODC, April 4<sup>th</sup>, 2012).

### **Protection of victims**

Although there needs to be more services to help the victims of sexual exploitation, especially girls, many efforts have been made. For example, in May of 2011 AHTU and INTERPOL worked together to search 125 brothels in Ghana. As a result, five brothels were raided and AHTU officers rescued 55 women and 65 underage girls (*Modern Ghana*, September 8<sup>th</sup>, 2012). Additionally, the International Needs of Ghana (ING) network is taking action to withdraw children from brothels and rehabilitate, counsel, and test them for sexually transmitted infections and diseases such as HIV. In 2011, the ING helped 500 children.

The 2012 U.S. Department of State Report on Human Trafficking noted that the Department of Social Welfare in Accra has funded the creation of a shelter for sexually abused children. Jones Owusu Yeboah is the director of an Accra-based non-governmental organization, which works in collaboration with the police to rescue and take care of orphans and create awareness for child trafficking. He has urged parents and guardians of children not to be influenced by money in terms of handing their children to sex or labor traffickers (*Suhum Kraboa Coaltar*, May 8<sup>th</sup>, 2010). Furthermore, the AHTU has created outreach programs in the Volta region with the Ghanaian Government’s Ministry of Women and Children’s Affairs and local NGO’s (*U.S. Department of State*, 2012).

The Ghanaian Anti Human Trafficking and Child Protection Coalition was established in 2009 in collaboration with international NGO, Free The Slaves (FTS). This collaboration serves as a platform to address child labor issues in Ghana. It is comprised of 25 organizations addressing different types of child slavery: commercial sex, gold mining, fishing, and cocoa. This coalition tackles the need for rehabilitation centers for children. The coalition also works to provide trainings to agencies that work in industries where child exploitation is common.

### **Sekondi-Takoradi Sea Port: oil revives prostitution**

The economic growth of the Sekondi-Takoradi (capital of the Western region of Ghana) oil port this year has unfortunately corresponded with the growth of crime, corruption, and sexual exploitation in this area. In 2011, President John Evans Fiifi Atta Mills worked to turn the Sekondi-Takoradi seaport into an international oil port. As of 2012, the Sekondi-Takoradi oil port is considered an international center of commerce. As expat oilmen have come into the region, prostitution and sex trafficking in Sekondi-Takoradi has increased (*Radio Netherlands Worldwide Africa*, February 6<sup>th</sup>, 2012). While many girls are being internationally trafficked against their will, some junior high school female students in Sekondi-Takoradi are willingly joining prostitution rings or “social clubs.” Fautstina Otabil, Deputy Western Regional Director of the Department of Women and Children, blames the trend of girls willingly entering prostitution rings on parental neglect and the lack of social protection (*Modern Ghana*, August 10<sup>th</sup>, 2011).

Powerful politicians and social figures in Western Ghana have advocated for the protection and prevention of Ghanaian youth being drawn to prostitution. Nana Kofi Mbeah, the Sekondi-Takondari Metropolitan Director of Education (MDE), urges parents to be proactive and let their daughters know the risks of entering these social clubs (*Ghana Business News*, January 20<sup>th</sup>, 2012). Awulae Attribrukusu, President of the Western Region House of Chiefs, is working to engage parents in constructive ways to influence the younger generation. Attribrukusu has mentioned the idea of putting a curfew on children as a way of keeping them away from nightclubs (*Radio Netherlands Worldwide Africa*, February 6<sup>th</sup>, 2012). Juliana Azumah-Mensah, Minister for Women and Children’s Affairs in Ghana, urges the combined efforts of parents, churches, and civil society in combination with the government in order to combat child prostitution (*Global Times*, July 11<sup>th</sup>, 2012).

### **Trokosi slave tradition**

Trokosi is an Ewe (language spoken in southeastern Ghana) word, which translates to “slave of the gods.” In certain animist villages near the Ghana-Togo border, when a man commits a crime, such as stealing, he can only receive religious absolution for the crime if he sends his virgin daughter to the local fetish priest (*The Welles Report*, March 29<sup>th</sup>, 2012). Fetish priests are magical spiritual medians found in Ghana, Togo, and Benin. They perform rituals to communicate and seek the favor of the god of the shrine. The majority of trokosi are taken into slavery before puberty and some are taken to the shrines as young as four years old (*Every Child Ministries*, 2011). The cost of this “absolution” is the daughter becoming the priest’s *trokosi* (or slave who works in the field by day and is frequently raped by the priest by night). Several variations of the rite of trokosi exist but most consist of being stripped of clothes and jewelry in front of several old men. These women must serve a lifetime of enslavement for the alleged crimes of their relatives. When a trokosi slave dies, her daughter must replace her (*The Welles Report*, March 29<sup>th</sup>, 2012). In 1998, all types of ritualized labor (including trokosi slavery) were

banned through the Criminal Code Amendment Bill. In 1999, International Needs Ghana (ING) negotiated the liberation of 2,000 trokosi. At the same time, it was noted that over 3,400 still remained in bondage in Ghana in 1999 (*Human Rights Brief*, 1999). Over a decade later, in March of 2010, it was estimated that 2,200 females were still bonded to shrines as trokosi in Ghana. Without the intervention of non-governmental organizations, such as Every Child Ministries, this practice will never be eliminated.

Every Child Ministries, headed by Lorella Rouster, is a non-governmental organization which has been working to free trokosi slaves and provide them tools to transition them to the liberated lifestyle. In the past twelve years, this organization has freed 500 Trokosi slave women and 5,000 slave children. In order to transition the freed women into modern Ghanaian society, they teach them vocational, life skills, and Bible studies courses. They also provide counseling and temporary shelter for these women. A current initiative for Every Child Ministries was the 2012 purchase of a plot of land on the Ghana-Togo border. Currently, Every Child Ministries volunteers are in the process of constructing three rehabilitation buildings on this plot of land. By August 2013, Every Child Ministries hopes to have the rehabilitation centers up and running. In order to reach the projected goals for 2013, Every Child Ministries needs to raise an additional \$26,000 USD as well as find a construction team (*Mission Network News*, June 18<sup>th</sup>, 2012).

Of the 25 million people living in Ghana, 28% of the population lives below the poverty line (*Feed the Future*). This high rate of poverty, in combination with limited educational and social resources for the poor increases the chance of a child being drawn to prostitution. To combat human trafficking in Ghana it is recommended, by the 2012 Trafficking in Person's Report, that Ghana increase its efforts to investigate, prosecute and convict trafficking offenders and standardize law enforcement data across the Ghanaian Economic and Organized Crime Office (EOCO), the Anti-Human Trafficking Unit (AHTU), and the Ghana Immigration Service (GIS) (*U.S. Department of State*, 2012). It is also necessary for non-governmental organizations, such as Every Child Ministries, to receive adequate funding to allow for the creation of rehabilitation centers to aid victims of human slavery.

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## Greece

- Population: 11.4 million
- GDP per capita (in US dollars): 22,083
- Parliamentary regime
- Human development index (HDI): 0.860 (29<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.136 (23<sup>rd</sup> rank among 147 countries)
- Member of the European Union since 1981.
  
- No official national statistics on prostitution.
- According to the municipality, more than 315 illegal brothels were identified in Athens in 2011.
- Regulationist regime.
- The law obliges prostitutes to have regular medical exams by public health doctors. Male prostitution and procuring are illegal.
- The decrease in subsidies for distribution programs of syringes and preservatives has contributed to the increase of infection cases of HIV/AIDS by 57% between 2010 and 2011.
- Country of origin, transit and destination for human trafficking.
- Female victims of trafficking are native to Eastern Europe- Albania, Belarus, Bulgaria, Lithuania, Moldavia, Romania, Russia, Ukraine and progressively more, Asia and Africa; including Maghreb.

The unemployment rate has more than doubled since the 2010 economic crisis. In fact, it reached 25% in July 2012.

Statistics show that there are more unemployed women than men, which is not a new phenomenon. Greece has always been the European country with the widest gap between male and female unemployment.

It is interesting to note that despite a decrease in employment rates, less women than men lost their jobs between 2009 and 2012.

It is, therefore, no longer uncommon for only the woman in the family to work. This breaks with the stereotype of the woman at home and the man at work, which to a certain extent demonstrates a positive evolution in the Greek patriarchal society. However, the Secretary of State in charge of gender equality in the 2009-2012 administration expressed her concern about

domestic violence against women. During her term she established shelters, counseling centers and a hotline to end this scourge.

Politically, there are 63 women in the Greek Parliament which represents 21% of the members of Parliament. As a matter of comparison, women represent 27% of the members of Parliament in France (*TV5Monde*, December 6<sup>th</sup>, 2012).

### **A bankrupt State**

The Greek State faces severe economic difficulties since the 2010 crisis. The extreme austerity measures implemented by the government aimed at cleaning up public finances caused an increase in suicides and murders (*La Tribune*, April 19<sup>th</sup>, 2013).

In addition, as it is liable to repay its huge debt, the Greek state is no longer able to infuse financial aid to areas that need it, even in the case of its prerogatives.

In 2012, an elementary school and an amateur soccer club were victims of this situation. The elementary school needed a new copy machine, books for the library and various supplies. The soccer club needed a new sponsor. The answer to their problems came from the same person: a soccer fan who was also a client of the lawyer who chaired the board of the parent and school association for the elementary school. It turns out that this woman was the manager of two brothels. She signed a check for \$4,089 USD (3,000 €) for the school and gave \$1,363 USD (1,000 €) worth of jerseys to the soccer team: the jerseys were pink and had the name of the brothels written on them. She also promised a “special moment” in one of her establishments if they won. The reactions made them act quickly. When the director of the school discovered the source of the funding he refused the donation declaring that “What is legal is not necessarily moral. We must protect our children.” He added that he regretted “the downfall of the State” (*Libération*, November 9<sup>th</sup>, 2012). As for the soccer club, its organizers forbade the players from wearing the pink jerseys during the games considering that the contract with the brothel manager “opposed sports ideals” and was bad advertising for young fans.

Prostitution is not suffering from the crisis in Greece. It seems that its revenue, generated from human trafficking and violence against women, could take place alongside international aid, now that Greece does not seem capable of fulfilling its obligations.

### **Prostitution: the boom of illegal brothels**

In Greece, prostitution is legal, but regulated. The installation of a brothel is done under the responsibility of local authorities.

The law mandates medical checkups for prostitutes. Male prostitution and procuring are illegal, organized prostitution must respect laws on brothel installation. Clients are not subject to any legislation.

During the past decades, illegal prostitution has strongly increased because of illegal immigration and the fall of communism.

Authorities confirmed that very few brothels are licensed. The number of foreign prostitutes has multiplied by 20.

Prostitution revenues in Greece have been estimated to \$10 billion USD (7.5 billion €) per year, which defines Greece as a major hub for human trafficking.

In 2003, before the Olympics Games of 2004, more than 230 brothels were legally installed adding to the already existing 600. Since then illegal prostitution has continued to increase (*MyEurop/info*, December 5<sup>th</sup>, 2011). Athens' city administration declares that at least 315 illegal brothels operate in the capital. The city has pleaded for the national government to soften licensing laws for legal brothels. (*Irish Examiner*, May 3<sup>rd</sup>, 2012).

### **Eradicating human trafficking: a lack of efficiency**

Between 1990 and 2010, more than 200,000 women and children were victims of human trafficking. The women are often purchased in the Balkans for the price of \$600 USD (447 €) and are obliged to have intercourse from 30 to 100 times per day (*La Tribune*, April 19<sup>th</sup>, 2013). Greece is the main transit country for illegal immigration within the European Union, and thus for human traffickers transporting women from Eastern Europe. Greece is also a destination country for female and child victims of sexual exploitation. They come from Eastern Europe (Albania, Belarus, Bulgaria, Latvia, Lithuania, Moldavia, Russia, Romania and Ukraine) and more and more from Asia and Africa (including Northern Africa).

An NGO observed that some adolescents, especially children from Afghanistan, Pakistan, Somalia and other African countries are forced into prostitution in Greece.

Police reports recount the process of traffickers who use the romantic disappointments of young girls coming from Albania or Romania in order to attract them and promise them a romantic relationship, but in reality, have the purpose of forcing them into prostitution in Greece. The police explain that most gangs of traffickers are often related with bars, clubs, hotels, use restaurants, night clubs and yacht-renting companies as fronts for money laundering. According to the 2012 U.S. Department of State Report on Human Trafficking, the Greek legislation does not fully comply with the international standards against trafficking. However, the government managed to identify many trade victims. In 2012, 27 traffickers were convicted (19 in 2011) and 16 were absolved (14 in 2011).

According to the 2013 U.S. Department of State Report on Human Trafficking, courts often alleviate the charges on procurers preferring to fine them instead of sentencing them to prison. Unfortunately, the report fails to explain as to why the courts choose to do this. Due to the financial crisis, government funds for NGOs against human trafficking have completely ceased. However, the Minister of the National Center for Health and Social Solidarity (CNSS), in cooperation with several NGOs, established shelters capable of welcoming 80 victims. The Greek law of 2002 and the Presidential Decree of 2003 prohibit human trafficking with the purpose of sexual exploitation and impose sentences of up to 10 years of prison and fines ranging from \$14,178 to \$71,164 USD (10,400 € to 52,200 €). These fines are proportional to those applied to other crimes of the same magnitude, such as rape. Police efforts against human

trafficking in 2011 had mixed results, due to the fact there were many investigations but few convictions. The Greek Police Union Against Trafficking, whose chief also leads the Union Against Organized Crime, concentrates on the dismantling of organized crime networks, especially those in Bulgaria, Romania, Greece, as well as in other countries, in cooperation with the police forces of these countries. The police led investigations on 46 human trafficking cases in 2012, of which six concerned forced labor, this demonstrates an increase compared to the 41 investigations conducted in 2011. In 2012 the Greek authorities prosecuted 177 traffickers compared to the 220 in 2011. The sentences for trafficking range from 1 to 18 years in prison. The fines reach \$142,464 USD (104,500 €). Many judges and prosecutors lack knowledge on human trafficking and do not show a lot of sensitivity towards the victims. Nevertheless, NGOs reported an improvement in the situation. In addition to their support in convicting traffickers, they have also played a key role in assisting victims, including legal and psychological assistance, as well as paying their fees. It has been suspected that local police officers are guilty of accepting bribes from traffickers, but the government has not conducted any investigations in the matter. In 2012, government protection for victims decreased.

### **AIDS – Prostitutes' rights are being violated**

Public health is significantly affected by the crisis. Between 2009 and 2011, the Ministry of Health's budget decreased by 23.7%. During that same period many unemployed citizens had to shift from private to public health care, but public health care has experienced many budget cuts and has become more expensive. According to the U.S.-Greece study of April 18<sup>th</sup>, 2012, cutting funds for syringe and condom distribution programs contributed to a 57% increase in VIH infections between 2010 and 2011 (*La Tribune*, April 19<sup>th</sup>, 2013).

On May 3, 2012, Greek authorities arrested 16 female prostitutes between 20 and 30 years old: 13 Greeks, 2 Bulgarians and 1 Russian. After a forced screening they were diagnosed as HIV-positive and were detained the next day for "attempted serious bodily harm" (*Le Monde*, May 4<sup>th</sup>, 2012). The young women denied having knowledge of their HIV infection. These forced screenings were established after a young Russian prostitute was discovered to be HIV-positive in late April.

Serious concerns were raised on the stigmatization of those in custody, HIV-positive and victims of daily sexual violence. The director of Médecins sans Frontières stated that they are victims and not criminals. In fact, a prosecutor decided to release the names, photographs, and HIV test results of those women taken into custody on the Greek police's website. (*Irish Examiner*, May 3<sup>rd</sup>, 2012). This publication's goal was to alert men who might have had intercourse with one of the women so that they would get tested as well. According to Positive Voice, an NGO defending HIV-positive people, many were shocked by this clear violation of medical confidentiality and of human dignity.

Amnesty International expressed concern about the measures exposing prostitutes to violence and stigmatization. The Center for Disease Control and Prevention (CCMP) tested over a hundred prostitutes that were potentially exposed to HIV. These included regular or

occasional prostitutes, often, drug addicts. The Center also received 1,500 calls from men worried about the health regulations in the brothels they frequent or who recognized a woman in the photos published.

Some organizations protecting prostitutes emphasize that many clients and procurers force women to accept unprotected sex in exchange for more money. Prostitutes also have clients who are minors and do not know much about sexually transmitted diseases. (*L'Humanité*, June 15<sup>th</sup>, 2012).

The Greek Minister of Health, Andreas Loverdos expressed concern about the increasing number of clients who ask for unprotected sex. He declared it as a public health issue.

The Greek Minister of Citizen Protection explained that it was a matter of prostitutes' privacy rights against the general right for public health protection. Curiously, the acknowledgement of a danger towards public health came a few days before the local elections in Athens (*Le Monde*, May 4<sup>th</sup>, 2012).

HIV/AIDS remains a taboo subject in Greece where no youth prevention campaign exists. This policy led by the government risks causing the opposite effect than expected. It discourages at-risk people from getting tested due to the fear of being tracked, a fear that will only expand the epidemic.

According to the CCMP, 954 new HIV/AIDS infections were detected in 2011, a 57% increase compared to 2010. The authorities expressed their concern about illegal prostitution and drug use that are conducive to the spread of the virus.

Elections took place just after and Andreas Loverdos called to the next administration to criminalize unprotected sex in brothels. (*Irish Examiner*, May 3<sup>rd</sup>, 2012).

### **The government's efforts: a prevention campaign**

The government has implemented a campaign against human trafficking on national TV and radio stations in order to raise awareness by addressing potential victims of human trafficking. This campaign incites victims to seek help, informs them of their rights and announces their protection benefits. It also states the penalties that traffickers are subject to.

With the cooperation of the United Nations Children's Fund (UNICEF), the government launched awareness campaigns to fight against child sexual exploitation.

However, the State lacks an organization for central coordination that would be capable of measuring the efficiency of these campaigns.

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## Guatemala

- Population: 15.1 million
- GDP per capita (in US dollars): 3,368
- Unitary State with a Presidential regime
- Human development index (HDI): 0.581 (133<sup>rd</sup> rank among 187 countries)
- Gender inequality index (GII): 0.539 (113<sup>th</sup> rank among 147 countries)
- No official national statistics on prostitution.
- 15,000 minors as victims of commercial sexual exploitation (2008 assessment).
- Prostitution of minors is prohibited but is not a crime for adults. Procuring is prohibited.
- In February 19<sup>th</sup>, 2009, a law against sexual violence, exploitation and human trafficking was established (9-2009 decree)
- Country of origin, transit, and destination for international human trafficking. Illegal adoptions, other forms of trafficking remain despite a significant decrease.

According to official sources, poverty, which concerned 56% of the total population in 2000, had decreased to 51% by 2006. By 2011 it had climbed back to 54%. 71% of rural populations suffer from poverty or extreme poverty (*ENCOVI*). For the year 2012 only, 6,024 murders were registered in Guatemala, 5,317 men and 707 women (*INACIF*). Violence also strikes down children: according to a 2012 survey for the *Comision Nacional contra el Maltrato Infantil* (CONACMI), 11,000 children have been victims of sexual assaults. This figure is considered to be widely underestimated.

Mirna Montenegro, the director of the *Observatorio en Salud Reproductiva* (OSAR)<sup>1</sup>, draws attention to the rising number of young female victims of rape and pregnancy at 9 years of age. During the last three years, mothers between 10 and 17 have given birth to 135,808 babies. Among this group, 40,742 girls have delivered a child after a rape, which represents more than one third of the total babies- all of whom do not survive. The OSAR establishes a link between poverty and early motherhood, which is an obstacle for schooling and reduces access to the labor market: 40% of these young minors were single mothers, 60% didn't attend school and 80% worked in the informal sector.

<sup>1</sup> OSAR Statistics are established from data gathered in national hospitals.



Violence against women is increasing. The traditionally accepted machismo reduces women and children to objects, merchandise at the man's disposal. It institutes a superiority of men over any other family member. It tends to undermine the family relations of the most vulnerable populations. In January 2013, Sebastián Elgueta, an Amnesty International researcher for Guatemala, recalled that "if one does not prevent violence nor prosecuting the people responsible for it, it is like conveying a message saying that it is allowed to murder women". Most of the time, by fear of retaliations, violence is not followed by complaints and even less so by penal proceedings.

The worsening of the situation has led to a major international and national mobilization against violence, highlighting violence against women. Before 2008, violence against women was, as far as the law was concerned, private business, thus tolerated by the State. The April 2008 law against "femicide"<sup>2</sup> and other forms of violence against women (22-2008 decree) show an important shift by the heavy punishment handed out to those responsible for physical, sexual psychological and economical violence against women. A judge was specially appointed in 2011 to fight against the murder of women and three additional judges were added in 2012. However, Amnesty International observes that: "the 2008 law against the murder of women and other forms of violence against women that created, among other measures, special courts to deal with this type of violence, seems to have had small impact on reducing violence against women and on the obligation for those responsible to be accountable for their actions". These femicides very often come with acts of cruelty and barbarism reported almost daily by the press.

### **The multiple causes of commercial sexual exploitation**

In such a context of poverty, unpunished violence and machismo, it is easy to understand the development of commercial sexual exploitation and of human trafficking. Trafficking aimed at sexual exploitation is directly linked to organized crime whose activities, one can imagine, comprise commercial sexual exploitation.

Guatemala, like other Central American countries (Salvador, Honduras, Nicaragua), is a source for international trafficking towards Mexico, the USA, Jordan, Spain, as well as a transit country and a destination for young girls and foreigners.

Illegal immigrants who are driven back to the Guatemala-Mexico border, a passageway to the USA, are easy prey for networks. Networks recruit young women and minors, mostly girls, in rural areas to sell them in cities in Guatemala or abroad. Sex tourism is starting to appear in some tourist areas.

Young girls and women from disadvantaged backgrounds are targeted by networks for commercial sexual exploitation. The lack of resources in some families drives boys and girls to engage in activities to earn a living. In the context of increasing extreme poverty, some discriminated and illiterate families decide to sell the daughters into prostitution. Because of the armed conflict (1960 – 1996), young, Mayan girls have engaged in prostitution whereas

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<sup>2</sup> Law defines femicide as the murder of a woman within the context of unequal relations of power between men and women. Sentences range from 25 to 50 years of imprisonment.

previously they were not involved in this activity. Some parents leave their daughters with strangers who lure them with the promise of work, but in fact lead them into prostitution. Some aging mothers, prostitutes themselves, and hand over their daughter to this activity as a sort of legacy. Many children grow up in an environment filled with criminal violence, trafficking and high levels of drug consumption, so much so that prostitution is considered like any other means to make a living.

A man paying for intercourse with men, women or children is broadly accepted by the people. Yet, after years of silence, the situation is starting to change. The February 19<sup>th</sup>, 2009 law aimed at making the national legislation consistent with international treaties Guatemala ratified has been approved unanimously by Parliament.

### **The legal status of prostitution in Guatemala**

Prostitution is prohibited for minors. It is not an offense for adults if it results from an arrangement between the client and the prostitute; however, procuring activities are prohibited.

The law of February 19<sup>th</sup>, 2009 against sexual violence, exploitation and human trafficking (9-2009 decree) aims at “preventing, repressing, punishing and eradicating sexual violence, exploitation and trafficking in human beings, and at taking care of, protecting and compensating the victims of the damage done” (*CENADOJ*).

The enforcement measures of this law constitute a major step forward in the fight against commercial sexual exploitation. The definition of sexual assault has been broadened and the conviction of culprits according to the victims’ age has been toughened.

The 202<sup>ter</sup> article of the Penal Code of Guatemala dealing with human trafficking prohibits abducting, transporting, transferring, locking up, welcoming or receiving one or several persons with the aim of exploiting them. The sentences range from 8 to 18 years of prison. The delivered sentences are:

- in 2011 - 11 cases, the Public Ministry had received 206 denunciations
- in 2012 - 12 cases, the Public Ministry had received 206 denunciations

*La Secretaría contra la Violencia sexual, Explotación y Trata de personas* (SVET) was created in 2009 to coordinate the law’s provisions. The Restitution of the Victims’ Rights Program (PREVET), created by the previous administration, referred to a fund for compensating victims, but was not given any detail in the SVET. Within the framework of PREVET, a shelter for victims opened, dedicated to the victims of trafficking sent by the courts. Very few victims of human trafficking are recognized each year because very few file complaints for fear of retaliations and because of a lack of trust in the legal system, which has very slow proceedings. The PREVET was closed in February 2012 due to too high operating costs.

The SVET is now seen as more of an entity in charge of coordinating the different institutions in order to intensify prevention and strengthen the protection of the victims of sexual violence and trafficking. It strives to make sure that each ministry takes on its responsibilities. Its 2012 budget, coming from the State’s budget, reached 5 million GTQ (around \$680,200 USD).

Financial help from international organizations to carry out one-time actions, seminars campaigns, etc. add to that total.

The 2013 U.S. Department of State Report on Human Trafficking assesses that, despite the ongoing efforts of the government to fight trafficking, the police and the public prosecutors lack necessary funds and skilled staff. The National Police unit specialized in investigating sexual crimes, human trafficking, and missing children has only four investigators for the whole country. Corruption of public servants prevents anti-corruption laws from being strengthened and favors activities linked to trafficking by ID counterfeiting, information leaks about scheduled police operations, and neglecting to check on commercial websites involved. According to this report, most NGOs remain critical about the government's capacity to spot and identify victims of trafficking. Nonetheless, the Ministry of Foreign Affairs has facilitated the repatriation of 50 victims to Guatemala as well as the voluntary repatriation of five victims to Colombia.

In December 2012, judges specializing in trafficking offenses were trained. A specialized police unit has been created and should start operating in January 2014. Its task will be to improve the investigations carried out against trafficking and sexual violence offenses. The SVET seeks to improve the way the victims are taken care of, which is still defective. In some cases, the victims are taken care of even if the verdict has not yet been overturned. Since 2011, the victims who require a particularly high level of protection are guided towards *El Refugio* or the *Fundacion Sobrevivientes*.

### **The wretched areas of prostitution in Guatemala Ciudad**

One can observe the strong intertwining of crime, drugs and prostitution: they are developing in some neighborhoods, which are becoming ultra-violent and where gang confrontations (*maras* or *pandillas*), thefts, money extortion, illegal confinements, severe wounding and murders come one after the other. In some places, minors are exposed to the propositions of adult clients. Drugs, legally prohibited, are easily accessible: glue, crack, cocaine, medicines... Most of the prostitutes take hard drugs and drink alcohol. In some bars, alcohol is part of the activity of the prostitutes: they have to encourage the client's consumption of alcohol, which brings in more money for the bar owner. The actions of the police are widely considered as inefficient: the police pass by, trafficking carries on...

This type of prostitution is a means of survival: the prostitutes earn, depending on their age and the service they provide the client, between 30 and 50 GTQ (\$4 to \$7 USD) per trick. They all have to pay those who really benefit from prostitution: brothel owners, procurers – sometimes women who also prostitute themselves occasionally - bodyguards who protect them from extortion. Other considerations for the prostitutes include the feeding of herself and her children, childcare if the child does not live with its mother and providing support to the rest of the family in town or back in the village. Some children are left with a nanny, but this type of child care is not regulated so does not offer a guarantee of good care.

Many prostitutes have to live in hotels where they pay rent daily. Out of a sample of 100 mothers who prostitute themselves in the capital city, 40 keep their children close to them day

and night in bars/brothels. Among them, 55% have three or more children... It was too difficult to work on a larger sample given the impossibility to access some rooms and brothels where children are kept hidden.

Prostitution carries major health risks such as HIV/AIDS and other sexually transmitted diseases. It is feared by this population, which cannot always be protected from contamination due to a lack of information or to the client who may be HIV-positive but refuses to use a condom. Some clients look for minors because they manage to obtain unprotected sex more easily. Prostitutes get paid more and often accept, because they are unaware of risks or are under the influence of drugs.

### **Sketching an assessment**

Despite recent and genuine efforts by the government, most prostitutes remain slaves trapped in a situation with no exit. Abandoned and vulnerable they do not have the means to escape from a world of criminal violence of which they are the first victims. It is necessary to point out that these mothers are incapable, without exterior support, to give their child a proper future. However, violence prevents them from finding exterior support. As a result, chances are that the children will be caught in the same spiral if large scale counter measures are not implemented. It is a tragedy and a threat to the present and the future of the country.

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## Haiti

- Population: 10.6 million
- GDP per capita (in US dollars): 771
- Parliamentary regime
- Human development index (HDI): 0.456 (161<sup>st</sup> rank among 187 countries)
- Gender inequality index (GII): 0.592 (126<sup>th</sup> rank among 147 countries)
  
- No official national statistics on prostitution.
- Predominance of survival prostitution. Recent emergence of prostitution for the least deprived who are attracted by the immediate consumption and luxury.
- The law-decree of 2005 criminalises rape and sexual aggression.
- Country of origin, transit and destination for human trafficking.

Haiti is the poorest country in the Caribbean. It is also the smallest territory with only 27,750 km<sup>2</sup>, half the size of the Dominican Republic. As a result of the January 2010 hurricane, public health has been seriously endangered, farming production drastically diminished, and poverty aggravated. As humanitarian supports have been reduced, the country cannot overcome the terrible problems which it is going through, even more so since every year, new floods and hurricanes hinder developing urban and rural structures that are adapted to climatic conditions and local topography.

### Camps of displaced citizens

Three years after the earthquake, life in camps hardly improved and although the government launched a program to close the camps in summer 2011, the same camps are simply rebuilt elsewhere and becoming shanty towns on the outskirts or inner suburbs, while their flickering population suffers from extreme destitution and a severe lack of hygiene and resources. Social and sanitary services are themselves far too deficient in staff and means to take charge of the specific needs of these populations and humanitarian organizations are lacking.

According to the 2013 report from the French Ministry of Foreign Affairs - France Diplomatie, between October 2010 and 2012, cholera accounted for 7,100 deaths out of the 530,600 registered. And in the same report, it is noted that 3/4 of the population live in poverty, half of whom live on \$1 USD a day.

## **New forms of prostitution**

Prostitution has never been regulated in Haiti. Survival prostitution goes on in the country and in camps, involving mothers as well as daughters, and more often street children. From 2012 on, prostitution expanded to a new type of population, less out of destitution than for want of immediate luxury items.

Even worse: if, according to the United Nations Development Programme (UNDP), 40% of Haitians own a cell-phone or are web-connected device, these media make the prostitution supply-demand easier (*Haiti Press Network*, January 13<sup>th</sup>, 2012). This mainly implies that it is young students who prostitute as a way to pay for their school fees as well as to buy trendy clothes or attractive items. Hence, to a lesser extent, the North American system of “sugar daddies”<sup>1</sup> is recreated, while the risk still remains of being caught up by procurers and being brought to Cuba. And this type of prostitution, from individual to occasional, is gradually shifting to procurer nets. The center of the country is badly hit by this new phenomenon (*AlterPresse*, December 19<sup>th</sup>, 2012). At Hinche, capital of the center region, not only are hostess-bars, restaurants and brothel running at all times of the day and night, but now female prostitution takes place in private homes in town, in suburbs and around the Western coast, in places such as Mirebalais, Thomonde or Thomassique. So much so, that the director of the Journalist Union asked the authorities to “eradicate prostitution in the region.”

As an answer, the government commissioner invited the citizens to inform the police of prostitution cases. To what a pathetic result! About ten people were arrested in Hinche for implied juvenile sex trafficking, which did not stop the phenomenon from expanding.

## **A new type of sex tourism coming forward**

Sex tourism such as in Cuba or in Dominican Republic, does not seem to exist in Haiti, nor are there facilities opened to sex tourism, such as sea-resorts, hotels, bars, discos, or holidays camps. Yet, the dramatic consequences of the 2010 earthquake still go on and occupy the best intentioned official services for support and protection of civilians.

The increasing number in United Nations Stabilization Mission in Haiti (MINUSTAH), which grew from 7,000 soldiers in 2009 to 12,200 in 2012 (among whom 2,700 are police forces, coming mainly from South America), at times lead to serious problems.

In 2011, scandals erupted when young boys and girls were gang-raped by UN soldiers in camps and villages. Under villagers’ pressure, the soldiers were sued and those found guilty were punished by penal and military courts. Meanwhile, the denunciation of prostitution organized inside military camps, gave rise to an investigation conducted by the staff of MINUSTAH, but to no avail. Concerning prevention, orders have been given to the local police to improve the security of displaced populations and to the MINUSTAH officers to control their men’s behavior.

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<sup>1</sup> An elderly man (sugar daddy) or woman (sugar mummy) who keeps a much younger female or male lover.

Apparently homosexual prostitution seems to be promoted by a discrete organization. Very young men, often as young as teenagers (“*toulesbagay*”, “*fewanamache*”, “*backchat*”, “*Banm afem*”) are being used and openly operate in some specific areas in Port-au-Prince.

### **Haïtien official policy**

L'Institut de Bien-Etre Social et de Recherches (IBESR), is an administrative and technical organization attached to the Ministry for Labour and Social Affairs, and its purpose is to respond to the social needs of the poorest classes in the population. It consists of four Departments: General Affairs, Administrative Affairs, Social Service, Social Defense, each of which divided in four different sections. Three out of the four sections of the Social Defense Department deal with minors and their families: le Service Social Pénitentiaire (SSP), le Service de Protection des Mineurs (SPM), la Section Accompagnement des Mineurs (SAM). The fourth section is the Service de Contrôle de la Prostitution et de l'Inspection which deals with the moral code and the enforcement of social laws, responding to three goals:

- supervision, management, and attendance inspection of cabarets, dance-clubs, bars, brothels, and prostitute hotels, all films and published work, porn shows, radio and TV programs.
- educating, informing, and counseling prostituted women and organizing campaigns against venereal disease; delivering health certificates to women; running support groups or social and professional integration workshops. While on the other side organizing actions directly targeted towards young and school people or talks in schools to prevent the “*After School*” (“*Zokiki*”) phenomenon going on.
- field study with authorities; initiating coordination between charities and all organizations involved in prostitution; think tank with representatives of human rights organizations, civil society, local town halls and regional services, concerning prostitution problems in Haiti. The research offices are listing all cabarets and prostitute hotels in the country; they are studying the etiology and geography of prostitution in Haiti; they also do regular surveys on metropolitan prostitution. This section of ISBER does not work directly with prostitutes but, their studies and control over prostitution places and their reports, have a strong impact on the authorities decisions, and the enforcement of social laws.

### **Womens' Charities to look after the victims**

Considering the increasing number of raped girls drawn to prostitution, the Ministry of Women Condition and Rights –created in 1995- is promoting information sessions, actions against violence, and help for victims.

Approved and supported by the authorities, the charity *Komisyon Fanm Viktim pou Viktim-Commission* by female victims and for female victims (KOFAVIV), runs a call center and organizes frequent campaigns to inform and make women victims aware.

At the same time, KOFAVIV, operating directly on the field, organizes actions dealing with the specific needs of assaulted or mugged women: listening, speech groups, health care,

accompanying victims to the hospital, all this completed by practical help in lodging, job, and various types of expressed needs.

KOFAVIV is also working together with a number of women's charities offering specific or punctual services to victims, such as SOFA- Solidarity with Haitian Women; or CAD- Support Centre for Development.

Violence against women and children are so common in Haiti that charities are hardly able to address all the victims' needs and the distressed appeals.

The United States in the fight against the "gendered violence", has launched a major program to enhance security, raise, train and organize a cell of the Haitian National Police, and to directly help victims of violence and sexual exploitation (care, health, and legal support in the case of prosecutions of perpetrators).

From a practical point of view, actions range from logistics, such as settling 800 sun panels in Port au Prince, St Marc and other towns which are dangerous and under-equipped in the North of the country, up to training 40 policewomen to protect children and vulnerable in the University of Columbia.

In June 2012, over 9,200 people among whom 113 social workers had been made aware of the problems and more than 2,300 victims had benefited from health care, screening for HIV-AIDS or psychological support. While, at the same time, the health services were following up 9,000 people (*U.S. Department of State*, 2012).

Yet, these actions can only take place when based on a strong political will and they demand vigorous coordinating, especially between the health service, Women's Rights Ministry and of main local NGOs.

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## India

- Population: 1.25 billion
- GDP per capita (in US dollars): 1,489
- Federal regime
- Human development index (HDI): 0.554 (136<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.610 (132<sup>nd</sup> rank among 147 countries)
- No official national statistics on prostitution.
- In Mumbai, there are more than 500,000 victims of sexual exploitation, of which, 40% are children.
- Many child abduction victims in India. Thirteen children disappear every hour.
- Article 23 of the Constitution prohibits all forms of human trafficking and forced labor, especially prostitution.
- *Immoral Traffic (Prevention) Act* punishes “visible” prostitution such as solicitation and the action of prostituting oneself in public places. Prostitution is tolerated provided that the person is over the age of 18, consenting and dissimulates the action from the public.
- Country of origin, transit and destination for human trafficking, especially with the purpose of sexual exploitation.

India is one of the countries most affected by sexual exploitation in South Asia. It has become one of the most flourishing sex industries in the world. Mumbai, Delhi, Chennai and Kolkata are at the epicenter of this traffic. In Mumbai, for example, according to expert estimates, there could be more than 500,000 victims of sexual exploitation, 40% of whom are children (*IBN Live*, March 14<sup>th</sup>, 2012).

In addition, the geographical situation of India - near Nepal and Bangladesh - facilitates the transportation of victims, probably migrants, as a result of the porous borders that exist between India and Nepal. Each year, thousands of Nepalese women are prostituted in brothels to meet the demand of the ever-growing sex industry in India.

### **Women and children, victims of sexual exploitation**

70% of Indians living below the poverty threshold are women (*University of Montreal*, August 2010). Women and children are particularly vulnerable and are the first victims of sexual

exploitation. Some families in extreme poverty go as far as selling their daughters to networks that exploit human beings or to strangers willing to marry them without dowry.

A significant number of women become victims of sexual exploitation as a result of human trafficking that originates through fraud or coercion. In brothels, women are often treated shamefully, forced to offer their services to no less than 40 men a day (*Eurasia Review*, 13 mars 2012).

Many children are victims of kidnapping in India. Every hour, 13 children disappear (*Deutsche Welle*, February 1<sup>st</sup>, 2012). Women are also reported missing to the police. This steadily rising phenomenon can inevitably be linked to the trafficking of children and women. Among the various forms of prostitution, a new one is emerging: escorts. The latter provide all kinds of "services" to tourists.

### **Legal framework**

In domestic law, Article 23 of the Constitution of India prohibits all forms of trafficking in persons or forced labor, especially prostitution. The country upholds this as a fundamental protection for its citizens. India has also introduced a special law, the *Immoral Traffic (Prevention) Act*, which makes it illegal to exploit and abuse human beings, to keep a brothel, to take advantage of the prostitution of others, to enlist someone in prostitution, to force a person to engage in prostitution, etc.

The law penalizes "visible" prostitution, such as the solicitation and the act of prostitution in public places, while proclaiming that the government should rescue and rehabilitate the people suspected of being prostitutes. In return, the act of prostitution is not a wrongdoing in India. It is well tolerated provided that the person engaged in this type of activity is over 18 years old, that it is done voluntarily and in a way that is hidden from the public.

Moreover, India is a signatory to several international conventions and protocols to combat human trafficking and, in particular, sexual exploitation for commercial purposes.

### **The police, a nonexistent ally**

The victims of sexual exploitation fear the police, although the latter are supposed to guarantee the protection of the victims. It seems that the police are taking advantage of victims' ignorance to extort money from them in exchange for their freedom after they have been arrested. Police brutality against women must also be reported. Often, the police do not register their complaints, considering them to be unfounded. In addition, rampant corruption prevails in the police, and the phenomenon is still widespread in the field of justice.

On December 16<sup>th</sup>, 2012, the savage and collective rape of Jyoti Singh Pandey, a 23 year old student, who died a few days after receiving a beating in New Delhi, sparked a wave of indignation and protests in India. A brutal and inhumane occurrence, this crime ought to achieve a reflection on the state of Indian society and its institutions. In India, with knowledge of the system and money, one can escape all punishments, irrespective of the magnitude of the crime

committed. Depoliticizing the police and strengthening their professionalism are prerequisites to pushing the Indian criminal justice system towards a more credible and effective state.

### **Health of the victims**

The victims of sexual exploitation are likely to be struggling with various sexually transmitted diseases, including HIV/AIDS. The use of condoms is uncommon. Local actions can educate victims of sexual exploitation in this regard. As an illustration, a brothel mistress, having heard about the preventive use of condoms working with Sangram, a Sangli (Maharashtra) association that raises awareness about the dangers of HIV/AIDS, proposed the idea of asking prostitutes to dispose of used condoms in large buckets in order to verify that the number of clients who used the services of the girls matched the number of condoms collected. The aim of this action was to encourage prostitutes to have safe sex.

The victims of sexual exploitation have usually endured several abortions. They suffer from physical harm as a result of the daily violence they face. Victims also display various respiratory disorders and suffer from malnutrition due to their living conditions and the state of poverty in which they live. In addition, they are often addicted to alcohol and drugs, which produce added physical and psychological consequences.

Even though their health is often poor, getting access to health care services can be difficult. It has been reported that hospital staff takes advantage of their lack of awareness of their rights to make them pay unjustified fees. Some prostitutes report having been abused and even forced to have sex with doctors and social workers.

### **Rehabilitation work**

Rehabilitation is the restoration and socio-economic integration of a victim of sexual exploitation. This involves placement in a safe environment, access to reasonable living conditions, physical and mental recovery, opportunities for personal and economic development, and access to emotional and social support.

Some NGOs are working on those matters. For example, Sanlaap, an organization based in West Bengal, owns rehabilitation homes providing care, protection and reintegration services for survivors (girls aged 5-24 years) in accordance with the *Juvenile Justice (Care and Protection) Act, 2000*.

However, the Indian government must be more involved in this rehabilitation work, which cannot solely depend on the efforts of a few NGOs. Although the Ministry of Human Resource Development launched a program called "Swadhar" for women in distress, experts remain skeptical about its effectiveness. In the fight against human trafficking, the Government of Goa wanted a greater cooperation with other states and with non-governmental organizations to help the victims of sexual exploitation. These actions must be developed more widely at the government level in India.

However, rehabilitation is only possible if the victims of sexual exploitation have been taken out of their environment, which is not without difficulties due to the influence and power of procurers. It is also unsure whether that is what they want. Indeed, having experienced disillusionment and disappointment, it is understandable that they become suspicious and refuse to integrate into a rehabilitation home. Some of these houses have a poor record in India and women are aware of that. For example, in Varanasi, one of the houses turned into a landmark for politicians wishing to take advantage of victims of sexual exploitation, and this occurred with the complicity of the police.

### **Weapons against prostitution**

To prevent the prostitution of vulnerable young girls from tribal communities, the Bharatiya Kisan Sanghante NGO, with the support of the United Nations Office on Drugs and Crime (UNODC), identifies those who have expressed a desire to move to the cities to work. They are then approached by a village member who invites them to participate in training for cleaning and maintenance, or to become security guards. Once educated, they are more likely to perform a job that will allow them to become more independent and avoid becoming the victims of sexual exploitation.

In India, marriage can be a weapon against prostitution. Women from the village of Vadia, dubbed "the village of prostitutes", in the state of Gujarat (in Western India), have sold their bodies for generations and their wedding aims to break the cycle of exploitation. After young girls are married or engaged, they are no longer forced to sell themselves.

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## Iraq

- Population: 33.7 million
- GDP per capita (in US dollars): 6,455
- Republic
- Human development index (HDI): 0.590 (131<sup>st</sup> rank among 187 countries)
- Gender inequality index (GII): 0.557 (119<sup>th</sup> rank among 147 countries)
- No official national statistics on prostitution.
- Strong development of prostitution and human trafficking after the 2003 U.S. military invasion.
- Human trafficking is prohibited (Article 35 of the Constitution). In March 2012, a law was established in order to improve the fight against human trafficking and develop victim protection but at the same time increase the number of traffickers' prosecutions.
- Average age of young girls in brothels is between 10 and 12 years old.
- Country of origin and destination of human trafficking with the purpose of sexual exploitation.
- Trade of young virgin girls to neighboring countries (Syria, Jordan, United Arab Emirates).
- Sexual exploitation of Iraqi refugees abroad: 50,000 Iraqi refugees are forced into prostitution in Syria.

The phenomena of prostitution and human trafficking have grown considerably since the United States' military invasion in 2003, leading to Saddam Hussein's fall. Due to the extreme violence from military occupation and the rise of sectarian power, national institutions were destroyed, leaving Iraqis in a more precarious situation. But prostitution did not come into existence after 2003. In the 1960s, prostitution was tolerated in special areas where women were subject to health checks. Under the Baas regime, prostitution was declared illegal and could be punished by 3 months of imprisonment for prostitutes and 6 months for those acting as intermediaries between the client and the prostitute. During the period when economic sanctions were imposed on Iraq, numerous widows became free-lance prostitutes and had to live a hidden life for their own survival and that of their families (*OWFI* – 2010). With the rise of radicalism in the region during the early 2000s, numerous female prostitutes and their procurers were publicly executed.

Nowadays prostitution is worsened by the ongoing war and by pauperism, which both make it easier for traffickers who recruit women and children for sexual exploitation networks.

### **The prostitution system and the rise of sex trafficking since 2003**

Several factors may explain the development of prostitution and human trafficking for the purpose of sexual exploitation in Iraq. Firstly, the U.S. military invasion created a hostile and insecure climate that contributed to the decay of national institutions, no longer able to secure the main duty of the state, i.e. the protection of the public. Additionally, it is important to note the rise of extremism and sectarianism, forced marriage, and violence against women and children, as contributing factors that aggravated the situation. Even more alarming, between 2003 and 2007, it is estimated that four thousand Iraqi women have disappeared from the country without a trace (*Rue89*, October 2<sup>nd</sup>, 2011). Traffickers preyed on lonely women in distress. Taking advantage of their dependencies and their vulnerability, procurers force them and lock them into prostitution. In September 2012, the police arrested a group of people charged with kidnapping Iraqi women – some of whom were minors – and forcing them into brothels in Baghdad or abroad (*U.S. Department of State*, 2013).

Methods of recruiting young Iraqi girls are as different as the places for prostitution. Thus, those who are sexually exploited are generally located in the Al-Battaween areas, known for its brothels. It could be anywhere: Gypsy or Kurdish camps, the streets of main cities, or even in beauty parlors. It's a fact that since January 2009, nightclubs have been employing young girls as prostitutes, following legislation that granted them the legal authority to do so (*Norwegian Church Aid*, 2010).

Procurers usually spot these girls within the Iraqi borders and then kidnap them in public places; some taxis drivers are also responsible for spotting vulnerable, lonely girls, and, under the guise of a helping hand, will force them into prostitution. Girls, who are already the victims of physical and/or sexual violence and are running away from their family, are easy targets for these predators to trap. Naively or consciously hoping for a better living, more and more parents are willing to sell their children to traffickers who will force the children to work in the sex trade (*Time*, March 7<sup>th</sup>, 2009).

### **Children sexual exploitation and worshipping virginity**

Since 2003, due to the prevailing political instability and economic insecurity in the country, a large number of children from devastated families, found themselves on the street, completely marginalized and left to fend for themselves. This massive marginalization of Iraqi children steered them into criminal gangs, already involved in drug trafficking and prostitution. According to Ali Mussawi, President of the NGO “Keeping Children Alive,” many homeless children quickly turned to drug addiction, with procurers supplying them glue in exchange for sexual favors (*IRIN*, February 12<sup>th</sup>, 2007). Taking advantage of their vulnerable situation, the procurers do not hesitate to force the children into prostitution in exchange for their daily dose of glue or other drugs.

Sometimes, these children are subject to strong pressure from members of their family to enter prostitution in order to escape economic insecurity, and even at times to solve conflicts between two families.

It is necessary to note, when talking about the Iraqi model, that many young girls who are “practicing” in brothels are between 10 and 12 years old, and considered too old when they reach the age of 20 (SCEME, 2011). Procurers look for young virgins to increase their profits: a virgin might sell for a few thousand dollars. Indeed, a number of virgin girls are sold for \$5,000 USD (approximately 4,000 €) and then sent to border countries such as Syria, Jordan or the United Arab Emirates, particularly popular destinations for procurers to search for wealthy clients (*Le Grand Soir Info*, August 30<sup>th</sup>, 2011). Generally, the Arab clients, especially when they are devout Muslims, particularly value virgin girls. It is not only a symbol of purity and virtue, but it is also a token of family honor in conservative Middle Eastern society.

In our days, it is sad to state that sex traffickers do not hesitate to force girls into surgery to reconstruct the hymen, in order to re-sell their bodies for a higher price, corrupting the cult of virginity. Virginity, once a symbol of dignity and honor, has become nothing more than a means to earn extra money at the expense of sexually exploited, abused and humiliated young girls.

In addition, it appears that some U.S. soldiers sexually exploit children in Iraq. Young girls are said to have been kept captive for this specific end in a house in the Al-Jihad neighborhood in Baghdad. These houses were for the exclusive needs of American soldiers with the Iraqi interpreters acting as intermediaries between them and the girls. Several scandals related to prostitution of Iraqi minors have tarnished the image of the U.S. army. An American soldier who was interrogated by the Integrated Regional Information Networks Agency reported that it was possible to have a prostitute for one hour for \$1 USD (*Amnesty Magazine*, May 2008).

Besides, two former employees of Blackwater<sup>1</sup> asserted that the firm regularly turned to the use of child prostitution within the fortified Green Zone in Baghdad and that the boss knew perfectly well what was going on but did nothing to prevent it<sup>2</sup>.

### **Iraqi refugees as targets for sexual trafficker**

Iraq is the source and the destination of human trafficking for prostitution. The crisis in the country only exacerbates things. A number of families left the country to take refuge in the neighboring countries<sup>3</sup>. Human trafficking for sexual purpose<sup>3</sup> is a sad reality, and many people without the means to survive are forced into prostitution. According to the NGO SCEME, the refugee population from Iraq is particularly affected by trafficking. Reports estimate that up to 50,000 people were forced into prostitution out of 1.5 million Iraqi refugees living in Syria. They are unable to work in Syria due to the government’s continued refusal of residence or working licenses since 2007. Their vulnerability combined with unrecognized legal status in Syria leads

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<sup>1</sup> Blackwater is an American military firm private working in Iraq and Afghanistan.

<sup>2</sup> According to the Lebanese TV channel Al Manar : « *the two employees explained that Blackwater would give one dollar to the children in exchange for their services to the male employed by the « Firm ».*

<sup>3</sup> Women Iraqi refugees are mainly sent to Syria, Jordan, Lebanon, Koweit, Saudi Arabia and the United Arab Emirates.



them to a higher exposure to sex trafficking. Benefiting from the extremely lucrative aspect of the activity, criminal organizations have developed in order to support the sex trade in Syria and in other destination countries of the region.

However, there are few official statistics to accurately assess the number of women and children kidnapped and sold to human trafficking networks. Two explanations can be put forward. On the one hand, it remains difficult to analyze the phenomenon of trafficking due to its illegality and the fact that it implies a certain amount of secrecy. On the other hand, victims are reluctant to talk and complain because of the emphasis on the virtue of women in these societies and the social stigma that would result, leading the women to social marginalization or death (CFC, May 2012). The creation of sexual exploitation networks in Iraq is also made easier and more productive than in other countries, with underpaid civil servants eager to help falsify documents in exchange for cash.

Moreover, it is worth noting a practice that is becoming increasingly frequent in the Middle East, especially in Syria and the United Arab Emirates. The "zawaj mut'a"<sup>4</sup> or temporary marriages, are abused by traffickers who, under the pretense of marriage, sexually exploit young girls. Initially reserved for the Shiite community, these false marriages are spreading to a vast extent. In exchange for a fee, the daughter will be sold to wed for a short time and will be repudiated a few days later. It is a highly secret form of sexual exploitation, but it is affecting more and more Iraqi refugees; these abuses come to a peak during the summer months when tourists are coming from the Gulf to neighboring countries. These young girls, sexually exploited by their husbands, are then left to their own devices, having been sold by their own families for a few thousand dollars.

### **Inadequate protection of victims**

Victims of sexual exploitation are not granted any protection in Iraq or in any other country where they are sent for prostitution. Yet, article 35 in the Iraqi Constitution, prohibits human trafficking; a situation made even more paradoxical, given that no law against human trafficking has ever been enacted. The protection of victims of prostitution is extremely inadequate for several reasons. First, prostitutes are liable to three months imprisonment. In this way, after being victimized, they are seen as guilty by the state. Second, the Iraqi government is reluctant to recognize them as victims of sex trafficking. They are neither protected by public authorities nor by the police who keep silent in exchange for sex. More than half of the women in the Al-Kadimiyah Baghdad prison are in for prostitution (*Le Grand Soir Info*, August 30<sup>th</sup>, 2011), which shows that reintegrating of these women into society is clearly not a priority for the government. In addition, there are very few shelters for female victims of sex trafficking, except those provided by NGOs "ASUDA" and "OWFI" in Baghdad.

Rehabilitation efforts are reduced to naught, especially when stigmatization and marginalization of victimized prostitutes remain prevalent in the conservative Muslim society.

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<sup>4</sup> A type of non-written wedding contract between a man and a woman for a determined duration which can be interrupted at any time.

Being a prostitute means social suicide (*Amnesty International*, May 2008): society believes that there is no place for tarnished women without honor or dignity. Although victims, they find themselves completely rejected by their families who refuse to accept them, and marginalized by the authorities that do not protect them.

Feeling excluded, they have no choice but to stay in prostitution as a means of survival. Feyrouz, 27, was kidnapped and forced into prostitution. A few years later, the police found her and her captors who were then sentenced to death. However, she did not dare return to her family for fear of reprisal: *"They would have killed me. They would never understand that I am a victim. So I went from brothel to brothel"* (*Libération*, February 17<sup>th</sup>, 2004).

However, the government is trying to identify victims of human trafficking by directing them to NGOs. The Ministry of Human Rights has retroactively identified 16 victims of sex trafficking out of 49 people sentenced to prison for prostitution (*U.S. Department of State*, 2013). It should be noted that this is the first time that the identification of victims in Iraq has occurred.

### **A significant breakthrough in human trafficking**

On March 23<sup>rd</sup>, 2012, the Iraqi government passed a law to fight against human trafficking, which has grown considerably in recent years. It is undeniable progress in the matter, given that before this law there was no specific legal punishment for human traffickers. The Iraqi Penal Code n.111, dated 1969, had a range of penalties and criminalized many types of behaviors such as engagement in prostitution, rape, kidnapping, and child sexual abuse, but was not specifically aimed at human trafficking. Consequently, the authorities faced a real problem when prosecuting trafficking networks: since the offense had never been defined, traffickers were acquitted. Moreover, the absence of any legal framework greatly complicated the task of the authorities in their efforts to support victims through campaigns of prevention and protection.

From now onward, in Article 5 of the Iraqi Penal Code, the law clearly defines human trafficking. It provides a wide range of aggravating circumstances according to which sentences may reach life imprisonment in the cases of kidnapping and torture. The penalties are relatively high given the seriousness of behavior, which shows determination on the part of the Iraqi state to fight against sexual exploitation of the Iraqi population.

Human trafficking	5 to 10 Millions IQD (3,118 € to 6,500 € - \$4,291 to \$8,583 USD)	Temporary imprisonment
Human trafficking with restraint	Up to 10 millions IQD (6,500 € - \$8,583 USD)	Up to 15 years of prison
Human trafficking committed by organized gangs	At least 15 millions IQD (9,355 € - \$12,875 USD)	Life imprisonment
Human trafficking committed by person of authority (family member)	At least 15 millions IQD (9,355 € - \$12,875 USD)	Life imprisonment

Source : « *Human Trafficking in Iraq : 2003 and Beyond* », Civil-Military Fusion Center Mediterranean, May 2012.

Besides the definition and penalties for human trafficking, the law also provides a legal framework for the establishment of coordination mechanisms, support and assistance to victims, and a High Level Committee to fight against human trafficking. As a result, one conviction took place in 2012. The Iraqi government has set up an Anti-Human Trafficking Department in order to collect data on the matter and to use a newly opened hotline for victims (*U.S. Department of State*, 2013). An Inter-Departmental Committee in charge of national coordination on human trafficking has also been set up for the implementation of the anti-trafficking law.

Henceforth Iraq has become the 13<sup>th</sup> nation in the Middle East to adopt legislation against human trafficking. This legislation is an important step in the protection of victims as well as in the prosecution of people involved in human trafficking. This is a major turning point that requires total commitment from the government in the prosecution of those involved in sexual exploitation and in the protection of exploited victims. Serious efforts are required in this field in order to encourage the authorities to reveal the extent of the phenomenon and to find full and meaningful solutions.

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## Ireland

- Population: 4.6 million
- GPA per capita (US dollars): 45,836
- Parliamentary regime
- Human development index (HDI): 0.916 (7<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.121 (19<sup>th</sup> rank among 147 countries)
- Member of the European Union since 1973.
  
- No official national statistics on prostitution.
- Since 1998, there has been an increase in escort sites: 80,000 profiles created online.
- Prostitution is legal in private places but prohibited, such as its solicitation, in public places.
- Procuring and publicity for prostitution are illegal.
- Clients are not penalized.
- Country of destination, origin, and transit for women, children, and men that are victims of human trafficking.
- Identified victims of human trafficking come from Nigeria, Cameroon, the Philippines, Poland, Albania, Bulgaria, Brazil, Romania, Pakistan and other African, Asian and Eastern European countries.

In May 2012, the NGO *Ruhama*, who fights against human trafficking and prostitution, launched a flash campaign designed to raise awareness on how some women are forced into prostitution. The posters and ads played on the radio used the slogan, “Women sell sex because they have to, not because they want to”. The posters showed a silhouette of a woman with a barcode on her abdomen illustrating the reductive nature of the sex trade.

Sarah Benson, the director of *Ruhama*, explains that the silhouette can represent women of all ages and of all nationalities. The posters aim to break the glamorous image that is generally associated with prostitution, which is really nothing more than “a monetary transaction used to access the body of someone in a sexual purpose.”

The slogan was chosen to illustrate the fact that prostitution is not a choice of career, but a means to survive (*Irish Examiner*, May 15<sup>th</sup> 2012).

### **The evolution of legislation to penalize the clients**

The *Sexual Offences Act* of 1993 authorizes prostitution in private places. Soliciting and street prostitution are prohibited. This is a crime that can be committed by the prostitute, the customer or a third party.

It is equally forbidden to organize prostitution, to force someone into prostitution, or to live off the revenues and possess or manage an establishment where prostitution is practiced. Further, advertisements for prostitutions and brothels are illegal.

Since the *Criminal Law Human Trafficking Act* of 2008, soliciting a person to prostitution knowing that he/she is a victim of human trafficking is a crime punishable by a fine of unlimited amount and imprisonment up to 5 years in prison (*Department of Justice and Equality*, 2012).

In December 2012, the local authorities of Limerick adopted a motion to operate a legislative change designed to penalize the purchase of sex in Ireland. In fact, the director of the “*Local Migrant Group*” highlighted the fact that in Germany, there has been a marked increase in cases of human trafficking following the legalization of prostitution in 2002. Contrarily, in Norway and in Sweden, where it is criminalized, it had an effect of reducing the sex industry and trafficking.

Prostitutes normally live in conditions of exploitation and of violence. Their papers and their revenues are often confiscated.

When the prostitute is led to a foreign country and their relatives stay in their country of origin, it is threatening and intimidating. This climate of fear imposed by traffickers will keep victims under control and increase profits. It is therefore in favor of tougher laws prohibiting the purchase of sex because it is the application that is permitting the industry.

The Minister of Justice, Alan Shatter, recognized that current legislation needs to be reviewed. A report on future legislation governing prostitution was published by the Department of Justice in June 2012 (*Limerick Leader*, December 21<sup>st</sup>, 2012).

Geraldine Rowley, of *Ruhama*, believes that the legislation must be updated as the internet and mobile phones have revolutionized the way prostitution is organized by procurers. Since the *Sexual Offense Act* of 1993, prostitution on the internet has developed, following the decrease in street prostitution. Advertisements for prostitution, even on the internet, are illegal, so procurers use servers in foreign jurisdictions.

According to Geraldine Rowley, the criminalization of buying sexual relations would help to reduce the demand for this highly lucrative business of prostitution. This would also serve to change attitudes and, in the longer term, behavior.

However, *Ruhama* is against legislation that would penalize prostitutes because the relationship between a prostitute and her client is not balanced. Most of these women are vulnerable and do not have the same power as those who buy their services (*The Irish Times*, January 23<sup>rd</sup>, 2012).

### **The middle of prostitution: in between fantasies and reality**

Nusha Yonkova, coordinator of the project Anti-Traffic, expressed serious reservations about all of the publications that reference prostitution as an easy way of life. This is the case with a book that sparked lots of debate in 2012. The associations that help prostitutes feared that this book will incite young, impressionable girls to enter into prostitution.

The reality is there is almost no middle aged women, no middle class women, and very few Irish women in the prostitution. It is, for the most part, immigrants from Northern Europe, Eastern Europe, and the poor countries of Central America and of Africa. They all need money to survive. In certain cases, they are under the influence of traffickers and indebted to them. The women, about which Nusha Yonkova speaks, finish with less money in their hands than when they started.

Police inspector Browne led investigations in the middle of the prostitution ring in Dublin and declared that he is wary of any impression that might be given of a prostitute as “safe” or as a “life of choice.” He confirms having discovered a large number of women serving as prostitutes who came from poor backgrounds and from countries where there is no work (*The Independent*, January 29<sup>th</sup>, 2012).

An ex-prostitute argued for the penalization of clients while addressing those who think that the legislation of prostitution would make it safer. She compares this idea to that legalizing rape and beatings would make it safer: an aberration. According to her, one cannot pass legislation in favor of dehumanization, physical traumas, and psychological traumas inherent with prostitution. And if one passes this legislation, it would be to accept that there is a category of women who do not have access to the human rights that are taken for granted by all (*Irish examiner*, February 15<sup>th</sup>, 2012).

### **A shocking documentary on procuring through escort sites**

Paul Maguire, an investigative journalist, produced a documentary “*Profiting from prostitution*” for Irish television on the proliferation of prostitution in Ireland and the manner in which procurers organize the prostitutes on the internet. Prostitution on the street is considerably diminished, since soliciting in public places is a crime. Today, procurers use internet sites containing the word “escort” to avoid mentioning “prostitute” since procuring is forbidden.

In its Irish version, “*Agency XXX*,” acts fraudulently towards the law, as it is forbidden to publicize prostitution. The procurers who control these sites often base them in another country, such as England.

Since 1998, Irish escorts began to settle and 80,000 profiles have been created on the internet. In one day, more than 700 women are advertising for sex on escort sites, and they claim to work completely independently. The report shows the opposite. One day of advertising on these sites is \$95,000 USD of profit.

Paul Maguire and his team carried out a six month investigation of the heart of organized prostitution. They uncovered the faces and the techniques of procurers at the heads of criminal networks that cover the country.

They also used high-tech technology to follow the trace of one hundred females displaced daily throughout Ireland to let in confusion and to make the presence of procurers harder to detect.

The myth of the woman who independently serves as an escort is now broken. This documentary proves that escorts are threatened, constrained, and put into slavery by procurers.

The investigators created their own database which mirrors the site *Irish Agency XXX* owned by the "e-designers limited" company. For four months, they have copied all the changes in the situation regarding women who are advertising on the site. They found that the names, phone numbers, and locations of women that are constantly modified by traffickers so they can neither monitor the movements of prostitutes, or keep track of them.

The site boasts the availability of women in each county. One prostitute interviewed with a hidden camera says that they are constantly displaced because customers like the new girls. Investigators were able to see through their database, that 451 girls move each week from one city to another. The question therefore arises: how do 451 women who are exercising independently of each other and procurers decide to change places in a week and the number of girls remains the same in each place? The stranglehold of procurers to organize these trips is indisputable.

On internet sites, the girls, reportedly independent, have papers in perfect English, but when they are speaking to hidden cameras, rarely can they speak English. They are told not to flee because of threats and violence, as well as dependence on various drugs.

Prostitution is a multi-million dollar industry in Ireland. In fact, according to the calculations of local investigators based on the data they obtained, every day 700 girls publicized ads on the escort sites that were analyzed. If a woman sees just two clients a day, that represents 10,000 clients every week. If a client stays around thirty minutes and pays on average \$135 USD, that represents a final profit of \$1.35 million USD every week or \$70 million USD a year.

The situation of prostitutes is a catastrophe. On the *Agency XXX's* site, many girls are available 24 hours a day, 7 days a week. The number of girls under 23 years of age continues to grow; one girl out of four, who is published on the site, is 21 or younger. One of the girls who agreed to testify recounted that she was twenty years old when she was led to Ireland by an African trafficker to whom she already owned a large debt. She explained that a girl, having more than one client a day, earns \$40 USD, but she only receives \$27 USD. The producer of the documentary found a book showing profits by procurers. Over a period of about 5 months for 4 young women, a procurer made a profit of more than \$135,000 USD.

When shooting, one of the journalists created a fake profile with a phone number on one of the sites. She received 350 calls in five days –70 calls per day. Investigators therefore also realized the staggering profits of phone companies, knowing there are more than 4,000 mobile phone numbers on escort websites, such as *Agency XXX*.



## **The alarming increase of sexual exploitation of children**

A report published by Cork College University at the request of Children's Rights Alliance (CRA) showed that the number of Irish children that fall victim to trafficking in Ireland is increasing.

Experts have explained that trafficking and prostitution of minors does not only concern immigrant children, and they call on the government to make efforts to address this problem more seriously. In fact, according to the director of CRA, one must avoid that Ireland falls prey to traffickers who take advantage of vulnerable children due to inadequate suppression (*Breaking News*, September 13<sup>th</sup>, 2012).

According to *Sexual Offenses Act* of 1993 and amendments in 1997, the act of soliciting a child with the objective of sexual relations is a crime. The *Criminal Law Act* of 2006 specified that for one person to have sexual relations with a child of less than 17 years is punishable by imprisonment for more than five years. If the child is younger than 15 years of age, the person guilty of this crime risks life in prison (*Department of Justice and Equality*, 2012).

In a report of a representative of the Organization for the Security and the Cooperation in Europe (OSCE), the efforts of the government to reinforce the system of protection for child were positively noted.

## **The efforts of the government in the fight against human trafficking**

Certain criminal gangs use voodoo rituals to make young Africans come to Ireland, where they can be exploited as prostitutes. Black magic is useful for them to convince young women that their families will suffer if they refuse to go to Ireland. The Irish police confronted this practice during wide scale investigations of human trafficking.

Women are targeted by "witches" paid by local gangs to act as recruiting agents in areas where voodoo rituals are part of the culture. The victims are then forced into prostitution in brothels to bring large sums of money for gangs.

The Irish police celebrate having identified the heads of one of the largest networks of prostitution and human trafficking, who has operated in Ireland for many years. Following an investigation led by the police, it turned out that it was the first prostitution ring organized jointly by Irish and Nigerian criminals. Police rescued 12 victims. Other than the voodoo trick, the Nigerian prostitutes were also victims of debt bondage (*IOL*, June 25<sup>th</sup>, 2012).

Ireland is a country of destination, of origin, and of transit for women, children, and men of human trafficking for sexual exploitation.

Other victims of trafficking can be identified from Cameroon, the Philippines, Poland, Albania, Bulgaria, Brazil, Romania, Pakistan and other parts of Africa, Asia and Eastern Europe countries.

Unfortunately, the funds allocated by the government to NGOs helping victims declined in 2012, but government funding for the anti-trafficking fight increased.

Many victims have difficulty obtaining protection because, in some cases, the authorities are not able to quickly select victims that meet the criteria for support services. Sometimes, potential victims get no response from the government for their official victim status that would allow them access to all the services in place to help them.

The authorities have initiated 32 new investigations of trafficking cases in 2012 while the figure was 53 in 2011. 97 ongoing investigations from previous years continued in 2012. During this same year, the police have identified 48 potential victims of human trafficking, nine fewer than in 2011. Of these 48 victims, 19 were Irish minors used in the commercial sex industry.

In 2012, the government has provided approximately \$1.2 million USD in government programs and services as well as funding for NGOs that provide support services to victims of trafficking. It provides free legal assistance to all potential victims, but in fact, only nine potential victims have received this assistance for the year 2012. In addition, the government organized a photo contest and videos for college students with the aim to raise awareness of the existence and the issues of trafficking in human beings. In the curricula of schools at the secondary level, courses were added to understand how to combat trafficking. According to the 2013 U.S. Department of State Report on Human Trafficking, training has been developed jointly with border guards and police in Britain and in Northern Ireland in order to take note of the evidence indicating the existence of traffic of human beings.

Everything seems to indicate that Ireland will change its legislation on prostitution shortly. The report published in 2012 by the Department of Justice and Equality on future legislation governing prostitution, establishes the context of the current law and highlights four different legislative approaches to prostitution (prohibitionism, abolitionism, legalization and regulationism). The question to which model Ireland will tend...

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## Israel

- Population: 7.7 million
- GDP per capita (in US dollars): NA (2012) - 31,281 (2011)
- Parliamentary regime
- Human Development Index (HDI): 0.900 (16<sup>th</sup> rank among 187 countries)
- Gender Inequality Index (GII): 0.144 (25<sup>th</sup> rank among 147 countries)
- 15,000 prostitutes of which 5,000 are minors (according to Kayla Zecher, project manager for the *Atzum* association)
- Between 250 and 400 private apartments or establishments of prostitution in Tel Aviv (Police<sup>1</sup>)
- Prostitution is legal, but all forms of organized prostitution are prohibited.
- In 2006 a law was established against organized human trafficking, bearing the penalty of a maximum 16-year sentence
- In 2011 an amendment was enacted to repress all forms of promotion or solicitation of prostitution
- In 2012 a legal project aiming to penalize the purchase of sex services was approved by the Inter-Ministerial Committee, it was adopted in a preliminary vote, and is currently awaiting a vote from congressmen. (Knesset)
- Legislation represses child prostitution (both clients and procurers).
- There are 1 million prostitution clients each month. (*Atzum Justice Networks*, October 2013)
- Sex industry revenue: between \$500 million and \$2.4 billion USD (407 million € and 1.9 billion €) annually, (according to sources *Atzum*, Knesset)
- 80% of women in the sex industry are victims of human trafficking.
- Procurers control an estimated 90% of prostitutes. 80% are women. 82% of them have been victims of violence and 55% of injuries inflicted by clients (according to the Ministry of Social Affairs).

The fight launched by Orit Zuaretz, a member of the Knesset for Kadima, to criminalize the purchase of sex services, won its first battle in February 2012. The legal project, supported by the Inter-Ministerial Committee, which aimed to penalize the clients of prostitution, was successfully passed by a vote of parliament. Numerous members of Knesset, from different

<sup>1</sup> <http://www.haaretz.co.il/news/law/1.1639895>, February 12<sup>th</sup>, 2012 (in Hebrew).

parties, spoke out together in favor of the project, during its first vote. For Orit Zuaretz the law is revolutionary, “because it punishes the clients and forces them to assume responsibility for their behavior.” Zevulun Orlev, a representative for the Jewish House party, adds, “that it does not suffice to punish procurers and traffickers, we must also deal with the clients.” For Tzipi Holovely, of Likud, “this law is historic.” However not everyone, it seems, is convinced. Nissim Zeev, a member of the highly orthodox Shas party, did not hesitate to affirm that, “women are the only guilty party in the prostitution industry.” At the end of 2012, the definitive vote to adopt the law had yet to be scheduled, even though many Israelis believe the text has already been adopted.

## **Evolutions**

After reinforcing its legislative arsenal in 2006 by prohibiting all forms of trafficking with prison sentences reaching up to 16 years for human traffickers, the government took its first step toward ending sexual exploitation after years of indifference. Soon after, the estimated flow of victims strongly diminished: 500 to 600 people in 2007, compared with 3,000 to 5,000 between 2003 and 2006 (*Aztum-TFHB Website*). This reducing trend has been confirmed since (*U.S. Department of State*, 2013). The annual statistics on the number of illegal immigrants (17,175 in 2011, compared to 9,879 in the end of September, 2012) (*Knesset*, 2012) reinforces the argument in favor of this downward trend. In 2011, a supplementary legislative amendment strengthened the penalties related to all activities involved in organizing and promoting prostitution. Nevertheless, recent reports conducted by the U.S. Department of State and numerous NGOs in the country, showed that traffickers have adapted to work around these measures, and that the profile of exploited victims has evolved. Though those who come from ex-USSR countries remain the majority, and Chinese and South American women are also among the country’s prostitution population, the sex industry has invested in local Israeli women, who come from disadvantaged economic backgrounds and among whom one third are under the age of maturity (5,000 out of 15,000).

## **The application in question**

The United Nations protocol on the prevention of human trafficking proposed in 2000 that “States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.” Israel quickly received the message, with the Knesset immediately taking its position against prostitution, a “negative and serious phenomenon, bringing serious injuries to those who engage in the activity.” To obtain equal rights for women in Israeli society, the parliament realized that it had to reduce market demand. From that point forward, it was imperative to reconsider the role of an actor hitherto untouched: the client. The subcommittee that fights against prostitution and human trafficking, and its active member Orit Zuaretz,

undertook this project with the support of numerous NGOs in the country. Despite the work carried out by the committee, the social context remained unfavorable. Estimations put the number of monthly clients somewhere near 10,000. Between 25-35% are believed to be from the Haredi community, an ultra orthodox group. 25-35% are believed to be Arab, and 8-10% are foreign, expatriate, or traveling workers (*Aztum-TFHT Website*). In a poll requested by Knesset in 2012, carried out by the Dahaf institute, 34% of respondents were in favor of the law to punish clients, whereas 59% were opposed. Half of those who responded believed that men will continue to use prostitutes with the same frequency if the law is adopted, while 42% believe the law will diminish the number of sex solicitations (*The Jerusalem Post*, February 22<sup>nd</sup> 2012).

In practice, the purchase of sex services has become a commonplace activity. Despite legislation that penalizes the client of a child prostitute, the law is rarely applied on the ground. In the same line of thought, the real sentences for traffickers appear weak and inappropriate. According to the 2013 U.S. Department of State Report on Human Trafficking, in 2012, sentences were between 8 months and 3 years of imprisonment. In an article of the *Jerusalem Post* on February 12<sup>th</sup>, 2012, Yoav Kotler, a high level officer of the Tel Aviv police force, affirmed proudly that, “99% of prostitutes in Israel had chosen this activity” Numerous tolerant areas remain in the country, in which prostitution takes place. These zones are generally the poorest districts, in city peripheries, in which police turn a blind eye on the legality of sex commerce. On the other hand, for those who fiercely support penalizing clients, the law is necessary. For Rebecca Hughes, of the ATZUM association, “saying that prostitution is a choice is like saying that a person who jumps off a building chose to do so, without mentioning that the building was on fire.”

## **Content**

What does this legal proposition say? It proposed a system of “awareness training” for clients, which contains educational elements on health, legislation, punishments, and testimonies read by former prostitutes. These training programs would be carried out by NGOs in partnership with the Ministry of Social Affairs. In the cases of recidivism, clients run the risk of receiving a prison sentence of up to 6 months. The first step to put the text into effect was carried out on February 12<sup>th</sup>, when the Inter-Ministerial Committee approved it. The legal project is currently in its revision and correction phase in parliament, before being submitted to a definitive vote and put into legislation. But if the recommendation of the Committee was unanimous, provisions for the parliament’s votes are not necessarily favorable, which has provoked stagnation before the final steps of implementation. For the Department of Justice, the law requires a meaningful change in the mentality and behavior of Israeli society.

## **Lobbying**

Lobbying in favor of penalizing the client has been active since 2011. A certain number of events were organized by associations in Israel (in front of Knesset) and in front of embassies

and foreign consulates (New York, London, and Washington D.C.). The 119 project, put in place by the ATZUM NGO with the Task-Force on Human Trafficking (TFHT), currently includes close to 130 volunteers dedicated to pass the law. Each week, at least, every member of the Knesset receives one e-mail inciting him or her to vote in favor of the text, arguing the social necessity of such a choice. The organization is also at the helm of numerous initiatives (meetings, reunions, debates) involving the public and political figures. In September, the Task-Force organized a meeting with the media to discuss the manner in which the media handles prostitution, maintaining clichés of prostitution as a glamorous occupation.

### **Doubts and warnings**

The sex industry brings in nearly 2 billion € annually according to recent estimations (*The Jerusalem Post*, February 12<sup>th</sup>, 2012). A few rare voices call for the surveillance of prostitution and a reinforcement of current laws against constraint and procuring. Other voices have advanced the fact that the diminishing number of clients would automatically bring a higher level of competition among prostitutes, lower prices, a higher number of unprotected sexual relations, and a concealment of the activity. Those who support punishing the client have noted that conditions are already difficult: “they are already threatened”. If, in the beginning, the situation ran the risk of becoming worse, lowering demand even further will lead prostitutes to quit their line of work.

During a media firestorm, a resident of Ashod turned himself into the police: “*I solicit prostitutes, arrest me!*” Radically opposed to the legal project that he describes as “totalitarian” and contrary to “fundamental democratic principals” his exaggerated actions were heavily covered by the press. With a more serious voice, Isha L’Isha, a feminist association that helps victims of prostitutions, claims that even if the law is welcomed and desired, it focuses too heavily on the penalization of the client rather than reintegration and protection programs for witnesses. “We are worried about what will happen to these women, and we demand that the government protects them, and puts treatment and reintegration centers into place” (*JSSNews*, February 13<sup>th</sup>, 2012). If prostitutes decide to quit their work, the institutions currently in place, given their limited capacities, will not be of sufficient help. But Orit Zuaretz promises that those who wish to leave prostitution will receive a sufficient amount of help and tools in order to reintegrate them into society and respond to their personal needs. In order to pass the law, an information campaign may be necessary within the country, given that the dark face of prostitution is not yet fully understood by the public at large.

### **Cases and repression**

The U.S. Department of State Report on Human Trafficking mentions that 17 traffickers of prostitutes were pronounced guilty in 2012, though 28 investigations into facts of sex trafficking were open during the same year. A child prostitution network was dismantled in Tel-Aviv following a police raid: 10 houses of clients were searched and the director of the network was

arrested. The victims were 12 minors between the ages of 14 and 16 (*The Times of Israel*, January 7<sup>th</sup>, 2013). The clients were all men between the ages of 20 and 60. The network appeared to have existed for many years. According to the police, between 250 and 400 apartments in Tel-Aviv are used for prostitution. In May, the verdict on a large case against a prostitution network was pronounced: between 3 and 10 years in prison for the three accomplices, with 18 years and 7 months for Saban, the head of the network charged for trafficking hundreds of women for prostitution in Israel. For the press, it was one of the most important cases of trafficking discovered in the country. The victims were brought in from Russia, Ukraine, Belarus, Moldova, and Uzbekistan, transported through Egypt and the Sinai desert, and sold for 3,800 € to 5,300 € (\$5,229 to \$7,293 USD) to escorting networks depending on their “physical appearance.” The accused also directed a dozen prostitution establishments in Tel Aviv and Ramat Gan, the eastern ghetto of Tel Aviv, and ran a phone sex service.

In June, one hundred citizens marched in the streets of Tel Aviv to protest against the proliferation of advertising cards distributed everywhere, marketing sexual services. Since 2011, an amendment prohibiting all forms of promotion for prostitution had been adopted. Called upon by the group of demonstrators, the municipality stated that it was up to police to enforce the law, while recognizing the illegal characteristics of distributing cards. The police noted that they had already, from their side of the issue, destroyed more than 15,000 copies of newspapers with sexual advertisements and closed numerous websites. It is difficult to go further. Card distributors change regularly and are not generally the creators. The U.S. Department of State Report on Human Trafficking also mentions that nearly forty police investigations began in 2012, concerning the advertising of sex services.

Tel Aviv, where the Tel-Baruch beach is a highly frequented area for prostitution badly placed in a high-class neighborhood, had to undergo a series of anti-prostitution operations between the police and the municipality. These operations modified the area’s geography, condemned certain vehicle passages and levied fines on undesirable drivers. Using a law against “public disturbance,” the police questioned all prostitutes, and took pictures of them. According to an article published by *Jssnews* on January 1<sup>st</sup>, 2012, only a half dozen remain today, though there were over 70 beforehand who worked on the Tel-Baruch beach. But the pressure from residents in favor of police intervention has only displaced the problem. Prostitutes now frequent the neighborhood of the city’s central bus station, making it another popular area for street prostitution in Tel Aviv.

### **Aiding the victims**

According to the 2013 U.S. Department of State Report on Human Trafficking, even if the capacity of shelters and the care of trafficking victims remain inadequate for the needs of involved migrants, the government continues to develop its aid capacity. Its two principal shelters welcomed nearly one hundred victims in 2012, of whom 58 were women. In relation to 2011, the number of women receiving help has increased. Given that many victims are found in the illegal immigrant population, the authorities have developed an effective identification

system that allows social workers to spot them among other migrants and begin an aid procedure. Six years ago, the program implemented by the National Authority for the Promotion of Women began to create a trusting relationship between those who wish to leave prostitution and the authorities. In addition, two shelters in Tel Aviv and Haifa, that depend on the Health and Social Affairs Ministries, run a vehicle that works in hot spots for prostitution, offering medical services, condoms, and consultation for clients. The program is to be extended in the cities Beersheba and Eilat, followed by an aid center for male victims of prostitution.

In the beginning of 2013, the law penalizing the purchase of sexual services had yet to be put to vote. For Rabbi Levi Lauer, the executive director of AZTUM, once the proposition is validated, “we will see a step back from prostitution, and even more females trafficked to Israel.” He adds, however, that if the efforts in this direction have failed thus far, it is because “too many important people use the services of female prostitutes or because too many people in high positions have friends that could be caught with their pants down...” (*The Jerusalem Post*, February 5<sup>th</sup>, 2012). More simply, an editorialist of *The Jerusalem Post* underlined the fact that as long as the conservative tendency of legislators dominates the government, “this law has no chance of passing.” However, if the anti-trafficking law of 2006 quickly toppled the number of victims of human trafficking for prostitution, it is possible that a law focused on the purchase of sex services could lower demand. This will only be accomplished, however, if sufficient means to help prostitutes leave their work are implemented alongside a system that does not force them into the shadows.

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## Italy

- Population: 61 million
- GDP per capita (in US dollars): 33,049
- Parliamentary regime
- Human development index (HDI): 0.881 (25<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.094 (11<sup>th</sup> rank among 147 countries)
- Founding member of the European Union, since 1952.
  
- Between 50,000 and 100,000 prostitutes, of which, 8,000 to 20,000 are Nigerian.
- Between 19,000 and 26,000 trade victims.
- Sex industry revenue: estimated to be between 2 and 6 billion € (\$2.7 and \$8.2 billion USD).
- Prostitution in private residences or apartments is authorized (no more than two prostitutes).
- All forms of organized prostitution have been prohibited since the 1958 Merlin law and its amendments: procuring, establishments of prostitution.
- Since the establishment of law 228 in 2003, all forms of human trafficking have been prohibited (sentences of 8 to 20 years of imprisonment). The victims benefit from assistance (article 18 of the Law 286 - 1998 and article 13 of Law 228 - 2003).
- Country of destination and transit for human trafficking with the purpose of sexual exploitation.

Italy remains a country of destination and transit for victims of sexual exploitation and forced labor. These are mostly young women from Romania, Nigeria, Morocco, Albania, Ukraine, Bulgaria, China, Belarus, Brazil, Peru, Colombia, Kazakhstan, Kirghizstan, Pakistan, Bangladesh and Ecuador.

Some minors happen to be Italian but are generally from Romania, Nigeria, Brazil and Morocco.

In 2012, 263 infractions linked to prostitution led to penal proceedings which represent 0.5% of the total of recorded infractions, in other words, a downfall from 17.81% compared to the previous year (*Corte Suprema di Cassazione, Ufficio di Statistica, 2013*).

Sex tourism is still a major issue due to the fact that it is closely linked to the phenomenons of pornography, prostitution, human trafficking and early marriage. According to the estimates, at least 80,000 Italians travel to Asia, Latin America and Africa seeking sexual relations with minors. Italy is allegedly one of the European countries with the most people departing for sex

tourism, along with Germany, France, Belgium, Spain, the Netherlands and the United Kingdom (*ECPAT Italie*, 2010).

### **Efficient police operations against prostitution**

In 2012, several police operations allowed for the dismantling of important prostitution and human trafficking networks. For instance, in January 2012, 55 people were arrested for being part of a human trafficking network with roots in Africa and with a turnover of 25 million € (\$34.3 million USD). Another organization for procuring Nigerians was dismantled in July 2012 after a young prostitute filed a complaint; she had entered Italy illegally and was deceived by a fake job offer.

Just like drug trafficking and illegal immigration, the activities linked to procurement are monitored and managed by Italians, as well as foreign networks of organized crime. Investigations reveal that these criminal networks are characterized by a growing cross-border dimension with a precise division of labor following the nationality of each clan. Furthermore, the foreign networks often benefit from the fact that the Italian mafia neglects this activity to focus on other domains such as commerce and finance, particularly in the northern part of the country.

There is an ongoing debate as to whether it is relevant to replace prohibition orders and fines imposed on prostitutes and clients by a regulation of prostitution, as is the case in Germany and Greece. Indeed the approach adopted up to now seems to cause the displacement of prostitutes from one neighborhood to another, from one town to another and even from the street to inside apartments. The year 2012 confirmed the emergence of new venues for prostitution: beauty salons and arcades. This geographical shift is accompanied by a decrease in prices for sexual services, which can be as low as 5 € (\$6.8 USD) for Chinese and Nigerian prostitutes.

Finally, one may acknowledge a growing number of Italian prostitutes and escorts who advertise their services on the Internet and in specialized magazines. In most cases, these are students, housewives or unemployed women who resort to prostitution to supplement their income in a period when the country is going through an economic and financial crisis. This “new” category of prostitutes seems to be practicing within private apartments or inside specialized structures.

### **Jurisprudence’s contribution**

Several rulings by the Court of Cassation have provided some specifics regarding complicity of prostitution and procurement. Thus, anyone who works to make sexual advertisements more appealing and to favor contact between a prostitute and a client is guilty of complicity of prostitution (J49461/2012). On the other hand, publishing sexual ads on the Internet represents a service offered to a person and is not an act favoring prostitution itself (J201384/2013, J4443/2012). Complicity is not recognized in the presence of prostitution acts usually tolerated in private venues, whereas it is in public ones (J7076/2012). Finally the retribution of a person for

erotic phone services is not enough to convict for complicity of prostitution when there is no proof of a genuine sexual service (J33546/2012).

An aggravating circumstance occurs every time the diverse activities linked to trafficking are connected in different countries (J19443/2012). In line with previous jurisprudence, the Court of Cassation also specified that the notion of juvenile prostitution covers any sexual activity with a financial compensation, even if there is no actual physical contact between the protagonists, the mere possibility of interaction between them is sufficient (J7368/2012). Concerning the power of the mayors, the Council of State has censored the decree of a mayor banning the possibility for pedestrians and vehicles to stop in the streets of the town in order to make contact with prostitutes (J75/2012). The prostitution of a sexual violence victim does not justify the application of an extenuating circumstance to the benefit of the person who committed the offense as the principle of sexual freedom applies to any person implicated (J12836/2012). At last, it is legitimate to refuse the extension of a residence permit for a convicted foreigner, even if it's not definitive, that he recruited persons for prostitution (TAR Piemonte 1282/2012).

### **Silvio Berlusconi still has not escaped justice**

Since January 2011, a Penal Code proceeding has targeted the former President of the Council (Head of Government), Silvio Berlusconi. He is accused of abuse of power and under-aged prostitution for having paid for sex with a young prostitute named Ruby who was, at the time, under 18. He is also accused of having applied pressure on public servants from the prefecture of Milan, in order to free the young woman who was held in detention as part of an investigation for theft. Neither one of the two protagonists has admitted to having had sexual relations.

During the 2012 hearings, Silvio Berlusconi once again stated that the whole trial was a "large and mediatized smear campaign" against him and indicated that the young women, who participated in the parties he organized at his personal residence of Arcore, were only doing "burlesque shows" in a tranquil and friendly atmosphere. As for the money they got paid, it was only a financial aid to compensate the financial difficulties they were going through at the time. Silvio Berlusconi reiterated that he had thought Ruby was Egypt's former President Mubarak's niece and that was why he had asked the policemen to free her.

At the end of 2012, despite being summoned to appear in trial as witnesses, Ruby and several other young women did not show up at the courthouse. The reaction of the prosecutor was immediate: Silvio Berlusconi seems to have voluntarily tried to postpone the verdict due to the upcoming elections in February 2013, in order to minimize the negative outcomes of a hypothetical conviction. At the end of 2012, his trial has yet to come to an end and will carry on in 2013.

## **Towards a more efficient protection of minors**

Prostitution of minors in the streets has been continuously increasing over the past years. According to the direct testimony of Save the Children, Romanians are the most exposed to the threat of trafficking and sexual exploitation, since they can move without constraint within the European zone, as they are citizens of the European Union. There are also many unaccompanied Nigerian minors who arrived by sea between 2011 and 2012. This flow decreased during the period of January-August 2012, which should lead to a reduced number of Nigerian girls prostituting themselves compared to 2011.

An important step towards a more efficient protection of minors was taken at the end of 2012. Complying with the recommendations provided by the Parliamentary Commission on childhood and adolescence published in July 2012, Italy has ratified the Council of Europe's Convention on the protection of minors against exploitation and sexual abuse finalized in Lanzarote on October 25<sup>th</sup>, 2007 by voting the law 172 of October 1<sup>st</sup>, 2012 which came into effect on October 23<sup>rd</sup>, 2012. Following the ratification of this international instrument, the Penal Code has been substantially modified. It now acknowledges the incitement to pedophilia and pedopornography as a crime and soliciting those under the age of 16 as a crime, even on the Internet or by other means of communication. The notion of "prostitution of a minor" has been extended to include any activity linked to recruiting, managing, monitoring and organizing. It is worth mentioning that the sentences have been hardened concerning the offense of corrupting a minor and that the limitation period for sexual abuse and sexual exploitation of minors has doubled, as well as the number of circumstances where ignoring the victim's age is not excusable. Henceforth, a psychological treatment is planned for the victims and the authors of the offenses so as to reduce the risk of a repeated offense and in favor of social rehabilitation.

The associations fighting against human trafficking such as Gruppo Abele and the European Network for HIV/STI Prevention and Health Promotion among Migrant Sex Workers-TAMPEP are worried and highlight the constant reduction of public funding allocated to implementing social policies in this domain, from almost 1 billion to 10 million € (\$1.3 billion to 13.7 million USD) within a few years. This caused the teams specialized in human trafficking working for the Public Prosecutor's Department to close down.

## **Unachieved developments in the fight against trafficking**

In January 2012, the Minister of Labor and Social Policies announced the launch of a national action plan to fight against human trafficking as well as the creation of a national Observatory *ad hoc*. The elaboration of the action plan remains unachieved for now but it should lead to a clear identification of how the resources of each region are allocated to implement programs of assistance and social rehabilitation of victims (*Presidenza del Consiglio dei Ministri, Dipartimento per le Pari Opportunità, 2013*).

Italy is bound to transpose the European directive 2011/36/UE passed on April 5<sup>th</sup>, 2011 concerning the prevention of human trafficking and the fight against this phenomenon, as well as

the protection of the victims. A bill was drafted and presented on June 16<sup>th</sup>, 2011 but was not voted into law. Nonetheless the implementation of this directive is crucial, as it aims to ensure a more efficient protection of victims, more restrictive sentences against traffickers and to designate a national spokesman in charge of collecting the data concerning human trafficking in each member State.

The efforts on preventing trafficking have decreased compared to previous years mostly because of the decrease in the resources reserved for public awareness programs to the benefit of programs helping the victims. Despite this trend, the Italian government has launched an initiative in Angola to prevent human trafficking in this country and provide assistance to unaccompanied minors. Moreover, several NGOs have carried on with their awareness campaigns on the local level aiming at reducing the demand for paid sex.

### **The assistance programs for victims**

The Italian authorities assisted 2,018 foreign victims in 2012. More or less, 70% were women, 10% minors and 1.5% transsexuals. According to NGOs' testimonies, identifying people exposed to a high risk of human trafficking among refugees and migrants coming from Libya and Tunisia often appeared irrelevant. Many asylum seekers and unaccompanied minors, who arrived in the Italian ports of the Adriatic sea after going through Greece were sent back to their home country based on the Dublin II Regulation, although the Italian authorities were careless in checking their claims for protection, the risk of human trafficking to which they were exposed, and the best interests of the children.

Besides, the proceedings and the quality of the programs helping the victims vary noticeably following the different regions as the police officers are not always willing to comply with the guidelines. Nonetheless, nearly every region has implemented the article 13 of law n°228 of 2003 regarding measures to fight against human trafficking and slavery and the article 18 of the legislative decree n°286 of 1998 regarding the immigration regulation and foreigners' statute. It is worth to mention the "*ConTraTo*" program, implemented by the Tuscany region in July 2012. It comprises different sections, some of which are the activation of a 24/7 regional toll-free number against trafficking coordinated with a national toll-free number; health care, psychological, linguistic and legal assistance for the victims; the implementation of individualized training and socio-professional rehabilitation programs, of monitoring systems, of victims' identification, of public awareness, prevention and health protection campaigns.

In 2012, the Veneto region voted the law n°48 to fight against prostitution and help the victims, the Marche region launched the "*Oltre il soffitto di vetro*" (Beyond the Glass Ceiling) and "*Percorsi donna*" (Women's Itineraries) projects and the Lazio region ratified the "*Agar I*" (*AGire e Assistere in Rete contro la tratta nel Lazio: programma regionale di emersione e prima assistenza*) and "*Agar II*" (*AGire e Assistere in Rete contro la tratta nel Lazio: programma regionale di assistenza e di integrazione sociale*) projects previously approved by the Department of Equal Opportunities of the Council of Ministers and co-funded by the region. Agar I aims at identifying the victims and providing them with emergency assistance. Its

implementation stands on a close cooperation between regional institutions and local associations, the latter being in charge of identifying victims and providing them with immediate assistance in anti-violence centers. The goal of Agar II is rather to help victims on the legal and medico-social levels and to facilitate their social rehabilitation through professional training programs.

It appears that although Italy is globally complying with the minimum standards of the fight against trafficking and prostitution, improvements have to be made. It would be good to better collect and diffuse the data on implemented measures. Better identification work is necessary – more specific and careful monitoring regarding migrants and asylum seekers liable to become victims of trafficking and sexual exploitation. More harmonization of the proceedings implemented by police officers and other competent organizations on the national level is also essential.

Moreover, the continuation of policies to assist victims remains crucial; it is necessary to emphasize the strategies of prevention against this phenomenon. This aspect was highlighted by the European Commission in its document regarding “European Strategy Towards the Eradication of Trafficking in Human Beings 2012-2016” published in June 2012, which Italy is expected to be taking into account as is any other Member State. It is also expected to fulfill its international commitments resulting from the European Council’s Convention on the fight against human trafficking that it ratified on November 29<sup>th</sup>, 2010. Italy is therefore subject to the monitoring activities of the Group of Experts on Action against Trafficking in Human Beings (GRETA), instituted by the Convention in order to make sure its clauses are being implemented. In this framework, the first questionnaire will be sent in February 2013 to the implicated national institutions and they will have to answer no later than June 1<sup>st</sup>, 2013. A field survey will also occur in the next few months.

Therefore, it is with great interest that one waits for the final evaluation report and the recommendations of GRETA concerning the measures implemented up to now and the improvements yet to be made.

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# Japan

- Population: 126.4 millions
- GDP per capita (in US dollars): 46,720
- Constitutional monarchy – Parliamentary democracy
- Human Development Index (HDI): 0,912 (10<sup>th</sup> rank among 187 countries)
- Gender Inequality Index (GII): 0,131 (21<sup>st</sup> rank among 147 countries)
  
- No official national statistics on prostitution.
- Prohibitionist regime with a restrictive definition of prostitution (limited to vaginal coitus)
- Prostitution or purchasing its services is prohibited by the Anti-Prostitution Law of 1956, but no penalty is provided.
- The production, sale and possession of pornographic documents which use virtual minors are legal.
- Age of sexual consent: 13 years old.
- Country of transit towards North America and destination for trade victims.
- Victims on Japanese soil are native to China, Indonesia, the Philippines, Vietnam, Russia, Eastern Europe, and South America.

Japanese proverb:

「臭い物に蓋をする」

“*Kusai mono nifutawosuru*”

Literally: “Put a lid on ill-smelling things”

Figuratively: “Rather than solve a problem at the source, ensure that no one notices it for a period of time”

## **Child pornography and child prostitution: an alarming assessment**

In 2012, the situation regarding child pornography was extremely worrying. Throughout the year, there has been an increase in both the number of cases (+ 9.7% compared to 2011, 1,596 cases reported) and the number of victims (+ 24.8% compared to 2011, 1,268 identified victims). On the whole, victims are getting younger: in 2012, 56.3% of the 1,268 identified victims were

under the age of 6 (*Nihon Keizai Shimbun*, March 7<sup>th</sup>, 2013). The fact that close relations of the victims of both child pornography and the prostitution of minors seem to be a prominent proportion among those convicted is another concerning trend. Numerous press articles report cases involving educational staff, house employees or teachers. Figures published by the Ministry of Justice reveal a strong implication of family members of the victims, mainly of the father or stepfather, in violence against minors (*Ministry of Justice*). Additionally, the Japanese press reports several cases of minors charged with procuring other minors (*Yomiuri Shimbun*, February 19<sup>th</sup>, 2013). According to the declarations of these schoolgirls who procure their classmates, their motivations are purely economic. This can be partly explained by the very pronounced climate of consumerism in Japanese society.

Japanese police struggle to fight against this kind of crime for which the use of internet is widespread. The system of “blocking” implemented by Japanese police in order to identify people selling child pornography seems to be easily circumvented via file sharing software or foreign servers. “Blocking” has a limit: the simple possession of pornographic materials staging minors is not penalized in Japan (*Mainichi Shimbun*, May 26<sup>th</sup>, 2010). This non-penalization makes Japan a unique case among members States of the Organization for Economic Cooperation and Development (OECD) and brings it harsh criticism on the international stage (*The Independent*, October 12<sup>th</sup>, 2012).

The Japanese legislation has another serious gray area. It distinguishes pornography staging real minors from that which stages virtual minors, contained especially in manga and *anime*, animated films of which, production, sale or possession is not penalized (*Harata*, 2012). This state of Japanese legislation far below international standards, is often justified by the fear that the police might abuse their new prerogatives and jeopardize freedom of expression of manga and anime illustrators (*Japan Daily Press*, September 20<sup>th</sup>, 2012). Yet, it is easy to realize that the huge financial windfalls generated by the sale of these materials from the manga and anime industries weigh on authorities otherwise often involved in corruption (*UNAFEI*, 2000). In short, protection of children against this kind of crimes does not seem to be a clear and delineated priority for the authorities (*The Independent*, October 12<sup>th</sup>, 2012).

The fact that the sentences given in the case of conviction are often light and non-dissuasive confirms this idea. For both child pornography and procuring of minors, guilty parties often risk nothing more than fines. For instance, in 2011, less than 16% of the convictions for the procuring of minors led to prison terms. In the cases of direct conviction, jail sentences ranged from less than one year up to three years (*U.S. Department of State*, 2012). In 2012, the Japanese press has only reported arrests without reporting the conviction or sentencing of those involved in the sex trade.

Despite the sombre picture that illustrates the situation of sexual exploitation in Japan, the proactive approach of several Japanese prefectures gives hope for future improvements. Since late 2011, the prefectures of Kyoto, Nara, Osaka and Tochigi successively took the initiative to penalize any form of possession of child pornography. To the dismay of those who support a unified front, legislation recently adopted by these prefectures are not homogeneous. At this

time, the Kyoto Prefecture has distinguished itself as the most severe punisher of sexual exploitation and the possession of child pornography with sentences up to one year of imprisonment (*Japan Daily Press*, September 20<sup>th</sup>, 2012), while the Nara Prefecture enforced fines of 300,000 yens (about \$3,035 US dollars). Meanwhile, the Tochigi Prefecture has decided to criminalize only the possession of pornographic materials involving minors under the age of 13 (*Yomiuri Shimbun*, October 11<sup>th</sup>, 2012). If more and more prefectures follow this move toward the penalization of the possession of child pornography, a positive national impact to align the country with minimum international standards of enforcement and regulation would evolve from an abstract ideal to a legitimate possibility.

### **The controversy over “comfort women” or the scathing indifference to the victims**

Described euphemistically as “comfort women”, some 200,000 women from China, Korea, and Taiwan served as sexual slaves in the brothels of the Japanese Imperial Army during the Second World War (*Canoe*, August 15<sup>th</sup>, 2012). The “comfort stations”, according to the official terminology of the time, were widespread in mainland Asia and largely under Japanese rule.

The Japanese government recognized its responsibility through the Kono statement of 1993<sup>1</sup>. On one hand, it recognized the involvement of the Imperial Army in this case of human trafficking for sexual exploitation purposes unmatched in the 20<sup>th</sup> century. On the other hand, it expressed remorse for the suffering, both physical and mental, caused to the victims. However, the statement has a significant limit: it does not provide any system of government compensation to the victims. From 1995 to 2007, the Asian Women’s Fund – a private organization based in Japan – gave compensation to the few surviving victims (*Le Monde*, January 7<sup>th</sup>, 2013); but some women refused it in order to continue their advocacy on behalf of proper compensation from the Japanese government itself (*Japan Times*, February 15<sup>th</sup>, 2013).

The controversy over “comfort women” arose from statements of the current Prime Minister of Japan, Shinzo Abe, a few days after his taking office in December 2012. For this ultraconservative, the evidence that the Japanese army implemented and exerted direct coercion is nonexistent. S. Abe soon expressed his will to retract the Kono statement, a position he has maintained since 2007, during his first term as Prime Minister (*Le Monde*, January 7<sup>th</sup>, 2013).

The overall trend of calling for revision is equally worrisome among other Japanese politicians. The populist mayor of Osaka, Tôru Hashimoto, has made multiple statements cast in the same mold. He stressed the need to discuss the matter a historical context (*Shimbun Akahata*, August 23<sup>rd</sup>, 2012). In other words, his statement directly implied that the facts could be considered acceptable under the circumstances of the time. However, under international law, that had banned slavery long before 1939, this allegation is without foundation. According to Kazuhiko Togo, a former Japanese senior official, this would be equivalent to saying today in the United States that slavery was unavoidable or acceptable given its time frame. The government considers all matters of war compensation to have been already set by various treaties signed after 1945. An ambiguous position, the standing of the government raises indignation and anger

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<sup>1</sup> The name of the spokesman for the government at the time: Yohei Kono.

among the citizens of many Asian countries. Since 1992 until today, more than one hundred activists gather weekly in front of the Japanese embassy in Seoul to demand official compensations (*Japan Times*, February 15<sup>th</sup>, 2013). In early January 2012, a Chinese national whose grandmother was a former “comfort woman” was arrested by the South-Korean police for throwing a Molotov cocktail at the exterior walls of the Japanese embassy (*Libération*, January 8<sup>th</sup>, 2012).

The reaction of the Japanese civil society in relation to this matter is almost non-existent. According to a Japanese press article, *VawwRac*, a research and action center focused on war-time violence against women, organized a symposium in September 2012. The theme of the symposium was the responsibility of Japan toward “comfort women” but only one hundred people attended (*Shimbun Akahata*, September 30<sup>th</sup>, 2012).

Shinzo Abe’s statements have not come without an impact on the already tense relations that Japan has with China and South Korea (*Le Monde*, January 7<sup>th</sup>, 2013). The criticism from the other side of the Pacific was also very sharp. The government of the United States has urged Japan to be cautious. It also highlighted the fact that to withdraw the Kono statement would lead to a worsening of Japan’s relations with its neighbors and jeopardize stability in Asia-Pacific (*Nihon Keizai Shimbun*, January 6<sup>th</sup>, 2013). In addition, following the first revisionist statements from the Japanese Prime Minister in 2007, the U.S. Congress passed a resolution urging Japan to apologize to the victims of this mass sexual exploitation system (*Japan Times*, February 15<sup>th</sup>, 2013).

The attitude of the Japanese government, reluctant to take on its responsibilities, helps to better understand the current situation regarding the fight against human trafficking.

### **Lack of progress in the fight against human trafficking for commercial sexual exploitation purposes**

In 2012, there was no improvement in the fight against trafficking of human beings for the purpose of commercial sexual exploitation. Japan is still ranked on tier 2 of the classification established by the 2013 U.S. Department of State Report on Human Trafficking. So far, Japan is the only G8 member State that has not ratified the Palermo protocol, the only international instrument which aims to fight against human trafficking. In addition, Japan has not made any effort since 2012 to improve its legislation on trafficking. The National Plan of Action of 2009 has not been updated either.

The figures released by the National Police Agency for the first half of 2012 are difficult to analyze due to the fact that human trafficking cases are not reported separately from kidnapping cases (*National Police Agency*, 2012). Once again, this proves the lack of interest of Japanese authorities on the issue. However, the U.S. Department of State Report on Human Trafficking reported 27 women, including 11 Japanese victims of human trafficking for the purpose of commercial sexual exploitation in 2012, whereas in total there were 45 in 2011. To date, the protection granted to the victims is incomplete. There are shelters where the victims can be accommodated, but these are not specifically dedicated to them. Although medical aid and

psychological support are available to them, according to some associations and government representatives, these services are inappropriate and incomplete for victims of trafficking. Moreover, some victims are reluctant to seek government protection. First and foremost, they fear the authorities; they are afraid of being convicted for violation of Japanese law due to their role in their own exploitation. To this date, no official shelter is provided for male victims (ECPAT, 2011).

Regarding prevention, the government has only made modest efforts. The National Police Agency and the Immigration Bureau distributed multilingual pamphlets which included phone numbers to call in case of emergency. But according to several NGOs, the impact has been modest, with few pamphlets reaching the victims (*U.S. Department of State*, 2012).

The situation relating to sexual exploitation in Japan demands critical attention, especially as the authorities seem unwilling to take the measures urgently required. Opportunities to improve the situation are still very numerous. In a report released in 2011, ECPAT drew up a two-page list of priority recommendations to the Japanese government. Authorities' inaction toward the issue reveals not only corruption among senior officials but a lack of consideration by the authorities towards the victims of commercial sexual exploitation in Japan whatever their age, gender or nationality.

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## Kenya

- Population: 42.7 million
- GDP per capita (in US dollars): 862
- Republic
- Human development index (HDI): 0.519 (145<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.608 (129<sup>th</sup> rank among 147 countries)
- Member of the African Union since 1963.
  
- No official national statistics on prostitution.
- Around 200,000 people are victims of prostitution in Kenya, of which 15,000 are men.
- The most affected provinces by prostitutions are the Rift Valley and Nairobi.
- Prostitution, procuring, and establishments of prostitution are prohibited.
- All forms of human trafficking are prohibited. Penalties of 30 years to life imprisonment, and/or a fine of at least 30 million KES (\$335,834 USD).
- In 2012, the City Council of Nairobi launched a plan to legalize prostitution in the capital with the creation of “red light zones.”
- Country of origin, transit and destination for human trafficking especially with the propose of sexual exploitation.
- Sex tourism is primarily based in Mombasa, nicknamed the “collapsed.”
- Sex tourists primarily come from the United States, Switzerland, Sweden, Norway, and Germany.
- In 2010, close to 15,000 children were victims of sex tourism in Kenya.

Kenya, a country in East Africa, is surrounded from south to north by Tanzania, Uganda, South Sudan, Ethiopia and Somalia. The country was for a long time considered the model on political stability and democratic transition. Kenya, which has been independent since 1963, faced a political crisis from December 2007 to January 2008 that led the country to the brink of a civil war, causing more than 1,300 deaths and displacing 600,000 people. Suspected fraud on the presidential election results was the cause of the crisis. Kenya, maintaining the largest refugee camp in the world (Dadaab) with 593,000 refugees of which 513,000 are Somali, is confronted with a real security challenge particularly with regard to human trafficking. Although Kenya benefits from the first economic growth in East Africa with over 5.1% in 2012, the country is

affected by poverty. Nearly 40% of the population lives below the poverty line. According to 2013 U.S. Department of State Report on Human Trafficking, economic inequality mixed with corruption created an environment conducive to sex tourism and the prostitution that affects women, children, and mostly homosexuals in Kenyan society.

### **Evolution of legal framework**

Kenya is a signatory to a number of international conventions including the International Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention against Torture and other Cruel, Inhuman or Degrading Treatments.

As a result of the national regulatory framework, prostitution, procuring, and brothels are forbidden. According to the provisions of articles 147 through 154 of the Penal Code, prostitution is a crime. Article 155 authorizes magistrates to deliver mandates to allow the police to enter houses, where prostitution is suspected and detain the prostitutes who are there. Articles 14 through 18 of the *Sexual Offenses Act* of 2006 forbids the child trafficking, child sex tourism of children, child prostitution, exploitation of prostitution, and human trafficking for sexual exploitation. These infractions are punishable by 5 to 15 years in prison, or a fine of 500,000 to 2 million KES (\$5,745 to \$22,989 USD)<sup>1</sup>. In 2012, President Mwai Kibaki signed the *Counter Trafficking in Persons Act*, a law that was published in the Gazette in September 2012. All forms of human trafficking are forbidden with a punishment of 30 years to life in prison, or a fine of at least 30 million KES (\$344,834 USD). However, according to the 2013 U.S. Department of State Report on Human Trafficking, it is clear that in practice some authorities rarely use this normative framework.

### **Legalizing prostitution?**

The Nairobi City Council has launched a plan to legalize prostitution in the capital with the creation of red light districts. In practice, the municipality would allow prostitutes to freely operate in some neighborhoods with the payment of a tax (*Ahram/AFP*, March 6<sup>th</sup>, 2012). A committee of experts has been established to harmonize the various laws on prostitution, according to the Mayor of Nairobi George Aladwa, on February 3<sup>rd</sup> 2012 (*Standard Media*, February 4<sup>th</sup>, 2012).

There are some who have voiced their opinion against the Mayor's initiative, such as the religious head of the *Kenyan Muslim Advisory Council* for whom prostitution itself is considered a sin (*AllAfrica*, February 7<sup>th</sup>, 2012).

Contrarily, other representatives support the legislation towards legalized prostitution. On March 6<sup>th</sup> 2012, a group of masked prostitutes (men and women) marched through the streets of Nairobi in favor of legislation legalizing prostitution. They had written on their masks, "sex workers' rights are human rights" and "my body, my business" (*News24*, March 6<sup>th</sup>, 2012). In

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<sup>1</sup> Act Number 3 of Sexual Offenses Act, [www1.chr.up.ac.za](http://www1.chr.up.ac.za)



December 2012, the World Health Organization (WHO) published a report explaining different recommendations on the best way to fight against HIV/AIDS that is contracted by victims of prostitution. One of the recommendations was to legalize prostitution, stating that this would allow prostitutes to no longer be stigmatized and have free access to health care as well as condoms (*Consultancy Africa Intelligence*, February 4<sup>th</sup>, 2012).

### **Prostitution in Kenya**

According to an article in the *Irin News* on March 27<sup>th</sup>, 2012 around 200,000 people are victims of prostitution in Kenya, of which 15,000 are men. Reportedly, around 40% of prostitutes are married or cohabitating, and their partners ignore the prostitution activities in which his companion, spouse, or partner engages. The most affected provinces are the Rift Valley and Nairobi. The rapid increase in the cost of living has promoted prostitution to survive against poverty. Between 2010 and 2011, the price increased more than 100% in Kenya. For many Kenyans, prostitution is a way to earn money in addition to another salary (*Thomson Reuters Foundation*, May 26<sup>th</sup>, 2011), in a country where unemployment is estimated to be 40%<sup>2</sup>.

Many foreigners are also victims of prostitution in Kenya. For the most part, they are Ethiopian, Eritrean and Somali, as these three nationalities seem to attract Kenyan citizens (*Wordpress*, November 11<sup>th</sup>, 2011).

In addition, students of Kenyan universities, attracted by the “easy” money, are accused of selling their bodies to peers and teachers. Most of these students come from different towns in Kenya to study in Nairobi. The students enjoy the good life at the beginning with a change of lifestyle and to maintain it, they decide to become prostitutes (*Kenya Forum*, August 2<sup>nd</sup>, 2012).

Prostitutes also suffer from harassment by the police, who remain unpunished. They are often forced to pay bribes to avoid spending the night in jail. Generally, prostitution is dangerous, as shown by the murder of a young 21 year-old prostitute, whose body was found in a tank on June 5<sup>th</sup>, 2012 in Nanyuki. She was killed by two British soldiers. Indeed, the city is known for hosting British soldiers each year, who come to train before leaving for Afghanistan (*Sky News*, August 14<sup>th</sup>, 2012).

### **Prostitution and health**

Reportedly, one and a half million Kenyans are affected by HIV/AIDS. The national prevalence of HIV decreased from 7.1% in 2007 to 6.3% in 2012. Access to an antiviral treatment has also progressed. In December 2011, more than 500,000 living with HIV in Kenya had been placed under antiviral treatment, compared to only 3,000 people in 2001. On August 10<sup>th</sup> 2012, the government announced that it would allocate more funds to this fight (*UNAIDS*, August 15<sup>th</sup>, 2012). The most vulnerable people to sexually transmitted diseases (STDs) are between the ages of 15 and 24 (*MSF*, 2012).

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<sup>2</sup>[www.indexmundi.com](http://www.indexmundi.com)

Sexually transmitted diseases affect a large portion of the victims of prostitution. In Nairobi, one out of three prostitutes is HIV-positive. They are called "twilight women." According to a 2012 report by the World Bank and the UN, 37% of victims of prostitution in Kenya are living with HIV (*Vice France*, September 2012).

The spread of STDs in prostitutes is a result of the poor usage of condoms during sexual intercourse. In fact, only 50% of prostitutes use condoms (*Irin News*, March 27<sup>th</sup>, 2012). The difference of earnings is very influential since sexual intercourse with a condom pays 200 KES (\$2.30 USD), while sexual intercourse without a condom pays 500 KES (\$5.74 USD). Some prostitutes are arrested for simply having condoms on them, which can discourage their possession (*Vice France*, September 2012).

In addition, a majority of male victims of prostitution have sex with other men, which makes them more vulnerable to HIV/AIDS, as the spread of this disease is greater in the case of anal intercourse. Moreover, the fact that many prostitutes are married lends itself to the spread of HIV/AIDS, as spouses are unaware of the prostitution activity of their spouse (*Irin News*, March 27<sup>th</sup>, 2012).

Because of the stigma attached to prostitution, prostitutes are often being denied access to health services as well as treatment, even for minor health problems (*Consultancy Africa Intelligence*, February 4<sup>th</sup>, 2013).

### **Human trafficking for sexual exploitation: homosexuals as the newest victims**

The Kenyan women from poor backgrounds are easy preys, especially if they are from rural areas. Thus, there are many stories of women from Kamba, an ethnic group in Kenya that is established in the semi-arid Eastern Province of the country, where there are few job opportunities and there is a general lack of development. The stories of those women who respond to job offers in Nairobi and after a job interview, disappear forever, are unfortunately frequent (*South World*, March 1<sup>st</sup>, 2012).

Cases involving women and Kenyan children are not new. Now, the new victims of trafficking for sexual exploitation are homosexuals. Homosexual students in Kenyan universities, especially that of Kenyatta University (*Huffington Post*, March 1<sup>st</sup>, 2012), are particularly targeted. They are offered jobs abroad with visas and find themselves victims of sexual exploitation. Homosexuality is illegal in Kenya, as well as in countries where these men are brought, so they cannot report the abuse they suffer to the authorities (*Advocate*, January 2<sup>nd</sup>, 2012). According to the 2013 U.S. Department of State Report on Human Trafficking, they are most often led to Africa, Europe, the Middle East (especially in Saudi Arabia, Kuwait, the United Arab Emirates, Lebanon and Oman), South Sudan and the United States.

Aware of the trafficking of Kenyan women and men to Arab countries, Kenya announced in June 2012 a prohibition to work in some Arab countries, including Saudi Arabia, Kuwait, the United Arab Emirates and Qatar (*JSSNews*, August 12<sup>th</sup>, 2012).

Children of Burundi, Ethiopia, South Sudan, Tanzania and Uganda are victims of human trafficking for sexual exploitation in Kenya. Trafficking also affects many Somali women and children who are in refugee camps in Kenya (*U.S Department of State*, 2013).

## **Sex Tourism**

### ***Sex tourism of young girls on Kenyan coast***

Of all the countries in Eastern Africa, sex tourism is most popular in Kenya. The Kenyan city most affected by this phenomenon is Mombasa, nicknamed “the collapsed” which is located 500 km southeast of Nairobi (*Slate Afrique*, February 14<sup>th</sup>, 2013). Reportedly, in 2010, close to 15,000 children were victims of sex tourism in Kenya<sup>3</sup>. Sex tourists mainly come from the United States, Switzerland, Sweden, Norway, and Germany. They are trying to find children in places such as clubs, casinos, massage parlors, beaches, and hotels close to the Kenyan coast. The children, boys and girls, are victims of sex tourism to men and women. This plague usually involves a third party such as hotel workers, procurers, brothel owners, or even members of their own family. In addition, offenders are difficult to identify because the abuse often occur in private places (*ECPAT UK*, 2012).

In April 2011, the government launched a code of conduct concerning tourism with the goal of reducing sex tourism whose victims are children. In the same month, the police announced the arrest of four suspects from Spain, the Netherlands, and U.K. (*U.S Department of State*, 2012). In 2012, the government filed lawsuits against three foreign tourists, presumed to have had sex with minors. The common settlements for tourists are to pay the families of child victims to avoid lawsuits (*U.S Department of State*, 2013).

### ***Sex tourism of the “beach boys” presented at the Toronto Festival***

Sex tourism in Kenya has affected as many men as women. This fact was revealed by Australian director, Ulrich Seidel, in his film, “*Paradis: Amour*” (Paradise: Love), which debuted at the Toronto International Film Festival (*Ghafla*, September 11, 2012). Actor, Peter Kazungu, one of the beach boys in the film, felt obligated to clarify that “*C’est bien plus dégoûtant quand il s’agit de vieux blancs qui vont d’une fille kényane à l’autre* (it is more disgusting when old, white men move from one young Kenyan girl to the next)” (*Slate*, May 18<sup>th</sup>, 2012). A beach boy can receive from 500 to 20,000 KES (\$5.75 to \$230 USD) for each female tourist. He must also pay a commission to the person who put him in contact with the tourist (*Standard Digital News*, March 18<sup>th</sup>, 2012).

## **Insufficient government initiatives against sexual exploitation**

According to the 2013 U.S. Department of State Report on Human Trafficking, corruption is everywhere in Kenyan institutions, which makes the application of laws concerning human trafficking for sexual exploitation or sex tourism very difficult. The Kenyan authorities are not

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<sup>3</sup>Dupaquier F., Delle Piane L., *A contrecœur : enfants victimes du tourisme sexuel*, ECPAT France, Frontview productions, documentary (15’6), November 27<sup>th</sup>, 2010.

making true efforts to combat this corruption, or to follow through with agents and condemn them.

In 2012, the government took some initiatives, which may still seem inadequate given the scale of the phenomenon. The government funded an anti-trafficking training for 30 officers. In October 2012, it established an advisory committee for the fight against human trafficking, who is now in charge of implementing the national allocation of funds to help victims of trafficking. Nevertheless, the committee had not yet been convened in 2012.

Concerning the identification of victims of human trafficking, it is evident that the authorities put forth more effort to identify children than adults. A system set up by the Ministry of Gender and a local NGO set up a free phone line available 24 hours a day to report cases of child trafficking. In 2012, only 21 cases of child prostitution and 59 cases of child trafficking were reported.

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## Lebanon

- Population: 4.3 million
- GDP per capita (in US dollars): 9,705
- Parliamentary regime
- Human development index (HDI): 0.745 (72<sup>nd</sup> rank among 187 countries)
- Gender inequality index (GII): 0.433 (77<sup>th</sup> rank among 147 countries)
- No official national statistics on prostitution.
- Main locations of prostitution: Bourj Hammoud, Maamaltein, Sabra-Shatila and highways in Khaldé-Naame and Dbayé-Jbeil.
- Ambiguous judicial treatment of prostitution. Two different realities: the authorities who prohibit prostitution/the authorities involved in visa regulations of “artists”, and the health control of prostitutes.
- Prohibition of all forms of human trafficking since 2011.
- Country of transit and destination of human trafficking with the purpose of sexual exploitation.
- The majority of victims of prostitution in Lebanon are native to the Middle East, Eastern European countries and from Africa.

Lebanon is a country of many religions. It is considered as one of the most liberal among its surrounding countries in the Middle East. The political system is based on a proportional distribution of power, depending on the weight of each religious community in the country. Consequently, it seems that in so far as the Sharia does not fully apply, the matters related to sexuality are less taboo. However, the country is really conservative on some aspects, especially sexuality.

Having certain attractiveness, due to its atypical geographical landscape, its culture and its gastronomy, Lebanon acts as a hub of prostitution in many ways. Prostitution has developed not only in quantitative terms through multiples places of frequentation such as night clubs, hotels, apartments, and cars, but also qualitatively, with a prostitution activity that differs in accordance to the place of prostitution and the categories of prostitutes.

## **An uncertain legal treatment of prostitution**

Prostitution is a phenomenon whose apprehension seems rather difficult, as a result of the lack of a clear definition of the term and the ambiguity of the legal treatment that is granted to it. Indeed, according to a law of 1931, prostitution was legal under the condition that it was practiced in regulated brothels, located in specific places and completely separated from nearby buildings. However, since 1975, the government stopped issuing licenses to brothels. Commander Eli Asmar, chief of the protection office, affirmed that brothels had closed since the war – prostitution becoming thus illegal apart from the granting of these licenses (*L'Orient le Jour*, May 3, 2011). This resulted in the displacement of the prostitution to more clandestine places, whereas it is supposed to be prohibited. However, prostitution is known to the authorities and even allowed in the super nightclubs, where the government intervenes to regulate the prostitutes' activity. Politics uncovers two realities: on the one side authorities ban prostitution, but on the other they take part in the regulation of “artists” visas and in the health check of prostitutes by subjecting them to monthly medical exams. In the absence of any legal provision on this matter, it is an established practice.

## **View of the Lebanese prostitution landscape**

Prostitution has been among the most organized and profitable markets of Lebanon, ranking in third after the sale of arms and drug trafficking. In 2012, Jad, head of a super nightclub, assessed “*his monthly profit to a maximum of \$30,000 USD*” (*L'Orient Le Jour*, March 11<sup>th</sup>, 2012). It must be noted that resorts for transactional sex is a growing problem, which continues to be ignored by the majority of civil society. Prostitution has also seen a tremendous expansion due to the extreme poverty present in Lebanon; 28% of the Lebanese population lives below the poverty line and 8% in conditions of extreme poverty, unable to meet their vital needs, such as purchasing food or living in decent housing. Prostitution appears to constitute the only means of survival for these men and women, in view of a labour market that no longer employs due to the long-established economic crisis.

The migration phenomenon constitutes an important component of the Lebanese sex industry, but more generally, it is also a component of human trafficking concerning forced labour. Indeed, the vast majority of prostitutes practicing in Lebanon are of foreign origin; they often come from countries of the Middle East such as Syria, Egypt, Morocco, and countries of Eastern Europe or Africa. In this way, Lebanon is seen as a transit and destination country for female and child victims of human trafficking for the purpose of sexual exploitation in other Middle Eastern countries. The Lebanese government contributes to this phenomenon by issuing a 3-month “artist visa“, facilitating the entry of these young women into the country to work as dancers in the Lebanese sex industry. In 2012, 5,934 women entered Lebanon with this visa. In general, they are recruited in their country of origin, where they sign an employment contract, holding with them the illusion of being a waitress, hairdresser, or secretary, but the reality is

much different. These young women are maintained in a hostile climate, characterized by fear and violence and emphasized by the confiscation of their passport.

Prostitution also affects the children, sold by their family or husband. There is no need to count the number of children who have been sold by their parents, no longer able to feed them or married at a very early age. Under the guise of marriages, certain men do not hesitate to marry several minor girls and then force them into prostitution (*L'Orient le Jour Junior*, April 2011).

### **Student prostitution favoured by the development of Internet**

The sex industry is widespread in many different places: hotels, cabarets, pubs, and nightclubs. It seems to have left the main public roads for more discrete locations on the outskirts of the capital. Some neighborhoods have become places where prostitution is prevalent, in particular Bourj-Hammoud, Maamaltein, Sabra-Chatila or even the highways of Khaldé-Naamé and Dbayé-Jbeil. Not only are the places developing, but also the forms of prostitution. Internet and social network development highly contributed to the emergence of a more clandestine form of prostitution. More and more students become prostitutes via telecommunication networks, finding a way to monetize their sexual services anonymously and more discreetly. Prostitution on the Internet attracted these young girls because the operating conditions of this activity are easier than street prostitution and the prices of the services are more attractive. This occasional activity does not facilitate the action of the Lebanese morality police, who are already having difficulties apprehending the facts of prostitutes caught red-handed. It is, therefore, a prostitution that is almost impossible to notice, especially because it is practiced in apartments or hotel rooms. These students seem to practice their activity without the protection of a procurer and without consistency in order to avoid the attention of authorities. Usually, these prostitutes develop in higher social spheres than those who work in nightclubs or on a public road. They have very wealthy clients, sometimes involved in political life. So, it is not surprising that they are protected when corruption exists.

Some Lebanese model agencies play a central role in this student prostitution. Indeed, the intermediation operated by these fake agencies allows them to find their clients more easily and target those who are quite wealthy. In 2012, a Lebanese businessman was sentenced for procurement in France because he supplied young women to many Arab princes and a son of Muammar Gaddafi. In order to achieve this, he took advantage of his leadership position in the model agency, as one of the branches was located in Beirut, and he made the women believe that they would be in the parade at the festival of Cannes (*Le Monde/AFP*, October 23<sup>rd</sup>, 2012).

That demonstrates the extent of the prostitution system in Lebanon through these model agencies that place the young women with clients for the sole purpose of having paid sexual relations. As such, a 23 years old Lebanese prostitute confided to a magazine: “*When I entered the university, a local model agency proposed me to work for it. I accepted. In no time, it turned out that we could sleep with some clients if desired, in return of a very significant sum of money. I did not hesitate*” (*L'Hebdo Magazine*, February 22<sup>nd</sup>, 2013). This prostitution becomes



common, along with its share of violence and its contributions to the sexual exploitation of women in Lebanon.

Escorting Internet sites demonstrate the difficulty of apprehending the Lebanese prostitution system due to the fact that they take advantage of the loophole in the judicial treatment of prostitution. Escort service sites slip through the cracks of the government, as it cannot control them, as it can with “artist visas” and all of the regulations that go with it. Another difficulty concerns the means of telecommunication employed: the Internet helps to maintain a certain anonymity and discretion researched by both the clients and the prostitutes, making the action of police services more difficult. Although these activities are illegal, cybercrime services experience real difficulties with closing these websites, due to the fact that every time such a site is closed, others are created to replace it (*Al Bawaba*, March 18<sup>th</sup>, 2012).

### **Super nightclubs in the service of sex tourism explosion**

Sex tourism constantly increases in Lebanon. According to Markus Marktanner, an economist at the American University of Beirut, the expansion of tourism is linked to the tourists of Middle East and mainly of the Gulf countries, who benefit from the good climate, permissive attitudes and the availability of alcohol in Lebanon. Prostitution is thus tolerated because it constitutes a highly profitable market that handles millions of dollars each year. It is a booming industry that plays a role so important in the Lebanese tourism that the authorities sometimes accept to turn a blind eye to certain behaviours.

The rise of sex tourism could be also explained by the existence of super nightclubs, atypical places in Middle East, which are halfway between a stripclub and a brothel. These places are developing in Lebanon, with a total of 130 super nightclubs that have the particularity of being unique in the region, considering habits and sociocultural taboos of the country. In 2012, Kamal, boss of a super nightclub, emphasized the fact that demand increases in the summertime. There is a mutual aid in the different nightclubs in case a girl is missing. They do not hesitate to exchange some girls if needed. The latter are considered as merchandise to exchange in case of need or by specific request.

Prostitution being banned, super nightclubs must use complex methods to circumvent the law. In principle, a client cannot have paid sexual relations with a dancer but it sometimes occurs hidden from the public. A client who wants to talk to an “artist” buys a bottle of champagne and chooses the dancer that suits him. Kissing is allowed, but any more advanced contact is forbidden, at the risk of receiving a fine and the closure of the establishment by immigration services. The purchase of a champagne bottle comes close to \$70-\$80 USD and entitles clients to see the girl again within one week from the date of purchase in order to obtain the sexual service sought. For that matter, these locations are very popular in the summertime with Gulf tourists, looking for alcohol and paid sexual relations forbidden in their country and who can spend up to \$400 USD per hour for a female companion.

This is an industry tolerated by the government to the extent that it is taxed (10% of the purchase price of a champagne bottle is paid back to the tax authorities). The government wants

prostitution to be regulated and strictly controlled rather than have it spread across the country. Lebanese law requires work and rest hours for the “artists”<sup>1</sup>, within which they cannot, under any circumstances, leave the hotel. The Lebanese law somehow organizes this sexual exploitation, becoming in some ways an accomplice of the phenomenon of human trafficking by imposing a restriction to their freedom of movement and by keeping them in this prostitution system.

In 2012, Tony, a regular client of super nightclubs, insisted on the fact that it is a Lebanese characteristic, with certain advantages but remains, nevertheless, very prejudicial for the dancers. *“These clubs would not last a day in any other country. It constitutes a category in itself. It is true, it is all very formal – we cannot even take a girl for the evening. But it works here, perhaps because of the culture, which is open in many ways but still very conservative in some others. The “super nightclub” sector supports its own redemption. This system has benefits. The girls have to be tested and are generally well protected. But there are also some drawbacks. Briefly, they live in a prison. Locked up most of the time in their hotel, they never go out, except if they have a client. All of the girls I have met in these clubs are completely depressed. It is not really exciting.”* (L’Orient Le Jour, March 11<sup>th</sup>, 2012).

### **Efforts are required in regards to incrimination of human being trafficking**

In August 2012, 80 female prostitutes of Tunisian origin working in Lebanese super nightclubs were arrested at the Tunis-Carthage airport by Interpol, at the request of Lebanon (Alter Info, August 18<sup>th</sup>, 2012). These young women were recruited in Tunisia in order to become prostitutes in Lebanon. Traffickers made them sign a contract that stipulated they would be employed as dancers. One week later, they received their “artist” visa to go to Lebanon. Usually, prostitutes are prosecuted and sentenced, because prostitution is forbidden whereas clients and traffickers are not affected by it. This type of case, far from being an isolated one, attested to some gaps in the protection of victims and especially the incrimination in human trafficking.

Indeed, Lebanon does not fully comply with the minimum requested standards concerning the fight against human trafficking, especially for the purpose of sexual exploitation. Protection of the victims of trafficking seems incomplete in many aspects even if Lebanon is making important efforts on this matter, such as a law against any form of human trafficking, which was enacted in August 2011. It is a considerable legislative advance given the complete absence of the incrimination of human trafficking in Lebanon. According to the Public Prosecutor, in 2012, 9 cases of human trafficking for sexual purposes led to investigations (U.S. Department of State, 2013).

Lebanon ratified the United Nations Convention against transnational organized crime and the additional protocol prohibiting trafficking under the obligation that human trafficking is clearly identified as such in the legislation of the State parties (CARIM, 2011). However, human trafficking was not incriminated in a specific way, but the components of this offense were

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<sup>1</sup> Young women remain in the club from 8pm to 5am, then are forced to stay at the hotel between 5am and 1pm, hours of rest are between 1 pm and 8pm.

visible and sanctioned in other offenses: kidnapping, indecent assault, deprivation of freedom, and incitement to debauchery.

Henceforth, individuals contributing to these traffics risk penalties ranging from 5 to 15 years of imprisonment, as regards to sex trafficking and forced labor. However, it should be noted that the prosecutor's office is reluctant to sue the individuals in light of this new qualification and settle for using the old, available offenses. The 2013 U.S. Department of State Report on Human Trafficking mentions 16 investigations involving trafficking for sexual purposes, led by the Internal Security Forces and the General Security. Nevertheless, there is nothing to show that these investigations had led to conviction for human trafficking. So, many efforts still remain to be made in this field. Important work is also required to change magistrates' minds and encourage them to pursue the reprehensive behavior falling within the scope of the offense of human trafficking.

Actions supplied by protection of victims associations present an undeniable interest in the fight against trafficking for sexual purposes. NGOs like Caritas Lebanon, and Dar al-Amal are helping victims of prostitution by accommodating them and helping with their reintegration process. In June 2012, Lebanon undertook an action to fight against trafficking. The country is also about to become a member of the Mediterranean Network Against Trafficking in Women, created by the NGO Coalition Against Trafficking in Women (CATW) (*L'Orient Le Jour*, June 28<sup>th</sup>, 2012). Therefore, this would conduct awareness-raising campaigns so that cultural tourism would not be sex tourism anymore. In order to achieve this, media cooperation is necessary to the extent that this is a phenomenon whose existence is known but ignored and that benefits from a degree of impunity.

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## Madagascar

- Population: 21.9 million
- GDP per capita (in US dollars): 447
- Presidential regime
- Human development index (HDI): 0.745 (72<sup>nd</sup> rank among 187 countries)
- Gender inequality index (GII): 0.433 (77<sup>th</sup> rank among 147 countries)
- No official national statistics on prostitution.
- There are 29,000 prostitutes in Toamasina, main port town (2012 estimate).
- 78.4% of prostituted population are between 11 and 22 years old.
- Prostitution is illegal (articles 330 and 335 of the Penal Code and modifications with the law number 2007-038 which represses human trafficking with the purpose of human trafficking and sex tourism especially all that involve minors).
- The most affected cities by prostitution and sex tourism: Antananarivo (capital) – Nosy Be, Diego Suarez, Majunga, Tamatave (suburbs).

Even though it is difficult to measure the extent of sexual exploitation in Madagascar due to the lack of data, it is evident that the phenomenon intensified after the 2009 State Crisis. Since then, the country has been strictly anchored in a political crisis. The economic sanctions imposed to Madagascar after the crisis have led to a decrease in international aid. Malagasy newspapers sum up the situation well: increase in poverty, scarce schooling, increasing corruption and young girls as victims of sexual exploitation.

According to the NGO, Groupe Développement Madagascar, prostitution is particularly high along the coast (Nosy Be, Diego Suarez, Mahajunga or Toamasina), around mining sites, as well as in urban zones such as the capital city, Antananarivo.

According to the U.S. Department of State Report on Human Trafficking, most prostitution clients are Malagasy. Meanwhile, sex tourism clients are mainly French, there are also others from Western countries, as well as Comorians. For a foreigner, the price varies from 40,000 to 200,000 MGA (\$17.15 to \$85.76 USD - 15 to 75 €) while those who are Malagasy pay prices ranging from 3,000 to 10,000 MGA (\$1.28 to \$4.29 USD - 1 to 3 €) (*Newsmada*, May 25<sup>th</sup>, 2012).

## Legal Aspects

In 1991, Madagascar signed the International Convention for Children Rights (ICCR) and its optional protocol in 2000 concerning the trafficking, prostitution and pornography of children.

As for child labor laws, the country has ratified both basic conventions of the International Labor Organization (ILO) i.e. the 1998 Convention n°138 on minimum age, and n°182 which states that “*using, recruiting or offering a child for prostitution or pornography, are the worse means of child work.*”(art. 3b C182)

The Malagasy Penal Code completed by law n°2007-038 of January 14, 2008, takes into consideration different types of sexual exploitation such as procurement and the exploitation of brothels, indicated in articles 330-335. The same law prohibits all forms of human trafficking and imposes sentences which range from two years to life in prison. (*U.S. Department of State, 2013*)

Sex tourism is supervised by law n° 2007-038; penalties vary from 5 to 10 years of imprisonment, and may be accompanied by fines ranging from 4,000,000 to 20,000,000 MGA (\$1,715 to \$8,576 USD - 1,400 to 7,000 €) (*La Gazette de la Grande Île, May 4<sup>th</sup>, 2012*). Regardless of the strict laws expressed on paper, no tourist has yet to be caught for such a crime, even though, according to Slate Africa classification, Nosy Be is among the ten main destinations for sex tourism in Africa (*La Gazette, 29 août 2012*).

As an additional and final provision, the law n° 2007-023 of August 20<sup>th</sup> 2007, guarantees every child with every fundamental right and security measure against any and every type of abuse.

In 2012, a scandal was highly publicized. A French night club owner and a Malagasy employee were condemned to 5 years of imprisonment for the “corruption of children” and “incitement to the sexual abuse of children” with the purpose of facilitating child prostitution. Having partly served his sentence, the Frenchman in question was released and expelled from the country (*U.S. Department of State, 2013*).

Despite the rigor of judiciary texts, the laws they evoke are scarcely applied since the authorities do not maintain a budget dedicated to fighting against child trafficking. In addition, the complicity of civil servants in human trafficking remains a significant problem. The U.S. Department of State Report indicates that civil servants purchase child sexual services in Antananarivo and in Nosy Be. “*I’m not afraid of policemen, since they too are my clients*”, Nadine, a 15 years old prostitute, declared (*Indian Ocean Times, November 8<sup>th</sup>, 2012*). Malagasy law imposes penalties for the corruption of civil servants. However, the government did not efficiently practice this law and corruption highly increased after the 2009 State Crisis (*United States Mission to Madagascar, 2013*).

## Young girls as foremost victims

Within Madagascar, a wide range of factors lead the most vulnerable to prostitute themselves; poverty, family unsteadiness or pressure, neglecting parents, school tuition or simply the temptations of fashion. (*L'Express de Madagascar*, May 15<sup>th</sup>, 2012).

Prostitution is increasing everywhere in the country. In the main harbor Toamasina, which contains a population of 200,000, the number of prostitutes grew from 17,000 in 1993 to 29,000 in 2012 (*Agenzia Fides*, November 6<sup>th</sup>, 2012).

While young girls are the first to suffer from the growing problem of prostitution, boys within the country also suffer grave consequences. According to the report by NGO, End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), 98.9% of child prostitutes within the country are girls, while 1.1% are boys between the ages of 15 and 17. Considering this alarming level of prostitution, Malagasy teenagers are largely threatened: 78% of prostitutes are girls between the ages of 11 and 22, and those who are 17 compose the highest rate, 41.4%. Youth prostitution mainly concerns those aged 14 to 16 (*La Gazette de la Grande Ile*, March 23<sup>rd</sup>, 2013), although younger girls around the age of 12 are also involved within the market (*La Nation*, November 29<sup>th</sup>, 2012). For many of the girls and boys, it is often their first sexual experience, and youth prostitution exists largely as a means of survival: 5% of those cited claim their prostitution as a personal decision, whereas 95% are forced into it (*La Gazette de la Grande Ile*, February 9<sup>th</sup>, 2012).

Victims of prostitution suffer from various health and security problems. They are confronted by all types of sexually transmitted diseases, including HIV/AIDS, due to the extortion of clients who pay higher rates for unprotected sexual relations (*L'Observateur*, February 9<sup>th</sup>, 2012). According to the National Committee for the Fight against HIV/AIDS (CNLS) "*the Malagasy population continues to run a very low risk for HIV/AIDS (<1%)*" (UNESCO, 2013). Given the pervasive nature of prostitution within the country, this statement has been met with skepticism from representatives of the United Nations (*L'Express de Madagascar*, June 24<sup>th</sup>, 2013).

In addition to the threat of STDs, prostitutes of Madagascar are also victimized by mental and physical abuse, sexual violence, and gang rapes (*Newsmada*, February 9<sup>th</sup>, 2012).

Under the veil of night clubs or parties, prostitution is practiced in illicit enterprises, of which the number is rapidly increasing in the North-West (*Madaplus.info*, March 22<sup>nd</sup>, 2013). Moreover, indirect prostitution is reaching an unprecedented level. In Antananarivo, 3 out of 10 girls working in massage parlors admit to having practiced prostitution (*La Gazette de la Grande Ile*, December 4<sup>th</sup>, 2012).

## Prostitution networks

The capital city of Antananarivo has various procurement networks composed of loyal clients and providers who are responsible for recruiting from schools or underprivileged families

according to precise characteristics such as age, ethnicity, apparent physical beauty, and health (*Tananews*, February 9<sup>th</sup>, 2012).

In September 2012, an important youth prostitution network in the capital was dismantled. Out of the 45 arrested, 25 were minors. A number of the parents received, in turn, police summons from the state to determine whether or not they could be held guilty for the forced labor of minors and incitement to debauchery. “*Other unexpected proceedings are due to take place*” explained a statement by the police (*L’Express de Madagascar*, September 27<sup>th</sup>, 2012).

From a statistical point of view, most prostitution victims in La Réunion are Malagasy. Every year about a hundred girls arrive from Madagascar. The “Malagasy Connection,” a procuring network, allows Malagasy girls to get short stay visas in La Réunion. Girls recruited from La Réunion are then put in the hands of a procurer or an “auntie” who want to cover, in the most extreme cases, the cost of travel. “*Cutting down the prices, the Malagasy overran the market. The price fell from 40 € (\$55 USD) down to 15 € (\$20.6 USD), sometimes even to 10 € (\$13.75 USD). They charge 30 € (\$41.2 USD) for unprotected intercourse*” as one of them declared (*L’Express de Madagascar*, April 15<sup>th</sup>, 2013). On December 10<sup>th</sup> 2012, a number of people, mainly Malagasy, suspected with belonging to a prostitution network, were arrested in St Denis de la Réunion.

### **Measures against prostitution**

The Malagasy society is gradually becoming aware of the situation, as proved by the national symposium on child protection which took place in 2012, entitled “*Let’s protect our children from ill-treatment and debasing forms of work.*” Its aim was to break the political and social silence around the country’s fragile system of child protection and to offer solutions for numerous problems faced by the country’s children, including sexual exploitation (*Newsmada*, September 27<sup>th</sup>, 2012).

In addition, in December 2012, the Ministry of Tourism together with ECPAT-France, The International Board of Work and the network for child protection in Nosy Be, agreed on a precise code. A monumental step toward a better system of awareness and enforcement, the code calls for the strict application and adherence to laws, the exclusion of unaccompanied minors from the purchase of hotel or hostel rooms, and numerous additional measures to protect those at risk (*La Tribune de Diego et du Nord de Madagascar*, March 12<sup>th</sup>, 2013).

Finally, a number of NGOs are deeply involved in the fight against prostitution in Madagascar. To give only one example, the Groupe Développement Madagascar took charge of 146 children at risk of sexual abuse in the capital of Antananarivo in 2012. In order to carry out canvassing in separate neighborhoods and schools, numerous community structures have been organized in underprivileged sectors, raising awareness of the issue for both parents and children who run the risk of exploitation (*Tribune de Madagascar*, November 20<sup>th</sup>, 2012).



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## Mexico

- Population: 116.1 million
- GDP per capita (in US dollars): 9,742
- Presidential regime with a federal organization
- Human development index (HDI): 0.775 (61<sup>st</sup> rank among 187 countries)
- Gender inequality index (GII): 0.382 (71<sup>st</sup> rank among 147 countries)
  
- Estimate of 450,000 and 500,000 prostitutes.
- There are 25,000 child prostitutes according to authorities, but according to witnesses this number should be doubled or indeed tripled.
- Prohibitionist regime but in certain “tourist zones”, prostitution is tolerated and seems to be regulated.
- The main locations of prostitution are Acapulco, Cancun; Merida; and Mexico City.
- Domestic and foreign trade of women and girls as well as migrants.
- Victims of domestic trade come from migrations from Latin America, especially from El Salvador, Honduras, Nicaragua, Ecuador, Brazil, Colombia, via the Dominican Republic and Cuba. Traffic from Africa, China (often in the direction of Canada) and India, also develops.
- Human trafficking is closely related to drug and arms trafficking controlled by international and border mafia cartels.
- Country of origin, transit and destination for human trafficking.

Situated between North and South America, Mexico is a country of origin for migrants going towards the North. Around 400,000 people, mostly Central Americans and Mexicans cross the south Mexican border and head towards the United States, suffering through dangerous and inhumane conditions during their journey. They easily become the prey of human and drug traffickers.

Social and economical inequalities reach such a high level that a wide gap seems to exist between extreme wealth and extreme poverty. Added to the economic instability, the political fragility of the country does not leave room for improvements in the population's living conditions.

### **Place of mafia cartels in politic and economic fields**

Entire sectors of the economy are run by mafia cartels, (tourism, leisure activities, exclusive clubs, bars, nightclubs). On the contrary, the education sector leaves a lot to desire, which gives way to the appeal of the easy and immediate money-making culture offered by sex tourism, drugs, and local or mass prostitution.

President Calderon's administration had to do a lot to try to control these cartels. The cartel, *Los Zetas* has more men than the Mexican army, which indicates their financial power but, above all, their ramifications all over the country. Cartels can rely on a native underlying crime born out of the extreme poverty in these populations. These cartels maintain an atmosphere of violence and terrorize citizens and official authorities who become corrupted and accomplices.

Lastly, the country does not have a strong or repressive enough law to counter these methodologically organized mafia organizations.

### **Inland prostitution and procuring**

In Europe, the *loverboys* system, procurers trained to romantically seduce fragile young girls is established. In Cuba, the "*jineteras*", luxurious young female prostitutes are successful. In Mexico, boys dream of becoming procurers, a practice which makes money (*Courrier International/New York Daily News*, June 20<sup>th</sup>, 2012). According to a report from the University of Tlaxacala, 44% of boys (13 years and older), admit to having a friend who wishes to be a procurer, while 16% of them indicate of having this plan in mind. This was not surprising because the town of Tenancingo, in the state of Tlaxacala, shelters the most important human trafficking cartels. The men of the family, *Los Carretos*, have been procurers for many generations and pass on their knowledge on the subject. These families usually live in New York and have various properties in Tenancingo, where they go once a year for the carnival in February. They parade around town, holding a whip, with the women that they prostitute. According to Oscar Montiel, an anthropologist, their large residences are named "*calcuilchil*" (sex-houses) by the locals. The young women are locked in and raped before being disposed of, by a simple call, to American clients in Queens. How many of them are there? How do they survive after more than 30 men a day? People from Tenancingo tend to condemn « their way of life » and marginalize them without further information. Once they are back in their country, procurers ride around in beautiful cars and lavishly spend their money. In any case, no one feels able to oppose them.

According to Rosi Orozxo, a member of the Mexican Congress and President of the Special Committee Against Human Trafficking, child pornography brings in about \$42 billion USD a year (33,97 billion €).

### **A wide scale sex tourism**

As Catherine Montmagny-Grenier; from Montreal University, emphasizes in her research on sex tourism in Mexico, presented to the members of the Association canadienne francophone

pour les savoirs (ACFSAS) on May 11<sup>th</sup>, 2012 (cited by Matthieu-Robert Sauvé), “Colombia, Cuba, the Dominican Republic and Brazil are becoming famous for sex tourism, but in Mexico, the new Bangkok, and in Argentina, the sex business has been flourishing for a long time”.

The Mexican newspapers have a significant role in sex tourism and publish announcements from prostitutes aiming to attract tourists. Single or lonely tourists are not discouraged by the frequently broadcasted announcements on the internet or the direct solicitation from young girls in bars or beaches.

At the same time, the frequent abductions of boys under the age of 10, or even under the age of 6, seem to confirm Eway's article (an NGO working for responsible tourism) on the supply of young boys around airports or in taxis in order to provoke curiosity and temptation for tourists.

This proves the powerlessness of authorities, since, apart from one or two publicized cases, almost no procurer has ever been sanctioned. Various reasons can be discussed such as, fear or corruption...

### **Girls and children disappearance**

In April 2011, the U.S. Department of Justice Initiative launched the AMBER program in Mexico. A training program was proposed to child professionals, police, judicial and social services and child protection charities in order to prevent child abduction- (an average of 500 a year) and to undertake urgent investigations.

In April 2012, the First Lady, Margarita Zavala, became President of the Dirección de Desarrollo Integral de la Familia (DIF) and created the National Child Abduction Service in Mexico. The initiatives taken by the Southern Border Initiative of Fox Valley Technical College were multiplied in order to allow trained individuals to become trainers. Since then, charities have set up national branches in order to alert on missing children.

Together with the Instituto Nacional de las Mujeres de Mexico, the website Coalición contra el Tráfico de Mujeres y Niñas en América Latina y el Caribe (CATW-LAC), have listed and published the names and photos of young women and girls (14 years old and up) and children (under 13) who have disappeared since the early 2000s, on one of their tabs called « *Alerta Roja* » (*Red Alert*).

### **Paradox and concerted action program**

The AMBER program is a first step towards common and joint actions between countries, especially the United States and Mexico. It responds to Catherine Montmagny-Grenier's remark, reminding “that Mexico is an official commercial partner of Canada and the United States, linked together by NAFTA”. At the same time, it points out the paradoxes of governments and concerned services. The two Caribbean islands serve as recruiting and transit locations of young women and children sent to Mexico. They provide the sidewalks of New York and California with young “migrants”. One must question the meaning given to « free trade », to the United

States' indifference towards the “goods” and, on this precise case, to the extreme tolerance or blindness of American authorities controlling the Mexican border.

To the same effect, on April 3, 2012, the President of the UN General Assembly encouraged its members to “forge partnerships to fight against human trafficking”. Thenceforth, a partnership with the particularly active areas on the subject may be worth discussing: the Caribbean Islands (Cuba, Dominican Republic, Haiti, Jamaica) and Mexico, along with the “main suppliers of human trafficking” such as Brazil, Argentina and Colombia, and the “consuming” countries, such as Canada and the United States. Along the same lines, but contrary to the free trade agreement, a coordination of migration policies serving to control the flow of people may be created and would support long term projects against human trafficking. Both common and multilateral strategies could form barriers to the cartels, those of which are already masters in these international strategies.

Only the highest authorities can make choices and set up structural and cultural reforms. It implies planning programs over the course of many years, heavy financing and investing in equipments and staff in many sectors: economic, judicial, police, education, sanitary (health) and social... nevertheless, a brave attempt to experience.

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## Morocco

- Population: 32.6 million
- GDP per capita (in US dollars): 2,925
- Constitutional monarchy
- Human development index (HDI): 0.591 (130<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.444 (83<sup>rd</sup> rank among 147 countries)
- No official national statistics on prostitution.
- Prostitution and male pedophilia are progressively more visible.
- Articles 497-507 of the Penal Code condemn prostitution with 2 to 10 years of imprisonment and a fine of 5,000 to 1 million MAD (\$611 to \$122,389 USD).
- Premature forced marriages induce high divorce rates and push young isolated mothers into prostitution.
- Female luxury prostitutes charge up to 1,500 MAD (\$183 USD) per day while the inexpensive prostitutes can charge between 15 and 20 MAD (\$1.83 and \$2.46 USD).
- Development of sex tourism.
- Country of origin, transit and destination of human trafficking victims.

Between 2011 and 2012, the number of foreigners in Morocco has drastically increased. The kingdom's relative stability in the midst of the Arab Spring led to its increased popularity as both a tourist and refugee destination, with the former flowing in from Europe and the Gulf countries, and the latter fighting for asylum or passage from Mali, Algeria, and numerous Sub-Saharan states. The increase in traffic to, and through, Morocco corresponds with an increase in human trafficking and prostitution, on both the supply and demand sides. The vulnerable trans-migrants are the goods, which the wealthy tourists demand.

Considered a "tier 2" state by the 2012 U.S. Department of State Report on Human Trafficking, Morocco is primarily a transit state, although increasingly stringent border controls in the EU (the primary destination of smuggled and trafficked persons traveling through Morocco) have led to migrants becoming "stuck" in Morocco, where they often run out of funds and are forced to prostitute themselves to survive or continue their travels. In addition, Moroccan women have been trafficked, or forced into prostitution in the EU, Bahrain, Jordan, Libya, Syria, Kuwait, the UAE, and the Philippines.

Within Morocco, urban prostitution has become more visible, and more lucrative. The big tourist cities such as Casablanca, Rabat, and Marrakech have seen an increase in male prostitution, child prostitution, and “prostitution de luxe”. Whereas the rural areas, particularly in the Mid-Atlas region where low-income, poverty induced, prostitution once prospered, has increasingly seen civilian-run movements to eliminate prostitution.

### **Increase in prostitution “de luxe”**

Although prostitution is not a new phenomenon in Morocco, in recent years it has reportedly transitioned from solely a matter of necessity for the poorest of women, to a lucrative activity. While the majority of prostitutes still act out of necessity and not choice, the cities, in particular tourist destinations such as Casablanca, Rabat, and Marrakech, have developed a so called “prostitution de luxe”. Working outside the “bousbir” or red light district, operating instead in high-end nightclubs, bars, and hotels, these girls, charge around 1,500 DH per night (\$433 USD - 315 €), and may operate through a procurer, an intermediary, or alone (*La Vie Eco*, April 6<sup>th</sup>, 2012). In Rabat, the high-end girls are generally students from the multitude of universities around the campus of Madinat Al Irfane, many of whom operate once or twice a month, either to pay their tuition, or simply to enjoy a more luxurious life (*L’observateur*, June 18<sup>th</sup>, 2012).

On the other hand, most prostitutes in Morocco still do so only out of desperation. For example, the Blvd. Mohammed V in Casablanca has cheap rooms above the street level cafes, which are used by prostitutes from all over the city and the surrounding area. Many women working in the cafes and nearby markets live outside the city in crowded group apartments and come in to look for any sort of work, agreeing to paid sex only if propositioned by a customer or intermediary. For these women, the price is low, ranging from 15-20 DH (\$2.48 USD - 1.8 €) (*La Vie Eco*, April 6<sup>th</sup>, 2012).

In rural areas, particularly the Mid-Atlas region, once a permissive zone for prostitution, prostitutes are being driven out of their villages. A group calling itself “The Islamists” (although it denies any political or religious affiliation) wiped Ain Leuh, once known as “the place to go for sex”, clean of prostitution. The group claimed that they were acting to restore the dignity of the town, and protecting their daughters from accidental solicitation by sex tourists. However, others believe that they acted too harshly, using violence and terror to scare the women out of their homes (*New York Times*, October 29<sup>th</sup>, 2012). Some residents have suggested that scaring the women away had a negative effect on their economy, as they had been bringing in tourists, and were the primary customers for many local businesses (*Slate Afrique*, November 5<sup>th</sup>, 2012).

### **Stuck in transition**

According to the 2012 U.S. Department of State Report on Human Trafficking, Morocco’s location on the Mediterranean makes it a popular state of transit for Sub-Saharan migrants (legal and illegal) looking for passage to Europe. However, as the European Union continues to tighten its borders, more and more migrants become “stuck” in Morocco. An estimate of Sub-Saharan



migrant populations in Morocco for 2012 suggests that out of the 45,000-100,000 Sub-Saharan present in Morocco, around 30% are women. Many of these trans-migrants enter Morocco voluntarily, but illegally, either with the help of smugglers, or in small groups. The smuggling costs can be high, and many willing migrants soon become the victims of trafficking upon reaching the Moroccan-Algerian border when they are unable to pay for the next part of their journey. Smugglers often keep the migrants in camps in the desert until they are able to pay to be brought over the border; some women are forced into prostitution to pay their debts to the smugglers and some of those who cannot pay are sold to traffickers (*Ethnic and Racial Studies*, 2012).

Women who enter the “Oriental” region (containing the Algerian border as well as the border of the Spanish territory of Melilla) are particularly vulnerable to getting “stuck”. Many trans-migrant women travel through the border between Maghnia, Algeria, and Oujda, Morocco, with their husband, or adopt a “travel husband” to protect her on the journey. However, smuggling fees for women are often higher than those for men (\$206 USD compared to \$69 USD – 150 € compared to 50 €) and upon reaching the border, women may be left behind when they are unable to pay. Between this financial stress and isolation, these women are often subject to beatings and rape or forced into prostitution or temporary marriage with their smugglers in order to continue on (*MSF*, 2013).

The trans-migrants that manage to enter Morocco may attempt to get to Oujda, or live in illegal camps in the surrounding forests. Those who cannot afford smuggling costs may attempt to enter Melilla by swimming or climbing fences. The border patrols on both the Spanish and Moroccan sides are notoriously brutal, Médecins Sans Frontières (MSF) reports hundreds of brutal beatings by border control every year. In 2012, they reported that 63% of Sub-Saharan trans-migrant women in Morocco had experienced sexual violence, out of those, 64% were perpetrated by Moroccan security, 21% by Moroccan bandits or smugglers, and 7% by Spanish border guards. These vulnerable trans-migrant populations that manage to live illegally in Morocco are often unable to find work, especially those from Sub-Saharan countries as many report employers’ unwillingness to hire “blacks”. Thus, many of the women and children are forced into prostitution in whichever city they are trapped in, notably Marrakech, and Oujda. In addition, those women who became pregnant during their journey often give birth to mixed-race children which are ostracized by both the Arab-Moroccan community and the Sub-Saharan communities, leaving them vulnerable to trafficking and prostitution.

### **Male prostitution and pedophilia on the rise**

Although both prostitution and homosexuality remain taboo in Morocco, male prostitution is becoming increasingly visible in the large tourist cities. Boulevard Rachidi, and the neighboring Parc de la Ligue Arabe, in Casablanca, contain the largest male prostitution network in Morocco. Men and boys sell themselves there for varying prices, to a mainly masculine foreign clientele, although some Moroccan clients have been reported. The prostitutes are often young boys forced to make money any way they can, and are not necessarily homosexual. Although many

are indeed homosexual, bisexual, transgender or transsexual, some are heterosexual simply in search of any form of income (*Slate Afrique*, July 9<sup>th</sup>, 2012).

In April 2012, the Moroccan Minister of Justice announced a condemnation of pedophilia and prostitution, but then enraged children's rights groups when he visited a Koran School in Marrakech which had issued a *fatwa* (religious Islamic decree) authorizing the marriage of girls as young as 9 years old (*Yabiladi*, April 2<sup>nd</sup>, 2012).

Pedophilia is also becoming an increasingly large problem in Morocco. Pedophilia scandals have appeared more and more often since 2005, and 2012 saw two of international importance.

In September, a French luxury hotel developer, working for the hotel chain "Mandarin Oriental" was accused of pedophilia and of the production of pornography in Marrakech. While developing a luxury complex, Patrick F., under the online alias "Louis 14", abused dozens of young boys (*Afrik*, September 26<sup>th</sup>, 2012), and also used up to 30 of the *riads* (housing units) for prostitution purposes (*Le Monde*, September 26<sup>th</sup>, 2012). Police found 15,526 photos and 30 videos of young boys aged 14-20 on his computer. This followed the 2011 trial of a Spanish tourist, who was sentenced to 30 years in prison for pornography and child abuse, just one of 40 tourists who have been charged with pedophilia in Morocco since 2001 (*Yabiladi*, September 18<sup>th</sup>, 2012).

### **Improved awareness, improved action**

Moroccan law denounces prostitution, pedophilia, and adultery, which are addressed in articles 497-507, and 491 of the Penal Code respectively. However, these generally punish the prostitutes as well as the procurers and clients, regardless of their status as victims of trafficking or forced sexual acts. Additionally, as many prostitutes are illegal trans-migrants, many acts of abuse or violence towards sex workers go unreported; any person in Morocco without proper documentation is considered a criminal, and subjected to deportation to the desert borders (*MSF*, 2013). However, many NGOs have increased their activity in Morocco, and there has been improved public awareness of the dangers of prostitution and human trafficking. For example, between 2010 and 2012, MSF treated 697 survivors of sexual violence in Oujda and Rabat alone and worked to improve awareness about the dangers of forced, and early marriages.

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## Nepal

- Population: 31 million
- GDP per capita (in US dollars): 707
- Federal Democratic Republic
- Human development index (HDI): 0.463 (157<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.485 (102<sup>nd</sup> rank among 147 countries)
  
- No official national statistics on prostitution.
- About 40,000 Nepalese prostitutes between 20 and 30 years old are estimated in the capital city, Kathmandu.
- Around 7,500 child victims of trade belong to ethnic minorities.
- About 500 transgender prostitutes are estimated to be in the country.
- The interim constitution of 2007 ensured the right against exploitation and officially prohibited human trafficking, especially that of women – *The Human Trafficking and Transportation (Control) Act 2064* of 2007 prohibited the solicitation of prostitutes' services.
- Country of origin, transit and destination for human trafficking with the purpose of sexual exploitation.
- Approximately 200,000 Nepalese prostitutes in India of which 100,000 are in Mumbai. Each year, 10,000 to 15,000 Nepali from 7 to 24 years old (average age: 15) are sold in Indian brothels.

The scourge of sexual exploitation increasingly poisons Nepalese society, as seen by the extremely worrying state of the country's political and economic situation

Almost six years after the signing of a peace agreement between the Maoist guerilla and the government, ending 10 years of civil war (1996-2006), the country is still infected by political instability. The peace process in force since 2006 has allowed the country to make various changes, in particular, abolishing the monarchy. The Constituent Assembly, elected in 2008, has elaborated a new constitution after only a four year mandate. Its dissolution on March 29, 2012, has led the country into a constitutional crisis, the Interim Constitution does not consider the possibility of change. The political instability has worsened the Nepalese economy which was already in a bad state. According to the World Bank estimates, approximately half of the 30 million Nepalese are living under the poverty line (*Agenzia Fides*, September 19<sup>th</sup>, 2012). Nepal

is one of the poorest Asian countries. Unemployment there is endemic. The exodus of the population toward the cities, toward the Gulf countries and most of all toward India, where 6 to 8 million Nepalese live, is increasing.

Poverty, the low level of school enrollment, corrupt agents, a patriarchal society, a caste system, are all elements exposing the most vulnerable Nepalese to sexual exploitation.

### **A legal frame strangely enforced**

Nepal has signed a number of international and regional conventions, such as the 1997 Convention on the Elimination of all Forms of Discrimination Against Women, ratified in 1991, and its additional protocol in 2007; the 1989 Convention on the Rights of Children, ratified in 1990; and the 2002 SAARC Convention on Preventing and Opposing the Crime of Women and Children Trafficking with the Purpose of Sexual Exploitation, ratified the same year.

Under national law, the temporary constitution of 2007 guarantees the right against exploitation and formally prohibits human trafficking, particularly that of women (Article 29). *The Human Trafficking and Transportation (Control) Act 2064* of 2007 prohibits resorting to the sexual services of a prostitute. The associated penalties toward clients are one to three months of imprisonment and a 200,000 NPR fine (\$2,200 USD). The person forcing someone into prostitution is liable for 5 to 10 years imprisonment and a fine from 50,000 to 100,000 NPR (\$500 to \$1 000 USD). The law provides that the victim's compensation must not be less than half of the exploiter's fine. The burden of evidence lies on the accused who must prove that he did not commit the infraction.

It is clear that the reality of the situation is very different. In fact, victims of prostitution are twice victims as they are arrested, detained and harrassed by the police in accordance with 1970 laws on public order, tranquility and obscenity (*Shukla*, 2010). Impunity is very present and public servants prefer protecting the exploiters rather than the exploited. Traffickers have deals with members of the government in order to facilitate their trafficking. Some Nepalese officials are bribed into setting up false information in real Nepalese passports. According to the 2013 U.S. Department of State Report on Human Trafficking, there was not a single case against members of the government for being accomplices to the infractions linked to human trafficking in 2012. In addition, condom possession in the street is often used by the police as proof of prostitution, victims are thus falsely arrested, and then raped by the police<sup>1</sup>. This encourages them to not use condoms anymore, which contributes to the spread of HIV/AIDS in Nepal. In 2011, the prevalence of HIV in adults, was 0.3 %.

The awareness of society on sexual exploitation is limited as stated by Chapter 14 of the *Country Code*, providing a smaller penalty if the victim of rape is a prostitute. In 2002, the Supreme Court of Nepal overturned this provision, declaring it unconstitutional because

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<sup>1</sup> A survey conducted by Jagriti Mahila-MahaSang (JMMS) and Blue Diamond Society (BDS) indicated that about 79% of the 75 male and transsexual interrogated prostitutes had been victims of violence from police authorities (44% raped, 51% sexually abused). In the same matter 89% of 75 female interrogated prostitutes, declared of having been victims of violence from police authorities (7% raped, 19% sexually abused).

"prostitution is a 'practice' regardless of whether it is legal or illegal". It recognized constitutional rights to victims of prostitution: equality to choose his/her practice without being discriminated (*Shukla*, 2010).

According to the 2013 U.S. Department of State Report on Human Trafficking, 189 perpetrators of sex trafficking were condemned by Nepalese courts in 2012, opposed to the 229 in 2011. However, 2012 allowed for a judicial record, as a district court sentenced a perpetrator of sex trafficking to 170 years in prison, the longest sentence registered in Nepalese history, and imposed a substantial fine.

### **The most vulnerable populations, first victims**

#### ***Young girls and women***

The trafficking of young girls and women is due to their weak cultural status (*Women Out Cry - blog*, January 27<sup>th</sup>, 2012). Nepalese society is patriarchal. Young women are often considered as a burden to their family, especially in rural zones. (*Share Foundation*, October 31<sup>st</sup>, 2012). They do not have a lot of access to education. A demographic and health survey conducted in 2011 found that only a third of the women from 20 to 24 years old had been to secondary school, and only half of them had finished their studies. Approximately a fourth of these young women had never received any sort of education (*The Guardian Unlimited*, May 8<sup>th</sup>, 2013). All in all, they are vulnerable to sexual exploitation, even more so if they are virgins. The fear of HIV/AIDS leads men to look for virgins, because, according to a Nepalese cultural myth, having sexual relations with a virgin, will heal HIV/AIDS infected men. As a consequence, 8 to 12 year old girls are desired prey (*Women Out Cry - blog*, January 27<sup>th</sup>, 2012).

#### ***The "Untouchables" or the "Dalits"***

The caste system dominates Nepalese society. This system is inseparable from the notion of purity. The highest castes are deemed to be "pure" and the lowest to be less "pure". At the end of the scale, are the people "out of caste" called the "untouchables" considered to be the "pariahs" of society. People from the lowest castes are the easiest preys for traffickers. For example, the Badis, the Nepalese "Untouchables" where prostitution is a cultural phenomenon. (*Anti-caste*, May 7<sup>th</sup>, 2012).

#### ***Low income populations***

Current trends of sexual trafficking highlight the fact that women from upper castes can equally be bought or sold by traffickers because of the national degree of poverty (*Amplify your voice*, March 15<sup>th</sup>, 2012). According to UNICEF studies, the estimate of people living under the \$1.25 USD (1 €) poverty line from 2006-2011 was 25%. Due to poverty, many people prostitute themselves in order to survive. Moreover, the role of family is crucial. Parents, in order to protect their daughters, prefer to send them to "friends" who promise to find them a job and enroll them in school in Kathmandu, in India or to even marry them, as arranged marriage is cultural in Nepal. Parents' trust towards their counterparts and the lack of public awareness campaigns, most

particularly in rural zones, on human trafficking with the purpose of sexual exploitation, are factors in favor of sexual exploiters benefitting from the parents' credulity (*Share Fondation*, October 31<sup>st</sup>, 2012). Furthermore, in a desperate attempt to earn extra money, some parents are willing to sell their daughters in exchange for food or shelter (*Women Out Cry - blog*, January 27<sup>th</sup>, 2012).

### ***Transgenders***

In 2007, the Supreme Court of Nepal recognized a third gender on identification documents. This decision remained unenforced. These ID documents are mandatory to obtain a job. Up to 500 transgender people are forced to prostitute themselves in Nepal due to the lack of employment possibilities. About 200 of them live in Kathmandu (*Global Press Institute*, January 29<sup>th</sup>, 2013).

### **Prostitution in Nepal with sex tourism**

Prostitution is particularly present from Thamel, a neighborhood of the capital Kathmandu, to Pokhara from the Kaski district and to Itahari from the Sunsari district. Furthermore, there are many other less known areas that are exposed to prostitution. The number of victims from domestic human trafficking is unknown, but some 40,000, 12 to 30 year old Nepalese practice in close to 1,200 dance restaurants and in massage parlors, only in the capital, Kathmandu. According to the local NGOs estimates, each year, at least 7,500 children will be victims of human trafficking with the purpose of sexual exploitation in the country. The official statistics on missing women in Kathmandu indicate that, on average, 500 Nepalese will be reported as missing each year (*Xinhua*, September 7<sup>th</sup>, 2012).

The sex industry in Nepal is managed by organized crime. This industry generates 2% to 14% of the GDP and strenghtens the vulnerability of prostitutes, because even the public servants in charge of protecting them are, for the most part, corrupt.

Nepal is more and more a top destination in South Asia for sex tourists. NGOs, of which ECPAT Luxembourg is included, have observed the increase of sex tourism. This tendency concentrates in urban zones of Kathmandu, in Pokhara and in cities of the Terai region (*World Press*, April 14<sup>th</sup>, 2012), and develops in places such as massage parlors, dance bars, and restaurants.

The organizations on child rights are worried by the rise of pedophiles in Nepal. In November 2010, the Assize Court of Paris condemned a French citizen to a one year jail sentence due to the action of the NGO Planète Enfants, which brought the case to the Brigade de Protection des Mineurs (BPM - Minors' Protection Unit). He was managing a house for children in Kathmandu in the 1980's-1990's and sexually abused 8 children during almost 13 years (*IANS*, January 9<sup>th</sup>, 2011). Most of sexual abuses cases on children remain unreported, especially when young boys are involved. According to the Child Workers in Nepal Concerned Center (CWIN), some pedophiles have created orphanages and shelters for poor abandoned children. It is only thanks to organizations defending child rights that during the period of 1995-2001, 8 pedophiles

were arrested and sentenced, with the most recent arrest of a British pedophile in February 2011 for hosting and sexually exploiting children in a guest house (*Salem News*, August 19<sup>th</sup>, 2012).

### **India, a global hub for Nepalese sexual exploitation**

The ascendancy of India over Nepal was formalized in the Treaty of Peace and Friendship, signed by both countries on July 30, 1950. While recognizing Nepal's independence, New Dehli imposed its government with the duty to inform of all interventions or disagreements which could jeopardize their neighborly relations. For both populations, the treaty, which is still in force provides for the absence of visas, or even real borders, and a total freedom of establishment and property. (*Le Monde Diplomatique*, March 2012). The Nepalese economy relies heavily on its trade with India. Almost two thirds of Nepalese goods and services are sent to India. Under these conditions, Nepalese citizens are very vulnerable to sexual exploitation in India due to geographical, social, economical and political reasons (*World Pulse*, November 29<sup>th</sup>, 2012). According to the Coordinator of the Fighting against Women Trafficking Project of the Family Planning Association of Nepal (FPAN), there are 200,000 Nepalese within Indian brothels. (*The Guardian Unlimited*, May 8<sup>th</sup>, 2013) among which 100,000 are located in Mumbai (*International Business Times*, July 12<sup>th</sup>, 2012). Each year 10,000 to 15,000, 7 to 24 year old Nepalese (average age: 15) are sold to Indian brothels. They are generally taken to Kathmandu, then to the border between Nepal and India. As they reach their final destination, they are told that they are to become prostitutes in brothels. Most are raped, beaten and held in cages. They are forced to have at least 40 clients a day. If they protest against this or make any attempt to escape, they are beaten or tortured. They must repay their buying costs, even though in many cases, they are not paid. They are frequently forced to abort in the brothels as most men do not use condoms. Many of them become HIV-positive (*Tiny Hands International*).

In the last decade, India has become a transit country used for the Gulf countries and South East Asia (*The Guardian Unlimited*, May 8<sup>th</sup>, 2013). These women are often sexual exploitation victims in countries such as Saudi Arabia, Malaysia, Hong-Kong, the United Arab Emirates, and other Gulf countries (*Women Out Cry - blog*, January 27<sup>th</sup>, 2012).

Islam does not forbid the slavery of "infidels", sexual slavery included. To solve such tragic situation, the Nepalese government wants to block any migration to Iraq, Kuwait and Afghanistan where most sexual exploitation cases have been reported. Many identified victims were prostitutes in brothels or sexually abused by their "employers". Nepal has thus prohibited women under the age of 30 from working in the Middle East (*Asia News*, June 9<sup>th</sup>, 2011).

### **NGOs' essential role for helping the victims**

In addition of being victims of sexual exploitation, prostitutes are stigmatized by society and ostracized by their family, especially if they are HIV-positive. Even if some succeed in escaping, it is difficult for them to return home. They are generally held as criminals (*Huffington Post*, May 5<sup>th</sup>, 2012).



Nepalese authorities do not make a strong effort to protect the victims. They are scarcely able to identify them and when they do, they take them to court, for example, for possessing false documents. According to the 2013 U.S. Department of State Report on Human Trafficking, some victims are arrested and then given back to traffickers. Others are accused on the grounds of dispositions of "public outrage" as provided by the 1970 law.

In such context, victims of sexual exploitation need help more than ever, and NGOs have a crucial role to play in order to protect them and raise public awareness on human trafficking with the purpose of sexual exploitation. As such, Anarudha Koirala from the NGO Maiti Nepal was elected in 2010, *CNN Hero of the Year* to honor her job in fighting against human trafficking. (*Human Dignity Forum*, April 4<sup>th</sup>, 2013)

Finally, it appears that there is a rising awareness from within the police. A two day training on human trafficking was organized on August 30/31, 2012, at the Training Center of Metropolitan Police in Maharajgunj.

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# Netherlands (the)

- Population: 16.7 million
- GDP per capita (in US dollars): 46,054
- Constitutional monarchy with a parliamentary system
- Human Development Index (HDI): 0.921 (4<sup>th</sup> rank among 187 countries)
- Gender Inequality Index (GII): 0.045 (11<sup>th</sup> rank among 147 countries)
- Founding member of the European Member since 1952.
  
- The Netherlands has an estimated 20,000 to 30,000 prostitutes (full time), two thirds of them are foreigners. 50 to 80% of prostitutes are subject to financial, physical or emotional stress.
- Amsterdam has 8,000 prostitutes and welcomes nearly 220,000 consumers each year.
- Regulationist regime. A revision of the law has been in preparation since 2007.
- Prostitution in Amsterdam generates a profit of nearly 800 billion € (\$1.1 billion USD) each year.
- 16% of identified victims between 2007 and 2011 were under the age of 18; 40% were between 18 and 23 years old at the moment of their identification.
- Victims of sex trafficking are mostly Dutch, Nigerian, Hungarian, Bulgarian, Romanian and Polish.

## **The myth of the Fokkens sisters**

The Fokkens sisters, twins, have accumulated between them nearly 100 years of prostitution and 350,000 sex partners. Picturesque and kind, Martine and Louise Fokkens became well known after the documentary “Ouwehoeren” (Old Whores), which was widely acclaimed at the 2011 Documentary Film Festival in Amsterdam. Two books were published after the film, translated into seven languages, and have sold over 70,000 copies in the Netherlands. Since October 2012, the two sisters star in their own Dutch television show.

As true stars in their home country, the Fokkens sisters have become the image of “the good old times of prostitution.” In reality, the image they portray is nothing more than a myth desperately clenching by the Dutch in face of a failing regulationist regime.

### **An uncontrollable situation?**

According to the annual report from Coördinatie Mensenhandel (CoMensha), 1,711 victims of human trafficking were identified in 2012, compared to 1,222 identified in 2011. Among the 1,711, 1,223 were victims of trafficking for the purpose of sexual exploitation. 1,117 were women or young girls. In the previous year, only 782 were trafficked for the purpose of sexual exploitation (716 were women or young girls, and 66 were men)

As in 2011, CoMensha notes that an important number of victims are Dutch: 428 or 25%. It also notes a rising number of victims coming from Central Europe: 303 Bulgarian, 217 Hungarian and 129 Romanian<sup>1</sup>.

This global rise is also noted by the statistics presented in December 2012 by the National Rapporteur on Human Trafficking. Between 2007 and 2011, the number of identified victims rose from 716 to 1,222<sup>2</sup>. This rise could be due to three different factors: an increase in human trafficking, a better method of identification, or a greater awareness among public authorities. For Corine Dettmeijer-Vermeulen, a national rapporteur, the answer is simple: the estimates are rising because of an increased focus on the fight against human trafficking. *“We are seeing human trafficking more and more. This doesn’t mean that we must assume an actual increase of the phenomenon in the Netherlands”*.

Despite the numerous debates surrounding the causes of the estimates, all parties agree that the real number of victims affected goes beyond the known numbers. CoMensha’s spokesman stated, *“What we see is only the visible part of the iceberg”*.

### **Further diversified areas for prostitution**

The number of legal areas for prostitution (clubs, display windows, etc.) is beginning to diminish in all Dutch villages. Since 2007, the municipality of Amsterdam has been working to tame the legendary red light district (Project 1012), and many other cities are following its example. In 2011, the city of Alkmaar decided to close more than 65% of its display windows parlors (*Radio Netherlands Worldwide*, June 11<sup>th</sup>, 2012). In May 2012, the citizens of the city put forward a petition to the municipal council in order to shut down all display windows. Their claims were as follows: Prostitution generates problems in public spaces, and creates an insecure atmosphere that the police are unable to control.

Alongside the closing of display windows, different forms and areas of prostitution continue to develop. The Internet, private apartments, escorting services, massage parlors, are all included. According to a study on the city of Amsterdam (*Indoors Project*, 2012), prostitution (licensed or not) takes place in display windows (33.9%), apartments (19.9%), brothels (14%), bars (6.4%), massage parlors (5.9%), clubs (5.5%), saunas (3.4%), and other types of areas such as private escorting, sex clubs, gay bars, and the internet (8.5%).

<sup>1</sup> However, according to the U.S. Department of State report on human trafficking, the first in the ranking countries of origin of victims of trafficking in the Netherlands are quite different: The Netherlands, Hungary, Nigeria, Romania, Bulgaria, Sierra Leone and Poland.

<sup>2</sup> included all forms of exploitation, because Dutch law on human trafficking treats prostitution as forced labor.

In November, the national police KorpsLandelijkePolitieDiensten (KLPD) published the results of a two-year study on “the phenomenon of human trafficking in the Chinese beauty industry.” It was revealed that nearly 50% of massage parlors, nail salons, and restaurants were used as illegal brothels.

### **A political scene focused on the protection of minors**

According to the 2012 report conducted by CoMensha, out of the 1,711 victims of human trafficking identified that year, 209 were minors and 141 were Dutch minors. For the same year, CoMensha also counted 278 victims<sup>3</sup> of “loverboys” (242 such victims were identified in 2011). 237 out of those counted in 2012 were less than 23 years old when they were identified, while 104 were less than 17 years old. The finding from the national rapporteur is even more alarming: while 16% of victims found between 2007 and 2011 were less than 18 years old, nearly 40% were between 18 and 23 years old when they were first identified. “*If we consider the age of the victims at the beginning of their exploitation, rather than their age when they were identified, I fear that the number (of minors) is much more important*” declared C. Dettmeijer-Vermeulen.

The fight against sexual violence of any form toward children (sex tourism, child pornography, loverboys) was a major priority of the government throughout 2012. Multiple plans of action were put in place in order to stop each of these phenomena.

In April 2012, a European program to prevent sexual violence against children “Stop it Now!” was established in the Netherlands under the direction of the Ministry of Health. This program includes a toll-free number and an Internet site (<https://www.stopitnow.nl>)

In October 2012, the Ministry of Justice and the Lieutenant General of the police launched an awareness campaign about sex tourism involving children in the Schiphol, Rotterdam-The Hague and Eindhoven airports (*Government of the Netherlands*, October 24<sup>th</sup>, 2012). The goal of the program was to reach potential clients and to encourage Dutch citizens to report suspicious activity.

After the publication of the first report on child pornography (2011), numerous measures were put into place, under the authority of the Ministry of Justice and Health, to fight against prostitution. Among the measures proposed and put in place in 2012, the Ministries accomplished the creation of a specialized police force on October 1<sup>st</sup>, 2012.

### **Prostitution reform kept on the back burner**

Since 2009, the Netherlands has been discussing the application of a law, “regulating prostitution and the abuses of the sex industry,” (*Wet reguleren prostitutie en bestrijding misstande seksbranche* – WRP) to reform the current system. Numerous components are included:

- The creation of a national licensing program for all types of prostitution;
- An increase in the minimum legal age for prostitutes from 18 to 21;

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<sup>3</sup> This term refers to procurers who seduce young women, often minor, cut them off from their family and friendly environment for prostitution.

- Government registration of all prostitutes; criminalization of unregistered prostitutes;
- Obligation of the clientele to verify the registration and legality of the prostitutes they purchase.

The lower chamber of parliament (*Tweede Kamer*) adopted the text in 2011, with the hope of implementing it in January 2013. However, in 2012, the higher chamber (*Eerste Kamer*) rejected the proposition twice and asked the Minister of Justice, Ivo Opstelten, to edit numerous articles. The controversy mainly focuses on the idea of government registration, considered as an attack against privacy, and the new responsibilities of the client, considered contrary to the spirit of Dutch law. The text will be presented for a third time to the high chamber in 2013.

### **Amsterdam, the spearhead in the fight against sexual exploitation**

Moving forward without a decision from the high chamber, the municipality of Amsterdam adopted a plan of action for prostitution in June 2012 (*Gemeente Amsterdam*, December 2012). Within the plan, many measures of the national law above are included: the government's registration of prostitutes; the responsibility of sex industry establishments to produce plans to help protect victims and fight against abuse; the obligation of prostitutes to take a language test in order to evaluate their level of autonomy in relation to their employers. These measures, adopted by the municipal council of Amsterdam, took effect on January 1<sup>st</sup>, 2013.

Beyond these new measures, the municipality of Amsterdam is going forward with its plan, "Project 1012", launched in 2007 to clean up the red light district. Some objectives have already been met: 192 of 482 display windows were closed (by 2015, the municipality aims to close 239). The efficacy of these measures remains under debate. Establishment owners would happily leave the city and continue to send women into the city to prostitute themselves (*The Amsterdam Herald*, May 9<sup>th</sup>, 2012). In March 2012, after a police operation in the hotels of Amsterdam, the entrepreneurs of the red light district, as members of the most important union of display windows owners, [Stichting Samenwerkend Overleg Raamexploitanten (SOR)] who represent 60% of the city's legal establishments, expressed their good intentions. To help eliminate the hidden sector of the market, they established a code of conduct and began to collaborate with the police and the justice system in the fight against trafficking.

In June, the Ministry of Justice, and the Meld Misdaad Anoniem (Signal a Crime Anonymously) association, launched a campaign alongside the municipality of Amsterdam to raise awareness of human trafficking for sexual exploitation. Through a short film demonstrating the violence and restrictions suffered by victims of sex trafficking, the campaign teaches clients how to identify the signs of human trafficking (fear, bruises or scars). Previous campaigns of this sort have allowed close to 120 tips of forced prostitution/human trafficking, and more than 150 tips of illegal prostitution.

### **Police and justice against human trafficking**

As in 2011, large-scale police operations were carried out in 2012 in The Hague. Eindhoven in particular saw the mobilization of over 300 police officers and 50 government workers

(interpreters, social workers, etc.). The city's red light district was closed off, prostitutes and clients were interviewed, and establishments were inspected.

Numerous networks were also dismantled. In April, two Hungarian men were arrested in The Hague; they were believed to be the "key actors" of a prostitution network for Hungarian women between 18 and 25 years old, which shipped to the Netherlands, Belgium, and Germany. In May, four individuals were accused of organizing a trafficking network with Romania, and of exploiting numerous young Romanian girls, whom they contacted through homosexual meet-up sites. Brought to the Netherlands under many different pretexts, the young women had their passports confiscated and were forced into prostitution.

Though the police are active, the remaining work of the justice system is much more difficult. In 2012, the government prosecuted and convicted 141 traffickers (all of whom worked together), though only 108 were sentenced in 2011. C. Dettmeijer-Vermeulen, national rapporteur, underlined the difficulty of getting convictions. Out of 220 cases handled by his administration between 2007 and 2011, nearly 20% of them were dropped. Only 56% received convictions. Compared to the gravity of the crime, most convictions were light and inappropriate. In 2011, the average sentence was 25 months in prison. In 2010, the average sentence was 21 months. It is for this reason that, in March 2012, the Minister of Justice, Ivo Opstelten, presented legislation to the lower chamber of Parliament, in order to increase the sentences for human trafficking to be between 8 and 12 years in prison (*Government of the Netherlands*, March 1<sup>st</sup>, 2012).

### **The debate around B-9 regulation: Helping victims and tracking illegal immigrants**

The law that handles human trafficking may also evolve in a different manner. At the end of 2011, Gerd Leers, the Minister of Immigration, Integration, and Asylum Affairs, concerned with multiple abuses, put forward a legal provision to limit access to "B-9" benefits and to asylum. B-9 designated a procedure to allow potential victims of human trafficking access to a 3-month residency permit accompanied by financial aid and government protection. The goal of B-9 is to give victims a period of rehabilitation before cooperating with the justice system. In its entirety, the system has been beneficial. "*Instilling confidence is the most important thing*," stated Henk Wesson, a police officer specialized in the fight against human trafficking, who published the history of his experience, *De Fatale Fuik* (The Fatal Error). "*Female victims must be kept peacefully. We can not force them to declare of what has happened to them*" (*Radio Netherlands Worldwide*, May 19<sup>th</sup>, 2012).

The possibility of a revision to the B-9 regulation has incited heated reactions. "*Human rights are not a priority for the Dutch government*", claimed the news site *Dutch News.nl* on January 31<sup>st</sup>, 2012. The regression that would come with such a change to the rights of victims of human trafficking was denounced as well. For C. Dettmeijer-Vermeulen, "*this legal project infringes on the fight against human traffickers*" (*Radio Netherlands Worldwide*, June 11<sup>th</sup>, 2012). "*The victims of human trafficking are considered as foreigners in an irregular situation*

that demands asylum, protection, and support”, explains Connia Rijken, an expert from Tillburg University.

### **November 2012 and legislative changes that could help the situation evolve**

With uncertain estimates, minors increasingly exposed to sexual exploitation, and a reform continually on the back burner, 2012 appears to have been a negative year for the Netherlands in the fight against human trafficking.

Nevertheless, the year is not without a positive note. At the end of the legislative elections, a coalition government was put together in November 2012. Lojdewik Asscher (PvdA – Dutch Workers Party), was named Vice-Prime Minister and Minister of Social Affairs and Employment. As a former municipal councilor of Amsterdam, he is at the source of the revision of the red light district and one of the foremost defenders of the project to punish clients. An evolution and potentially a great legal change, may be in the works for 2013.

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## New Zealand

- Population: 4.4 million
- GDP per capita (in US dollars): 32,620 (in 2010)
- Parliamentary monarchy
- Human development index (HDI): 0.919 (6<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.164 (31<sup>st</sup> rank among 147 countries)
- According to sources there are between 2,400 and 3,500 prostitutes.
- Prostitution is legal (venues, streets, massage parlors, and at a private level) according to the Prostitution Reform Act (PRA) of 2003. Some restrictions exist in certain residential zones. Forced prostitution is sanctioned.
- Prostitution for those under the age of 18 is prohibited.
- Cases of prostitution of minors have been reported.
- Increasing conflicts between inhabitants of residential zones and street prostitutes.
- The Chinese currently represent a third of the 1,500 and 1,700 prostitutes in Auckland exceeding the “natives” (mainly Maori and the Pacific Islands).
- Cases of illegal Asian prostitutes (China, Malaysia, South Korea, Fiji).

### Tense relations around street prostitution

Protests against street prostitution and the incurred “nuisance” convey the increasing irritation felt by the residents of Hunters Corner, a district of Papatoetoe in the south neighborhood of Auckland, reached a new level in 2012. After having installed security cameras, introduced walking police patrols, increased lighting to facilitate spotting “anti-social” behavior, and attempted to calm down the residents’ anger towards prostitution, the local authorities still keep receiving complaints. Violence, loud noises, public sexual acts, soliciting, damage to personal assets, drugs and alcohol make cohabitation very difficult. According to a report presented by the local council in May, prostitution has been increasing in the Papatoetoe and Manurewa neighborhoods since its legalization in 2003. While the implemented measures first seemed to have eased the tense relations, the report insists that it is too early to clearly estimate their impact. Annah Pickering, spokeswoman for a group of prostitutes in Auckland, believes that dialogue and cooperation are necessary for efficient compromises. Agreements have been made between the local authorities of Papatoetoe and the group of prostitutes on the prohibition

of occupying certain places; however, some representatives have a different interpretation of the results: S. Grey, who is in charge of the Otara-Papatoetoe Council, believes that the actions undertaken have already led to a decrease in street prostitution in the district, whereas J. McCracken believes that the phenomenon is still very visible.

The aggravation of the residents of the south suburbs of Auckland has found an unexpected echo among the residents of Christchurch who suffer from the same phenomenon, in particular since the increase of prostitution due to the presence of many construction workers after the 2011 earthquake. The increasing complaints of Manchester Street residents also pushed authorities, at the beginning of the year, to undertake a police operation which resulted in the arrest of 14 people under the charges of “disturbance” and “inappropriate behavior” without ever mentioning prostitution. The local authorities held a meeting with several prostitutes in Christchurch who expressed the desire of available bathrooms and emphasized the need for better public lighting, more hygiene and more safety. Aaron Keown, a representative of the authorities, has reminded that the bill in preparation is meant to make prostitution “safer”, but, also, and above all, “to limit its practice in areas that would not affect residents” (*The Press*, January 20<sup>th</sup>, 2012). As for the police, who do not want to cast doubt over their relations with prostitutes, do not believe that repression is the solution. Officials of Auckland and Christchurch met at the beginning of the year in order to share their experiences with street prostitution management and to persuade the representatives of the two cities to support the bill from the Council of Manakau, a major city in the Auckland region.

### **Battle over legislation**

Up until now, there has been no change at the federal level: the 2003 Prostitution Reform Act (PRA) is still applied in all of the decisions made by authorities concerning local initiatives in favor of particular amendments to local rules. Several elected representatives, supported by residents who are sometimes organized into neighborhood committees, try to redistribute some cards without questioning “the freedom of prostituting oneself” but by limiting places where prostitution would be authorized. Between cooperations, contradictions and difference of interests, the situation still remains tense.

The legislative approach, which aims to modify the existing texts, makes these tensions concrete. The bill presented by the Manakau Council regulating prostitution in specific places set fire to the situation. It clearly intends to limit the prostitution areas by keeping it away from residential zones, schools and churches. It recommends a fine of up to 2,000 NZD (\$1,653 USD) for prostitutes and clients caught outside the permitted zones. In March, the local Parliament agreed by 105 votes against 5 to send the Manakau bill to the Selection Committee, which is the next step of the validation process in New Zealand.

For S. Grey, “*the community’s action has had at least the merit of acknowledging the issue of street prostitution*” (*Auckland Now*, May 7<sup>th</sup>, 2012). The actions, which have been taken until now, have only resulted in displacing the problem. The stake is significant because, if the law is approved, the specificity of the Manakau Council, which would allow the definition of street

prostitution-authorized zones, could then be extended to the whole Auckland region. Other elected representatives take a position, such as D. Newman, from the Council of Manurewa, who declares that he will support the bill even though he believes that it would be “*braver to amend the Prostitution Reform Act in order to make street prostitution illegal throughout the territory*” (*Auckland Now*, March 6<sup>th</sup>, 2012).

In Christchurch, people hope that the Auckland bill will be extended to other cities. The local Council has written to Auckland’s mayor and to the administration to express their intention to support the bill. A few months later, three decision-makers of the South Auckland government sent a letter to the mayors and to all of the local representatives. They asked them to support this law in order to control street prostitution, to cope with the increasing number of those concerned and “*the increasing outrageous behaviors*”. In their mail, they claimed that it was not an issue of “*banishing prostitution from the streets of Auckland*” but to drive away clients as well as prostitutes from practicing out of the permitted zones and to give “*fines as high as those inflicted for other minor offenses*” (*Auckland Now*, November 9<sup>th</sup>, 2012).

Those in opposition to the bill are not silent. Several local elected representatives express their disagreement, particularly on the philosophy of a text, which is in contradiction with the 2003 PRA. The main association of prostitutes is, of course, against this proposition: why plan to inflict fines on them that they will not be able to pay? Those who already are street prostitutes cannot afford a rent allowing them to practice in a closed place; such a bill will only push them further toward insecurity and secrecy. On the contrary, other councils are worried that the law will only be valid in the Auckland region. For C. Wilson, Palmerston Councilmember, a law applied only to one Council will not be a good one as it would lead the local Council to ask that the bill be applied on the national level.

### **Legal brothels but not wished for...**

Street prostitution is at the origin of most of the problems incurred in public spaces; a survey conducted in 2011, showed that even if a great majority of people do not call into question the existing brothels, 66% of them wish that they were not allowed in residential zones. Here lies the paradox of the majority of citizens who favor the regulation of prostitution within specialized places, but, above all, not in their “backyards” etc. In other words, the ideal balance between “living together” without questioning the legal system is still to be found, assuming that such balance exists. In the meantime, the sex industry is not short of ideas and plans “to make money” in the “happy” world of prostitution: establishments for women, floating brothels, a representative renting his premises to a massage parlor, an Olympic champion investing in an Auckland brothel (*The New Zealand Herald*, January 17<sup>th</sup>, 2012) etc. The industry progresses: the Chow brothers, sex industry “barons” in New Zealand<sup>1</sup>, have successfully persuaded the authorities. Their 15-story venue will be built in spite of the 220 received objections and the numerous protests from future residents who could do nothing as they were faced with the

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<sup>1</sup> See “New-Zealand”, Fondation Scelles, Charpenel Y. (Under the Direction of), *Exploitation sexuelle-Prostitution et crime organisé*, Economica Ed., Paris, 2012.

“sacred” freedom to enterprise (*Auckland Now*, December 31<sup>st</sup>, 2012). Nothing worked. Not even the “accidental” collapse of the preceding building, however historical it may have been, all facing the Sky Tower, a major tourist place of the city. Moral objections and indignations were not followed up in court. The Chow brothers’ lawyer was very clear: “*the focus is on the building permit, not on prostitution, which, let me remind you, is perfectly legal*”.

While the local Councils have the ability to regulate this industry through the choice of placement, most of the prohibitive measures were nullified, because they did not cope with the 2003 PRA. Up until now, the High Court has dismissed all of the measures that the Councils have tried to assert. The owners of prostitution establishments almost always win, even though, the elected representatives keep receiving complaints and some do not hesitate to broadcast them. Up until now, the anger only existed in the big cities (Auckland, Christchurch, and Wellington) but it is now spreading to the suburbs and smaller towns. In Auckland, once more, several hundred residents of Puketapapa have signed a petition demanding the prohibition of brothels in their district (*Auckland Now*, February 8<sup>th</sup>, 2012). In Hamilton, an average-sized town, where a 2004 law limited the authorizations for prostitution establishments to settle in commercial and industrial zones, the Council has received sixteen complaints during the year, ten of which concerned presumed brothels in residential flats and seven in motels (*The New Zealand Herald*, February 5<sup>th</sup>, 2012). In Lyttelton, the residents have multiplied the motions in order to modify the local rule, which allowed setting up “sex supermarkets” (*The Press*, July 2<sup>nd</sup>, 2012) in specific areas. In Christchurch, an establishment had to close its doors due to the residents’ pressure to do so, those of which had formed an association (*The Press*, February 27<sup>th</sup>, 2012). Some residents have asked for the creation of a “buffer zone” between the residential zones and those where prostitution establishments would be allowed (*The Press*, July 28<sup>th</sup>, 2012).

Sex “entrepreneurs” are disturbed, above all, by the competition from “soobs”, Small Owner-Operated Brothels, establishments of less than four people which are completely auto-managed and take place in apartments or residences, which resulted as appealing to clients and lower prices. Even if Auckland estimates about twenty registered prostitution establishments (*Auckland Now*, February 8<sup>th</sup>, 2012), the number of *soobs* is estimated to have increased. Even sometimes in the heart of residential zones, without the knowledge of their neighbors, they were founded on the idea that more independence and security should be provided to prostitutes. The problem is that they soon became disguised brothels, some of which do not respect the rules. The clients’ comings and goings pose problems to the neighbors in residential areas. This pseudo-discretion has received some criticisms, in particular from the concerned prostitutes who argue isolation, insecurity and racket risks.

### **Merry prostitution or constraints carefully ignored?**

By rapidly scanning the New Zealand press, one could believe that there exists a free, happy prostitution with no trafficking, no networks or violence. One might imagine charming clients, a happy father who is proud of seeing his daughter sell her body, magnanimous bosses inviting “their daughters” to witness and equally share in their gains... As bright and smooth as a travel

agency leaflet. Something to forget about and simply enjoy. Just listening to C. Healy, the national female coordinator of the group of prostitutes: *"We have the best laws on prostitution in the world. Our legislation is a model that other countries should follow"*; or taking the word of M. Brennan, a brothel manager in Wellington, who talks about worried parents asking him to find a compassionate prostitute to "take care" of their child's needs. (*National*, January 21<sup>st</sup>, 2012). *"A fascinating job"*, *"gentle, smiling and respectful clients"*, *"the perfect job"* (*The Dominion Post*, September 15<sup>th</sup>, 2012)... Even though the sex industry keeps boasting the look of things, their realities are, undoubtedly, very different.

Nowadays, the police can no longer come into an establishment without a warrant. S. Beard, an inspector, admits that bad practices and trafficking still exist: *"It would be naïve to think that no woman is trafficked in New-Zealand nowadays"* (*National*, November 9<sup>th</sup>, 2012). The 2013 U.S. Department of State Report on Human Trafficking claims that if no trafficking in 2012 was recognized, it does not mean that there are no victims. The government has not effectively launched a pro-active identification process for trade victims and the latter are too traumatized to seek help. Some witnesses mention harassment and threats from brothels' owners when a prostitute has too many claims. Since the Rugby World Cup, 21 illegal prostitutes have been found in brothels during raids by the Central Immigration Office (*The New Zealand Herald*, April 21<sup>st</sup>, 2012). Among these 21 who were arrested, *"none had a valid visa, 10 were coming from Hong-Kong, 7 from China, the others from Malaysia, India, Korea, Fiji"* (*National*, November 9<sup>th</sup>, 2012).

Another reality is the prostitution of isolated minors which is controlled by gangs even though it is forbidden for those under the age of 18. According to the 2013 U.S. Department of State Report on Human Trafficking, most of these minors are descendants of the Maori community or of the Pacific Islands. The police try to identify them and work in collaboration with several associations including the group of prostitutes. Their number is estimated to have decreased since the Rugby World Cup although a female minor was rescued and two prostitutes were arrested for obstructing the law. In June 2012, in Manurewa, a sixteen year old prostitute was kidnapped, raped and threatened with a knife in a zone frequented by street prostitution clients. In October, a man who had raped a prostitute of Christchurch was sentenced to nine years in prison; the group which represents prostitutes rejoiced: *"No means no, prostitutes have the same rights as anybody else"* (*The Press*, October 30<sup>th</sup>, 2012).

When reading the whole range of the 2012 press, it must be admitted that the New Zealand legal system is not approved unanimously by the population. While a majority is in favor of legal prostitution, the requests for restrictions relating to street prostitution and establishments in residential areas are gradually becoming more insistent. Even if there has been no prosecution for human trafficking in the last two years, cases are still in progress and illegal residents are often discovered in the course of police raids.

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## Nigeria

- Population: 166.6 million
- GDP per capita (in US dollars): 1,555
- Federal regime
- Human development index (HDI): 0.471 (153<sup>rd</sup> rank among 187 countries)
- Gender inequality index (GII): NA
- Member of the African Union since 1963.
  
- No official national statistics on prostitution.
- Up to 10,000 Nigerian victims are forced into prostitution in Italy (UNICRI).
- Prostitution is illegal.
- Sentence for sex trade offenders are 10 to 15 years of imprisonment or a fine of around \$1,250 USD.
- In 2011, there were 279 new investigations and 15 prosecutions of which 13 were sex related.
- 64% of the population, of which 40% are under the age of 14, lives under the poverty line.
- Nigerian main states of origin: Oyo, Ogun, Akwa Ibom, Cross River, Bayelsa, Ebonyi, Imo, Niger, Edo, and Kwara.
- Country of origin with destination to most of the European countries (Italy, Spain, the United Kingdom, the Netherlands, Germany, Belgium, Bulgaria...), Africa (Mali, Burkina Faso, Gabon, Cameroon, Ghana, Chad, Benin, Togo, Niger and Gambia) and of the Middle East (Saudi Arabia, United Arab Emirates).

Although prostitution has a long history in Nigeria, its characteristics have changed in recent decades. The upsurge in “migratory” prostitution, and human trafficking for commercial sexual exploitation of Nigerian girls and women both in the domestic and global setting has led to international concern. According to the 2012 UNDOC Global Report on Trafficking in Persons, during the reporting period, Nigerian trafficking victims accounted for 11% of all recorded victims in 16 countries throughout Central and Western Europe. The relentless expansion of Nigerian organized crime has led the country to become a source, transit, and destination country for international human trafficking, with a great number of victims found throughout the West African region as well as Europe, and to a lesser extent, Southern Asia (*IJCYFS*, 2012).



Trafficking victims from the rural areas of Nigeria, as well as other West and Sub-Saharan African countries have been found in the larger Nigerian cities, working as forced laborers, beggars, or becoming prostitutes.

Nigerian victims of sexual trafficking and exploitation, both in domestic and international destinations, come more frequently from rural areas, and increasingly as minors. Currently an estimated 30% of families in the state of Edo (South-Southern region) have experienced some form of trafficking (*Overseas Development Institute*, February 2012), and sex trafficking victims as young as 8 years old have been reported in some Nigerian cities (*The Daily Sun*, January 9<sup>th</sup>, 2012).

While prostitution is illegal in Nigeria, not all of the 36 states take significant measures to fight against it. The majority of state efforts are put into the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) established in 2003. However, most victims' aid comes from various NGOs.

### **Domestic trafficking**

Over the past decades, human trafficking within Nigeria has increased, with victims from the rural communities of Oyo, Osun, Ogun, Akwa, Ibom, Cross River, Bayelsa, Ebonyi, Imo, Benin, Niger and Kwara states being taken into cities such as Lagos, Abeokuta, Ibadan, Kano, Kaduna, Calabar and Port Harcourt (*UNESCO*, 2006). A study by Sympathy Foundation Worldwide found that in Lagos, in 2008, an estimated 13,600 prostitutes, aged 10-45, worked in brothels, hotels, and nightclubs per night, not including "street" prostitution (*The Daily Sun*, January 9<sup>th</sup>, 2012). In the case of Lagos, along with the other large cities in Nigeria, this population is largely made up of university students struggling to pay their tuition (often the case in Port-Harcourt), and trafficked girls from other states or neighboring countries forced into commercial sexual exploitation.

Even though prostitution in these cities is not a new problem, it has traditionally been the work of older, widowed, or divorced, women generally from within the community. For example, for centuries, the sex trade in Kano (Northern region) was the trade of the Bori cult, made up of women who chose the independence and mobility of prostitution over the seclusion and dependence of *Purdah* marriage (Islamic practice of wife-seclusion). However, in recent years, Kano as well as other areas of Nigeria, have seen that older women, while still participants in prostitution, are more commonly the so-called *mamas* who procure, train and exploit younger victims (*International Journal of Offender Therapy and Comparative Criminology*, October 2002). In fact, a 2009 study of sex trafficking victims in Ibadan (Oyo State, south-west region) showed 43.8% of the subjects as under the age of 20 (*Journal of Social Sciences*, 2009). Such was the case of a 13 year old girl from the Akwa Ibom state (South-Southern region) who was rescued in January 2012 by the Lagos State police from a hotel where she had been held for 6 months, forced to sleep with up to 10 "clients" a day for 500 NGN (\$3.01 USD) each in order to pay her exploiter a monthly sum of 150,000 NGN (\$909 USD) (*PM News*, January 23<sup>rd</sup>, 2012).

With over 40% of the Nigerian population under 14 years old and 64% of the population under the poverty line (*UNICEF*, 2010), many families create “foster” arrangements, in which they send their children to live with a family member or friend to perform domestic services. This practice is deeply rooted, especially in rural communities (*WHO*, 2011). A 2006 UNICEF study found that children sent into domestic servitude in Nigeria were a group, most at risk for sexual abuse and trafficking (*IJCYFS*, 2012). In addition, the International Labour Organization (ILO) estimated that in 2000 up to 40% of Nigerian street children were trafficking victims.

A 2011 World Health Organization (WHO) study of domestic workers in Ibadan found that 55% were victims of “soft trafficking” (the family knew the trafficker), 31% through fosterage (the child was given away or sold within the extended family), and 13.5% through “hard trafficking” (where the sale was made by a third party to an unknown buyer). The same study found that 37.8% were recruited before they turned 10 years old, and 50.7% between the ages of 11 and 15 (*Mediterranean Journal of Social Sciences*, September 2012). In 2012, NAPTIP-Sokoto (North region) rescued 35 children from a trafficker operating between Kano, Kaduna, and Zamfara (*Vanguard*, June 15<sup>th</sup>, 2012).

### **International trafficking**

Nigerians now represent the most trafficked African nationality in the world. While Kano is a major origin point for victims headed to other African countries, or cities within Nigeria, Benin City has established itself as a trafficking hub between Africa and Europe. This international trafficking of Nigerian girls and women for sexual exploitation has spread due to Nigerian organized crime. From 2008-2009 the Italian anti-trafficking operation “VIOLA” made 35 arrests with connections to the Nigerian Criminal Matrix in Italy, Nigeria, Turkey, Bulgaria, the Netherlands and Colombia (*Bonifazi*, March 2012). In 2012, the United Kingdom “National Referral Mechanism” (established to identify victims of trafficking and provide aid) added Nigeria to a list of organized crime syndicates considered a “great threat” to the UK (*The Huffington Post UK*, September 18<sup>th</sup>, 2012). EUROPOL considers Nigerian organized crime, particularly human trafficking for commercial sexual exploitation, one of today’s most significant law enforcement issues for European states (*U.S. Department of State*, 2012).

The United Nations Inter Regional Crime and Justice Research Institute (UNICRI) in Italy, in collaboration with the United Nations Office on Drugs and Crime (UNODC) in Nigeria established, in a 2010 study, that between 2001 and 2009 somewhere between 8,000 to 10,000 Nigerian girls and women living in Italy were forced into prostitution. The same study estimated that in the years 2006-2007, 12.6% of those victims were minors (*UNICRI*, 2010).

UNICRI determined four common factors used in the exploitation of Nigerian victims in Italy, which applies to most other international cases as well. The victims are generally recruited by a family member, or acquaintance, who then exploits their existing migratory push factors (i.e. poverty, and unemployment) through promises of economic or educational opportunities in the destination country. The traffickers then offer to contact the *mama* who will arrange pay for their travels and the creation of fake travel documents (as high as \$103,147 USD - 75,000 €) (*La*

*Libre Belgique*, April 12<sup>th</sup>, 2012) in exchange for work. The victims are asked to perform a voodoo rite to solidify the bargain and ensure that they will repay their debt. Upon arrival, the victims are “sold” to the *mama* who confiscates their travel documents and often informs them that they owe much more than originally agreed upon, either by threatening the girl and her family or by exploiting her ignorance of exchange rates. For example, if 30,000 NGN (\$182 USD) was the agreed price, the trafficker may demand 30,000 € (6.8 million NGN - \$41,000 USD) rather than the actual 150 € conversion (33,977 NGN - \$205 USD) (*UNICRI*, 2010). The girls, with no identification documents, no contacts in the new country, and fearful of the voodoo curse they believe binds them to their debt, are at the mercy of the exploitative *mamas*.

Nigerians have also increasingly become the victims of foreign organized crime. An Irish man in April 2012 had his sentence doubled after refusing to turn over money obtained from a trafficking and forced prostitution network in the UK. The victims reported that the traffickers used similar tactics as the Nigerian-based networks, including the voodoo rites (*Irish Examiner*, April 27<sup>th</sup>, 2012).

### **Exploitation of culture**

The voodoo rites that have become characteristic of Nigerian human trafficking exploit a fear of “witchcraft” and voodoo that plagues much of the country and leads to forms of other exploitation as well. In 2011, a hospital in Aba (Abia State, South-East region) was raided and the police rescued girls aged 15-17 who had been held there and forced to “produce” babies for sale for use in “witchcraft rituals”. Infants for use in voodoo rites can sell for upwards of a million NGN or \$6,000 USD (*HRW*, 2012). In April 2012, another “baby factory” was found, with seven girls aged 18-20, three of whom were pregnant (*IOL News*, April 13<sup>th</sup>, 2013). In addition, NAPTIP suggests that children abandoned from “witchcraft stigmatization” are in extreme risk of being trafficked (*SSRN*, September 16<sup>th</sup>, 2012).

### **Domestic protocol**

While prostitution is illegal in Nigeria, each of its 36 states handles prosecution differently. For example, while the Constitution “generously highlights the rights and privileges of the adolescent... according them to protection from abuse such as prostitution” (*International Journal of Offender Therapy and Comparative Criminology*, October 2002), the *Shari’a* law Penal Code that rules in the Northern state of Zamfara considers child victims to be offenders of “obscene” acts, and thus treats them as criminals (*U.S. Department of State*, 2012). In 2010, a Zamfara Senator, Sani Ahmed Yerima, demonstrated the divergent nature of his state’s laws when he paid a “dowry” of \$100,000 USD to marry a 13 year old Egyptian girl, and argued that according to *Shari’a* law he had not committed a crime, he was not charged (*HRW*, 2012). In Ikeja State the task force on Environmental and Special Offenses arrested 52 prostitutes from the Gowon Estate area of Lagos and jailed 32 of them in August 2012, while no clients or procurers were arrested. Some states on the other hand have taken steps beyond federal compliance. For

example, the Abia state enacted the Abia State Child's Right Law (2006), which placed restrictions on fosterage and domestic servitude for children under the age of 18 in order to fight against abuse and trafficking (*HRW*, 2012).

While the national 2003 anti-trafficking laws have worked to an extent with the creation of NAPTIP (estimated budget of \$11.2 million USD), in the 2012 Trafficking in Persons Report, there were 279 new investigations during the research period, with 15 prosecutions, 13 of which were sex related. This number is surprisingly low in comparison to the 949 victims reported within the country, 563 of whom were sex trafficking victims, and 467 were children. NAPTIP also reduced its holding capacity for victims by 50% from 2010, and is now only able to hold 210 victims in eight shelters across the country.

The year 2012 did see some improvements, with the creation of the "I Am Priceless" campaign, aimed at convincing law and policy makers to fight against human trafficking (*UNODC News*, October 10<sup>th</sup>, 2012). The government also formally inaugurated the formerly mentioned Sympathy Worldwide Foundation after its twelfth year of action (*National Mirror*, November 29<sup>th</sup>, 2012).

### **International cooperation**

Nigeria is a signatory to several international instruments working against human trafficking and sexual exploitation. These include the Conventions on the Rights of the Child (CRC) Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the Palermo Protocol on Trafficking in Persons, the African Union Commission Initiative against Trafficking (AU.COMMIT) campaign, and the Ouagadougou Action Plan. 2012 fell under the AU.COMMIT phase: Campaign on Prosecution of Criminals Involved in Trafficking and Related Crimes. In addition, NAPTIP has reported recent collaboration with Germany, the United Kingdom, Greece, Sweden, France, Slovakia, Belgium, the Netherlands and Italy on issues of the trafficking of Nigerian victims (*U.S. Department of State*, 2012). In his 2012 independence-day speech, Nigerian President, Goodwin Jonathan, stated that his administration would remain committed to border security and anti-smuggling measures (*Vanguard*, October 1<sup>st</sup>, 2012).

While, in theory, Nigeria has made advances in fighting against prostitution and sex trafficking, in practice, there is still much to be done. The launch of the "I Am Priceless" as well as increased international cooperation in 2012 increased domestic and international attention, however victim protection remains sparse and the prosecution mechanisms are inconsistent and poorly funded. If NAPTIP is to increase its efficacy, the federal government must increase its control over the states in regards to trafficking and sexual exploitation.

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## Norway

- Population: 5 million
- GDP per capita (in US dollars): 99,558
- Constitutional monarchy with a parliamentary system
- Human Development Index (HDI): 0.955 (1<sup>st</sup> rank among 187 countries)
- Gender Inequality Index (GII): 0.065 (5<sup>th</sup> rank among 147 countries)
  
- No official national statistics on prostitution.
- In the four main Norwegian cities, there are 1,500 prostitutes in closed spaces and 1,200 street prostitutes.
- Between September 2011 and September 2012, street prostitution increased by 28%.
- 94% of prostitutes are foreign (2012 estimate).
- The purchase of sex services including abroad is prohibited (January 1<sup>st</sup>, 2009).
- Human trafficking is criminalised by article 224 of the Norwegian Penal Code.
- Since August 2012, an unaccompanied minor who is identified as a trade victim can be placed in a closed institution for the period of maximum six months, with or without consent, in order to be protected from traffickers.
- Country of transit and destination for human trafficking with the purpose of sexual exploitation.
- Countries of origin for victims exploited on Norwegian soil: Nigeria, Eastern Europe (Lithuania, Romania, Hungary, Bulgaria), Africa (Algeria, Ghana, Eritrea, Cameroon, Kenya, Somalia, Democratic Republic of the Congo), Brazil, China and the Philippines.

### **The penalization of the client: a measure to fight human trafficking**

The law (Article 202a), which prohibits the purchase of sexual services, came into effect on January 1<sup>st</sup>, 2009. It penalizes, in particular, Norwegian clients who purchase sex while abroad. After Sweden, Norway was the second country to adopt such a law. All offenders are punished by 6 months of imprisonment and/or a fine similar to that of procuring (Article 202). In the action plan against human trafficking, the Norwegian government recognizes the prostitute as the victim. Human trafficking is a crime motivated by profit which depends on market demand. The clients therefore indirectly support human trafficking for the purpose of sexual exploitation. Before the adoption of this law, only the purchase of sexual services from a minor could be

punished (article 203). The prison sentence for doing so, fell between 2 years, and 3 in the case of aggravating circumstances, with or without a fine.

Beforehand, contrary to the Swedish system, the Norwegian law provided a solution to the problem of trafficking rather than to the problem of gender equality. Norway had become an attractive destination for traffickers. According to those who supported an abolitionist regime, this could be explained by the absence of firm legislative on prostitution. Opening the borders of the Schengen Area facilitated human trafficking into Norway from countries outside of the area, and contributed to an increased number of Nigerian victims in the capital, judged to be more visible and aggressive. In 2003, the capital held only 2 Nigerian prostitutes. In 2006, 400 were estimated to work in the city. Since then, they have become the object of extensive media coverage, provoking a public debate on prostitution. This debate, in turn, facilitated the implementation of laws to fight against human trafficking and to reduce demand by penalizing the purchase of sexual services.

### **Application of the Law: the number of arrests increases each year**

The two special police units working on human trafficking for the purpose of sexual exploitation, “Stop” in Oslo, and “Exit” in Bergen (the two largest cities), were created as part of a government program against prostitution and for the punishment of clients<sup>1</sup>. In Bergen, the unit was created in 2009, a few months after the law took effect. Between January and April 2009, only 7 men were arrested and convicted for purchasing sexual services in the city. Nevertheless, an increasing number of offenders are being arrested. During the first half of 2012, the police remanded 160 people; in contrast to the 91 remanded in 2011. In total, 368 arrests were made in 2012, 164 of which took place in Trondheim (the fourth largest city). Prostitution remains, nevertheless, more widespread in Bergen and Oslo. According to the Trondheim police, reducing the demand for prostitution is a main priority for the authorities. In Bergen, fines range from 15,000 to 25,000 NOK (\$2,500 to \$4,200 USD). The profile of the average client is a 40 year old man, married with children, working in the private sector, who is often well off and traveling.

The full report on the action of police forces in large cities shows that the demand of sexual services diminished after the implementation of the law, even if the effects are difficult to measure. This affirmation is not confirmed by the observations of Prosentret, a state-controlled center working with prostitutes in Oslo, which showed that street prostitution increased 28% between September 2011 and September 2012. Prosentret estimates that this increase can be explained by the economic crisis affecting other European countries.

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<sup>1</sup> In 2012, the unit of Oslo was dissolved and incorporated into the unit investigating organized crime.



## **Deteriorating conditions for prostitutes**

According to the observations of organizations and help centers focused on prostitutes, the working conditions of prostitutes have deteriorated throughout the last few years<sup>2</sup>. Nevertheless, the law is not the only factor that affects the market of prostitution. Among the other factors which may contribute are intensified police actions and the financial crisis in Europe.

Prostitution became a market favorable to “buyers”, given the decrease in demand. The debate centered on aggressive prostitutes in Oslo also appeared in the media during 2012. According to Prosentret, the decrease in remands reinforced the competition between prostitutes. This growing competition, in turn, gave clients the ability to negotiate prices, additional sexual services, or the usage of condoms. The organization explained that the prostitution community has seen an increased prevalence of Sexually Transmitted Infections (STI). Relations between prostitutes and clients have changed. Women must now help clients protect themselves from the police. They are forced to go into unsecure areas where they become more vulnerable (in the client’s home, in a hotel). The clientele has changed as well. A large part of “nice” clients disappeared, and prostitutes are becoming increasingly dependent on “mean” clients, who are generally more likely to disregard the law. According to those who oppose the new legislation, the law generates violence toward prostitutes, since the business of sex is moving toward the shadows, and is gradually more organized by criminal organizations.

The number of women asking the police or other organizations for help has diminished due to a growing lack of confidence in the authorities. This has happened after an increased number of actions taken by the police against human trafficking and procuring. Women are often the target of the police, in order to arrest traffickers and procurers. In this way, women are increasingly stopped and questioned by the authorities, and feel criminalized. The “Husløs” (Homeless) operation, led by the police since 2007, to fight against procuring, has affected numerous prostitutes, obliging them to leave their apartments without an effective means of finding housing. The owners are prosecuted as procurers, under article 202, if they don’t annul the housing contracts for the apartments in which sexual services are sold. The result has been a reduction in the number of massage parlors. In 2010, a few hotels in the city of Stavanger were criticized by the local aid center for prostitutes “Albertine” for having created “black lists” of prostitutes. The hotels cooperated with the police in order to identify the women and refuse them access to the hotel. The state-controlled institution that deals with protection of personal data (Datailsynet) also judged this practice to be problematic.

## **Dangerous liaisons, a report on the violence done to female prostitutes**

The widespread nature of violence against this vulnerable group in society is worrisome. Three surveys were carried out by Prosentret between 2007 and 2012, showing that violence against female prostitutes increased after the adoption of the law. Women are often stigmatized. They lack education and working skills. Excluded and isolated, they become easy targets.

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<sup>2</sup> Group of prostitutes in Norway PION, ROSA Project, Prosentret and the Red-Cross in Bergen.

According to Prosentret, degrading life conditions for prostitutes can be linked to the law, but also to changes within the market: an increased number of foreign prostitutes, a development of police action, and a changing attitude toward prostitution. The rising negative attitudes toward the sex industry and prostitutes, since the application of the law, may have contributed to the increasing harassment and discrimination against women in the streets.

In a survey from 2012, 59% of 123 women questioned who “sold” sex services in the street or in private, had been victims of violence since 2009. From the period of 2007-2009, 52% of women questioned were victimized. The abuser is, in most cases, a male stranger. Women working on the public road are more often victimized (76%) than those who practice in a closed space (43%). The group most heavily exposed to violence is Nigerian women, with 83% reportedly being the victim of violence in 2012 versus 33% between 2007 and 2008. According to Prosentret, the reasons are linked to the fact that they are more visible due to their skin color, and that most of them work in the street. Since they are more visible in the public debate, they are often treated as undesirable and aggressive women.

To respond to the measure 7 of the government action plan against rape, Prosentret organized workshops in 2012 for prostitutes to share their experiences, help prevent, and protect themselves from violence.

### **Rising prostitution of foreign women**

Nigerian women often have a short-term stay permit in another European country such as Italy or Spain, and come from Norway on a tourist visa. Asian women often have a permanent residence permit, for familial reunification, and most often work in massage parlors.

The national newspaper Dagbladet, using numbers from NGOs and the police, estimate that in the four largest Norwegian cities, there are 1,500 prostitutes working in private spaces and 1,200 prostitutes working in the streets. In 2008, the number of street prostitutes in contact with Procentret was the highest it has ever been: 1,600 in 2008, followed by 1,000 in 2009 and 1,130 in 2012.

Before 2000, foreign prostitutes represented a small part of the prostitution “market” in Norway. In 2001, according to Prosentret, they were 19% of the prostitute population identified in Oslo. In 2012, they were 94%.

The prostitution of foreign women divides into two categories: the first includes victims of human trafficking, while the second includes immigrants who aren’t directly forced into prostitution but find themselves without any other alternative. Both phenomena are tied to poverty. Very few Norwegian women are street prostitutes, and most of those who do, suffer from drug addiction. According to numbers published by NGOs in 2010, street prostitution is 40% of the total “market” for sex services.

In 2009, prostitution in closed spaces also decreased strongly. In 2012, after the application of the law, the number of advertisements and posted telephone numbers highly increased. Nevertheless, a small decrease in advertising took place in Oslo.

Nadheim, another aid center for prostitutes in Oslo, established contact in 2012 with 639 street prostitutes and 281 prostitutes working in private, of whom 38 were men and 10 were transvestites. On public roadways, they noted an increase of Albanian female prostitutes.

According to the observations of state-run organizations and NGOs working with prostitutes in Bergen (*Utekontakten, Kirkens Bymisjon*), 80% of street prostitutes are Nigerians. Other nationalities represented are Romanian, Bulgarian, Russian, Peruvian, Columbian, and numerous other countries from South America.

In Trondheim, the police noted that street prostitution became less visible after the new law. Prostitution was practiced most often at the client's home, in bars, or in restaurants. The police do not maintain any statistics on prostitution, but are observing an increase in prostitutes coming from Albania and other countries affected by the economic crisis.

In Stavanger, the aid center for prostitutes had contact with 444 female prostitutes, in 2012, which shows a 44% increase since 2011. The prostitutes that work in public spaces are most often Nigerian. For private prostitution, Russian women and those from Eastern European countries dominate the market.

The problem of male prostitution is often neglected, and aid centers are poorly adapted to the needs of male victims. In September 2011, Prosentret established the Pro Mann project, aimed to help men selling sex services. Male prostitutes often sell their services through the Internet. For this reason, it is often the most difficult group to reach out to.

### **The client**

In addition to male prostitutes, aid services to clients are largely ignored. The last national action plan against human trafficking (2011-2014) recognized that the prevention of prostitution is linked to the reduction in demand. However, it is equally necessary to know the reasons which incite the client to buy sex services. Reform launched the project KAST (Kjøpav Seksuelle Tjenester – Purchase of sexual services) in 2011, providing information and counseling to clients and their partners.

### **Human trafficking for the purpose of prostitution**

Human trafficking is punishable by law, under article 224 of the Norwegian Penal Code, established in 2003. The definition of human trafficking is founded on the Palermo protocol, ratified by Norway the same year and covering all forms of exploitation. Prison sentences can range up to 10 years for aggravating circumstances. The first national action plan against human trafficking was elaborated in 2003, by highlighting female trafficking for prostitution.

Norway is a transit and destination country for trafficking, given the wealth of the country and its high buying power. At the time of the first action plan, few traffickers were pursued or sentenced. Female prostitution constituted a major part of human trafficking in Norway. The main countries of origin for these women are Nigerian, Eastern European countries (Lithuania, Romania, Hungary, Bulgaria), Algeria, Ghana, Eritrea, Cameroun, Kenya, Somalia, the

Democratic Republic of Congo, Brazil, China, and the Philippines. Victims often possess a Schengen visa, given to them by a European country. According to the police, human trafficking networks usually work in other criminal sectors, such as drug trafficking.

African procurers often force their victims to sell their bodies for sex by threatening their family and by threatening women with voodoo. Procurers from Eastern Europe are often members of small family mafias. They seduce young women in their origin country and manage to convince them to come to Norway, where they end up forced into prostitution.

Statistics on human trafficking are difficult to obtain, given that it takes place in the shadows. However, censuses conducted by NGOs, the Norwegian police, Europol, and Interpol, show that human trafficking and organized prostitution are increasing in Norway. Criminal networks are often established in the country, in direct cooperation with Norwegian citizens. Norway gives a large definition of a trafficking victim, which allows the state to identify a large number.

The *Koordineringsenheten for Offre for Menneskehandel* (Cooperation unit for human trafficking) is the main state-controlled body for the collection of data on trafficking. According to their report, 292 presumed victims were identified in 2009. 198 people were sexually exploited, of whom 22 were men. Nigeria is the origin country most represented (121 persons) with Romania as the runner up (25 persons). For the last few years, an increase in the number of victims from Algeria and the Philippines has been noted.

The observations made by aid centers additionally show that the number of African victims, mostly Nigerians, continued to rise in 2012. The Nadheim center in Oslo identified and followed 99 victims of human trafficking, of whom 36 were new cases for the year of 2012. 34 of the cases dealt with women, one with a man and one with a female minor. The majority was victims of trafficking, and came from Nigeria. Prosentret was in contact with 74 victims of human trafficking for the purpose of sexual exploitation in 2012. They were Nigerian, Romanian, or came from other African countries. 146 new potential victims contacted the ROSA project<sup>3</sup> of whom 16 were men. 42 women, and not a single man, received direct aid from ROSA in 2012.

### **Aid to the victims of trafficking**

Since 2006, a reflection period is accorded to presumed victims of human trafficking in the case that they are illegally in the country. During this period, they benefit from a 6-month residency card, which may be extended. Since 2010, trafficking victims who testified against their traffickers are eligible to obtain a permanent residency permit. The number of victims who have applied for the reflection period has diminished since 2009. 46 applications were sent in during 2012 (29 were accepted), though 73 were sent in for 2009, with 50 accepted. Few of those who benefited from a reflection period obtained permanent residency, but many of them sent in an application for asylum. The 2012 report from the Nadheim Center notes that few victims of human trafficking are given protection of a residency permit due to their status as victims.

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<sup>3</sup> State project that provides housing and monitoring for victims of trafficking.

### **Children: a vulnerable group**

The last two action plans to fight against human trafficking (2006-2009, 2011-2014) particularly focus on child trafficking. The first case of trafficking of minors took place in 2004, and was tied to prostitution. According to different reports from the police, and other organizations working in the domain, 25% of identified trafficking victims were minors between 2005 and 2007. Among the victims of human trafficking for prostitution in 2009, 14 were less than 18 years old (2 boys and 12 girls). A report from the Norwegian Save the Children-Redd Barna revealed that 237 children disappeared from welcoming centers for asylum applicants between 2008 and August 2012. It is especially worrisome that, in the same time frame, the number of child applicants for asylum decreased while the number of missing children increased. A large number of these children are estimated to have become trafficking victims. The welcome Center for Asylum applicants Hvalstad Ankomsttransitt in the Asker region is the first place where minors between the ages of 15 and 18, who are applying for asylum, arrive after entering Norway. In 2011, the center held 26 presumed victims. Two received assistance services for children. One boy was helped for drug addiction and one girl was helped for sexual exploitation.

In August 2012, a new legal disposition was adopted, allowing an unaccompanied minor, identified as a trafficking victim, to be placed in a closed institution for up to 6 months. This placement can be done with or without consent, in order to ensure that those who trafficked the child into the country cannot contact him or her.

### **Lithuanian traffickers and sentencing procurers**

According to the Norwegian and Lithuanian police, who work together against organized crime between the two countries, Lithuanian traffickers are particularly violent toward their prostitutes, in order to gain firm control over their bodies. The recruitment and exploitation of Lithuanian girls are extremely organized, and victims often come from poor familial backgrounds. In 2012, the story of Eva, a 25-year-old Lithuanian woman, appeared in the *Dagbladet* newspaper. Traffickers made her believe that she would easily find work in Norway. When she arrived in Oslo, she was raped and forced into prostitution. Two months later, she finally managed to escape.

In 2011, two Lithuanian men were sentenced for having taken part in trafficking in Norway. Norwegian police also work in direct collaboration with other European police forces in order to fight against organized crime and procuring.

Among all of these cases of trafficking victims, very few traffickers were sentenced. Between 2003 and June 2012, 25 have been sentenced and punished under law. Even more worrisome, this number is the highest among all Nordic countries. In 2011, 32 investigations into trafficking for the purpose of sexual exploitation initiated, and 6 people were condemned. In 2010, 26 investigations took place, and 11 people were condemned under article 224 concerning human trafficking for the purpose of prostitution. At this point in time, police efforts are concentrated on the two largest Norwegian cities, Bergen and Oslo.

The police believe that Norway must implement a more national strategy, since very little information is collected on traffickers. Though the country has implemented legislative reform, the number of victims who receive help and the number of traffickers who receive prison sentences remains unacceptably low.

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## Pakistan

- Population: 180 million
- GDP per capita (in US dollars): 1,290
- Multiparty federal republic
- Human development index (HDI): 0.515 (146<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.567 (122<sup>nd</sup> rank among 147 countries)
- No official national statistics on prostitution.
- Around 40,000 prostitutes identified in Lahore, of which 9,000 are children.
- Prostitution is illegal (Constitution of Pakistan).
- Non-marital sexual relations are prohibited (*The Offence of Zina (Enforcement of Hudhoo) Ordinance, 1979*). In fact, criminalization of married prostitutes and married clients as well.
- In the *Federally Administered Tribal Areas (FATA)*, prostitution is prohibited. Offenders are liable to the death sentence.
- The purchase and sale of a person with the purpose of sexual exploitation are prohibited. (Penal Code, Section 377).
- Significant presence of male prostitution (“*hijras*”), but homosexuality is illegal. (Penal Code, Section 377).
- Developed practice of forced marriage of minors.
- Country of origin, transit, and destination for trade victims.
- Destinations of Pakistani victims: United Arab Emirates, Middle-Eastern countries and a minority to Western countries.

Pakistan is a fertile ground for commercial sexual exploitation. The combination of several factors such as poverty, lack of education, financial insecurity, natural disasters, and social discrimination, leads to an increased vulnerability of entire parts of Pakistani society. Besides women and children, the most vulnerable people are Afghan refugees, religious minorities, eunuchs and nomadic populations (*ECPAT, 2011*). Faced with the scale of the problem – difficult to quantify – Pakistani authorities have shown a significant lack of interest, in favour of other issues such as the fight against terrorism and the reconstruction following natural disasters. In addition, as an Islamic State, the country does not consider itself largely affected by this kind of problem.



Pakistan is a source, point of transit and destination for victims of human trafficking for commercial sexual exploitation purposes. Pakistani victims are mainly trafficked to the United Arab Emirates, the Middle East and, to a lesser extent, to Western countries. Foreign victims of trafficking in Pakistan are from Afghanistan, Iran and, in a smaller number of cases, Bangladesh (*U.S. Department of State, 2012*). Within national borders, commercial sexual exploitation has many forms to which the authorities and the media turn a blind eye. Only few NGOs fight actively. By dint of limited resources, their impact is minor in relation to the magnitude of the phenomenon.

### **Boys' prostitution**

Studies have demonstrated that in Pakistan children between the ages 11 and 15 are the most vulnerable to sexual exploitation. Boys and girls are equally vulnerable. But unlike the prostitution of girls, the prostitution of boys is visible.

Places where prostitution of Pakistani boys occurs are varied. Research has shown that transport terminals are hotspots for commercial sexual exploitation of Pakistani boys. Seen as a part of the transport industry's work, it could largely be considered "institutionalised".

The *Madrassas* (Islamic schools) are also places of risk for boys. Some teachers abuse students and blackmail them in order to force them into prostitution.

Cases of male prostitution have also been reported in places of worship. The temple of *Baba Shah Jamal* in Lahore is renowned for its easy access to young male prostitutes and drugs (*U.S. Department of State, 2012*).

Paradoxically the beginning of 2012, a religious group launched a campaign against homosexuality, calling for an end of the activities of two American organisations (Gay and Lesbians in Foreign Affairs (GLIFAA) and Lesbian and Straight Education Network (GLSEN)) campaigning for the rights of homosexuals in Lahore, Karachi and Islamabad (*Pak Tribune, February 13<sup>th</sup> 2012*).

Moreover, the *bachabazi*, the fact that young boys are supported by wealthy men in exchange for sexual services, is a common practice in some parts of the country, in particular in the Federally Administrated Tribal Areas (FATA).

Sexual exploitation of boys is largely immeasurable on a national scale; however the issue remains largely pervasive. According to a press article released August 26<sup>th</sup>, 2011 by *Dawn*, a Pakistani newspaper, there are more than 170,000 children living on the street. During their first night outside, over 90% of them are sexually abused. Police officers are implicated in 60% of these cases. Moreover, 40,000 prostitutes, among whom 9,000 are children, have been identified in Lahore (*ECPAT, 2011*).

### **Forced marriage of young girls and human trafficking**

Forced marriage is a common practice in Pakistan. Many cases of forced marriage lead to the phenomenon of human trafficking for sexual exploitation purposes, both internally (to the

major cities) and externally (particularly to Iran and Afghanistan). NGOs and Pakistani police have reported the existence of a real “market of women” (*UNICEF*, 2012). In 2012 according to statistical studies, forced marriage was the most common crime against women in Pakistan, before honour killings, offenses related to marriage, and rape. At least 341 cases of forced marriage were reported in 27 districts in May 2012 alone (*Daily Times*, August 31<sup>th</sup>, 2012).

The majority of girls married by force are estimated to be between 13 and 16 years old, which raises the issue of underage marriage. Even if section 4 of the Child Marriage Restraint Act of 1929 prohibits marriage of girls under 16 and of boys under 18, underage marriage remains a common and persistent practice. Poverty, the burden of tradition, the low status of women in Pakistani society, weak law enforcement, a lack of protection for minors, and a lack of awareness with regard to the negative consequences of this practice are largely to blame.

The forced marriage of minors is made easier by the low rates of birth and marriage registration. The absence of a centralised system of marriage registration explains why there is no official data to quantify underage marriage of young girls (*ECPAT*, 2011). A study released in March 2012 by the NGO *Action Aid Pakistan* establishes a link between underage marriage of girls and violence against women such as human trafficking for the purpose of sexual exploitation (*Daily Times*, March 9<sup>th</sup>, 2012). 74% of girls under 16 living in the districts of Charsadda and Mardan, in the province of Khyber Pakhtunkhwa, are estimated to be married. The birth registration rate of these girls is largely considered low, as is their enrollment rate in school. Meanwhile the extent of human trafficking in these districts is considered substantial.

### **A legislation below international standards and weakly implemented**

The Pakistani legal framework related to the fight against commercial sexual exploitation is inexpedient. First, laws penalising prostitution do not distinguish between the prostitution of minors and that of adults. Thus, no specific protection is granted to children. Furthermore, there is no law which offers specific protection for boys. The reality of male prostitution is denied by the Pakistani State since its recognition would signify the admittance of homosexual practices in conflict with Islam (*ECPAT*, 2011). As a direct result, young male prostitutes in Pakistan are excluded from any form of protection.

Although there are several laws on human trafficking, none are comprehensive enough to comply with international standards. Pakistan is an abiding member of the Palermo Protocol and is ranked in second tier of the 2013 U.S. Department of State Report on Human Trafficking. The multiplicity of Pakistani laws is confusing to the judicial authorities. In many cases, people incriminated were tried imprecisely for human trafficking and forced labour.

In addition, the laws which set the age of majority are not standardised. Whereas the Majority Act 1875 defines a child as a person under 18 regardless of gender, under the Offence of Zina 1979 a man becomes an adult at the age 18 and a woman at the age of 16. In the case of marriage, the laws regarding age differ again, where men may marry at 18 and women may marry at 14 (*ECPAT*, 2011). In all of these cases, the age of maturity in Pakistan is not in line with international standards, most clearly at the expense of girls.

Moreover, the laws on human trafficking and prostitution are not evenly implemented at different levels – federal, provincial and territorial. Since 2012, Pakistan has initiated a process of decentralisation of power, thus the need has arisen for provinces to develop and implement action plans to fight against sexual exploitation (*U.S. Department of State, 2012*). Laws protecting the rights of children are lacking in the provinces of Khyber Pakhtunkhwa, Baluchistan and Azad Kashmir, in the administrative region of Gilgit-Baltistan, and in the Federally Administered Tribal Areas (FATA). Although an integral part of Pakistani territory, the FATA are not under the jurisdiction of the Supreme Court, and the Penal Code exerts no legal imperative (*ECPAT, 2011*).

Finally, the identification process of human trafficking victims for the purpose of sexual exploitation is inadequate. This often leads to the conviction of victims for crimes committed while exploited. The authorities do not provide legal support to the victims so that they can participate in the investigations against their traffickers and procurers. The protection and rehabilitation system of victims, both children and adults, is insufficient and inadequate. Whereas there are governmental shelters, the number of people housed in these centres is unknown. Within the shelters themselves, abuses and the deprivation of freedom of movement have been reported. The staff of these centres and police officers have been accused of selling, under the guise of marriage, women who were not recuperated by family members (*U.S. Department of State, 2013*). In addition, because of the lack of space in shelters, some victims would be “housed” in detention centers (*U.S. Department of State, 2012*).

In matters of prevention, the efforts of the Pakistani government remain limited and focused on the “supply” rather than the “demand” for commercial sex; it is also worth noting the absence of preventative measures targeting sex tourism (*ECPAT, 2011*).

Commercial sexual exploitation and issues related to sexuality are, in general, taboo in the Islamic Republic of Pakistan – the Land of the Pure – which partly explains the limited efforts of the authorities. A real awareness of the phenomenon in all its magnitude is an essential prerequisite for the development of an effective struggle against human trafficking as well as a worthy protection system for the victims in question. In this respect, the media has a key role to play. Nevertheless it should be noted that the Pakistani media remains relatively inactive on this issue as of 2012. Press articles reported almost exclusively cases of extreme external human trafficking, where victims are all women or young girls from the most educated families taken in by attractive job offers or kidnapping.

Internal trafficking, sexual exploitation of boys and of girls under the guise of forced marriage are all major issues of which Pakistani society has yet to become aware. Some local NGOs such as Sahil, SACH and Rozan fight actively against human trafficking and organize awareness campaigns. However, their means are clearly insufficient to face the scale of the phenomenon.

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## Philippines

- Population: 96.5 million
- GDP per capita (in US dollars): 2,588
- Presidential regime
- Human development index (HDI): 0.654 (114<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.418 (76<sup>th</sup> rank among 147 countries)
- Member of the Association of Southeast Asian Nations since 1967.
- No official national statistics on prostitution.
- Prostitutes between the ages of 9 and 60.
- Article 202(5) of the Penal Code defines prostitution as a form of vagrancy and therefore as a crime.
- The sale of sex services and procuring are prohibited by the Penal Code.
- Significant location of sex tourism and phenomenon of domestic human trafficking.
- Country of origin for trade victims.
- Destinations of Filipino victims: Malaysia, South Korea, Japan, and Middle-Eastern countries.

As of 2012 the Philippines remain a hotspot for commercial sexual exploitation in the world. Minors and women are particularly affected, and sex tourism within the country is highly developed<sup>1</sup>.

In 2010, 39% of the country's population was under 18 years. The capital, Manila, holds an estimated 1.5 million children living on the streets (*ECPAT*, 2011). Living in the street can be considered as an aggravating factor of vulnerability for children in all forms of commercial sexual exploitation such as child prostitution, child pornography, and human trafficking for the purpose of commercial sexual exploitation.

Regarding the general phenomenon of human trafficking, the Philippines are ranked in the second tier of the classification in the 2012 U.S. Department of State Report on Human Trafficking. It is mainly a source country for victims. The destinations of Filipino women who are victims of commercial sexual exploitation are not only Asian countries such as Malaysia, South Korea and Japan, but also countries of the Middle East such as Syria. The Philippines have

<sup>1</sup> Fondation Scelles, Charpenel Y. (Under the direction of), *Exploitation sexuelle - Prostitution et crime organisé*, Economica Ed., Paris, 2012.

signed and ratified the Palermo Protocol. By and large, its legislation appears consistent with international minimum standards. However an important number of elements within the country prevent an effective fight against human trafficking. Regardless of the significant scope of internal trafficking, which affects hundreds of victims daily, the phenomenon remains largely ignored by the authorities.

### **New forms of prostitution and traffickers' new operational mode**

In the Philippines, prostitution is a phenomenon which encompasses a large portion of the population, given that the age of prostitutes ranges from 9 to 60. Moreover, prostitution, adapting to new communication technologies, has begun to take different forms. To give one example, “*textititution*” – a portmanteau made up from the fusion of ‘text’ and ‘prostitution’ – has become an increasingly popular service delivered via mobile phones. Prices for the service vary between 7 and 12 US dollars. Alongside this new form of prostitution, there is also the phenomenon of “*swap-lat*” which means to exchange sexual services for methamphetamines or glue, commonly used as a cheap alternative to drugs (*Davao Today*, October 8<sup>th</sup>, 2012).

In 2012, the Criminal Investigation and Detection Group (CIDG) discovered a new operational means of human trafficking called: “*Sex tiangge*”<sup>2</sup> in Nasugbu of the Batangas province. Women, including minors, were gathered in small huts where clients would come to choose the girl(s) of their preference. Once inside, the men also had the opportunity to negotiate prices, to purchase the “merchandise” immediately, to schedule delivery, or to buy “retail” or “wholesale” (starting at four women). This means of operation also exists in other parts of the country where there is a high concentration of resorts and private swimming pools such as those which exist in Laguna province for example (*Manilla Bulletin*, July 2<sup>nd</sup>, 2012).

### **Efforts of the Filipino government**

In September 2012, the authorities decided to ban cybersex. The new law defines cyber sex as “the voluntary commitment, control, maintenance, or exploitation, direct or indirect, of any exhibition of sexual organs or sexual activity, through the use of an IT system” (*Clubic*, September 20<sup>th</sup>, 2012). One of the main objectives of this law is to fight against commercial sexual exploitation of women and girls via webcams and/or chats. Fines up to 4,600 € (6,112 US dollars) and possible prison sentences up to six months are levied on customers. In 2011, for the first time, two Swedish nationals who ran a network of cybersex in the Philippines were sentenced to life imprisonment by the Filipino justice system<sup>3</sup>.

Progress has been made regarding the prevention of external human trafficking. In January 2012, the Bureau of Immigration began implementing the “New Guidelines on Departures Formalities for International Bound Passengers in all Airports and Seaports”. These measures

<sup>2</sup> “Tiangge” indicates a covered area where products are sold at the lowest price.

<sup>3</sup> See « Philippines », Fondation Scelles, Charpenel Y. (Under the Direction of), *Exploitation sexuelle - Prostitution et crime organisé*, Economica Ed., Paris, 2012.

intend to screen potential victims before their departures and to prevent them from leaving the territory. From January to March 2012, 66 potential victims were identified as a result of this process (*U.S. Department of State*, 2012).

The Filipino authorities have been proactive during conferences of the Association of Southeast Asian Nations (ASEAN) in Manila from June 19<sup>th</sup> to 21<sup>st</sup>, 2012. The latter urged to strengthen cooperation at a regional level in the fight against pornography and prostitution through the internet. The representative of the Philippine Department of Social Welfare and Development stressed the importance of ASEAN members states in the fight against the growing number of cases of cyber pornography and cyberprostitution in the region. Unfortunately, to date the Philippine's call for a comprehensive approach within the ASEAN member states has not provoked any reaction from its neighbours (*GMA Network*, 3 juillet 2012).

### **The limits of the Philippines anti-trafficking plan**

The first element that jeopardizes the fight against commercial sexual exploitation by the Filipino authorities is endemic corruption in its midst. Within its 2012 ranking of perceived corruption, the NGO Transparency International ranks the Philippines 105<sup>th</sup> out of 176 countries (*Amnesty International*, 2012). There is corruption at every level of governance: among officials of the Bureau of Immigration, the Ministry of Justice, as well as the National Police. Corruption may be active with agents who help traffickers by providing them necessary documentation among other forms of support. Corruption may also be passive, where officials decide to turn a blind eye. Despite a fairly complete legal system, the implementation of many laws remains difficult. First, the question of whether "free" prostitution falls under human trafficking or not is debated among legislators and prosecutors. The lack of provisions which grant immunity to people reporting human trafficking cases is also a major problem (*AHRC, UNGIFT*, 2012). With regard to human trafficking, the Filipino judiciary system has many shortcomings. Filipino courts are estimated to have around 680 pending or ongoing human trafficking cases. And 129 cases await deliberation by the Department of Justice. The number of prosecutors dedicated to human trafficking cases thus seems clearly insufficient (*U.S. Department of State*, 2012). The inefficiency of the Philippines judiciary is caused by a lack of political will coupled with a lack of resources.

The victim identification system remains inadequate, resulting in abandoned victims condemned to pay fines or even jailed for vagrancy. Moreover, victims of trafficking suffer from a cruel lack of assistance and protection once back home. Furthermore, no information on the legal remedies available is provided to them (*AHRC, UNGIFT*, 2012).

### Focus on women and children victims of trafficking from ZAMBASULTA to Sabah



Map of the Philippines – <http://www.your-vector-maps.com/countries/-philippines/-philippines-free-vector-map/?image=l-philippines>

The term “ZAMBASULTA” refers collectively to the regions of Zamboanga, Basilian, Sulu and Tawi-Tawi, which are parts of the Muslim autonomous region of Mindanao located in the southwest of the Philippines. These are known to be hotspots for human trafficking. The case of ZAMBASULTA is not representative of the situation of human trafficking in the country. However, the extent of human trafficking is wide enough to merit specific consideration. In 2012, a study released by the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) is completely devoted to this topic.

The fact that, for nearly 40 years, an internal armed conflict has raged in Mindanao between the Moro Islamic Liberation Front and the regular army is connected to the exceptional scale of human trafficking in ZAMBASULTA. First and foremost, the authorities are disposed to allocate more resources to the fight against terrorism than to the fight against human trafficking. Moreover, as in every internal armed conflict, the local population is the most vulnerable, because of the violence and fighting, which causes a high number of civilian casualties, the near absence of employment opportunities, and forced displacement. In addition, on December 4<sup>th</sup>, 2012 the typhoon Bopha hit the region, affecting the lives of over 6.2 million people. According to the Office for the Coordination of Humanitarian Affairs (OCHA), 1,146 people died and 834 others were declared missing. While 8,925 people were housed in evacuation centers, 925,412 were still looking for a place to take refuge. More than 230,000 homes have been damaged or



destroyed. All these elements added to the ranks of those willing to immigrate voluntarily and illegally. Those who went immigrated mainly to Sabah (one of the two states of Eastern Malaysia located in Borneo) because of its close proximity.

An analysis of the roads used by traffickers and their victims indicates Zamboanga Island as the most common point of transit to reach Malaysia. In some cases, Malaysia is only a pit-stop before traveling to a third country.

Finally, the study released by UN.GIFT shows that 80% of those who hope to go to Malaysia to work feel no fear due to the positive information received from their relatives. 52% of these people do not know what human trafficking is (AHRC, UNGIFT, 2012). Thus, it seems essential to intensify efforts to raise awareness among these high risk populations.

In 2012, the scope of prostitution in the Philippines did not decrease in any meaningful measure. Current events prove a certain diversification of commercial sexual exploitation methods: “textititution”, “*swap-lat*”, “*Sex Tiangge*”. These evolutions reveal the extreme vulnerability of victims, mainly women and children. Regarding the magnitude of the phenomenon, the government is proactive in the legislative field. Nevertheless, corruption, the inefficacy of the judicial system, and a lack of assistance to or protection of victims are obstacles to an effective fight against commercial sexual exploitation in the Philippines. The case of ZAMBASULTA is particularly worrisome, given that more than anywhere else in the Philippines, its people face extreme hardship. They live without the prospect of improving of their situation, due to ongoing internal armed conflicts and natural disasters. Given their particular vulnerability to human trafficking for commercial sexual exploitation purposes they, along with other members of the Philippine population, ought to receive international attention.

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## Poland

- Population: 38.3 million
- GDP per capita (in US dollars): 12,708
- Republic
- Human Development Index (HDI): 0.821 (39<sup>th</sup> rank among 187 countries)
- Gender Inequality Index (GII): 0.140 (24<sup>th</sup> rank among 147 countries)
- Member of the European Union since 2004.
  
- No official national statistics on prostitution.
- Prostitution is legal but not regulated. Brothels, procuring, forced prostitution and child prostitution are prohibited.
- The sex industry in Poland reports between 5 and 10 billion PLN (\$1.6 and \$3.3 billion USD) per year.
- Sex tourism destination.
- Many illegal establishments and prostitutes along the German border and major roads.
- Country of origin, transit and destination for women and children who are intended for sexual exploitation.

In the beginning of the 1990s, like many countries formerly part of the Soviet Union, Poland experienced a large increase in the activity or visibility of prostitution, which had been kept hidden by the communist regime. For a long time, Poland, known for the trafficking of white women and affordable sex, was considered a source country for female victims.

The rise of tourism, business development, and the arrival of foreign money helped to develop the sex market. The situation evolved further with Poland's entrance into the European Union. A country which is, at the same time, a destination and a transit point to Western European, young women destined for sexual exploitation come from Bulgaria, Romania, and from former soviet countries (Ukraine and Belarus). Around one-third of the prostitutes in Poland are immigrants, whereas 14% of foreigners exploited in Poland are exploited sexually. Polish women are also sexually exploited outside of their country, principally in Germany, Austria, the Netherlands, Italy, and the United Kingdom.

### **A strong demand on highways and border areas**

Poland is a true crossroads between Western Europe, the Russian Federation, and Eastern Europe. Prostitution is therefore concentrated along the main transit roads, such as those between Varsovie and Berlin or around the area of Zielona Gora with Ukrainian and Bulgarian women. Young women are rarely identified as victims of human trafficking, but as people who have entered the territory illegally. Nevertheless, 90% of prostitution put in place along highways for semi-truck drivers, is controlled by criminal organizations. According to the police, the majority of women is likely to be between 16 and 20 years old, and come from disadvantaged economic circumstances. They are under the control of criminal groups or small networks that control, in general, everything from recruitment to transportation.

This type of prostitution is not recent, but is becoming a larger problem. For example, in the Märkisch-Oderland region, near the German border, residents concerned over the region's image are working to eliminate the existence of prostitutes. According to the Belladonna association, nearly 80 brothels operate along the Oder-Neisse line and employ 1,500 female prostitutes (*Märkische Allgemeine*, June 7<sup>th</sup>, 2011).

What is even more worrying is the increased exploitation of young boys for German, Danish, or Swedish tourists. Unaccompanied children run a higher risk to become prostitutes. Even when secured and placed in housing centers, they escape with the help of procurers.

### **Efforts increasingly supported by the government to eliminate human trafficking and sexual exploitation**

The first Polish national action plan against human trafficking was launched in 2003. An extension of the program was adopted on June 10<sup>th</sup>, 2011. The main goal of the program is to create the necessary conditions to prevent and fight against trafficking in Poland, while providing protection to the victims and bettering the country's legal instruments. Four groups of experts were designated to work on child trafficking, prevention, victims, and the collection of statistics. The fight against human trafficking took a new dimension when the borders with Germany and Austria opened to Polish workers on May 1<sup>st</sup>, 2011.

The country congratulated itself on the application of the proposition relative to child exploitation, sexual abuse, and pornography. This measure was achieved while Poland presided the European Council, during the second semester of 2011. The directive provides better judicial prosecution in inter-border affairs, the deletion and blocking of child pornography sites, and a system of assistance and protection to victims and their families. This common legislation aims to increase the severity of penal sanctions within the Union: forcing a child to perform a sexual activity or engage in prostitution is punishable with up to ten years in prison; those charged with the possession of child pornography may be punished for up to three years; those who watch child pornography may be sentenced for one year.

## Sex tourism and the Euro Cup 2012

The European football championship took place in Poland and Ukraine between June 8<sup>th</sup> and July 1<sup>st</sup>, 2012. Many associations organized communication and prevention operations in order to reduce prostitution. Founded in Kiev in 2008, the FEMEN group heavily increased the level of action in the fight against prostitution and sex tourism in Ukraine and Poland. During the protests in Varsovie against the 2012 Euro Cup, women marched topless, chanting “Neither Poland nor Ukraine is a brothel”.

This type of international event largely increases the risk of child sexual exploitation. Minors, tempted by the adventure, head to the country alone, without money, in a foreign city, and become the prey of procurers and criminal networks. The awareness campaign, entitled “*Nie Przegraj*,” launched by the Dziecinicyje Foundation (The Nobody’s Children Foundation), put forward slogans such as “*Ty nie masz ceny*” (You don’t have a price), and was launched during the 2012 Euro Cup. The poster below was representative of a new form of child prostitution in Poland, which involved children selling their body in exchange for presents. The campaign was meant to reach, additionally, foreign supporters, potential clients, reminding them that commercial sexual relations with minors remain illegal in Poland.



### **A younger and younger population affected**

According to a study of 400 female prostitutes in Poland, 35.8% of them were between the ages of 20 and 25. 78% considered prostitution as their only source of income. 60% began the activity due to difficult financial circumstances.

Four principal categories of child prostitution have been identified in Poland:

- Prostitution from misery, in which minors are unable to fulfill their nutritional or additional needs.
- Prostitution “by aspiration” in which prostitution is a means to better social or material status. This mindset is generally created by the aspiration to belong to a higher social class. According to this hypothesis, sexual services are obtained in exchange for money or luxury products (clothing, jewelry, electronic gadgets, rent payment). This form of prostitution is well known in Poland, due to numerous feature films such as “*Galerianki*” from Katarzyna Roslaniec (2009), or “*Swinki*” from Robert Gliński (2012).
- *Sponsoring*, which is the general exchange between financial support and sexual services
- Cybersex, which is a new form of child sexual exploitation that consists of obtaining photos and videos of minors, naked or in lingerie, erotic text messages or erotic online conversations, in exchange for money or other remuneration such as a telephone charge.

According to a study of 100 teenagers between the ages of 15 and 18, lead by the Dzieci Niczyje Foundation in 2010, 24% claimed to have had at least one sexual relation during the last year, in exchange for financial support or material compensation. According to the report, the principal reasons why people fall into prostitution are familial or personal financial problems.

In Polish law, there is no definition of child prostitution. The country has not ratified the convention of the European Council on the protection of children from sexual abuse and exploitation, which clarified the notion. In Poland, any sexual contact with a minor below the age of 15 is prohibited. Concerning children between 15 and 18 years old, only the act of convincing the child to have sexual contact for remuneration is prohibited. Sexual relations with minors between the ages of 15 and 18 are not illegal.

### **Legalization or penalization of prostitution?**

#### ***Are brothels truly prohibited?***

The number of sex tourists who do not know that brothels are illegal in Poland is staggering. For this reason, brothels hidden behind a façade of legal activity fill touristic cities such as Cracovie to the brim. Behind the shop windows of tanning salons, massage parlors, and saunas, prostitutes offer their services. For the most part, taxi drivers are well aware of where these shops can be found. The city authorities appear blind to this type of activity, given the important affluence of city tourists. A recent report on prostitution in Poland explained that prostitutes of the city give money to corrupt police agents and organized crime networks, in order to guarantee their own protection.

### ***A tax on prostitution***

In the current state of legislation, prostitutes in Poland are not required to pay taxes on their income. By imposing a tax on prostitution, the Polish state would be able to collect important information concerning the revenue of prostitution in the country, which could represent between 5 and 10 billion PLN (\$1.7 and \$3.1 billion USD). This question was tackled during the 2012 Euro Cup, which heavily increased the country's sex tourism. Given that prostitution remains a taboo topic within the country, with respect to conservative values, it appears unlikely that such a tax will see the light of day.

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## Romania

- Population: 21.4 million
  - GDP per capita (in US dollars): 7,943
  - Parliamentary regime
  - Human development index (HDI): 0.786 (56<sup>th</sup> rank among 187 countries)
  - Gender inequality index (GII): 0.327 (55<sup>th</sup> rank among 147 countries)
  - Member of the European Union since 2007.
- Official estimate: 2,000 prostitutes. NGO estimate: between 23,000 and 47,000.
- Prostitution is illegal.
- An anti-trafficking law of 2001, law number 687/2001 on the prevention and fight against trafficking was adopted on November 21<sup>st</sup>, 2011.
- The new Penal Code of 2009 went into effect in 2013.
- Essentially a country of origin for the victims, and to a lesser extent, a country of transit and destination.
- Romanian victims usually exploited in Belgium, Cyprus, Finland, France, Germany, Greece, Hungary, Malta, the Netherlands, Portugal, Slovenia, Spain, Sweden, and Switzerland.

In 2012, like previous years, many cases of sexual exploitation, in which Romanians were heavily involved, have been recorded. Examples of this would be the dismantling of a Romanian prostitution ring in Spain during the month of March, a network of Romanian prostitutes in the region of Béziers camps in May, or a network of Romanian prostitution in Nantes in December 2012

Although the current events above refer only to Romanian expatriates, even within Romania, the sexual exploitation facts are not rare. Indeed, sexual exploitation is one of the main problems affecting the country. Despite the undeniable efforts of the government and NGOs, the situation remains alarming.

### **Romania, a highly exposed country, despite its efforts for betterment**

Thanks to a number of programs established by the government, Romania is known for a strong growth over the last decade. Despite the financial crisis that stunted this growth trajectory, the country has cut its deficit by 6.1 percentage points of the GDP over four years (2009-2012),



which allowed it to leave the EU excessive deficit procedure, with a budgetary deficit of 2.9% of GDP in 2012.

Despite the growth efforts, Romania nevertheless remains one of the poorest countries in the European Union, and one of the most affected countries by the scourge of sexual exploitation. According to the UN 2012 Report on Human Trafficking, one estimates 1,041 victims of human trafficking, against 1,043 in 2011. Among the victims, 526 are victims of sexual exploitation. According to the 2013 U.S. Department of State Report on Human Trafficking, the figures are slightly increased, compared to 2011, where 488 victims were registered.

Sexual exploitation in Romania presents a large transnational character. Indeed, although prostitution is rampant in the country, the majority of Romanian prostitutes are exploited abroad. This expatriation of victims makes Romania one of the main countries of origin of victims of sexual exploitation in the European Union. These Romanian victims are usually exploited in destination countries such as Belgium, Cyprus, Finland, France, Germany, Greece, Hungary, Malta, the Netherlands, Portugal, Slovenia, Spain, Sweden, and Switzerland. However, before their expatriation, said victims are first exploited in Romania, before being transferred to their country of destination.

Although Romania provides a significant percentage of victims, it is noted that the country is also a country of transit and destination for a minority of victims such as Moldavians, Colombians, and French. Some Romanian victims are also exploited in Romania. In 2012, of the 1,041 victims of trafficking identified, 492 were victims exploited within their own country.

### **Vulnerable victims increasingly affected**

Among the victims, the most concerning are the women. According to the NGO *Not for Sale*, women represent 68% of the victims of human trafficking in 2012. In 2012, 57% of these women had not received formal education. In addition, 60% of victims are from developing countries or geographically isolated regions. 95% of victims, who were older than 18, were unemployed. From these statistics, one can deduce that the victims are extremely exposed people, as result of their economic vulnerability. Given their precarious financial situation, they are more likely to believe promises, usually false, that their traffickers propose in the hope of a better future.

Prostitutes are generally attracted by procurers, who trick the girls into believing their false promises of employment and very attractive wages. Having only the guarantee of good faith of the procurers, they engage in a face to face contract, despite the risks to their dignity.

According to the 2012 UN report, in the majority of cases, the traffickers have a certain closeness with their victims. They are usually Romanian nationals seeking their victims in their same ethnic group or their family. This proximity, social as much as familial, creates a bond of trust between the victim and the trafficker, which leads to the victim being deceived and enticed by proposals of traffickers.

Once lured by traffickers, prostitutes are generally maintained within prostitution by coercion. Procurers generally use physical and moral violence, sexual abuse, deprivation of

liberty, or confiscation of their papers. Within the network, they are considered the property of their procurers, who do not hesitate to use different methods to "mark their property." For example, members of a prostitution ring in Spain tattoo barcodes on the wrist of their victims to mark their ownership.

### **The strong presence of minors and handicaped victims**

In Romania, one of the alarming elements, which is certainly noteworthy, is the strong growth of juveniles and young adults in the scourge of sexual exploitation, increasingly exposed to trafficking because of their vulnerability due to their youth and their credulity. The most vulnerable children include those whose parents are working abroad. There are two age categories of victims: 14-17 years and 18-25 years. In 2012, there was an increase in the number of child victims from 319 identified victims in 2011 to 370 in 2012. In addition, according to the association *Not for Sale*, in 2012, 25% of victims of human trafficking victims were young adults, aged between 18 and 25 years. These figures are similar to those published by the UN, which considers that in 2012, children accounted for at least one third of victims of sexual exploitation in Romania.

### **Government action in the fight against prostitution in Romania**

In Romania, exploitation of human beings is a criminal offense punishable by a prison sentence of 3-15 years. In this country, the struggle for the eradication of sexual exploitation is the prerogative of the government and NGOs.

Government actions occur both domestically and internationally. Romania has ratified many conventions calling for the abolition of prostitution. At the outset, one could cite the Convention of the Council of Europe Convention on Action against Trafficking in Human Beings, adopted by the Council of Ministers of the Council of Europe on May 3<sup>rd</sup>, 2005, entered into force on February 1<sup>st</sup>, 2008 and ratified by Romania on August 21<sup>st</sup>, 2008. The overarching objectives of this agreement are the prevention of trafficking, the protection of victims, and the prosecution of traffickers. Romania has also ratified the Convention and the UN Protocol against Transnational Organized Crime. To comply with these agreements, the Romanian government has adopted numerous measures against prostitution. This is the case with the adoption and updating of the anti-trafficking law, the establishment of a national mechanism for the identification and referral of victims, and the provision in the Romanian law of non-sanctions of victims of trafficking for taking part in illegal activities by stress. The ratification of international conventions also helped promote cooperation among States and therefore, increases the likelihood of arrests of traffickers in third party countries. According to the 2013 U.S. Department of State Report on Human Trafficking, throughout 2012, the Romanian Police participated in 94 investigations in partnership with other officers of the European Union.

On the national level, sexual exploitation is prohibited by the anti-trafficking law of 2011, law number 678/2001 on the prevention and fight against trafficking, adopted on November 21<sup>st</sup>,

2011 and put into place on December 11<sup>th</sup>, 2011. Although the Romanian government does not conform to the standards for the elimination of trafficking, their efforts in terms of prevention, the fight against prostitution, and the repression of traffickers are considerable.

Throughout 2012, the number of prosecutions was one of the highest in Europe: the Romanian authorities instructed 867 cases of human trafficking, compared to 897 in 2011. 667 offenders were prosecuted and 427 convicted, compared to 480 prosecutions and 276 convicts in 2011. Among those convicted, three-quarters have been sentenced to prison terms ranging from 1 year to 15 years. These statistics do not distinguish the proportion of sexual exploitation.

While the government continues to implement programs for the punishment of traffickers, efforts to support victims remain insufficient. Indeed, for the fourth consecutive year, the government provided no funding to NGOs against trafficking. However, its victim identification system remains one of the best. Assistance and care of victims' arrangements have been put in place by the government. When the situation required it, some victims received psychological care, and assistance with school reintegration (352 people in 2012). Despite the desire to perfect the system of assistance to victims, it remains that the psychological care is still insufficient.

Shelters for victims have also been introduced, where 112 victims of trafficking were received during 2012. To facilitate reports of trafficking victims, the Romanian law does not criminalize victims for unlawful acts arising out of their activities. One point to be deplored on is that minor victims do not receive special care in emergency shelters. In addition, foreign victims, who have a cooling off period of 90 days to decide whether to stay in the area, do not have the right to work during their period of residence.

To educate the wider public, the government has conducted many campaigns across the country. In 2012, six campaigns were conducted in collaboration with NGOs. In terms of prevention, the government has also set up a national strategy against human trafficking for 2012-2016.

Apart from government action, it is important to recognize the actions of different NGOs, in the fight against trafficking in Romania. One of the most important associations is *Agentia Națională Împotriva Traficului of persoane* (National Agency for the Fight against Trafficking in Human Beings - NATP). Founded in 2006 and with the status of special public administrative institution, the NATP aims to coordinate, supervise, and evaluate national policies against trafficking, measures of protection, and assistance to victims. One should also mention the Interdepartmental Working Group on the fight against trafficking in human beings, created in 2003. It is also worth noting the strong involvement of the police, which has a specialized branch who fights against organized crime. Many NGOs fight against human trafficking and sexual exploitation in Romania, in the example of Anti-Traffic, which specializes in the prevention of trafficking.

The various actions of the State and public entities to eradicate the scourge of prostitution and to assist victims, while laudable, have not yet abolished this phenomenon.

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## Russian Federation

- Population: 142.7 million
- GDP per capita (in US dollars): 14,037
- Presidential regime with a federal organization
- Human development index (HDI): 0.788 (55<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.312 (51<sup>st</sup> rank among 147 countries)
  
- No official national statistics on prostitution.
- Between 150,000 and 270,000 prostitutes. 80,000 to 130,000 in Moscow, 20,000 to 30,000 in St-Petersburg.
- Current legislation prohibits prostitution and procuring (Code of Administrative Offenses-Criminal code), the clients remain unpunished.
- Country of origin, transit and destination for human trafficking victims.
- Foreign victims native to: Israel, Turkey, Greece, Cyprus, South Korea and China.
- Russian victims sent to Europe, Mumbai, Buenos Aires, Thailand and Japan.

The context for the human trafficking in Russia is set: the penalty is falling. Indeed, for the first time since 2002, the U.S. Department of State placed Russia in the tier 3 (lowest level) in its 2013 Report on Human Trafficking. The Russian government has not provided enough effort in 2012 to fight against trafficking, protect and guide victims. Recall that Russia has one of the highest crime rates in the world, since the United Nations Office on Drugs and Crime (UNODC) lists Russia as committing 10.2% of murder, one of the highest rates in the world, in 2011.

### **Sexual exploitation in Russia: A growing phenomenon**

In the context of such a varying and omnipresent crime as human trafficking, its proliferation, notably in regards to sexual exploitation, is not stopping in Russia. Prostitution today seems to be a growing phenomenon and the laws prohibiting it seem entirely obsolete. Sexual exploitation in Russia is governed by the Code of Administrative Offenses, which provides a sanction of 1,500 to 2,000 RUB (\$47.6 to \$63.3 USD) for people selling others into prostitution. The Criminal Code prohibits activities related to procuring and organizing brothels with sentences ranging from 8 to 10 years in prison. Being a "customer" is totally innocent and unpunished.

Current Russian legislation prohibits prostitution and procuring, but the penalty for these activities may be about to change. Indeed, Deputy Joseph Kosban, member of the United Party, aims to legalize prostitution in order to better manage it. He is not the only official wishing to modify the terms of the Russian criminal code, as Andrey Dunayev, president of the Party of the Right Cause (fusion of the Party of the Union of Right Forces, the Civil Power and the Democratic Party of Russia) wants to mobilize the population and form different groups to give their opinion on new legislation.

The Right Cause insists that it does not wish to facilitate global access to prostitution, but rather to protect the prostitutes from the many evils that surround them, such as being treated like slaves, or not being medically treated properly when one knows that STDs proliferate. Currently, in the region of Svetlogorsk alone, 4,000 people have reported being infected with HIV/AIDS. Andrey Dunayev claims the establishment of brothels controlled by the state would allow prostitutes to be regularly monitored by physicians and to contribute to their retirement.

Though Right Cause and the United Party seem to favor legalizing prostitution in Russia, the opinion seems to be divided in Duma, since the communist party KDRF rejects prostitution at 70% and the Liberal Democratic Party of Russia does not even dare to comment on the subject. The opinions are divided, within political parties and the population, but one must act quickly as this phenomenon is still growing and crossing all borders.

### **Who are they? Where do they come from? Where are they going?**

Olga, Maria, or Ivana, their stories all seem the same...only women, since no sources mention male prostitution. They come from provinces in Russia or eastern countries in the hopes of finding a better life with a more comfortable financial situation. While some girls face abduction to be recruited, the most frequent cases are mostly false contracts that promise jobs as a dancer, housekeeper, or waitress. Once in the trap of the traffickers, their papers are confiscated. The entry paths into this torture are made irreversible by states of dependence and threats to the families of the victims. This submission is further perpetuated by debt (cost of transportation, accommodation, etc.). Most of the women are then led to training camps, where they are tortured to destroy any bit of resistance.

Once the young Russian girls are “ready to be sold” on the prostitution market, they are sent all around the world: in Europe, but also in Mumbai, Buenos Aires, Thailand, or Japan. In November 2012, one network was dismantled. Presented by the police as responsible for 70% of the trafficking of Russian girls to Spain (around 8,000 victims since 2005), 18 people (most of which were Russian) were arrested. The operation, led conjointly with the Russian secret service (FSB), led to the freezing of several bank accounts and seizure of property for an estimated total of 3.5 million € (\$4.7 million USD).

Young Russian girls are often led into prostitution in parts of Europe, a destination very infrequently mentioned in the news, which without a doubt perpetuates a taboo. Israel also seems to be a very popular destination for what one calls “the trafficking of whites.” According to the Amnesty International’s annual report of 2000, thousands of young Russian girls are forced into

being prostitutes in brothels all over Israel. According to the weekly Rivarol (a French journal with views of the extreme right), procurers operating in Israel collaborate with the police, leaving the victims with very few chances of escaping. Along these lines, a report of a commission of inquiry of the Israeli parliament on March 23<sup>rd</sup>, 2005 points out the weaknesses of the justice regarding this subject. One learns that judges are often bribed by procurers (*BBC News*, March 24<sup>th</sup>, 2005).

As Europe, Israel, and Asia greet Russian prostitutes, Russia also seems to be a welcoming center for prostitution. Two recent cases of dismantling (in Amurks and in the Sretensky Monastery) witnessed this terrible scourge. According to *The Daily Telegraph* on October 30<sup>th</sup>, 2012, the Russian police discovered a brothel steps away from a monastery and they arrested two prostitutes. The installation of the brothel was precisely in a hotel rented by the monastery where one could arrange one room at a time. The suspect nature of these components did not lead the religious authorities to admit any connection with the activities of prostitutes, although the proximity between institutions is perplexing... An article in the *United Press International* on January 31<sup>st</sup>, 2012 reported that two Russian procurers, residents of Amursk, were arrested as suspected of having recruited 51 young girls with promises of jobs, such as dancers or maids, with higher wages. They have mainly been spotted in nightclubs in Israel, Turkey, Greece, Cyprus, South Korea and even China. These two recent cases illustrate that Russia is still considered an area with a high level of prostitution.

Most of the time, young prostitutes work in strip clubs that contain multiple rooms. For the least "lucky", after talks with their procurers, customers come back in underpasses and then bring the prostitutes into their cars. These girls all have one thing in common: they never know who they are going with or what happens to them...

When a network is partially or entirely dismantled, the prostitutes, often weak, are welcomed into rehab centers. Russia has only one center where it provides care for victims of prostitution, and it is funded by the European Union. Unfortunately, in addition to being overcrowded, it does not offer sufficient protection to these young girls, who are at risk for being found by other members of the network.

Despite prohibitionist legislation, one estimates the number of prostitutes to be in between 150,000 (according to the Ministry of Internal Affairs) and 270,000 (according to the Commissioner of the Council of Europe on Human Rights). Reportedly, there are between 80,000 to 130,000 in Moscow, and between 20,000 to 30,000 in St-Petersburg. The statistics continue to grow. This is not surprising when one considers the level of corruption in the Russian police, who seem to turn a blind eye to procurers. Despite the statistics, the government is not ready to change its methods for combatting sexual exploitation. As evidence of this stubbornness, Sergei Gerasimov, Deputy Minister of the Interior validates, "*Certes, tout ne marche pas très bien chez nous, mais au moins, la voiture avance* (certainly, not everything works very well with us, but at least the car continues onward)" (*Le Figaro*, March 27<sup>th</sup>, 2012).

Between 17,000 to 50,000 minors are prostitutes in Russia. This situation of child prostitution is facilitated by the lack of legislation forbidding pornography. According to United

Nations Children's Fund (UNICEF), the number of crimes linked to child exploitation for pornography and sex has multiplied 10 fold in Russia in between 2000 and 2011 (*20 Minutes*, August 12<sup>th</sup>, 2012). In August of 2012, the Russian Senator Lioudmila Narousova, announced that he is in favor of the adoption of stronger penalties for internet hosts of pornographic sites. According to the Russian NGO *ЛигаИнтернета- Ligainterneta* (League of Internet), 9,500 pornographic sites and web pages were detected in Russia in 2011. According to the UN, pornography is defined as "the staging of children explicitly engaged in actual or simulated sexual activities or any representation of the sexual parts of a child for primarily sexual purposes." Russia still has not joined the optional protocol to the UN Convention on the Rights of the child concerning their sale, child prostitution and child pornography, which has been dedicated to this scourge and child prostitution since 2002.

According to Denis Davydox, director of *ЛигаИнтернета-Ligainterneta* (League of Internet), this new legislation against child pornography should significantly reduce the number of sexual crimes against children.

Whether it is a child or an adult, the sale of a body persists in Russia, and although the press attempts to display a liberated prostitution, the reality is much different. In fact, the phenomenon of this journalistic fashion that excludes the real issue of sexual exploitation, while focusing on a desired prostitution, in reality remains extremely rare. Certain speak of women occasionally selling their bodies to supplement their monthly pays. They evoke a Russia that openly acknowledges that it has more than 150,000 prostitutes, justifying this practice by solving the economic crisis and countering the decline of morality. Drowned by the information in a written or digital press too far from reality, the 2013 U.S. Department of State Report on Human Trafficking reminds one that Russia remains one of the biggest torturers in sexual exploitation.

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## Rwanda

- Population: 11.3 million
- GDP per capita (in US dollars): 620
- Republic democratic constitution
- Human development index (HDI): 0.434 (167<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.414 (75<sup>th</sup> rank among 147 countries)
- Member of the African Union since 1963.
  
- No official national statistics on prostitution.
- Approximately 16,000 victims of prostitution.
- The average age of prostitutes are between 17 and 22 years old.
- Prostitution is illegal (article 206 and the following of the Penal Code of 2012); human trafficking is prohibited (chapter 8 of the Penal Code 2012).
- In 2012, 18 prostitutes were the targets of serial murders in the capital, Kigali.
- Country of origin, transit, and destination for human trafficking with the purpose of sexual exploitation.
- Destination for Rwandan victims: Uganda, Kenya, Zambia, China, and, more broadly, European countries.

Rwanda, surrounded by the Democratic Republic of Congo, Uganda, Tanzania and Burundi, is notorious for its genocide, recognized by international institutions, as the fourth of the 20<sup>th</sup> century. Strained relations between the two ethnic groups in the country, the Hutu (majority) and the Tutsi (minority), ignited when the Hutu president, Juvenal Habyarimana, was killed during an attack on the presidential plane April 6<sup>th</sup>, 1994 (*Freedom House*, 2012). From April to July 1994, between 800,000 and 1 million Tutsis were killed by Hutus. At least 250,000 Tutsi women were raped and suffered worse atrocities. Their sexual organs were mutilated horribly and some had their breasts cut off. In recent years, the International Criminal Tribunal for Rwanda (ICTR), sitting in Tanzania, began to recognize another kind of horror left in the dark: rape as a method of genocide (*Courrier International/The New York Times*, November 14<sup>th</sup>, 2002).

Nearly 20 years after the genocide, Rwanda is a rebuilt country with an unstructured population, composed of orphans and displaced people from neighboring nations.

The November 2011 United Nations Program for Development (UNDP) revealed that more than 58.5% of Rwandans live below the national poverty line, including 76.8% who live on less than \$1.25 USD per day (*Jambonews*, February 20<sup>th</sup>, 2012).

The reality of post-genocide is multiple: the return of Rwandan refugees, the generation of children born of rape, the stigma surrounding sexual violence and sexually transmitted infections (*Courrier International/The New York Times*, November 14<sup>th</sup>, 2002).

In addition, Rwanda is accused of supporting the rebels of the Movement of the 23<sup>rd</sup> of March (M23) in the eastern Democratic Republic of Congo by providing them with weapons. However, the M23, in addition to being guilty of trafficking in persons, have children who violate women and girls (*Le Potentiel*, July 23<sup>rd</sup>, 2013).

In this context, more than ever, young Rwandans are vulnerable to the scourge of sexual exploitation. Rwanda is both a country of origin, transit and destination for trafficking in persons for sexual exploitation.

### **Legal framework**

Rwanda is a signatory to many international conventions such as the Convention on the Elimination of All Forms of Discrimination against Women, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and International Convention on the Rights of the Child.

At the national level, Rwanda enacted a new Penal Code in June 2012, replacing that of 1977. In articles 363-376 it prohibits prostitution, and in article 390, it prohibits slavery. Chapter 8 of the new Penal Code prohibits trafficking in persons and prescribes penalties ranging from 7 to 10 years imprisonment and fines of \$7,900 to \$15,900 USD for internal trafficking, and up to 15 years imprisonment for external trafficking. Sections 206 and the following prohibit prostitution, including incitement to prostitution.

Rwanda has also established a legislative framework in this area. Article 28 of law 59/2008 (Law on Prevention and Punishment of Gender -Based Violence) prohibits, but does not define sex trafficking. It prescribes penalties ranging from 15 to 20 years imprisonment (*New Times*, June 26<sup>th</sup>, 2012). The Rwandan government has enacted in June 2012, the Law Relating to the Protection and Rights of the Child, which prohibits child trafficking, child prostitution and child slavery. The penalties range from six months to life imprisonment. According to the 2013 U.S. Department of State Report on Human Trafficking, child trafficking is punishable by a minimum sentence of 5 years imprisonment, while child slavery is punishable by a sentence of 3 years up to 12 years imprisonment. In February 2012, the Rwandan government instituted a court to deal with only international crimes. The court uses foreign judges to conduct judicial proceedings and to encourage foreign governments to extradite suspects to Rwanda.

Because of this legal framework, prostitutes are found underground. "We do not know how to claim our rights as are not recognized by law" (*Slate Africa*, September 8<sup>th</sup>, 2012). Voices rise to reform the legislative framework of prostitution. Thus, a team of the Rwandan society Civil Society Organization (CSO) has launched a petition to the government to consider the

decriminalization of prostitution. They do not promote prostitution but believe that its penalty is not the alternative. Indeed, a member of the CSO, Alfodis Kagaba, considers that criminalizing prostitution is harmful to prostitutes who work in private and difficult to identify. In addition, *Ihorere-Munyarwanda Association (AIMR)* considers the criminalization of prostitution is a form of discrimination that is contrary to the constitution (*Together Rwanda*, June 25<sup>th</sup>, 2012).

### **Prostitution in Rwanda**

There are approximately 16,000 victims of prostitution in the country (*New Times*, October 22<sup>nd</sup>, 2012). These victims suffer mostly from poverty. In 2010, 80% of respondents admitted prostitutes have entered into prostitution in order to survive. It is clear that, for socio-cultural factors related to gender inequalities, the first victims are women and children. According to a study from 2010, the average age of prostitutes is between 17 and 22 years, most of them lacking family support.

Victims of prostitution are often discriminated against by the police and the judicial system. While the system is supposed to break the cycle of prostitution, it has the opposite effect in stigmatizing. Thus, prostitutes, often looking for another way to live, cannot find another job.

Furthermore, sexual exploitation is not just the poor. Indeed, Transparency International Rwanda (TI-Rwanda) has warned banks that their employees can be victims of sexual exploitation by their superiors. Francine Umurungi, head of the Institutional Development and Advocacy TI-Rwanda, said that most women who intended to improve their careers were victims of this form of sexual exploitation, which is itself a form of corruption linked to gender inequalities. According to TI-Rwanda, corruption in the form of sexual exploitation is higher in private institutions (58.3%) than in public (51.4%) (*New Times*, June 20<sup>th</sup>, 2012).

### **Trafficking in Rwanda for the purpose of sexual exploitation**

According to the International Organization for Migration (IOM), due to the lack of statistics and research done on human trafficking in Rwanda, it is difficult to measure the extent of the phenomenon in the country, and it would appear it is quite limited (*Media Global News*, June 28<sup>th</sup>, 2012).

Trafficking in Rwanda for the purpose of sexual exploitation affects countries such as Uganda, Kenya, Zambia, China, and Europe more broadly (*New Times*, June 26<sup>th</sup>, 2012). The increase in cases of trafficking of young Rwandans to neighboring countries was confirmed by the National Police (*News of Rwanda*, July 10<sup>th</sup>, 2012).

In April 2012, Theos Badege, a spokesperson of the Rwandan police, announced that two people suspected of exploiting girls and exporting them to Asian countries, were arrested. Their trial began in early July at the Intermediate Court of Nyarugenge in Kigali (*New Times*, June 26<sup>th</sup>, 2012). Three Rwandans were found victims of sexual slavery in China. Everything started when one of them met a man, who promised her a job in Kigali in a bar or a shop in China (*The Rwanda Focus*, April 23<sup>rd</sup>, 2012).

In August 2012, the Rwandan police detained a Ugandan suspected of having exploited the Rwandans and Ugandans by forcing them prostitution (*Uganda Radio Network*, August 30<sup>th</sup>, 2012).

The same month, the Intermediate Court of Nyarugenge in Kigali sentenced two Rwandans to 5 years imprisonment for slavery, under the provisions of Article 390 of the Criminal Code of 1977. These men were members of a network that trafficked in Rwanda towards China through Uganda so they could prostitute themselves under the guise of fake jobs (*U.S. Department of State*, 2013).

### **Prostitution and health**

Although condoms are freely accessible in the health services, it is clear that because of the stigma surrounding victims of prostitution, access remains only in theory for this part of the population (*CNLS Rwanda*, 2010). In sum, the hidden nature of prostitutes forces them to have unprotected sex. As a direct result, many fall victim to HIV. Thus, according to a study published in September 2012, more than half of the prostitutes are infected with HIV/AIDS. The rate of prevalence is highest in the capital Kigali, where 56% of prostitutes are HIV positive while in the Eastern Province of the country, the rate is 33% (*Great Lakes Project Suite*, December 10<sup>th</sup>, 2012).

It is urgent to address these alarming figures. Thus, on June 7<sup>th</sup>, 2012, a meeting was held in the district of Nyamasheke to discuss health problems of prostitutes (*Rwanda Express*, June 11<sup>th</sup>, 2012). On November 6<sup>th</sup>, 2012, victims of prostitution in Nyamasheke were trained to prevent the spread of HIV/AIDS and to encourage them to do testing. This training was given by the Rwandese Association of Local Government with the assistance of United Nations Fund for Population Activities (UNFPA) (*Ubuzi Mabwacu*, November 10<sup>th</sup>, 2012).

### **Prostitutes, target killings**

2012 news is tragic for the Rwandan prostitutes. 18 of them have been the target of serial killings in different parts of the capital Kigali. In this context, a special investigation team was set up by the Rwanda National Police (RNP). Eight suspects were arrested according to the spokesman of the RNP (*The Rwanda Focus*, November 19<sup>th</sup>, 2012). The concordance of evidence suggests that the killers strangled or stabbed the victims by posing as clients (*Slate Africa*, September 8<sup>th</sup>, 2012).

The most publicized killings were, first of all, the three prostitutes killed on August 28<sup>th</sup> in broad daylight in Nyamasheke. Then the murder of Clementine U., whose belly was scarified with the inscription "I will stop once I have killed 400 prostitutes," marked the spirits, even if RNP is reluctant to say that these women were killed because of their work (*The Rwanda Focus*, November 19<sup>th</sup>, 2012).

Aside from these serial murders, it is clear that there is not a day without Rwandan newspapers publishing news items across the country reporting the violence and even murders of

prostitutes. Thus, in the region of Muhanga, a number of machete attacks took place during summer 2012. While these attacks and murders seem to be organized and planned, the authorities and the police have not taken any specific measures –victims of prostitution are obviously not a priority (*The Rwandan*, August 30<sup>th</sup>, 2012).

### **The fight against sexual exploitation**

Fighting against sexual exploitation in Rwanda requires greater awareness of this scourge of the authorities, including police officers. This awareness must happen through training.

In 2012, 58 border police officers in Rwanda were trained by the RNP to sensitize transnational crime, including trafficking in persons (*Living in Rwanda*, August 25<sup>th</sup>, 2012).

Another training organized by the police took place in Kigali on August 22<sup>nd</sup>, 2012, over a period of four days, to combat trafficking in persons for sexual exploitation. According to the 2013 U.S. Department of State Report on Human Trafficking, the IOM and the United Nations Office on Drugs and Crime (UNODC) have trained 133 police officers, immigration agents, labor inspectors, and local officials to identify victims of trafficking for sexual exploitation.

On June 20<sup>th</sup>, 2012, Rwanda's Media High Council (RMHC) made a statement strongly encouraging journalists to contribute to the fight against human trafficking in the country. According to the RMHC, writing about human trafficking allows the public to become aware of this problem and fight it. The declaration of RMHC came two days after the agreement between IOM and UNODC to fight against trafficking in persons for sexual exploitation, promoting the exchange of information and increasing joint actions.

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## Saudi Arabia

- Population: 28.7 million
- GDP per capita (in US dollars): 20,778 (2011)
- Authoritarian Monarchy
- Human development index (HDI): 0.782 (57<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.682 (144<sup>th</sup> rank among 147 countries)
- No official national statistics on prostitution.
- Prohibitionist regime: prostitution is prohibited, same as adultery. The penalties for prostitutes, clients and procurers can go up to the death sentence.
- An anti-trafficking law of 2009 defines human trafficking, prohibits said trafficking and repression.
- Different forms of prostitution: the practice of temporary marriages in exchange of a compensation and sexual exploitation of migrants. Few Saudi women are prostituted.
- Country of destination for human trafficking, especially with the purpose of sexual exploitation.
- In 2012, there was a dismantling of prostitution networks exploiting young girls of Asian or Indian origins.

The Kingdom of Saudi Arabia is an absolute monarchy run by the Al Saudi family; their wealth comes from the production of oil, which is sold on the international market. The political and legal regime is founded on the Islamic law called the “Sharia”. The appearance of the Wahhabite movement, which was influenced by Salafism<sup>1</sup> in the 18<sup>th</sup> century, is the origin of the religious strictness found throughout the kingdom. Since all sexual relations outside of marriage are strictly forbidden- offenders risking corporal punishments or even the death penalty- Saudi Arabia has adopted prohibitionism. Prostitution in Saudi Arabia is totally forbidden, as comparable with adultery. It is very seriously suppressed; prostitutes as well as clients and procurers are equally prosecuted.

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<sup>1</sup> This radical movement recommends a return to sources and a strict, literal interpretation of the Koran, which leads to certain extremist positions.



## **The well-concealed prostitution phenomenon**

Although prostitution is forbidden, the phenomenon has developed, mainly in terms of sexual exploitation concerning foreign workers. The 2012 U.S. Department of State Report on Human Trafficking states that Saudi Arabia is a destination country for human trade fueling forced work and, to a lesser extent, the sexual exploitation of migrants. The prostitution phenomenon is so well concealed that it is very hard to dismantle the exploitation rings, which often operate in extremely discreet places or are likely to implicate some of the royal family's relations. Wikileaks has recently revealed that a member of the royal family is said to have celebrated Halloween with guests consuming large quantities of alcohol and drugs. For that matter, paid sexual relationships most often occur in that kind of celebration according to several civil servants of the American Consulate in Jeddah. The guests are not even questioned; they are protected by the king who keeps the vice- squad, called the "muttawa", away from these places. These secret parties, only reserved to well-off people, clash with the conservatism and the extreme strictness which rule over the country.

Prostitution in Saudi Arabia is operated primarily through temporary marriages in exchange for money and the sexual exploitation of migrants who seek a lucrative activity. In 2012, several cases were publicized by the press; they mentioned prostitution rings that exploited young women of Asian or Indian origin. However the Committee for the Promotion of Virtue and the Prevention of Vice is highly present through the work of the religious police. Cases of prostitution are often reported to this committee. Offenders receive severe sentences as, according to the Islamic law, prostitution is a form of adultery; the penalty varies depending on the existing links. If they are married, they incur stoning until death, if they are not, they are whipped.

## **Migration results in the sexual exploitation of women**

The population who is the most vulnerable to prostitution is migrants. The number of foreign workers is 9 million; they are all dependent on the patronage system or on sponsoring, as it is the case in all the neighboring countries which recruit foreign workers. Without the "Iqama" or work permit, nobody is allowed to work on Saudi soil, nor in any other country in the region. Foreign workers are the most threatened by sexual exploitation. According to the 2012 U.S. Department of State Report on Human Trafficking, many women coming from Asia and Africa are forced to become prostitutes. It should be noted that the operating system is much the same in almost all the Middle-East countries or, *a fortiori*, in the countries whose economy depends on foreign workforce. Most of the time, women come willingly to Saudi Arabia to work as servants or unskilled workers.

An article in *Emirates* 24/7 dated January 24<sup>th</sup> 2012 reports that the Saudi vice-squad arrested a Filipino citizen for running a prostitution ring. Surveillance operations had been conducted by the "muttawa" and discovered that several persons of Filipino and Indonesian origins visited him regularly at night.

These foreign female workers are abducted and forced to become prostitutes once they have fled from their employer. They have to work under the harshest conditions. They are enslaved by their sponsor who is so bold as to confiscate their passport and inflict various sexual abuses on them. This migration system that operates through patronage concerns the great majority of migrant workers in Saudi Arabia; these people are at the mercy of their employer or patron, who keeps their passport and deals with the required procedures concerning the work permit. They are consequently easy prey for the procurers who host them and urge them to flee from their former employers so that they join them.

Very few Saudi women are prostitutes. Most prostitutes of foreign origin come to work in Saudi Arabia to support financially the members of their families who have stayed in their native country. Some cases of human trafficking with purposes of sexual exploitation are said to have been operated by several men who are close to the royal power or are VIP. For example, the vice-squad dismantled a prostitution ring and arrested 10 women of Asian origin who were prostitutes in an apartment in Jeddah (*Bikyamasr*, January 23<sup>rd</sup> 2012). This network is said to be run by a member of the royal family. No man was found in the apartment, but 10 women were there and are punishable by a death sentence for prostitution. A woman who prostitutes herself is not considered to be a victim in the Saudi legislation but to be a criminal, like the client and the procurer.

The *Ethiopian Review* dated March 29<sup>th</sup> 2012 quotes an example which is more symbolic of the trade and the links maintained by people close to the authorities: one of the king's relatives named Mohamed Al Amoudi had planned to bring 45,000 Ethiopian women from Amhara and Oromo into the Saudi kingdom. These women were to serve the rich Saudi families and to fuel a prostitution ring.

### **The exploitation of begging leads to child prostitution**

Some criminal networks have become specialists of begging in the last few years. Lots of young children are kidnapped in their origin country and forced to beg in the kingdom's streets. According to the 2012 U.S. Department of State Report on Human Trafficking, a 2011 study showed that the majority of beggars in Saudi Arabia were Yemeni aged between 16 and 25.

Religious background has a decisive importance in child trafficking. Islam encourages families to take their children<sup>2</sup> with them on pilgrimages such as the *Haj*' and the *Umra*. These periods of time are perfect opportunities for recruiting children into begging channels. Traffickers resort to methods as various as kidnapping, coercion, sale and purchase of children. Another explanation for the increasing number of young beggars lies in the lack of legal status for foreign workers' children. As these workers cannot take their children to Saudi Arabia, they have them enter the country illegally. Procurers take advantage of these children's vulnerable situation to exploit them.

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<sup>2</sup> Conditions are rather restrictive since, among others, the child must have reached puberty age and be financially independent.

The exploitation of begging may, in some cases, lead to prostitution. A UNICEF consultant reports that foreign traffickers develop operations in Jeddah so as to facilitate child prostitution. Begging often covers up the street prostitution of minors. A certain number of young foreign teenagers have been seen in the streets or on the roads: they use begging as a pretext for being prostitutes for the sake of their family or of their procurer. *“Begging is an activity which is half way between legality and illegality; it covers up appropriately other illegal activities including the prostitution of minors”*.

The connection between these two activities can be easily understood since it is well known that trafficker-operated exploitation preys on vulnerability. The arrival in a foreign country, violence and other methods used by these criminal groups to achieve their aim are some of the many factors which result in making the trafficked person vulnerable. Procurers and other traffickers take advantage of this vulnerability made possible by the absence of a legal mechanism ensuring the protection of victims.

### **The client and his relations with women in the Saudi society**

Lots of Saudi men travel to countries which are acknowledged prostitution hubs. It is necessary to consider the relations with women within the Saudi society if one wants to understand the strong demand from Saudi clients. In Salafist communities, particularly when they are under the Wahhabite influence, women have no status. They are kept apart from men and enjoy no rights comparable with men's. They remain under a man's guardianship in their lifetime, whether he is their father, their husband, their brother or even their uncle. They cannot decide their own destiny, which is reminiscent of the *potestas* (power) of the *Pater Familias* (head of the family) in Roman antiquity and the *cum manu*<sup>3</sup> marriage when the girl passed from her father's power to her husband's. Nowadays this ancestral practice is still in force in the Saudi kingdom.

Sexual relations outside of marriage are strictly forbidden and severely punished up to the death sentence. Women are considered an “object” of desire and a provocation to be concealed from men's sight so that it does not arouse loose and lewd manners among the society. Any woman who does not comply with the norms set by the Islamic Saudi community may be labeled as “prostitute”. It was the case for the female judoka, Wujdan Shahrkhani who was called “prostitute” by a religious academic of the kingdom because she had taken part in the 2012 London Olympic Games. According to the religious authorities of the country, she had brought disgrace on herself for fighting in front of men. According to a report by a famous religious academic, Kamal Subhi, *“to grant women with the right to drive would entail moral decay in Saudi Arabia, the loss of female virginity and increasing homosexuality, pornography and prostitution”* (*All Voices*, August 15<sup>th</sup> 2012). This is a widespread mentality in Saudi Arabia, which accounts for the behavior of Saudi clients, seeking sexual pleasures.

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<sup>3</sup> The *cum manu* marriage has a special characteristic which consists in removing definitively the wife from her father's authority, to make her obey her husband or her father in law if he is still alive.

The explosion of sex tourism in the neighboring regions originates in men from the Gulf States who support this sexual exploitation by increasing the demand. This growing sex industry is quite relevant in view of the banning of prostitution in the Saudi Arabian kingdom and the penalties incurred by offenders. The clients visit the countries where they run fewer risks and where they benefit from the best “advantages” in terms of prostitution.

Another aspect of Saudis’ sex tourism, and not the least important one, is a form of disguised prostitution- becoming more and more used- through temporary marriages. Saudi men travel to neighboring countries including Syria, Iraq or Egypt to get married with underage girls for a certain lapse of time. This type of marriage is quite common and is not meant to give girls any rights. Under the cover of this marriage, they are sexually exploited in exchange for a payment set from the beginning and allotted to their family.

### **Anti- human trade legislation insufficient in terms of victims’ identification**

In 2009, the Saudi Council of Ministers passed a new anti-trade law which is stricter on many points. Trafficking is more precisely defined and is banned under all its forms; penalties reach a 5-year imprisonment and a \$267,000 USD fine (206,668 €).

Penalties are even heavier if the victim is a woman, or a minor or requiring special cares in case the offender has authority over the victim.

#### **Text of the 2009 Saudi law on human trafficking**

*Human trafficking is defined as coercion of a person, threat, deception, deceit or abduction, misuse of position, influence or authority against a person, taking advantage of their weakness, or giving or receiving money or enticements to gain the approval a person for sexual acts, work, coercive service, begging, slavery, practices similar to slavery, organ removal or performance of medical tests on a person.*

Thomson Reuters Foundation for the Trust Women Conference,  
*Overview of trafficking and prostitution laws in the Middle East and Africa, novembre 2012.*

The promulgated law has the merit of criminalizing human trade. Nevertheless it could be clearer and more consistent. It is a pity that the definition does not include the regular practice of confiscating passports and exit visas. It would also be appropriate to consider if the law is actually efficient, particularly in regard to legal proceedings against trade and procuring networks. According to the 2012 U.S. Department of State Report on Human Trafficking, only 11 condemnations were pronounced for cases of human trade, in view of the 2009 law. The offence is not characterized: nobody can tell if it is a case of human trafficking with purposes of sexual exploitation, or of forced labor, modern slavery or even organ trafficking. According to the 2013 U.S. Department of State Report on Human Trafficking, two cases of human trade with sexual purposes ended up in condemnations, only inflicting a one year imprisonment sentence on the traffickers.

Further initiatives are required in terms of the identification of the trade and procuring victims. There are no devices to ensure the reception of the women and children who are victims of sexual abuse and exploitation. The prostitutes are considered by the Saudi society as criminals to be harshly prosecuted and punished and not as victims to protect and reintegrate. It would be appropriate to have more official statistics on trade victims and on women's and children's sexual exploitation. In 2012, INTERPOL organized a workshop on human trafficking in Tunisia, in cooperation with the Nayef Arabian University for Security Sciences in Riyadh. This workshop focused on the best practices in regard to the identification of trade victims so as to reinforce the regional actions in Arabic countries.

In conclusion, in order to comply with the demand of suppression of human trafficking and prostitution, Saudi Arabia should alter its anti-trade law so that it is clearer and more easily understood. Above all, it is of the utmost importance to stop penalizing prostitutes as deviant persons and to start protecting them as victims, who they genuinely are. Last of all, it is necessary to prosecute more efficiently the heads of networks responsible for human trafficking and sexual exploitation.

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## Serbia

- Population: 9.8 million
- GDP per capita (in US dollars): 5,190
- Parliamentary regime
- Human development index (HDI): 0.769 (64<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): NA
- Candidate for the European Union.
  
- No official national statistics on prostitution.
- Prohibitionist regime. The Serbian law on order and public peace prohibits prostitution, which is contrary to human dignity and to the public moral.
- Country of origin, transit, and destination for victims of sexual human trafficking.
- Serbian victims are exploited in the north of Italy, in Germany, in Montenegro, in Bosnia-Herzegovina, in Austria, and in Sweden.
- Foreign victims come mainly from Montenegro, Bosnia-Herzegovina, Bulgaria, Romania, and Moldavia.

During the military occupation of the international forces in Kosovo between 1999 and 2005, cases of prostitution and trafficking in women and children increased considerably. According to Amnesty International, during this period, 20% of clients of prostitution in Kosovo were NATO soldiers and officers from the United Nations Mission. They were the source of 70% of revenues in the sex industry. Kosovo was then a Serbian province that declared independence in 2008, but is now recognized as a state by a part of the international community.

In these ancient Serbian provinces, the sex trade is well developed and has been maintained for many years by international forces that are there to restore peace and to help rebuild the country. The stationing of armed troops amplified the “infrastructure” related to prostitution, human trafficking, and local clientele.

In 1999, in northern Bosnia and Herzegovina, women and girls were sold as slaves by the representatives of the military authorities led by the U.S. authorities and international institutions. Indeed, it was the young women were dancing on bar tables, who were then auctioned, after buyers inspected their bodies. A minor rescued by the International Organization

for Migration, (IOM) aged 14 years was sold 22 times in this manner (*Le Devoir*, May 26<sup>th</sup>, 2004).

In 2003, the IOM estimated that 250,000 women and children were victims of human trafficking in Serbia and other Balkan countries. A large number of these victims were found “at the disposition of” soldiers, police, and members of NGOs in Bosnia and in Kosovo. UN reports, published only in Bosnia, demonstrate the implication that the local police, the soldiers of OTAN, and the International Police Task Force are involved in a number of affairs of trafficking and procuring. The protection of this type exploits money made from bribes, kickbacks, or free passes.

In Kosovo, the international forces for peacekeeping and police officers, allegedly involved in the trafficking of women and children, have not been prosecuted or investigated. The leaders of the international organizations in question were amenable to enacting a code of conduct and distributing condoms to their troops.

According to the sociologist Richard Poulin, "Western powers have governed ‘protectorates’ of the region as the former colonial masters ran their empires(...) Kosovo became a hub of human trafficking(...)." The international community has, during this period, been complicit in the considerable growth of trafficking and prostitution (*Le Devoir*, May 26<sup>th</sup>, 2004).

### **The absence of an arsenal of effective legislation for the repression of sexual human trafficking of children**

It was not until 2010 that Serbia ratified the Convention of the Council of Europe on the protection of children against sexual exploitation and abuse, which was created in 2007.

The international NGO ECPAT noted that it would be wise to provide a clear definition of child pornography in the current national legislation in order to be in conformity with this Convention. Indeed, Article 185 of the Serbian Criminal Code, which deals with child pornography, has been amended for the last time in 2009 so that the legislative framework is harmonized with international standards. This article stipulates that anyone who uses a minor to take photographs, audio-visual, or any other objects of pornographic content to produce pornographic film materials, faces up to eight years in prison. The sale, distribution, public exhibition, obtaining, and possession of pornographic materials depicting a minor is prohibited and criminally repressible. The fact that possession of pornographic material depicting a minor is prohibited by the Serbian legislation is consistent with international standards. However, the law does not include the offense under the 2007 Convention relating to knowingly accessing child pornography through the technologies of communication and information. This lack is critical to a child sexual abuse growing demand, in real time, through the use of technologies.

The Committee of Children’s Rights (CRC) recommended that Serbia combats child pornography on the internet, by informing the children and their parents, in collaboration with the media, of the dangers of the internet, and to adopt a specific legislation on the obligation of providers to prevent the dissemination and access to child pornography on the internet (*CRIN*, 2012).



The trafficking of children for sexual exploitation, in Serbia or in foreign places with Serbian children, is one of the major manifestations of the commercial exploitation of children in the country.

The Penal Code does not contain a specific article forbidding human trafficking of children in the country, but a general disposition against human trafficking, explicitly including children. According to article 388 of the Penal Code, the recruitment, the transport, the transferring, the sale, the purchase, playing an intermediary role in the sale, concealment or participation of a person in an exploitative purpose, including prostitution and pornography, is an offense of trafficking in children, regardless of the means used. The age of victims is considered an aggravating factor. If the victim is a minor, the client can suffer a punishment of 5 to 12 years in prison.

CRC has repeatedly expressed its concern that trafficking victims for sexual purposes in Serbia are often treated as criminals and prosecuted for the crime of prostitution, rather than as victims.

In March 2012, the Minister of Justice adopted a protocol on the trafficking of victims, trying to find a way to better the situation. The protocol also tries to protect victims during the judicial process. Article 180 of the Criminal Code prohibits sexual intercourse or touching of children and provides a penalty of 3 to 12 years of imprisonment. However child prostitution or the use of children for sexual activities with financial compensation or other consideration is not explicitly prohibited.

The lack of definition and prohibition of child prostitution leaves children unprotected. A precise definition should be rapidly introduced into national legislation.

Procuring or soliciting a minor to have sexual intercourse or any other sexual act is also prohibited and punishable by up to 8 years of imprisonment.

The Serbian government has not identified sex tourism involving children as a problem. There is no information available regarding the importance of sex tourism in Serbia. Given the extent of sexual exploitation of children for commercial purposes, it is striking that the problem was not elevated to a political level.

The National Action Plan for the prevention and protection of children against violence (2010-2015) does not include all forms of sexual exploitation of children for commercial purposes. ECPAT urges the Serbian government to develop a national plan devoted specifically to the sexual exploitation of children.

There is no comprehensive data available on the sexual exploitation of children in Serbia, or any central agency to monitor investigations and prosecutions carried out against the sexual exploitation of children.

In addition, research conducted in the field of sexual exploitation of children for commercial purposes is very limited, which makes an estimate of the magnitude of the problem difficult. Support services support trafficking victims, but they are not specifically trained to accommodate minor victims. There is almost no program for the reintegration and rehabilitation for these young victims.

NGOs provide specialized rehabilitation services to trafficking victims with very limited funds from the government.

To avoid the stigma and trauma of child victims of sexual exploitation, support services and adequate assistance need to be further developed (*ECPAT*, 2013).

### **Transsexual and transvestite prostitutes: victims of relentless police violence**

Serbian women have become victims of trafficking in prostitution for purposes that are not recognized as victims of trafficking and, instead, authorities continue to see the purposes as prostitution and therefore find the victims guilty of an offense against the public order and peace.

Paragraph 14 of the Serbian Law on Public Order and Peace (*Zakon o javnomredu i miru*) prohibits prostitution which is contrary to human dignity and public morality.

A person in prostitution or person facilitating prostitution by providing premises to house such activities shall be sentenced to 30 days in jail at most. In the event that someone leases space to a minor, he/she incurs a penalty of 60 days imprisonment.

If a foreign woman is caught as a prostitute in Serbia, the Misdemeanors Act provides that this woman is deported off of Serbian territory.

Two Serbian transsexual prostitutes have created a piece of theater titled "Behind the Mirror". In the piece, they recount their lives in the streets of Belgrade. Unable to stand the beatings and rape inflicted by the police, as well as the continuous harassment and isolation from the rest of the Serbian society, they decided to tell their story on stage. Revealing a part of life in Belgrade that is usually left in silence, the protagonist recounts his chance encounters with the police. He explains how transsexual prostitutes are regularly beaten, humiliated, and threatened with arrest or fines if they refuse to have sex with the police. For the latter, sexual blackmail is seen as a form of moral punishment inflicted on transgenders (*B Turn*, June 11<sup>th</sup>, 2012).

A recent joint study by the University of London and the University of Belgrade entitled "Police violence and sexual risk among female and transvestite sex workers in Serbia: qualitative study" describes the sexual abuse perpetrated by the police against this population. The police operate with complete impunity. In this study, transvestite prostitutes explain that "the police want sex more than anyone," in exchange for their freedom. They do not pay and they refuse to stop beating –they beat the victims violently.

Serbia is a country known for its intolerance towards sexual minorities in which the offenders are blessed by Orthodox priests in their action of killing homosexuals and their friends as they parade through the streets. The warm welcome and ovation reserved for "Behind the Mirror" may be a sign of awareness on the part of a section of Serbian society.

### **The limited Serbian government efforts to fight against human trafficking**

Serbia is a country of origin, transit and destination for men, women and children victims of sex trafficking. Women victims from Serbia are controlled by Serbian criminal groups, particularly in the north of Italy, Germany, Montenegro, Bosnia and Herzegovina, Austria, and

Sweden. Foreign victims of trafficking identified in Serbia in recent years come mainly from Montenegro, Bosnia and Herzegovina, Bulgaria, Romania, and Moldova.

The authorities have increased the funds dedicated to identify and protect victims. They also improved specialized care for child victims of sexual exploitation by forming adoptive families in collaboration with NGOs. However, these government funds are insufficient to cover the cost of rehabilitation of victims. NGOs rely heavily on donors to successfully provide legal assistance and rehabilitation services to victims of trafficking.

While the courts are taking steps to reduce the length of trials, the problem of the protection of victims remains. Indeed, according to the 2013 U.S. Department of State Report on Human Trafficking, victims do not benefit from protection; they are frequently the objects of harassment and intimidation.

The National Action Plan for Countering Trafficking in Human Beings is a very important document that puts in place mechanisms and specific actions to fight against human trafficking, in terms of the repression, protection, and prevention. The plan contains, by example, measures against the corruption which is an enormous obstacle in the fight against human trafficking, the betterment and development of mechanisms to protect judges and magistrates against political pressures; the installation of adequate protection of victims before trial, a safer deposit of their testimony, or the education of school children and more vulnerable groups of children at risk of trafficking (*Law and Politics*, 2012).

The trafficking of people is equally linked to organize crime. Article 388 of the Penal Code defines and forbids human trafficking. It is about, concerning sexual exploitation, the fact of hiding or holding a person for the purpose of prostitution, or the use of sexual or pornographic purposes. The prescribed penalty is 2 to 10 years imprisonment.

When the crime is committed against a minor, the perpetrator shall be sentenced to the penalty even if he did not use force or threats. If a means of coercion (force, threats or other) was used, the perpetrator shall be punished by a minimum sentence of three years in prison.

If the trafficking is committed by an organized criminal group, the punishment is imprisonment for a minimum 10 years (*Law and Politics*, 2012).

Section 390 prohibits "slavery or similar relationship to slavery" and imposes a penalty ranging from 1 to 10 years imprisonment.

In 2012, the government conducted 45 court cases to visa section 388 compared to 36 in 2011. The courts sentenced 47 people convicted of human trafficking on the basis of Article 388, which is the same number as in 2011. Of these 47 people, only one is of Serbian nationality. All punishments were sentences of imprisonment, except one punishment with suspension.

The Ministry of Interior has brought charges against 42 traffickers for sex trafficking.

The government has made no investigation or prosecution against officials for alleged complicity in an offense related to trafficking in human beings for the year 2012. It has provided assistance and protection to victims, but punished some for prostitution when it was a consequence of sustained traffic. The government identified 79 trafficking victims in 2012 against 88 in 2011. Of the 79 victims, 42 were prey to sex trafficking. The government has

increased the amount of funds dedicated to the fight against trafficking \$54,700 USD in 2011 to \$81,400 USD in 2012.

Victims of trafficking are eligible for temporary residence permit (from 3 to 6 months, renewable up to a year) regardless of cooperation with law enforcement. In 2012, one victim of trafficking received a temporary residence permit.

NGOs noted that the length of trials has decreased, but the courts fail to implement tools, such as evidence by video or written statements, in order to reduce the risk of harassment or violence against the victims.

The government worked with NGOs to prepare foster families to meet the specific needs of child victims of trafficking and raise awareness of the impact of trauma on the development of these children.

The principal state counsel signed a "Memorandum of Understanding" with the NGOs fighting against the traffic in order to improve the quality of services for trafficking victims and improve operational procedures to combat human trafficking.

The authorities continue to develop means of prevention against human trafficking, through public service campaigns and billboards in public transport, to educate young people about the risks of this type of traffic. They also sponsored a poster competition, with international support, to raise awareness of the wider problem that remains taboo in Serbian society (*U.S. Department of State*, 2013). It remains to be seen whether the legislature will amend the laws relating to trafficking and prostitution in order to make them more effective in the struggle against the exploitation of human beings, especially children.

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## South Africa

- Population: 50;7 million
- GPA per capita (in US dollars): 7,508
- Parliamentary regime
- Human development index (HDI): 0.629 (121<sup>st</sup> rank among 187 countries)
- Gender inequality index (GII): 0.462 (89<sup>th</sup> rank among 147 countries)
- Member of the African Union since 1994.
  
- No official national statistics on prostitution.
- The statistic of 100,000 prostitutes was mentioned multiple times in press articles.
- According to the latest evidence of association leaders, there are 20,000 child prostitutes.
- In Cape Town, the police released a database citing close to 1,300 prostitutes.
- Major destination for sex tourism.
- According to the country's *Sexual Offenses Act*, prostitution is illegal. Procuring is repressed and owning a brothel is prohibited.
- There are many establishments of prostitutions in the big urban city centers (Pretoria, Johannesburg, Cape Town, Durban).
- New legislation to fight against the trafficking: *Prevention and Combating of Trafficking in Persons Bill* (2010) is still being discussed.
- Country of destination for victims of human trafficking in southern Africa.
- Victims are mostly South African or from other neighboring African countries (primarily Zimbabwe), Southeastern Asia (China and Thailand), and Eastern Europe (Ukraine, Bulgaria, and Russia).

The Bill of 2010, *Prevention and Combating Trafficking in Persons Bill*, which would allow the South African authorities to have a specific text in the fight against trafficking, to punish traffickers, and to more heavily to protect victims is still waiting a presidential signing as of late 2012. This legal standstill, which discourages police officers and judges, does not facilitate investigations against suspected traffickers. Far from slowing down, sexual trafficking and prostitution continue to draw in many nationalities in both victims and drug traffickers. NGOs are ringing the sirens on prostitution, as there are more and more child victims, which reaches heights of critics in a country, where a customer orders a boy or girl with a simple phone call. If

overwhelmed police multiply raids against brothels already banned, they are closing their eyes to a large part of the trade and the majority of brothels continue to operate without punishment. No major network has been dismantled during the year of 2012. But what occupies a large part of the media is the debate surrounding the decriminalization of prostitution supported by a large portion of the public opinion, and the prostitutes who are exhausted from police arrests that are then repeated by the *African National Congress* (ANC), South Africa's leading political party. Texts, studies, and declarations are all putting pressure on the *South African Law Reform Commission*, the sector charged with proposing a vast legislative reform (bill 107) redefining prostitution and sexual crimes. Contrarily, many movements and associations (often Christian) are fiercely against the idea of any form of decriminalization as it would not diminish the trafficking, nor would it help the exploited people.

### **Trafficking and prostitution, a cruel reality**

The sex industry in South Africa represents a market that profits close to 1 billion € annually (\$1.3 billion USD) (*The Daily Voice*, January 21<sup>st</sup>, 2012). Networks, gangs and other organized crime syndicates dedicate themselves completely to their work. Rarely worried, the traffickers are specialized and share the territories by sectors and by nationalities of the victims. The Nigerians operate gangs and mainly organize the trafficking of adult Africans and the prostitution of children. The Russians and the Bulgarians control Cape Town. The Chinese control the Asian market. The Zimbabweans prostitute girls of their nationality that have just crossed the border. South Africans are left without brothels. All these traffickers are also involved in the export of victims to Europe and the Middle East.

At the other end of this sordid commerce, the victims pay a harsh price. It is frightening to see the list of all the countries of origin cited in the 2013 U.S. Department of State Report on Human Trafficking: China, Taiwan, Thailand, Cambodia, India, Russia, Ukraine, Moldova, Bulgaria, Democratic Republic of Congo, Rwanda, Mozambique, Lesotho, Swaziland, and Zimbabwe. Many local representative NGOs agree on the fact that it is nearly impossible to measure the magnitude of this phenomenon, as every indicator shows that number of victims is growing. For Barbara Ras, founder of the movement *Atlantis Women*, “les trafiquants ciblent les femmes des zones rurales, les font venir avec de fausses offres d'emploi (...) elles sont droguées, à leur insu, les vêtements et chaussures confisquées... (traffickers target women in rural zones, who they lured with fake job offers... they are drugged and their clothing and shoes are taken...)”. Held against their will, they only leave for meetings with their clients. Traffickers supply brothel owners. Victims are sold from one hand to the next, transferred from establishment to establishment so they do not attach themselves to place or acquire hideout dens. Physical and psychological evidence is frequently used by traffickers to constantly make the victims feel insecure. Because prostitution is illegal in South Africa, very few women come forward to testify their hellish stories, because the first reflex of the police is to arrest them. Even with the statute of protection of witnesses from which they can benefit, few victims go to the authorities: “de nombreux cas n'aboutissent pas, faute de preuves, d'enquêtes, de coopération

*des victimes, de lenteur du processus* (many cases do not carry through because of foul evidence, investigations, cooperation of victims, and the long length of the entire process)” recalls the association *MoloSangololo*. Durban, Cape Town, Johannesburg, all cities are affected... more and more, drug consumption facilities are in the same building as prostitution rooms, and young girls are forced into serving as “mules”<sup>1</sup> for the traffickers. Often young girls are sold by their families into the network for the equivalent of several months’ salary.

Not forgetting, there are also South African victims who are exploited abroad. For proof, if any were needed, diplomatic tensions long led the Nigerian government to expel South Africans; last March, 67 South African prostitutes were forced to leave (*Nigeria Films*, March 8<sup>th</sup>, 2012). In February, the moving story of a South African woman, who was deceived by a job as a dancer and forced into prostitution in Turkey before being rescued and repatriated eventually, was picked up by several media outlets.

### **Children at the simple dial of a telephone?**

In Durban, many report an alarming number of child prostitutes, both boys and girls. According to the *Daily News Reporter* of September 9<sup>th</sup>, 2012 some children are forced into prostitution by their parents, sometimes for the pitiful amounts (less than \$5.40 USD). A young girl of 14 years of age was sold by older lady for a little less than \$310 USD per hour before being saved by the police during a raid on South Beach. There were dozens of girls, who were proposed to clients after being handpicked by traffickers that reviewed their “lists of references.” Throughout the year, dozens of children are saved by the police forces during these operations. In March, the Organized Crime Unit of the Durban police discovered 16 young girls, between the ages of 12 to 16 during a search of a brothel. Some of the girls were drugged and the youngest was pregnant. Several groups have reported an increasing number of children, both boys and girls as young as 11 or 12 years. Some customers are willing to pay more to have “young skin” and this young age is demanded of both sexes. The findings are overwhelming and the testimonies leave no room for doubt. Cara Rencken, of the NGO *Red Light Organization*, remarks in *IOL News* on January 28<sup>th</sup>, 2012, “*recruteurs envoys dans les zones rurales* (recruiters go into the rural zones)” to find victims and “*agir en boyfriend* (act like boyfriend)” to finally control them and then supply them to customers. The *Child Protection Unit* of the Durban police talks about children who are locked in apartments, and only leave to meet with clients. If there are lots of children, it is because there is a high demand and the clients are not worried. In a report in the *Daily News Reporter* on September 9<sup>th</sup>, 2012 Kyle Ballard, of the *Centre pour les Droits de l’Enfant* (Center for the Rights of Children), said “*il y a une demande particulière à Durban Nord et Durban Central pour les garçons et pour les filles* (there is a particular demand in north and central Durban for young girls and boys).” Children are often set up with a client by a simple phone call. Most cases of trafficking of children involve prostitution. According to Patric Solomons, of the *Molo Sangololo* association, thirty investigations into allegations of prostitution of minors were opened in 2011. They children can be sold directly to brothel owners

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<sup>1</sup> The term « mule » refers to someone who bring drugs across borders while transporting them.

and serve as sexual merchandise. In the towns of Cape Town, children are recruited, taken, and sold into prostitution every day (*The Citizen*, January 27<sup>th</sup>, 2012). According to the *programme d'études sur les migrations forcées* (Program of studies on forced migration) of the University of the Witwatersrand, there are thousands of children who are exploited in South Africa.

Police are concerned with the frequent combination between places of drug consumption and brothels. During many police raids throughout the year, the police were faced with two main problems. Drugs were used by traffickers, not only for their "business," but also to render the children dependent on them: "*les jeunes ont de plus en plus tendance à considérer la prostitution comme un ticket repas* (children are developing a tendency of seeing prostitution as a meal ticket)" (*SABC*, December 26<sup>th</sup>, 2012). During an operation in May 2012, the police found a dozen minors some in a state of dependency, as they did not want to leave. Four brothels were closed by the authorities following this operation.

### **Brothels dismantled, prosecuted, and after?**

Police operations against brothels have continued throughout the year in major cities, unfortunately without reducing the presence of the traffickers. Despite a desire to clearly display the authorities struggle, doubt exists on their willingness to make it effective. All reported or known brothels are not very concerned. In terms of the arrests made during these operations, the extent of organized sexual exploitation seems important. In Durban during February 2012, a raid following a tip received by the police resulted in the arrest of seven people, including three for acts of trafficking, brothel managers (a "keeper" and his son) and four prostitutes. This raid was followed by another into a brothel last week, where 16 victims were recovered, the youngest (of which was 12 years old) was drugged and forced into prostitution (*The New Age*, February 27<sup>th</sup>, 2012). The four organizers (three of which were men) have been charged with trafficking, prostitution and possession and trafficking of drugs. These victims were "*retenues contre leur gré* (held against their will)" (*City Press*, February 25<sup>th</sup>, 2012). In May of the same year, the police discovered 5 Thai victims in an illegal situation, but they are still looking for the brothel owner who had left the establishment close to the center of Durban (*IOL News*, May 16<sup>th</sup>, 2012).

In Cape Town, the vice squad launched a massive operation to dismantle brothels during the end of December 2012. Police estimated there would be around sixty brothels. During the year, 13 brothels were closed by this unit and 66 fines were inflicted not only to owners of institutions, but also of prostitutes (*IOL News*, December 21<sup>st</sup>, 2012). A large number of the places visited by the vice squad had been previously reported by the neighborhood. In July, this same unit arrested a Nigerian trafficker for acts of trafficking and saved two South Africans (23 and 19 years of age), who were forced into prostitution, drugged and starving (*City of Cape Town*, July 4<sup>th</sup>, 2012). In September, two women who directed a brothel were also arrested. According to the head of security of Cape Town, "*les maisons de prostitution sont dirigées par des personnes de toutes nationalités* (the brothels were directed by people of all different nationalities)" (*People's Post*, October 23<sup>rd</sup>, 2012). This diversity is also seen within the victims. Nevertheless, it seems very difficult, even for the authorities, to know the extent of this phenomenon, where violence



and exploitation are common. In a study of prostitutes published in 2008 by Chandre Gould, a quarter of respondents (964 working in enclosed spaces) said they had already been threatened by their brothel or massage parlor manager. The women reported only having kept between 40% and 60% of each transaction.

In Johannesburg during December of 2012, a large police operation led to the closing of two brothels and the arrests of 23 people: in Malven, 7 people including 4 Thai, 2 Chinese, and the manager; in Edenvale, 16 people including 14 Thai, 1 South African, and the assumed manager who was a 47 year-old Balkan man (*News24/Sapa*, December 1<sup>st</sup>, 2012).

The question regarding treatment is reserved for the prostitutes, who are arrested as criminals (prohibitionist regime), but a large majority, who locked and constrained, seem to be a victim of trafficking networks and more or less extensive treatment. Obviously it seems easier to prosecute people for acts of "illegal immigration" than arrest traffickers and dismantle criminal groups. However, the awareness of the dangers of trafficking and sexual exploitation is changing attitudes and people involved increasingly through denunciations. The head of the community police did not hesitate to invite residents to "intimidate" leaders and managers of brothels by photographing the comings and goings of customers and their vehicle registrations.

Finally, even if the *Sexual Offences Act* can convict a trafficker in prostitution to 20 years in prison, and the *Children's Amendment Act* to life imprisonment, only one trafficker was convicted of acts of trafficking for sexual exploitation in 2012. He was sentenced to 10 years in prison for a minor prostitute of 11 years of age (*U.S. Department of State*, June 2013).

### **Decriminalize it or not?**

Throughout the year, lobbyists have clashed on the issue of "*pour ou contre la décriminalisation* (for or against the decriminalization)" of prostitution, while they try to influence the thinking of the *Commission for the South African Law Reform* on the requalifications of prostitution and sexual crimes in 2013. The first burst came from the ANC, the party of Jacob Zuma, who chose to denounce the violence very tightly linked to prostitution in a society still largely characterized by patriarchy, claiming the right to dignity for women and gender equality. In a country, where estimates indicate a rape every 46 seconds, the number of convicted perpetrators pales in comparison. The ANC believes that "*l'approche idéale serait de supporter une position qui respecte la dignité de la femme* (the best approach would be to support a position that respects the dignity of women)" (*The Star*, March 30<sup>th</sup>, 2012). Following an interview with an official at the *Star* newspaper, the media perceived a deliberate intention on the part of the party to advocate a "*décriminalisation des personnes prostituées mais pas de leurs clients* (decriminalization of prostitution but not for their clients)," though current law condemns, in theory at least, all the actors (prostitutes, clients, procurers and/or traffickers). In May, the spokesman of the ANC Women's League stated: "*Nous ne pensons pas que la prostitution devrait être légalisée. Quoiqu'il en soit, nous pensons qu'au lieu d'arrêter ces femmes, on devrait leur donner des possibilités d'acquérir d'autres compétences pour se développer et saisir d'autres opportunités* (We do not think prostitution should be legalized. Nevertheless, we believe

that instead of stopping these women, we should provide them with opportunities to acquire other skills to develop and pursue other opportunities" (*The Big Issue South Africa*, April 23<sup>rd</sup> 2012).

Contrary to the ANC, Cheryllyn Dudley, representing the Christian-democratic African party, believes that whether prostitutes should be able to benefit from a program of reintegration assistance, "*l'industrie du sexe dans son ensemble doit rester criminalisée et la législation contre les clients, les proxénètes et les trafiquants doit être renforcée* (the sex industry as a whole must remain criminalized and legislation against the customers, procurers and traffickers must be strengthened)" (*The Star*, March 30<sup>th</sup>, 2012). An intermediate point of view, that of the partial decriminalization, is advocated by others, such as the association *Embrace Dignity*, which believes that prostitution is a violent crime against women, it perpetuates patriarchy, and that prostitutes should not be criminalized, as opposed to the customer and all those who exploit them, who should be criminalized.

Among prostitutes, one also hears lots of arguments. The arguments that come up most often are those of a recognition of the activity that allows them to have the same rights as anyone in business, avoid concealment, and thus be more protected and detached from the sex industry and its dealers. Oratile Moseki of the *Sex Worker Education and Advocacy Taskforce* (SWEAT), explains "*d'autres pays comme la Nouvelle-Zélande qui ont fait le choix de la decriminalization ont montré que ce système améliorerait les relations entre les personnes prostituées et la police* (other countries, such as New Zealand, that have opted for decriminalization have shown that this system improves the relationship between prostitutes and the police" (*IOL News*, June 26<sup>th</sup>, 2012). But Zachary Smit, a former prostitute and founder of the association *Revive your life*, believes prostitution is "*l'auto-destruction* (self – destructive)" and decriminalization will bring nothing good. The police also believe that it would disrupt the fight against human trafficking and although the current system is not perfect, it saves people from the clutches of traffickers.

### **Laws are always in preparation...**

At the end of 2012, a bill was still awaiting presidential signature. *The Prevention and Combating of Trafficking in Persons Bill*, written in 2010 and intended to enable the authorities to fight more effectively against all forms of trafficking, was still not validated. The text has been finalized and found to comply with the Palermo Protocol. Today, legislators still uses the *Sexual Offences Act* (1957) to prosecute traffickers. The final signing is planned for 2013.

Along with this text on trafficking, the *South African Law Reform Commission* had also prepared a report for the Government with a view to a possible redefinition of prostitution and sex crimes through bill 107. The 1957 text no longer corresponds well with current news, according to the committee who evaluated all situations. Four options were discussed: the decriminalization of prostitution, controlled and regulated prostitution, partial or complete decriminalization criminalization of all stakeholders.

The Committee wished to emphasize, at a press conference in March 2012, that its position is not yet determined, but that in terms of current laws, it preferred to use the word "prostitution"

in writings rather than the term "sex worker," which would imply that the choice of decriminalization has already been made. In addition, the Commission insisted that the text, which is open to discussion, and which distinguishes several types of sexual crimes, has received close to 2,600 contributions. On prostitution, the Commission considers that the public debate has had a considerable echo, and the socio-economic determinants are essential to explain its current size. The main question posed by the Commission is to understand "why prostitution is now subject to criminal law and what is the purpose of this Act" (COSATU, March 28<sup>th</sup>, 2012). The Commission solicits various public actors and civilians to answer the following questions: how prostitution should be defined? How does the chosen option help reduce demand, abuse, violence, and exploitation? How does it improve the right to equality, and access to health care for prostitutes? Once the report, discussions, and recommendations are completed, it is the Department of Justice who decides whether or not to consider and act.

### **The weight of NGOs in the aid of victims**

Dozens of local and international organizations in South Africa work to help prostitutes, especially those who are minors. The 2013 U.S. Department of State Report on Human Trafficking stated that 13 accommodating homes are officially accredited. These homes welcomed 87 people this year, a figure rising for several years. 17 other temporary sites managed by NGOs have increased the arsenal of aid to victims.

Between New Zealand temptation and the historic weight of the omnipresent Catholic religion, South Africa has not yet chosen its stance on prostitution or the manner in which it must determine legislation in the years to come. While waiting, the networks continue to prosper and victims, who are growing in number and decreasing in age, are exploited.

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## Spain

- Population : 46.8 million
- GDP per capita (in US Dollars) : 29,195
- Constitutional monarchy
- Human development index (HDI): 0.885 (23<sup>rd</sup> rank among 187 countries)
- Gender inequality index (GII): 0.103 (15<sup>th</sup> rank among 147 countries)
- Member of the European Union since 1986.
  
- No official national statistics on prostitution.
- According to diverse NGOs, there are close to 300,000 prostitutes, of which 10% are in Catalonia (non-official statistic).
- Sex tourism in the north of Catalonia.
- Due to the economic crisis, there has been a development of youth prostitution, for those native to Spain.
- Country of transit and destination for trade victims with the purpose of sexual exploitation.
- Most victims come from Central America, Southern Europe, as well as Sub-Saharan Africa.

Spain is a country of transit and destination for trafficking victims for sexual exploitation, mainly women from Central America, Southern Europe, and sub-Saharan Africa. Currently, over 90% of prostitutes in Spain are trafficking victims. Prostitution is exercised primarily in enclosed spaces. According to the 2012 U.S. Department of State Report on Human Trafficking, women are from Romania, Ukraine, Russia, Croatia, Bulgaria, Brazil, Colombia, Ecuador, Paraguay, Venezuela, China and Nigeria. According to data from the *Unidad Contra las Redes de Inmigración Ilegal y Falsedades Documentales* (UCRIF), there are nearly 300,000 women in prostitution in Spain, of which 10% are located in Catalonia.

Throughout 2012 the north of Catalonia has continued to become a popular place for the European sex industry, particularly for the French. A Spanish law, that is more permissive than French law, encourages a younger clientele to enjoy prostitution, remaining the third country in the world for prostitution usage (*APRAMP, 2011*).

Insignificantly in the last five years, the number of women prostitutes from China is constantly growing.

In general, women who are led to Spain have a debt to mafias that they must reimburse upon their arrival. According to I'UCRIF, this debt can oscillate between \$2,700 and \$8,100 USD for women from South America, between \$5,400 and \$13,500 USD for European women, between \$54,000 and \$81,000 USD for African women, and around \$27,000 USD for Asian women.

Inspector Ali Mohammad explains that “the higher the debt, the more rigid the control will be because the mafia wants to recuperate their investment immediately and they do not hesitate to submit the women to violence, sexual abuse, or kidnapping to maintain their control.”

According to the *Asociación, para la Prevención, Reinserción y Atención de la Mujer Prostituida* (APRAMP), in 2012, the procurers gathered younger girls, of 18 years of age or less, to satisfy the demands of the clients. This association stated that a large number of the young prostitutes often do not use any contraceptives or any protection to satisfy the demands of the clients, and frequently end up pregnant.

In September 2012, Soledad Becerril, a defender of the people, presented an important report to different Spanish public administrations, international organizations, and unions and entities of *Red Española Contra la Trata de Personas*. According to the data of the Secretario de Estado de Seguridad (secretary of state for security) concerning 2009 and 2012, it was possible to establish a typical profile of a person in a risky situation of becoming a victim of trafficking for sexual exploitation in Spain. It is a woman from Eastern Europe, between 18 and 32 years of age or a woman from Latin America, between ages 33 and 42 years of age. The analysis of the figures reveals a greater involvement of security forces in the fight against this scourge. 6,157 people were identified in risky situations in 2009, more than 15,075 people in 2010, and 14,370 in 2011.

Despite the statistics, it is still difficult to identify victims. According to the United Nations, only one person out of twenty will be identified as a victim of trafficking for sexual exploitation. This theory is confirmed in Spain.

The report of the public defender explains that the analysis of the statistics created by Centro de Inteligencia contra el Crimen Organizado (CICO) results in a small number of people at risk: in 2011, only 1,082 victims were identified in situations of risk from 14,730 victims, against 1,641 from 15,075 in 2010.

In this report, the defender of the public recommended a collaborated effort between the authorities and the specialized NGOs to improve the process of identifying victims.

### **Prostitution as a result of the economic crisis**

The current economic crisis and unemployment in Spain that affected more than 50% of young people contributed to the rise in prostitution, with a new sexual offers: younger people and from Spain.

Prostitution is presented as an accepted activity to face a precarious situation that many young people are dealing with (lack of work, difficulties to pay school and university fees). The price of public education at a university has significantly grown in the last two years; the number of scholarships for students has also significantly diminished. More and more, Spanish students

cannot pay for their studies and a number of young Spanish women turn to prostitution, not only to pay for their studies but also to finance their families, whose members are also affected by unemployment.

The current Spanish economic situation has also favored the emergence of Spanish women in the prostitution market for new patterns. Women who are ex-prostitutes return to their former activity as a result of a lack of work and resources. Some women also end up in prostitution to escape unemployment and provide for their families. According to Médecins du Monde, almost 10% of women helped by the organization are Spanish. Many have been forced to lower prices for services, and even not to use condoms in order to enter the market. Despite this reality, very few Spanish women were victims of sexual exploitation networks.

### **A sexual offer becoming increasingly more important**

Each year in Spain there is a greater normalization of prostitution with a very strong offering of sexual services in newspapers, on posters in the streets, and on the internet. The debate around prostitution has been virtually non-existent in 2012.

An article from the *New York Times* on April 6<sup>th</sup>, 2012 presents Spain as the paradise of prostitution and the sex market. This article demonstrates how, while the Spanish economy suffers from recession, the business of prostitution expanded through its development in small towns rather than in large cities. In the past, the majority of clients were middle-aged men. Today, it is rather young men, traveling in Spain, often in groups or organized trips who came to buy sex (such as the La Jonquera, on the French-Spanish border). Now, young people who once frequented the clubs, go to brothels as an attraction like any other.

In April of 2012, an agency in Valencia proposed “prostitution classes,” in its *Academy of Pleasure*. This establishment promoted the class by distributing little cards in the popular university zones. The class, which costs \$135 USD, would last one week. It addressed practices and theory, accompanied by a manual and study materials. The government of Valencia had to address this affair. One of the defenders of the program insisted that the classes were not “degrading or illegal. I teach people to self-respect, informing them in a private room, one cannot do all that we are asked, simply because it is an enclosed space”. Finally, in July 2012, following a judicial inquiry, the judges determined that there was no evidence of crime. It has not been proven that these courses were aimed at minors or inciting prostitution. So, they were finally allowed in September.

Another activity developed in Spain in 2012. Les “*Foros de puteros*” (Johns Forums) are forums of discussions where clients can give their opinions on the prostitutes, exchange their experiences, or find advice and information for their specific intentions. The prostitutes are put in classes and noted on their appearance, their beauty, and the quality of their presentations. The clients can freely express themselves and receive lots of information on existing sexual offers. Their judgments and evaluations can have a large determining influence on the future relations of the women with their clients. They are forced to provide unwanted services or to accept all kinds of customers for fear of getting bad judgments on these forums and losing customers.

## A global plan to fight against the human trafficking for sexual exploitation

Spain launched the first “*Plan integral de lucha contra la trata de seres humanos con fines de explotación sexual*” on December 12<sup>th</sup>, 2008 for a period of three years. By Ministerial Agreement in June 2011, it has been reinstated throughout the year 2012 to guarantee more effective action.

On October 18<sup>th</sup> 2012 the third *Informe de seguimiento del Plan Integral de Lucha contra la Trata de Seres Humanos con fines de explotación sexual* was presented. This report followed the Integral Plan against trafficking addressed in the report of 2011 and the measures put in place. It did appear that, despite the efforts made with 8.4 million dollars dedicated to the Plan, there was still a lot of work to do in 2012, particularly in terms of research, advocacy, prevention, the assistance and protection of victims. The report also stressed the need to improve data collection systems to better understand the extent of the problem and find the answers to it.

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## Sweden

- Population: 9.5 million
- GDP per capita (in US dollars): 55,245
- Parliamentary monarchy
- Human development index (HDI): 0.916 (8<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.055 (2<sup>nd</sup> rank among 147 countries)
- Member of the European Union since 1995.
  
- No official national statistics on prostitution.
- Development of male prostitution: In 2012, 2.1% of Swedish men between the ages of 16 and 25 are prostitutes (0.8% for women of the same age range).
- Young clients: about a half of those who are clients of prostitutes under the age of 26, are themselves under the age of 26.
- First country to penalize the client of prostitution without penalizing the prostitutes, considered as victims. Sweden contemplates the possibility of expanding the penalty to Swedish nationals who purchase sex services abroad.
- Decrease in prostitution without any prison sentences having to be imposed on those who violated it.
- Alarming development of child trade with the purpose of sexual exploitation.
- Country of origin, destination, and to a lesser extent, country of transit for human trafficking networks coming from Central and Eastern Europe, Africa and Asia.

### Sweden, an evolving “model country”

Sweden, as the first country to establish the criminal penalization of prostitution clients in 1999, has emerged as the “model” leader for the fight against prostitution. This approach, adopted in late 1998, criminalizes the purchase of sexual services without penalizing prostitutes. Under this law, the latter are considered the victims of a system of domination that is inherently violent and unjust.

Ten years after the implementation of the law, its effects were evaluated by a government commission, headed by the Chancellor of Justice (*Justitiekanslern*), Anna Skarhed (*SOU*, 2010). The final report concluded that the law produced its intended effects: in particular, a 50% reduction of street prostitution, as well as a significant decrease in human trafficking. In addition,

the report indicated that the reduction of street prostitution had not been accompanied by a commensurate increase in other areas, including the market of prostitution that exists online. Additionally, the survey revealed a profound social transformation, noting that the percentage of people who support the penalization of clients increased from roughly 30% to over 70% of the total population within the 10 years that followed the enactment of the law.

Since it was implemented, the “Swedish model” has been closely monitored by the international community. The pronounced success of the law has helped its supporters, primarily the Swedish government, to promote this new abolitionist approach on the international scene. However, anxious to not see their country rest on its laurels, and aware of the work that remains to be done to achieve a world without prostitution – an ideal that will not happen without the concerted efforts of the international community and abolitionist organizations - many Swedish civil and political groups have started to think about what must be done next. With regard to prostitution, 2012 was a year of progress characterized as much by the continuity and strengthening of the legal system as by innovation in the face of a persistent and evolving phenomenon.

### **Legislative changes of 2012**

Since the law was enacted, reports indicate that prostitution has decreased even though no prison sentence was ever imposed on those who violated the statute (*The Local*, January 27<sup>th</sup>, 2011). However, following the observations made by the Minister of Justice, Beatrice Ask, that prison sentences prescribed by law were loosely enforced, they were significantly tightened in July 2011. This change did not lead to more incarcerations, given that courts remained reluctant to fill Swedish prisons with individuals convicted of a first offense. Instead, they theoretically reserve incarceration to repeat offenders and those convicted of aggravated assaults.

A solution to dissuade recalcitrant clients would be to apply prison sentences more frequently, while modulating them to further penalize those who buy sexual services from trafficked individuals. This approach is supported by Johan Linander, a member of the centrist party and vice-chairman of the parliamentary committee of justice (*Justitieutskottet*), and by the social-democrat MEP Anna Hedh, who is currently drafting a European directive to combat human trafficking (*The Local*, May 27<sup>th</sup>, 2010).

Regarding prostitutes’ rights, the law is moving towards a greater integration into the social security system. Indeed, in July 2012, the National Swedish Social Insurance Agency (*Försäkringskassan*) proposed that prostitutes be entitled to the same benefits as other citizens, such as the reimbursement of sick leave and parental leave (*The Local*, July 5<sup>th</sup>, 2012). Prostitutes registered as sole proprietorships would thereby be able to receive benefits of up to 80% of their annual income within the limit of 330,000 Krona (about 38,000 €) a year for diseases lasting more than 14 days, the first seven days of sickness not being refunded (*Bloomberg*, July 5<sup>th</sup>, 2012). This change should remove prostitutes from a 'gray zone' with regard to their right to social benefits. Indeed, the lack of legal recognition of prostitution does not preclude its taxation since the principle of taxation in Sweden exists independent from the

legality of the income-generating activity (*French Senate*, 2000). Under no circumstances are prostitutes excluded from the universal social security system since Sweden offers a minimum coverage to all residents, regardless of their occupation. However, many prostitutes in Sweden who report their income do not report their activity, preferring to be registered as working in personal care. This complicates the identification process of prostitutes' rights to benefits, particularly with regard to the terms of reimbursement for sick leave (*The Local*, July 5<sup>th</sup>, 2012). As a result, the solution is not so much the recognition of prostitution as a profession but rather the clarification of the taxation system as it would apply to prostitutes in order to better support their rights.

### **The persistent problem of trafficking**

Prostitution is comparatively less prevalent in Sweden than elsewhere. An estimate from 2006 published in an American scientific journal puts Sweden in the top group of countries in Europe and in the world that has the smallest number of prostitutes (only 0.1% of the population) (*Sexually Transmitted Infections*, 2006). However, it remains an entrenched problem, particularly with regard to the victims of human trafficking. Annually, between 400 and 600 people are victims of trafficking (*U.S. Department of State*, 2012). However, since 2011, the number of victims of trafficking for sexual exploitation has been lower than that of victims trafficked for forced labor, thanks partly to the law criminalizing the purchase of sexual services that made the Swedish territory inhospitable to numerous criminal networks.

Sweden is a source country, a destination and, to a lesser extent, a country of transit for networks trafficking from Central and Eastern Europe, Africa and Asia. The origins of the victims vary due to changes in migration and political relations between Sweden and its neighbors and the vagaries of economic conditions in countries that influence the development of trafficking. Representative of the current trend, a Lithuanian network of human trafficking for prostitution was dismantled in spring 2012. In total, six men between the ages of 21 and 28 were arrested for recruiting Lithuanian women in situations of economic hardship for prostitution on the streets of Stockholm. The women victimized had no control over their customers and were paid very little or not at all (*United Press International*, April 4<sup>th</sup>, 2012).

The development in Sweden of trafficking children for sexual exploitation, labor, begging and forced crime is also worrying. According to the executive committee of Stockholm, more than 150 children, some younger than three years old, have been trafficked from 2009 to 2011, as stated by a report released in November 2012. The victims were forced into begging, prostitution or stealing. Despite the large number of victims, police reported only 68 cases of child trafficking. For one of the researchers, Ingrid Åkerman, the solution will necessarily require improvements in the training of social workers, so that they can improve the identification of children at risk, as well as a reinforcement of the Swedish legal framework of trafficking to allow young victims to come forward and to better exert their rights: "*Children find it difficult to register their complaints in court proceedings. An assessment of the current legislation is*

*required, and it will be necessary to clarify why such a limited number of children complaints result in legal procedure.” (The Local, November 14<sup>th</sup>, 2012)*

One proposal would be to incorporate the UN Convention on the Rights of the Child in Swedish law. These progressive solutions are not supported by everyone, given the development of a security-related rhetoric aimed at “cleaning” the Swedish sidewalks of immigrant populations and, in particular, beggars and prostitutes. Despite the fact that the majority of prostitutes in Sweden are victims of trafficking, these speeches try to impose a conception of prostitutes as dishonest and immoral individuals, who do not have a place in the Swedish society. To this end, in October 2012, the parliamentarians from the far right Swedish Democratic Party (*Sverigedemokraterna*), David Lång and Mikael Jansson, asked the Parliament to amend the law on immigration, arguing that the principle of expulsion for dishonest lifestyles should be applied to foreign beggars and male/female prostitutes:

*“In recent years, the enforcement officers of several countries have chosen to repatriate foreign beggars and prostitutes on the grounds that their life is dishonest. The preamble to the Swedish Aliens Act states, inter alia, that prostitution is a form of dishonest livelihood, which means that anyone who is guilty can be sent home”.*

### **The Swedish model 2.0**

However, wishing to remain faithful to the identity of Sweden as a haven for immigrant populations and searchers of asylum, civil and political abolitionists seek an approach that respects human rights and deals with the problem of trafficking and prostitution in its international context. On September 26<sup>th</sup>, 2012, members of feminist and abolitionist organizations met in Stockholm to attend the conference “Sex trade without frontiers – How can the Swedish sex purchase law be strengthened?”, organized by the *Swedish Woman’s Lobby* within the framework of the campaign “Together for a Europe without prostitution” of the European Women's Lobby (EWL).

The primary objective of the conference was to revive the debate on the legislative framework for prostitution in Sweden and, in particular, to discuss the possibility of extending the current law, which applies only to clients of prostitution on the Swedish territory, to target Swedish expatriates. The idea was directly inspired by the Norwegian model adopted in 2008, which not only penalizes the clients of prostitution in Norway, but also Norwegians who buy sex abroad.

Thus, in view of Sweden’s pioneer status in the fight against prostitution, the ramifications of a wider application of the law against the purchase of sexual services are vast. Indeed, beyond improving the consistency of the current system, and therefore of the educational and normative aim of the Swedish model to demonstrate that the purchase of sexual services is unacceptable wherever it happens, this development could also serve as an example to other countries, such as France and Ireland, which are currently considering the criminalization of purchasing sexual services.

It is with the aim to combat sex tourism and to advance the European debate on prostitution that many stakeholders, including MEPs Mikael Gustafsson and Pierrette Pape, responsible for policy at the EWL, spoke of the concrete legal developments at a European level during the conference. In particular, the growing mobilization of members of the European Parliament to support the EWL abolitionist campaign was highlighted.

This growing understanding of prostitution as a fundamental violation of women's rights and as a barrier to gender equality at the European level has been presented as a means to the influence of norms and ideas underlying the Swedish model while being conducive to the development of a European abolitionist movement.

It is in this context that the *Swedish Women's Lobby*, in cooperation with *Sveriges och Kvinno-Tjejjourers Riksförbund* (Association of Shelters for Women and Girls) and *Riksorganisationen kvinnojourer och för tjejjourer i Sverige* (National Association of Shelters for Women and Girls of Sweden), announced in December 2012 plans to launch a campaign to convince the Swedish public authorities to extend the reach of the law. The campaign will be entitled *Sexköpslagen 2.0* (Act on the Purchase of Sexual Services 2.0). Several political parties (the Social Democrats and the Centre Party) also support this project, given that this line of thought is already on the Social Democratic Party's agenda.

### **Male prostitution is booming**

The current effort to rethink the Swedish model reflects the need perceived by some to address the persistence and changes in the phenomenon of prostitution. Indeed, the Swedish prostitute population is getting younger and more diverse. According to a survey conducted by the National Youth Council on 2,254 young Swedes, published in November 2012, 2.1% of young Swedish men between 16 and 25 years and 0.8% of young Swedish women reported having sold sex in 2012. In total, there could be nearly 20,000 people in dire need of help (*Le Nouvel Observateur*, 2012). The report also found a strong correlation between prostitution and violence, with 78% of those who admitted selling sex indicating that they also had been victims of sexual violence (*The Local*, November 13<sup>th</sup>, 2012). In addition, young people are also customers, with half of the clients of prostitutes under 26 years old themselves under than 26 years old. This age group is therefore particularly tolerant to prostitution with 21.9% of respondents, especially young men, finding it acceptable that their peers sell sex.

In a reversal of historical trends, more young men are involved in the sale and purchase of sexual services. Indeed, this study found that in Sweden twice as many young men as young women are prostitutes. This phenomenon remains poorly understood, given the rarity of countries which can provide clear estimates of male prostitution. The exact reasons for this disparity among young men, both for those who sell sexual services and for those who buy them, remain unclear. One hypothesis focuses on the sexual orientation of the individuals concerned: "*A pure and simple speculation is that young homosexual men (...) can more easily accept their sexuality if they get something in return for sex: a few beers, a phone recharge.*" (*Le Nouvel Observateur*, November 12<sup>th</sup>, 2012).

The political debate on prostitution in Sweden has been dominated by a conception of prostitution as violence from men against women. This has largely overshadowed consideration of male/homosexual prostitution. However, the Swedish law, although primarily driven by the need to eradicate the belief that the purchase of women's bodies is acceptable, relies nonetheless on a universal conception of human dignity. Extending the operating principle of the law to educate customers on the harm of the commoditization of the human body regardless of the gender or sex of the prostitute – all the more given that the law does not specify that only clients of prostitutes are the target – follows the same logic.

### **A model still disputed**

While an ambitious abolitionist project seems to be taking root in Europe, the extension of the model penalizing the customer remains challenged by neo-regulationist movements at the international level. They consider it possible to distinguish between voluntary prostitution – presented as a form of atypical work – and forced prostitution.

In keeping with this trend, in July 2012, the *Global Commission on HIV and the Law*, supported by the United Nations Development Program (UNDP), published an overall assessment of legislation that may have an impact on the global HIV-AIDS epidemic and the rights of individuals affected by the virus, in which it alleged that the criminalization of prostitution clients in different countries “*actually had serious consequences for workers*”.

The report also states that Swedish law “*has not improved the lives of sex workers, but on the contrary has worsened them*”. The report's authors conceptualize prostitutes as 'sex workers', and distinguish between forced prostitution and voluntary prostitution. At the core of the accusation is the thorny and recurring issue of consent, the consequences on the ability to take charge, and the safety of individuals who buy and sell sexual services. However, the report deals only superficially with the Swedish case to demonstrate the harmful effects (insecurity, stigma, greater invisibility) induced by the criminalization of purchasing prostitution in other countries. In this sense, the study creates confusion between the criminalization of purchasing prostitution as provided in the Swedish model – that is to say, as a measure to raise awareness, symbolizing the inadmissibility of prostitution – and one that operates alongside the criminalization of prostitutes.

Thus, the charges of an alleged ineffectiveness of the law, deduced from a relatively small number of cases and convictions of customers obviously ignore the educational objective and normative scope of this model. The law, in the case of countries which already apply it (Sweden, Norway, Iceland), and those that are considering its implementation (France, Israel, Ireland, Scotland), has never claimed to be part of a punitive regiment but instead, should be seen within a system of education and awareness of gender inequalities and systemic violence against women.

Regarding its role in the global fight against HIV/AIDS, Sweden remains an essential ally by adopting a sensible and pragmatic approach to the financing of associations working to contain the epidemic, even in cases where the association undertakes to defend the position of

those it considers as 'sex workers.' Sweden therefore differs *de facto* from political regimes that are criticized by the Commission, that carry a disguised promotion of prostitution prohibition through grant contracts to NGOs, which require them to pursue explicitly anti-prostitution policies, such as the U.S. President's Emergency Plan for AIDS.

Indeed, in late 2012, a political debate about the financial support to the association Mama Cash erupted with respect to the association's favorable position regarding "sex work." Established in 1983 in the Netherlands, the Mama Cash association is the oldest international women's fund, distributing more than 37,000,000 € since its inception to advance the cause of women worldwide. Sweden provides considerable amounts of money to the association to help finance its activities. However, contrary to the Swedish government's conception of prostitutes as victims, the association considers them as "sex workers" and makes the recognition of their rights, as such, one of its primary objectives .

Moreover, the position of Mama Cash on the Swedish model of criminalizing clients of prostitution is very critical, seeing in it a system that regulates neither the issue of prostitutes' rights recognition, nor their de-stigmatization. This conflict of interests and ideals pushed Amineh Kakabaveh, a member parliament from the Left Party (*Vänsterpartiet*), to file a complaint against the organization in the form of a question to the Swedish Parliament.

Noting that the agreement between the government and the association contained a clause which prohibited the use of Swedish funds to finance measures targeting prostitution – a condition constantly reiterated by the government – Gunilla Carlsson, Minister of Development and International Cooperation, responded in a pragmatic way. Indeed, the Minister explained that the high value of the association, particularly with regards to the support of female victims of violence or discrimination, is compatible with the government's priorities to contribute to poverty reduction and to greater respect for human rights in the world.

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## Switzerland

- Population: 7.7 million
- GDP per capita (in US dollars): 79,052
- Federal regime with a semi-direct democracy
- Human development index (HDI): 0.913 (9<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.057 (4<sup>th</sup> rank among 147 countries)
  
- The estimates of the number of prostitutes vary from 10,000 and 25,000.
- Geneva: 800 prostitutes in 2004, 4,100 declared in 2012 ; Zurich: 4,000 prostitutes (1,050 more than the preceding year) ; Canton of Fribourg: 58 massage parlors in 2012.
- Regulationist regime. The right to prostitute oneself is legally recognized since 1942 (Article 27). Certain legal disparities remain between the cantons (minimum legal age, terms of control, absence of regulation).
- Sexual restraint (Article 189), the promotion of prostitution (Article 195) and illicit practice of prostitution (Article 199) are repressed. All forms of trafficking are punishable under section 182, which went into effect in 2006 and abides by international standards.
- Sex industry revenue: between 2,8 and 4,4 billion € (\$3.8 and \$6 billion USD) per year according to sources.
- Between 75% and 80% of prostitutes come from other countries (Eastern Europe and Latin America mainly, but also Asia, Western and Northern Africa).

### **Prostitution of minors in between 16 and 18 years of age, the quibbling continues**

The adhesion of the Swiss to the Council of Europe on the protection of children could suggest a rapid change of the Penal Code. Unfortunately, bureaucratic realities and parliamentary dithering are responsible for curbing the hope of a quick European harmonization. Although some cantons have taken, without delay, provisions to prohibit, even indirectly, the prostitution of minors 16 to 18 years of age, an agency was still escorting in the end of 2011, this prostitution a marketing tool to attract customers (*L'Express.be*, April 17<sup>th</sup>, 2012).

In an official statement issued in July 2012, the Federal Council had a "future" criminalization of clients of prostitutes from 16 to 18 years (up to three years imprisonment), together with other measures, including suppressing the encouragement of prostitution, and to extend the age limit of protection in the field of child pornography. But the case drags on and no

amendment to the Penal Code had been made in late 2012. Two cantonal initiatives (Geneva, Valais) and two parliamentary initiatives (Galladé, Barthassat) tried in vain to expedite the process and make these measures happen, but the Commission of the Council of States<sup>1</sup> are not followed<sup>2</sup>. A bill is currently being validated in the Federal Parliament. Meanwhile, the prostitution of minors aged 16 to 18 is still allowed as long as it is not constrained.

It is difficult to know the number of children actually involved. Although the spokesman of Aspasia said "in thirty years in Geneva, we have never met children in prostitution or in the street, or in the lounges," the MP Luc Barthassat states that "when Geneva banned the practice (in 2010), the Zurich numbers increased" (*Le Matin*, March 16<sup>th</sup>, 2012). In fact, earlier this year, the canton of Zurich put in place a regulation stating that allowing prostitution on the street or in a facility could be granted only to civil adults, excluding that minors 16 to 18 years. Another cantonal initiative filed by Zwahlen Pierre in the canton of Vaud also tried to ban prostitution of minors under 18 years of age, including the criminal prosecution customers (*Canton of Vaud*, 2012). The government reiterated in June that the criminal sanction of a client of a minor prostitute exceeded the cantonal skills and needs to be reported to the federal law. The State Council has been specified that the cantonal police should be able to inform parents of a minor 16 to 18, who declares herself to the authorities as engaging in prostitution in this township.

Desire to give meaning to the democratic process to implement a comprehensive law that protects minors or status quo maintained in order to provide clients and contractors an economic market: what does Switzerland really want?

### **Crisis and competition, glamour and pretense**

In a report published in June of 2012, the Federal Police indicated that "the number of prostitutes is rising in Switzerland in the last few years" (*FEDPOL-FDJP*, 2012). In Geneva, the French, in Zurich the Hungarians... it's a question of geography... Regularly Switzerland continues to be cited as an example of management of a free and happy prostitution, unconstrained (the contradiction of independent status - used). And that brings billions of dollars each year. A trifle... Geneva had a thousand prostitutes reported in 2004 now has a little over 4,100 and received nearly 900 applications in 2011. The French, the majority, represent 28% of people officially registered (+75% since 2010) in the canton. Reportedly, street prostitution increased by 24% in one year (*Le Matin*, April 3<sup>rd</sup>, 2012) while 75% of the reports are held in the salon. Competition is fierce, prices are falling... Police tempers: of the 4,100 registered in the end of 2011, not all are active. Nonetheless, all are not reported either. Calvin's city alone count no less than 110 "sex centers," 40 companies escorting a growing business, making Switzerland appear as a paradise for foreigners, who come from France, Spain, Eastern Europe (Hungary, Romania, and Bulgaria in the lead), South America, and Asia (Thailand). The morals brigade of Geneva ensures with confidence that "this increase will stop," and refers to "a process or medium without criminal networks." One is almost assured ... Yet, when a prostitute mentions the Pâquis

<sup>1</sup> The Council of States is the Higher House of the Swiss Federal Assembly. It represents the cantons.

<sup>2</sup> Fall Session 2012 - 12<sup>th</sup> Meeting – September 25<sup>th</sup>, 2012.

(Geneva Headquarters), she speaks of a "no-go area. With all these dealers, fights, attack(...)" (*Le Matin*, April 3<sup>rd</sup>, 2012).

In the canton of Neuchâtel, the number of massage parlors grew from 35 in 2006 to 58 today, with 145 prostitutes reported. In the canton of Fribourg, 250 prostitutes declare themselves to the authorities each year, but for the month of December alone, thirty criminal orders were made against persons who have not requested permits. One can legitimately cast doubt on the supposed scale of the controlled phenomenon, since cases of illegal prostitution multiply. A city study, which did not investigate street prostitution, of Zurich in 2012 showed a majority of Romanians from Hungary practice in appalling conditions, sometimes up to 70 hours per week and are regularly subjected to violent customers or insults of those who pass by. Procurers are not there. They simply receive the money quietly. Some are responsible for monitoring the others. Zurich, also referred to as a "hot-spot" of male prostitution in Europe, counts 700 people from all over Europe and Latin America. Many young Romanians have arrived in 2012 and, after working illegally in saunas or porn movies, are moved to other cities. How many cases are unreported? For the victims, the pressure is enormous, constant threats. Although, according to the Federal Office of Police (FEDPOL), trafficking for sexual exploitation is a large majority over all other forms of trafficking (including forced labor), there is little or no evidence and estimating the actual number of victims is very difficult to do.

Another constant, abusive rents. Rents are another means of pressure used against prostitutes. The Aspasia Association mentions that there are no less than 200 victims of unfair rents in Geneva in 3 years. Most leases available are owned by half a dozen people who pull the prices up. A case is pending in this regard. In Zurich, Hungarians are crammed into several rooms which can cost up to 2,200 €.

### **Organized networks, but a traffic difficult to quantify**

The FEDPOL also said in its annual report that "the sex trade, which is a lucrative business, attracts many criminals." Trafficking networks are characterized by their country of origin, which are large enough to be differentiated in procedures. Thus Hungarian networks are a family business (father – son), Bulgarian networks more professionalized and split according to their specialization (abduction, recruitment, transportation), collaborating with other criminal groups and their activities are not confined to the only human trafficking. Dozens of Thai women are trafficked into prostitution in different cantons; criminal groups lie to them about the type of activity, confiscate their passports upon arrival, and force them to repay their travel debt. But it is "impossible to estimate the actual extent of the phenomenon" (*FEDPOL-FDJP*, 2012). According to the 2013 U.S. Department of State Report on Human Trafficking, the Federal Police cites the number of potential victims of trafficking residing in Switzerland between 2,000 and 3,000, emphasizing that women and minor asylum seekers are particularly vulnerable to sex trafficking. The government has officially recorded 60 victims trafficked for prostitution in 2012.

### **Drive-In or Parking Meters**

To make the prostitution phenomenon presentable, it is arranged, hidden, attenuated, and moved away. In Zurich, the city held a referendum for or against the installation of a "sex drive" to the prostitutes of Sihlquai (Zurich area), in order to calm the discontent of people exasperated by the comings and goings of customers. Project cost: 2 million € (\$2.6 million USD), plus 240,000 € (\$322,247 USD) of maintenance. Private activity therefore funded by taxpayers' money. This drive-in prostitution with individual boxes and parking will, of course, be well monitored by the nearby police, each individual location will be equipped with an alarm/emergency button in case things do not go as planned... The project was approved by 52.6%. Of course, it is the districts most affected by street prostitution, which largely supported these developments (approval votes accounted for 65%) which are scheduled to open in August 2013. On the contrary, it is in the district, where the boxes will be installed, that most people have disapproved this project (rejection votes accounted for 64%). Eventually everyone or almost everyone was for these measures, but especially not in front of their houses. The centuries pass, behaviors remain ... These boxes will be open from 7 pm to 5 am in line with similar experiments carried out previously in Germany. Mixed experiences, like those in Dortmund from 2011, where these facilities were dismantled because they attracted serious crime. Around the main station of Zurich, the city has installed parking meters for prostitutes who must pay a night tax to perform in a limited space: 4 € (\$5.36 USD) for the whole night, in addition to the registration fee (33 €, \$44 USD) to the municipal authorities.

There are countless escorting sites promoting the "sex tours" with stays or prefixed services to order that can be added to the itinerary: 6,000 Swiss francs for the trilogy Germany, Switzerland, Austria (*The Morning*, January 1<sup>st</sup>, 2012) or any other form of commercial promotion as institutions that perform "all-inclusive" services for transient guests, businessmen, or tourists interested. Geneva alone counts a dozen "upscale" agencies.

### **Convictions in a mess**

On one side, the organization of prostitution is a flourishing business, on the other side, however, the crime is present. Police and justice are still faced with some high-profile cases during the year 2012. Thus, an international network was dismantled: fifty women and transgenders from Thailand were forced into prostitution in several German-speaking cantons of Bern, Lucerne, Solothurn, Thurgau, and Zurich. Seven people were arrested, including the head of the network, a 42 year-old Thai who had a permanent residence permit in Switzerland and exploited victims since 2008. It is thanks to the testimony of one of the victims that police were able to complete their investigation. There were multiple charges, including that of "incitement to prostitution." The network operated in a well-known fashion: part of sexual services was used to repay debt travel of victims and another part returned to the owner - operator of the shop.

Another case, more modest in size but equally revolting, includes two Hungarian procurers, the father and son, who were sentenced to 7.5 years and 3.5 years in prison for incitement to

prostitution, human trafficking, forced sexual behavior, and bodily harm. They exploited three Hungarian victims who were forced into prostitution on the streets of Zurich.

In Ticino, the "domino" operation conducted by the police and the Public Prosecutor has led to the closure of establishments. With twelve closings alone, nearly 170 prostitutes were found in an illegal situation. 89 of them were from Romania, but victims from South America, the Caribbean, or from moving operations that past first through Spain and Italy were also identified during the operation. The owners of these establishments were all from Ticino... Of 32 in this district, the number of brothels closed was nine, while five of them were placed under observation and 11 "closed" by themselves. We cannot mention here, as the list is long, the number of establishments or owner-operators closed or worried about the facts of encouraging prostitution.

In March, the director of two Fribourg cabarets appeared in court for trafficking and encouraging prostitution of 305 young "artists," most of them originating in Eastern Europe. Paid according to the number of bottles sold to customers, papers confiscated, the excessive rents, and fines galore, some victims found themselves with "negative earnings" at the end of the month. Only convicted of incitement to prostitution, the innkeeper was sentenced to 22 months of imprisonment. The court verdict is puzzling: "(...) prostitution is only slightly encouraged in its facilities, but not obligated of anyone, artists were systematically cheated of wages, metered and sneaky (...)." Worse, the presiding judge has strongly criticized an instruction to "only charge" and granted the accused a compensation of approximately 5,000 € (\$6,719 USD) in moral damages following accusations that have "destroyed" the reputation of the tavern. For the prosecutor in charge of instruction, the lack of victim in court, as the Ukrainian victim returned home, weighed heavily in the court verdict.

### **Towards the end of the “cabaret artist” status**

The Federal Office for Migration, in a letter earlier this year to the authorities of the cantons and cities, said that "trafficking in human beings for sexual exploitation is a phenomenon that occurs in the erotic environment. It is therefore possible that victims of trafficking... are forced into prostitution... in our country." The Federal Council was considering removing the special status of “entertainers”, which seems to open doors to trafficking for sexual exploitation, for foreign nationals from outside the European Union. Though 11 cantons have already repealed this statute, nearly a thousand licenses have been granted in 2011 (403 for Ukraine, 272 for the Dominican Republic, and 98 for the Russia). The government believes that status no longer protects trafficking victims mainly because of the debts accumulated by individuals, who are then forced into prostitution to repay debts. Many associations are opposed to this measure, which they believe will promote illegal prostitution and put people in a situation of greater vulnerability. The cantons that have already abolished the status seem to be praised. This government project was still under discussion in late November.

## Aid to victims and initiatives

According to the report of the 2013 U.S. Department of State Report on Human Trafficking, the protection of victims of trafficking, who testify in court cases against a network, is developed. 155 victims were assisted by associations during the past year. In addition, the government launched in October a plan of action against trafficking with a number of new measures to fight against this scourge, such as programs to identify and protect victims, practical guides etc.

It has now been three years since the process for penalizing customers of prostitutes aged 16 to 18 was launched, but it remains without fruition at the federal level. If the cantons have well changed their laws to ban directly, the signal sent by the authorities remains unclear. The U.S. Department of State report does not fail also to classify Switzerland in tier 2, the group of countries that do not meet the "minimum standards" to eradicate human trafficking in their territory. Although the state supports many NGOs and victims where necessary, the networks continue to bring young women, including Eastern European women, for the purpose of prostitution.

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## Tanzania

- Population: 47.7 million
- GDP per capita (in US dollars): 609
- Republic
- Human Development Index (HDI): 0.476 (152<sup>nd</sup> rank among 187 countries)
- Gender Inequality Index (GII): 0.556 (118<sup>th</sup> rank among 147 countries)
- Member of the African Union since 1964.
  
- No official national statistics on prostitution.
- Average age of victims of prostitution is between 12 and 17 years old.
- Prostitution is particularly present in Dar es Salaam, Arusha, Tanga, Mtwara and Iringa.
- There are at least 15,000 clients each evening in Dar es Salaam.
- The anti-trafficking Law of 2008 prohibits all forms of trafficking, including those for the purpose of sexual exploitation or prostitution.
- Sex tourism is located mainly in Zanzibar and Pemba, two islands of the Indian Ocean.
- Country of origin, transit and destination for human trafficking, especially with the purpose of sexual exploitation.

Tanganyika obtained its independence from U.K. peacefully on December 9<sup>th</sup>, 1961. Zanzibar Island received its own liberation in December of 1963. In April 1964, Zanzibar came together with Tanganyika in order to form the United Republic of Tanzania. With eight international borders and a wide coastal strip along the Indian Ocean, the United Republic of Tanzania is a source country that serves as both a point of transit and destination for victims of human trafficking for the purpose of sexual exploitation.

Few statistics or reliable information on the nature or the pervasion of sexual exploitation is readily available, due to cultural taboo surrounding the subject. In Dar es Salaam, Arush, Tanga, Mtwara, and Iringa, prostitution remains nevertheless particularly present (*Daily News*, April 7<sup>th</sup>, 2012). According to research done by the Ministry of Health and Social Affairs, at least 15,000 clients use the services of prostitutes each night in Dar es Salaam. Sex tourism is heavily present in Zanibar and Pemba, two islands situated in the Indian Ocean (*Tanzania Daily News*, April 7<sup>th</sup>, 2013). The prices vary by night, and range between 20,000 and 50,000 TZS (\$13 to \$30 USD) (*AllAfrica*, 6 août 2012).



In large cities, prostitution takes place in cars or in hotel rooms, while in rural zones, prostitution is practiced openly on street corners, in construction sites, or in fields. The main clients, who are often aggressive or violent, are a mix of tourists, entrepreneurs, police officers, and bureaucrats. By and large poverty appears as the main cause of prostitution in Tanzania, even though the Tanzanian economy has been experiencing a period of continued growth for the last few years. Despite this growth, the country's Human Development Index stood at a low 0.476, which placed it 152<sup>nd</sup> out of 187 countries analyzed.

### **The legal framework**

On the international level, Tanzania has adopted multiple legal conventions. In 1991, the country ratified the Convention of the United Nations relative to the rights of children. Twelve years later, the country began to adhere to the facultative protocol concerning the sale of children, child prostitution, and child pornography. The country also ratified the African Charter on the rights and well being of children.

In 2006, Tanzania ratified the United Nations Convention against transnational organised crime, including the Protocol to prevent, suppress and punish trafficking in persons, especially women and children.

The most important Tanzanian law against human trafficking dates back to 2008. Prohibiting all forms of trafficking, including the transport or accommodation by third parties, the law allows for legal infractions up to twenty years of imprisonment and a maximum fine of 150 million TZS (\$9,000 USD) (*Protection Project*, 2010).

Though it is often difficult to find direct proof that those who stopped by police sell sexual services, prostitution itself remains illegal in Tanzania (*SAHRINGON*, 2012).

Even though the law has been on the books since February 2008, Tanzania has yet to fully apply the law in its full force due to poor communication between ministries and incomplete understanding of the human trafficking phenomenon. The law of 2008 aimed to create a committee for the fight against human trafficking, as well as a governmental secretary, but a lack of complete understanding stalled the project three years. Within this system, in addition to problems of communication and understanding, bureaucratic complexity adds an additional barrier to progression. In June 2010, the Chair of the Committee against human trafficking was transferred from the Ministry of Foreign Affairs to the Ministry of Social Affairs. To complicate the situation even further, the minister of the Interior continues to hold the responsibility of applying the law against human trafficking. By 2011, the committee against human trafficking and the Secretariat remained disjointed. In practice, those ministries in charge of fighting against human trafficking are starved of funding to fulfill the initiatives they were set out to achieve (*U.S. Department of State*, 2012).

Beside the landmark legislation of 2008, the Tanzanian government has not adopted much additional legislation. The law dealing with sexual infractions passed in 1998 prescribes sentences for those involved in sexual exploitation of children under 18. A clause of the law

regarding the treatment of children passed in 2009 explicitly prohibits the acquisition of a child for the purpose of sexual exploitation, whether it be acquisition inside or outside of Tanzania.

### **Prostitution in Tanzania**

Tanzanian victims of human trafficking for the purpose of sexual exploitation are most often in their current situation due to other Tanzanians. They can also be victims in other countries such as Mozambique, Ethiopia, South Africa, Uganda, Yemen, Oman, the United Arab Emirates, Saudi Arabia, the United Kingdom, France, and the United States (*U.S. Department of State*, 2012). Internal cases of human trafficking in Tanzania are more prevalent, according to the 2012 report conducted by the Legal and Human Rights Centre (LHRC) (*AllAfrica*, August 6<sup>th</sup>, 2012).

Those who are trafficked into Tanzania for the purpose of sexual slavery may originate from Burundi, Kenya, Malawi, Bangladesh, Nepal, Yemen, or India (*U.S. Department of State*, 2013). A majority of the victims are nevertheless of Tanzanian nationality, who come from Mwanza, Ingida, Kilimanjaro, Iringa, Mbeya, Mara, Shinyaga and Karega, according to a report published by the International Labour Organization (ILO). While it has become an option for divorced, childless women, prostitution within the country affects girls between the ages of 12 and 17 to the largest extent (*Daily News*, April 7<sup>th</sup>, 2012).

Tanzanian victims of prostitution are for the most part illiterate; many among them have never been to school. They generally come from poor families, with parents who are separated or divorced. Before their abduction, many of them live in rural zones affected by alarmingly high levels of financial destitution.

According to the 2012 report from LHCR, family members or the friends of the victims, who promise a better education or working situation, facilitate prostitution (*AllAfrica*, August 6<sup>th</sup>, 2012). Multiple parents will encourage young daughters to move from rural areas into city life, in order to find a job that can help financially support the family. When they arrive in the city, and are unable to find opportunities for employment<sup>1</sup>, with low levels of education and high levels of social pressure, many turn to the work of selling their bodies. Cultural factors directly influence this decision as well, with many young girls brought waiting marriage to an older man in exchange for a dowry; the hands of young girls, taken between 12 and 16 years old for marriage, exist as a bargaining chip for a financially secure life within the country. In this light, the brutality of prostitution, covered by the cultural mask of early or forced marriage, exists under the surface of Tanzanian society as a quasi-legitimate relationship (*ILO-IPEC*, 2001).

### **Health and prostitution**

Sexual minorities and victims of prostitution remain the most vulnerable to the increasingly prevalence of HIV/AIDS. It is estimated that more than 30% of people who make up these groups have contracted the virus (*Tanzania Daily News*, June 19<sup>th</sup>, 2013). According to the 2012

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<sup>1</sup>Women have few opportunities in terms of education and employment, with the national literacy rate at 78% for men versus 62% for women (*The Protection Project*, 2012).

*HIV/AIDS Progress Report*, close to one third of all prostitute victims in Dar es Salaam would test HIV-positive. In 2012, according to a study done by the Tanzania Commission for AIDS (TACAIDS) the prevalence of HIV/AIDS touches 5% of the population. Close to 1.6 million people are living with the virus, a number close to 6% of the entire population. The magnitude of the issue varies widely with respect to one region or another. The Iringa region is estimated to be have the highest volume of an infected population, with roughly 14% of all people HIV positive, followed by Dar es Salaam (8%), and Mbeya (7.9%). Arusha, Manyara, Kigoma, and Kilimanjaro, have the lowest percentage of an infected population, each below 2% (*Business Times*, April 20<sup>th</sup>, 2012).

Though the epidemic is generally present in continental Tanzania, affecting all sectors of the population, the prevalence of HIV/AIDS on Zanzibar Island is much lower than in the general population (0.6%). On Zanzibar, the epidemic largely affects vulnerable sections of the population, such as the victims of prostitution.

According to the clauses of the 2008 law, it is illegal to discriminate against someone due to their HIV positive or negative status, and to discriminate against a member of his or her family. In reality, this clause is often ignored; having contracted HIV is a basis for large-scale discrimination and marginalization. Many unscientific beliefs persist on the subject. For example, a person who is HIV positive may be believed to be cursed by witchcraft. The fear of stigmatization thus remains the most formidable obstacle to overcome. Numerous HIV-positive citizens refuse to take antiretroviral drugs, while others refuse to be tested.

According to a study released by the International Program for the Elimination of Child Labor (IPEC) and the International Labor Organization (ILO), 54% of women and young girls victimized by prostitution admit to not regularly using condoms. However, at least 80% of those surveyed claimed to be aware of the risks surrounding the contraction of HIV (*Tanzania Daily News*, May 22<sup>nd</sup>, 2013). This is the case of a victim of prostitution who stated, “AIDS isn’t the only deadly disease on the planet. There are so many causes of death. It’s better to die of AIDS than hunger anyways” (*Tanzania Daily News*, April 7<sup>th</sup>, 2013). Women are frequently beaten or raped by clients who can include the ranks of police officers. It has been noted that officers may occasionally use firearms to threaten women with death if they are unwilling to forgo the use of condoms (*HRW*, 2013).

### **The state and NGOs against prostitution**

On September 10<sup>th</sup>, 2012 the Tanzanian president qualified human trafficking as a serious crime (*Sabahi*, September 20<sup>th</sup>, 2012). Nevertheless, according to the 2013 U.S. Department of State Report on Human Trafficking, the Tanzanian government has yet to demonstrate the existence of sufficient efforts in the fight against trafficking and the protection of victims as of 2012. The government is accused of not taking proactive measures to identify victims within the country’s vulnerable population. It has also not successfully put in place its national action plan to combat human trafficking. In addition, no public awareness campaigns regarding the subject was supported or put together by the government in 2012. The government’s anti-trafficking offices

have been left without sufficient financial resources. Due to corruption, government funds have been redirected (*U.S. Department of State*, 2013). The index of corruption in 2012 concerning Tanzania stood at 39.1%, as the highest index level in the East African region after Uganda (40.7%) (*Freedom House*, 2012).

The legal system has not adapted to the Tanzanian population. For victims of prostitution, who may be illiterate, poorly educated, or fear speaking in public, access remains difficult. Legal documents are written in English, which presents a language barrier for numerous victims who speak only Swahili. At the same time, lawyers are often much too expensive for the victims to afford. These different obstacles, when added together, present a pervasive difficulty for victims to charge their assailants. In this context, the role of NGOs is essential; certain organizations aide victims through interpretation services, by filling out legal documents, or by offering legal counsel during procedures. At this point, the Tanzanian government heavily depends upon NGOs for providing help to victims. This help includes prevention, reintegration, education, health services, and legal advice.

The Kiota Women's Health Development Organization, working in 10 separate districts in Tanzania, put numerous structures in place in order to identify and signal cases of child sexual exploitation.

In the same way, the Program for Withdrawal, Rehabilitation and Reintegration of Children, in three regions of Tanzania, aims to prevent child sexual exploitation. After only four years of existence, the program has helped save 1,200 children from sexual exploitation.

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## Thailand

- Population: 69.9 million
- GDP per capita (in US dollars): 5,747
- Constitutional monarchy
- Human development index (HDI): 0.690 (103<sup>rd</sup> rank among 187 countries)
- Gender inequality index (GII): 0.360 (66<sup>th</sup> rank among 147 countries)
- Member of the Association of Southeast Asian Nations since 1967.
- No official national statistics on prostitution.
- The practice of procuring is prohibited for anyone over the age of 16. Committing any indecent act unto a child under the age of 15 is prohibited. Having sexual relations with a young girl under the age of 15 is legally considered the same as rape, even if she is consenting (Penal Code).
- It is prohibited for prostitutes to solicit a client (law of 1996).
- Prohibition of prostitution in entertainment establishments, even if the owners of such places are, in fact, not worried (law of 2003).
- Prohibition of human trafficking (Law B.E. 25551 enacted in 2008).
- Major destination of sex tourism.
- Country of origin, transit, and destination for victims of human trafficking, especially with the purpose of sexual exploitation.

Thailand is the best known country internationally in terms of sex tourism, although in recent years, neighboring countries, such as Cambodia and Vietnam, are also starting to see foreign visitors flock to indulge in this country's illegal activity, thereby contributing to a negative dynamic in Southeast Asia (UNODC, 2013).

Many prostitutes sell themselves into this activity in order to escape the difficult conditions linked to low-paid jobs in sectors such as fisheries, textiles, or ones dedicated to household chores.

Women, especially young girls from northern Thailand, who come from rural zones where they do not have sufficient education, are very exposed to prostitution.

Networks also promise Thai women job opportunities abroad. Brokers, who make proposals of this kind, use the debt to force the women into selling their bodies in order to repay it.

Although the most vulnerable are women and children, studies also show that men and people with disabilities may also be victims. Others are being administered illicit drugs and are then removed to end up in a prostitution ring.

In Thailand, children and adolescents are also involved in sex tourism, as witnessed by the traffic moved in recent years between Thailand and Burma. For 2012, it is estimated that on average, 20 children per month are victims of such trafficking. 10% of these children are trafficked and forced into prostitution in Thailand by their buyers (*Mizzima*, December 15<sup>th</sup>, 2012).

On September 7<sup>th</sup>, 2012, four 17 year old high school students were arrested in a hotel in Bangkok by the police, who are in charge of the protection of women and children. They explained that they had been encouraged by friends to enter into prostitution in order to have enough money to go out at night (*Pattaya Daily News*, September 2012).

Thais are not the only ones to be victims of prostitution. Thailand is a country of transit and destination for immigrants, notably from China, Vietnam, Russia and Uzbekistan, trying to escape poverty. These foreign immigrants are particularly vulnerable because they are undocumented and without money. They often end up being recruited into prostitution rings. In 2012, three Uzbek women procurers were arrested. The police were informed by the staff of the United Nations Office on Drugs and Crime (UNODC), as Uzbek women were forced into prostitution in the hotel "Grace" in the Soi Nana in Bangkok. Upon their arrival, their passports were confiscated by the three women at the head of the network, who salvaged most of the money from the passes with customers (*Pattaya Daily News*, August 18<sup>th</sup>, 2012).

### **The judicial regime applicable to prostitution, establishments of prostitution, and human trafficking**

Thailand has created many laws that render prostitution illegal.

#### ***The Thai Penal Code***

The first is law 17 B.E. 2547, installed in 2003. This law modified the Thai Penal Code by forbidding a person of more than 16 years of age to live off of the revenue of prostitution. All violations of the law lead to punishments of 7 to 20 years of imprisonments to life in prison, and fines of 14,000 to 40,000 THB (\$467 to \$1,332 USD) (Title 9 Section 286 of the Thai Penal Code). The Penal Code also prohibits, in a general manner, all indecent acts committed against a child of less than 15 years (title 9 section 279), without clearing defining what an indecent act is. The penalties are imprisonment not exceeding 10 years and/or fines of 20,000 THB (\$665 USD) or less. These penalties are increased if a threat or act of violence is perpetrated. In such cases, imprisonment may be up to 15 years and fines amounting to 30,000 THB (\$999 USD) are charged. Title 9 Section 277 of the same Code provides that having sex with a girl under 15 years of age is legally tantamount to rape even if it is consensual and shall be punished by imprisonment ranging from 4-20 years and fines of up to 40,000 THB (\$1,331 USD). If rape is

committed against a girl under 13 years of age imprisonment is 7 to 20 years up to life imprisonment and/or a fine of 14,000 to 40,000 THB (\$467 to \$1,332 USD).

### ***Laws on prostitution***

In Thailand, prostitution has been illegal since 1960. In 1996, a new law was adopted which replaced the 1960 law. It is the main legal framework in this area. This law defines prostitution. It is forbidden for prostitutes, under section 5 of the law, to solicit a customer, with a penalty of being fined more than 1,000 THB (\$35 USD). Therefore, the fines to which prostitutes are exposed are modest. Thus, in the course of a dramatic operation in August 2012 by the police, on the beach in Pattaya Beach Road, 50 prostitutes were arrested and sentenced to a fine of 100 THB (about \$3.38 USD) each. In fact, according to the police, these periodic arrests function as preventive measures to prevent sex tourism and to restore the image of Thailand for tourists who visit the leading holiday resorts (*Pattaya Daily News*, Aug. 23<sup>rd</sup>, 2012). In contrast, the 1996 law imposes harsher punishments for all those who incite minors under 18 years of age to engage in prostitution acts. Section 8 of the law states that a customer who has sex with a prostitute under 15 years shall be liable to penalties of 2 to 6 years imprisonment and fines of up to 120,000 THB (approximately \$4,062 USD). Section 9 of the 1996 law increases the penalties for procurers and brothel owners. It includes convictions for anyone involved in human trafficking for prostitution. In such cases, the sentences range from 1 to 10 years and fines from 20,000 to 200,000 THB (\$666 to \$6,656 USD). The penalties are increased by a third if the victim is a minor. In addition, for the first time, the law provides that parents who push their children into prostitution are also exposed to convictions. They may be deprived of parental authority. Customers who engage in prostitution are not spared by the 1996 law. This is particularly severe in cases involving prostitutes under 18 years. Customers may face sentences ranging from 4 to 20 years imprisonment. Fines from 200,000 to 400,000 THB (\$6,656 - \$13,312 USD) may also be imposed on anyone caught in a sexual relationship with a prostitute under 15 years (legal age in the country) (Article 279 of the Thai Penal Code). Thai law is not only a repressive measure. The courts have, in fact, the possibility of ordering the rehabilitation of the person who engages in prostitution. In particular they may offer assistance to be provided by the Department of Social Protection (*UNDP*, 2012). The legal landscape would not be complete if we did not say that foreign customers visiting Thailand to practice what is commonly called "sex tourism" can also be prosecuted in their own country, if the legislation of the latter provides. Example: a French man traveling to Thailand to have paid sex is punishable up to 5 years imprisonment and a fine of 75,000 € (\$101,467 USD) and 7 years imprisonment and a fine of 100,000 € (\$135,290 USD) if it is with a minor (*The Post*, October 9<sup>th</sup>, 2009).

### ***Laws on entertainment establishments***

Thai law of 1966 on the entertainment was amended in 2003 to cover a wider range of institutions. The law applies to massage parlors, karaoke bars, saunas, but also to any place where they sell food, alcohol, tea or other beverages. The law requires, firstly, that these places are not close to locations related to religion, education, or health (e.g. hospitals). In addition, the



owners of entertainment venues, as defined in the 2003 law, must declare their employees to the police. The owner of a place of entertainment must be at least 20 years and have never been convicted of a sexual offense. In fact, although the law prohibits prostitution in entertainment venues, the owners of such sites are, in fact, little worried since there is a corrupt system of police. It is estimated that only 30% of entertainment establishments have the necessary licenses and permits (*UNDP*, 2012).

### ***Laws concerning human trafficking***

In 2008, the law B.E. 25551 was promulgated in Thailand. The law designates the Minister of the Department of Social Development and Human Security (MSDHS) as the body responsible for cooperation between national agencies to fight against human trafficking. Thus two national committees were set up to combat trafficking in persons. A fund was created to support the prevention and suppression of trafficking. These provisions have not prevented Thailand from being placed in tier 2 in the 2012 U.S. Department of State Report on Human Trafficking. If the country was allowed to pass tier 3, it could create tensions in diplomatic relations between the two countries. Deputy Prime Minister of Thailand, aware of the issues, informed the U.S. ambassador in Bangkok that Thailand was determined to do everything possible to eradicate this crime against humanity of human trafficking. The government has organized on March 29<sup>th</sup>, 2012 a meeting with the organization in charge of Social Development, the Ministry of Human Security, the Ministry of Foreign Affairs, and police officers to discuss measures to prevent this phenomenon (*Pattaya Mail*, March 29<sup>th</sup>, 2012).

### **Recent initiatives to curb prostitution in Thailand**

In 2012, the Thai police strengthened the controls during holiday periods in tourist areas with the help of volunteers. Police warn girls about the risks of HIV/AIDS by selling their bodies to tourists and alert the public opinion about this phenomenon. Greater action was implemented by the same police to identify the leaders of prostitution (*Pattaya Daily News*, September 8<sup>th</sup>, 2012).

To eradicate human trafficking, police cooperated in 2012 with other countries in order to implement large-scale operations, to fight against trafficking in human beings and prostitution. For example, in March 2012, Thai and Australian police cooperated to stop an Iraqi and a Thai in Bangkok, as well as four other people in Sydney and Melbourne. They had organized a prostitution ring among several Asian countries, which was made possible through false passports provided to victims, who were forced into prostitution (*Gulf News*, March 27<sup>th</sup>, 2012).

The country has taken steps to improve the conditions of prostitutes. A national strategic plan on AIDS was established for the period 2012-2016. They aim to help people with HIV and inform others of the particular risks. The aim is that these people can receive adequate social protection and access to medical facilities. Prostitutes are affected by the plan and benefit from it.

Private initiatives should also be noted. The world's largest tourism companies do not remain inactive. Some have launched with the international NGO ECPAT a joint project to fight against sex tourism involving children. The partners of the initiative (Company TUI Travel, Accor, Kuoni Group, and ITB<sup>1</sup>) chose Thailand as a pilot country for the implementation of this project. The project was produced with the implementation of "A Code of Conduct for the Protection of Children against Sexual Exploitation in Travel and Tourism" to take action against the commercial sexual exploitation of children. This document was signed by more than 1,000 individuals and worldwide organizations. Voluntarily adhering to this Code of Conduct, members of the tourism industry are committed to meet the following six criteria: establish an ethics policy, train staff, introduce a clause related code in contracts with suppliers, inform travelers on sex tourism, inform key people to the destination, write an annual report.

Thus, the initiatives taken by the Thai government and other countries, whose nationals traveling to Thailand, were established in 2012 on the fight against sex tourism. Real awareness has been developed both for travelers and hosts of travellers in Thailand. This sensitization has an awareness of what needs to be done. Operations in which the Thai government cooperated with other countries show a willingness to achieve real objectives in the fight against prostitution and human trafficking in Thailand.

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<sup>1</sup> International Tourism Bourse (ITB) Travel Fair (The World's Leading Travel Trade Show).



## Turkey

- Population: 74.5 million
- GDP per capita (in US dollars): 10,666
- Parliamentary government
- Human Development Index: 0.722 (90<sup>th</sup> rank among 187 countries)
- Gender Inequality Index: 0.366 (67<sup>th</sup> rank among 147 countries)
- Current candidate for admission to the European Union
  
- No official national statistics on prostitution
- 3,000 prostitutes in 56 licensed brothels. 100,000 prostitutes on the streets, of which 50% are foreigners.
- Prostitution is legal in licensed brothels.
- The Penal Code represses the incitement to prostitution (article 227), but does not mention the presumption of consent to prostitution; it insists on the notion of travel, crossing borders and does not prohibit the explicit form of human trafficking that takes place within Turkey (article 80).
- Country of origin, destination and transit for sexually exploited women and children.
- Central point for prostitution, due to its geographical location: Istanbul as an entry point for prostitutes coming from Eastern Europe: Belarus, Lithuania, Moldavia, Russia and Ukraine.

Turkey's geographical location is a significant factor in the human trafficking for the purpose of sexual exploitation. Estimated by the 2013 U.S. Department of State Report on Human Trafficking, Turkey remains an essential source, destination, and point of transit for sexually exploited women and children. Situated between the East and the Middle East, the country's location facilitates internal and external human trafficking. As a regional hub of prostitution, humans who pass through the country also end up in Western Europe, in countries such as Germany or France. Within the black market, criminal networks organize into separate sectors of illegal activity. Mafias are involved at all level, trafficking drugs, arms, or prostitution. The money earned from these activities is then reinvested to promote more effective criminal networks (*Armenia News*, February 16<sup>th</sup>, 2012). Due to the violence of these mafias, numerous Eastern European networks, including those from Albania, will bring girls into Turkey in order to break them. Mafias systematically gang rape, starve, imprison, and beat them into submission

(*French National Assembly*, 2011). After going through this form of torture, girls are more likely to consider their livelihoods in Western Europe bearable.

Despite a Muslim majority, prostitution is tolerated in licensed brothels. With the rise in power of the country's Justice and Development Party (AKP), headed by the Prime Minister Recep Tayyip Erdogan, who supports the reintegration of Islam into the country's politics, the government has stopped distributing licenses to brothels.

### **Turkish brothels and hidden prostitution**

Though prostitution has been legal in licensed brothels since 1923, article 227 of the Penal Code punishes incitement to prostitution with 2 to 10 years of imprisonment, depending on the circumstances of each case. In 2012, the Turkish Ministry of Health revealed that an estimated 3,000 prostitutes work legally in licensed brothels, while an estimated 100,000 work illegally. In addition to this finding, the Ministry estimated that half of all illegal prostitutes are of foreign origin. The image of a moderated and pious Islamism, which the government hopes to show, does not coincide with the brothels along Zürafa road in Istanbul. The Ministry of Health continues to refuse granting licenses, under diverse pretexts. Susan, who is 50 years old, found herself obliged to become a prostitute, after leaving her alcoholic husband. After having 6 children with her husband, she was unable to feed them without selling her body. In 2012, she submitted an application to the Turkish Ministry of Health, in order to open her own brothel. Refused due to "a lack of space" her case represents the government's will to clean up the country by eliminating brothels and repressing prostitutes without offering them protection or proper identification. For the last few years, the AKP has targeted the sex industry, as shown by the 1994 election of Ibrahim Melin Gokcek, the mayor of Ankara. Since 2008, the mayor of Ankara successfully closed more than half of the brothels which were operating in the city (*Pulitzer Center*, May 16<sup>th</sup>, 2012). With prostitutes having no other place to carry out their activities, prostitution moved to more hidden locations, such as hotels, massage parlors, night clubs, villas, and boats. In this context, it is interesting to note The Savarona yacht affair, in which a prostitution network was housed and directed by Tevfik Arif, a partner of Donald Trump in 2011 (*7 sur 7*, September 30<sup>th</sup>, 2010). When the police raided the yacht, agents found 10 Ukrainian and Russian prostitutes, 8 men involved in prostitution networks, and 4 clients. Of the clients, the police arrested Russian, Kazak, and Kyrgyz businessmen.

### **The prostitution of minors**

Child prostitution has grown significantly in Turkey. Children, who run away from their homes due to violence and abuse, are found by procurers on the street, and forced into prostitution. Though inciting children to prostitution remains illegal, the legislative protections offered to minors are incomplete, most notably when they are tried under the country's previous Penal Code. In 2006, the Turkish Penal Code was modified, to include a definition of human trafficking. At this time, there existed a presumption of consent to prostitution from the minor,

which was difficult to legally fight, giving way to highly criticized judicial decisions. Under this code, clients could be freed of all charges, including rape, as long as the victim could be presumed consenting. It was in this context that the Turkish Supreme Court judged a 13-year-old prostitute to have given consent to sell her body in 2012. During 7 months, working for two employers situated in Mardin (*The Human Rights Brief*, February 10<sup>th</sup>, 2012), 26 men purchased sex from the girl in question. Tried under the Penal Code that existed before the revision of 2006, each of the 26 men in question were given reduced prison sentences ranging from 1 to 6 years. Within a majority of countries, these acts would have been considered rape. The Supreme Court decided otherwise, judging a 13 year old capable of giving consent for prostitution. Thanks to the tireless effort of the Turkish parliament, following international critique, the country's new Penal Code eliminated doctrines that presumed consent to prostitution.

### **Prostitution and transsexualism**

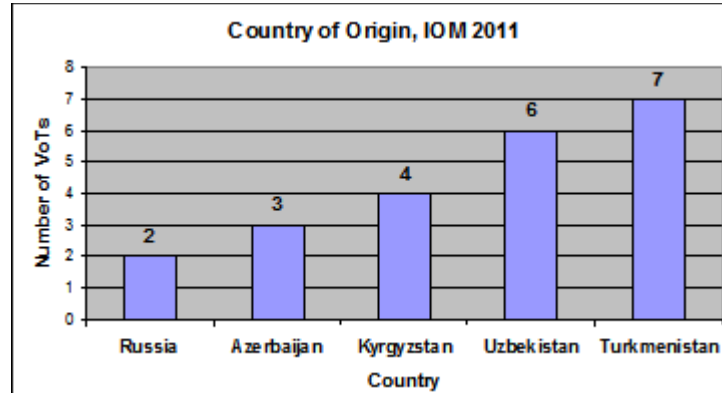
Although homosexuality is not legally punished in Turkey, discrimination toward homosexual and transsexual persons, and homophobia, have risen considerably since the AKP came into power. They are often rejected and stigmatized by Turkish society, left unable to find a job that can sustain a decent living. In order to eat and survive, transsexuals are often forced into prostitution as a result. Without protection or legal rights, they often become the victims of violence carried out by police or everyday citizens. Throughout the last few years, with the government making no effort to curb the violence, the level of assault and murder of transsexual prostitutes has risen steadily. In February 2012, according to Şevval Kilic, a militant and member of Kadın Kapısı (The Women's Door), a place of welcome and assistance for Turkish prostitutes, most of whom are transsexual, "since the beginning of the 2000's, violence towards sex workers has increased drastically, with a specific increase in the number of murders of transsexuals, which has reached a level unseen in the 1980's or 1990's" (*Article 11*, February 29<sup>th</sup>, 2012). This phenomenon of violence toward transsexuals in Turkey becomes apparent when reading the news from 2012, which reported multiple instances of transsexual prostitutes turning up slaughtered, stabbed, dismembered, or decapitated. In March 2012, in the Izmir region, police found a transsexual decapitated and dismembered. In the month of October, Sehap Gunesar, a 25-year-old transsexual, was found dead in Antalya. Throughout 2011, more than 40 transsexual prostitutes were slaughtered for their work. Given that no action has been taken, prostitutes continue to suffer from verbal and physical violence. Police take part in the scandal as well, and will beat or arrest prostitutes for "disturbing the peace." If the police do not assault them physically, they often force prostitutes to pay a 179 TRY (\$60 USD) fine, even though the girls often earn only 50 TRY (\$22.6 USD) per client (*Al-Monitor*, December 27<sup>th</sup>, 2012). A situation of extreme violence which further marginalizes them, these incentives drive prostitutes to accept a wide range of services in order to pay potential infractions. Police have put themselves into the position of procurers, taxing prostitutes under the guise of maintain public order.

## The “Natacha” phenomenon

Istanbul remains the principal point of entry for “Natacha” a name given to prostitutes from Eastern Europe. Since the fall of the Soviet Union, countries such as Belarus, Lithuania, Moldova, Russia, and Ukraine have become the principal “supply of women and children,” to states with a demand for sexual services (OSH, 2011).

Graphic 1:

### Origin countries of sexually exploited women in Turkey (September 15<sup>th</sup>, 2011)

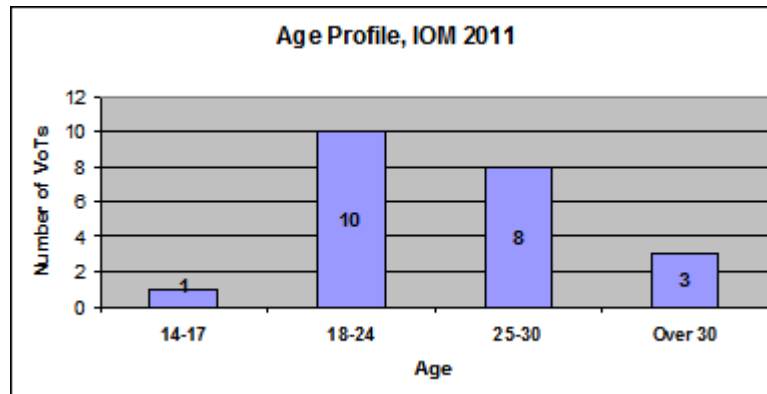


Source: International Organization for Migration, 2011

As victims, these women are often young adults or minors.

Graphic 2:

### Profile of victims by age (September 2011)



Source: International Organization for Migration, 2011

With the difficulties posed in finding a truly accurate number, the true number of young women affected is much higher than that published by human rights organizations.

In 2012, Ric Esther Bienstock, a Canadian director, put together a report in Ukraine and in Turkey on human sex slave trafficking between the two countries (*Turquie Européenne*, Second quarter 2012). Horrible conditions push numerous women to try their luck in foreign countries, most notable Turkey. Hoping to gain better work and a better future, these women often have

their passports confiscated once they enter Turkey. After they are beaten and raped, they are sold as prostitutes and dispersed across the entire country. This type of human trafficking is estimated to be common in Turkey, and to take place with the complicity of Turkish police. Filmed with a hidden camera, the video shows the director of a large procuring network, “Pasha” openly selling girls in full view of the police. Katia, a pregnant woman, was sold in Turkey, though she had only entered the country with a friend of her husband to buy cheap goods for her business. It became clear that the trafficker regretted his decision to sell the woman, contacted her husband, and gave him direct information on how to find her. The indifference on behalf of the police is striking, considering the abuse these women undergo, and the legal extradition that results when victims from Ukraine are caught. In order to appear active in the fight against prostitution, Turkey has put in place numerous education and training programs with regard to human trafficking. In 2012, the authorities investigated and arrested a member of the military, a sergeant, and a police officer for their work in human trafficking (*U.S. Department of State*, 2013). When compared to the past system, this case appears as a direct advancement in the fight against government involvement in the business of selling humans. In order to raise awareness in the Turkish population, a toll-free hotline and a public campaign have been launched. The telephone number 157 is there to alert authorities of the existence of forced prostitution. Even with this line to call, few victims decide to call the number for help. Most often, those who call are the clients who, out of pity, want to help free young girls from their sexual confinement. In 2012, the government put forward \$150,000 USD in order to fund the telephone line, and its marketing campaign throughout the country. Today, 157 appears on Internet sites, in airport terminals, and on numerous national television programs. Dr. İlknur Altuntaş, a Turkish judge, launched a similar awareness campaign entitled “Have you seen my mother?” In this program, 4 children from eastern countries are looking for their mothers, who have been sold as sex slaves in Turkey. To be effective, Dr. İlknur Altuntaş’ campaign strives to show the real world effects of prostitution on the country’s most vulnerable population. According to the IOM, 1 woman for every 3 who works in prostitution has a child.

In Turkey, certain prostitution networks take part in espionage to obtain information on a country that they often consider as an enemy. Within the Turkish armed forces, a gang of spies is believed to have used the services of a prostitution network in order to obtain classified defense information. In 2012, an investigation into the Turkish armed forces allowed the government to compile an updated list of infiltrated spy organizations, who had themselves compiled a list of the personnel for the Turkish Scientific Research and Technology Council (TUBITAK) (*Nouvelles d’Arménie*, February 9<sup>th</sup>, 2012). Colonel Ibrahim Serzer and a 25-year-old student were organizing parties for high-level Turkish government officials, and had directly invited prostitutes. Those who took part in the party were specially “imported” from Eastern countries. Paid sexual relations were filmed, which allowed the networks to sell the videos back to the clients in exchange for classified information. 300 government workers were involved in the affair, and 51 people were arrested, including 22 prostitutes (*Kawkaz Center*, June 21<sup>st</sup>, 2012).

### **Ineffective protection for human trafficking victims**

Considered criminals rather than victims, those trafficked into the country receive minimal social or legal protection. The women who are caught are often arrested and sent directly back to their country of origin. In order to understand the extent of this practice, a quick glance at the Turkish press from 2012 will suffice. In November 2012, Susanna and Karine, prostitutes from Armenia, were arrested in a brothel in Focha Fethiye (*News from Azerbaijan*, November 13<sup>th</sup>, 2013). Outside of an associate that handles the victims of forced prostitution, there are no social accommodation or reintegration programs. Once the association is unable to handle additional prostitutes in need, the women are left to themselves, and will often turn back to the brothels they escaped.

Even though article 80 of the Turkish Penal Code incriminates human trafficking, prosecutions are not carried out well enough by the Public Ministry. In 2012, the government claimed to have prosecuted 409 persons suspected of human trafficking, acquitting 232 (*U.S. Department of State*, 2013). Judges are nevertheless beginning to condemn those charged with human trafficking more severely. 47 people were condemned to prison sentences ranging from 7 to 21 years, a clear rise in severity when compared to the previous year, 2011. During this time frame of relaxed judicial punishment, the most severe sentence for human trafficking was 8 years of incarceration.

Article 8 insists on the notions of transport and border crossing, but does not explicitly prohibit human trafficking that takes place inside the country's borders.

*Those who recruit, abduct, transport, or transfer or harbor persons for the purpose of subjecting to forced labor or service, prostitution, enslavement or for removal of body organs, by getting their consent by means of threat, oppression, coercion or using violence, persons shall be sentenced to imprisonment up to eight to twelve years and a fine correspond to 10,000 days.*

Source : Turkish legislation, Counter trafficking : [www.countertrafficking.org/laws.html](http://www.countertrafficking.org/laws.html)

Despite the wording of the article, certain efforts are being carried out in order to protect victims inside the country. In order to make the fight against human trafficking more effective, the Minister of the Interior authorized the issuing of a humanitarian visa for trafficked victims. These visas are issued if the women do not wish to immediately return to their home country, or if they agree to testify against their procurer in court. An association was established to house victims, and a toll-free number (111) has been opened to receive the calls of victims who need help. In 2012, the Turkish branch of the European Women's Lobby (EWL) came together to promote and develop their unified position on prostitution to the European community. In order to raise awareness of the issue numerous campaigns have been launched in the Turkish community. Moreover, the government invested \$570,000 USD in 2012 in order to finance associations that aid victims. This aid was given, despite the fact that help services and lodging accommodations remain financially unstable (*U.S. Department of State*, 2013).



By offering the victims the possibility of integration and amnesty, Turkey can further strengthen its fight against human trafficking. A revision of the Penal Code is also necessary, in order to include internal human trafficking as a punishable offence. From that point forward, the judicial system would be able to increase its prosecution of human traffickers, and rein in the growing number of criminal networks ravaging the country.

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## Uganda

- Population: 35,6 million
- GDP per capita (in US dollars): 547
- Presidential republic
- Human development index (HDI): 0.456 (161<sup>st</sup> rank among 187 countries)
- Gender inequality index (GII): 0.517 (109<sup>th</sup> rank among 147 countries)
- Member of the African Union since 1963.
  
- No official national statistics on prostitution.
- Close to 18,000 child prostitutes, average age of victims is between 14 and 17 years old (2011).
- The Penal Code prohibits prostitution.
- The *Prevention of Trafficking in Persons Act* of 2009 prohibits all forms of sex trade and tourism.
- Sex tourism mainly located in Kampala nicknamed “the resourceful”.
- Country of origin and destination for human trafficking with the purpose of sexual exploitation.
- Trade of Ugandans with purpose of sexual exploitation towards many countries: India, Thailand, China, Malaysia, Afghanistan, Indonesia, United Arab Emirates, the United Kingdom, Greece, Poland, Iraq, Egypt, Qatar, South Sudan, Kenya, South Korea, and the United States.

Surrounded by Rwanda, the Democratic Republic of Congo, and Sudan, all countries that have been ravished by civil war, Ugandans have experienced few years of calm since their independence in 1962. Milton Obote, who took power in 1980 after the dictatorship of Idi Amin Dada, triggered 6 additional years of civil war. In 1986, Yoweri Museveni, who was reelected continuously up until the elections of 2011, took control of the nation by force. Since the beginning of his post, despite a peace agreement signed in 2008, Uganda experienced direct conflict with the Lord Resistance Army (LRA) in the north of the country. The International Penal Court has, since 2005, targeted the commander of the LRA, Joseph Kony, for crimes against humanity. Kony’s organization is estimated to have kidnapped, to this day, 30,000 children to become the sex slaves of soldiers. During the hunt for Kony and the LRA, the Uganda People’s Defense Force charged the organization with numerous sexual exploitations of Ugandan women (*Centre d’Etudes de Recherches Internationales*, March 2<sup>nd</sup>, 2012).

For a country on the path to reconstruction, the long civil war remains a strong impediment. 72% of the population lives on less than \$1.25 USD per day, despite an average annual GDP growth of 6.3% since 2011. In 2010, the unemployment rate stood at 7%, a number comparable to OECD members (*Word Press*, May 4<sup>th</sup>, 2012).

Though it remains difficult to measure the pervasiveness of sexual exploitation in Uganda, it must be concluded that the problem of prostitution has become more severe over the last few years, most notably for child workers. Shown by a study conducted by the NGO Uganda Youth Development Link (UYDL), child prostitution continues to increase steadily. While it was estimated in 2004 that the number of children involved in nation-wide prostitution stood at 12,000, by 2011 this number had grown to 18,000 (*Africa Review*, October 10<sup>th</sup>, 2011). In addition to this growth within the industry, the study also concluded that 88% of victims forced into prostitution were not attending school, and had stopped before finishing primary education (*New Vision*, March 24<sup>th</sup>, 2012). Closely related to this finding, most victims working on the streets of Uganda are between the ages of 14 and 17, and 80% of all children were living without parental supervision. With an extraordinary number of children living as the victims of criminal networks, child prostitution exists as an integral part of the country's system of sexual trafficking. As most are transferred from rural areas, destitute of a decent living, toward urban areas, with the hope of bettering their economic standing, these children become the victims of the black market, in which the demand for child sex is increasing (*Africa Review*, October 10<sup>th</sup>, 2011).

### **The legal framework**

As a general overview of legal agreements, Uganda has signed both the "Convention of Elimination of All Forms of Discrimination with Respect to Women," the "International Pact of Civil Rights," and the "African Charter of Human Rights."

The Ugandan Penal Code allows for up to 7 years imprisonment for those who participate in prostitution. According to article 138 of the Penal Code, only those who are prostitutes can be charged for committing a crime, regardless of whether or not they are the victims of human trafficking. In this manner, the Penal Code frees all clients of legal responsibility, and does not consider them to be taking part in criminal activity. According to article 136, procurers, owners of brothels, human traffickers, and all those "totally or partially dependent on revenues generated from prostitution," are liable to indictment (*BBC News*, March 25<sup>th</sup>, 2008). What this shows is that all those who stand to benefit financially from prostitution, including the parents or children of the sexually exploited, run the risk of criminal punishment under the current Ugandan system (*Tamale*, 2011).

As the enforcers of this legal framework, the Ugandan police often apply the law in an unorthodox manner. Even though the arrest of prostitutes is not the main objective of most criminal investigations, those who are arrested are often subject to police brutality. Such violence from the authorities toward exploited victims occurs daily, and can take the form of rape or direct application of pepper spray onto the victim's genitals (*Thomson Reuters Foundation*,

September 13<sup>th</sup>, 2012). When regarding the practical impacts of the country's legal system, the law appears as a tool for harassment and abuse on the part of the police, rather than a means of protection for Uganda's most vulnerable. (*RH Reality Check*, July 16<sup>th</sup>, 2012)

In addition to these abuses of the law, the Country's Immigration Act prohibits foreign female prostitutes from working in the national territory. As a direct result of this legislation, women and children who are forced into the country in order to become sex slaves can be convicted for their situation, forced to spend time in prison or pay a fine (*Daily Monitor*, May 30<sup>th</sup>, 2007).

The Ugandan government adopted in 2009 the Prevention of Trafficking in Persons Act (PTIP), prescribing to all forms of trafficking a sentence between 15 years and lifelong incarceration. Compared to 4 proceedings in 2011, the number of citizens charged under this act rose to 28 by the end of 2012. Nevertheless, it must be noted that the last judicial conviction occurred in 2009 (*U.S. Department of State*, 2013).

### **Ugandan women as foreign prostitutes**

Human trafficking with the aim of sexual exploitation involving Ugandan women is a stark and worrying reality. In 2010, the main countries known to receive women from Uganda were India, Thailand, China, Malaysia, Afghanistan, Indonesia, the United Arab Emirates, the United Kingdom, Greece, Poland, Iraq, Egypt, Qatar, South Sudan, Kenya, South Korea, and the United States (*U.S. Department of State*, 2013).

A report conducted by the International Organization for Migrations (IOM) reported with scorn the heavy trafficking of Ugandan women into Asian countries. According the Ugandan Council in Malaysia, 10 to 20 victims are estimated to arrive each week in Malaysian territory (*Slate Afrique*, February 14<sup>th</sup>, 2013). The director of INTERPOL in Kampala underlined the near-perfection organization of international prostitute organizations (*Le Petit Journal*, March 27<sup>th</sup>, 2012). Traffickers go through local universities and hair salons in order to find their future female victims. By tempting them with the offers of domestic work and maid work in high-scale Malaysian hotels, with the possibility of earning over \$1,000 USD monthly, many of them are duped into buying tickets. Once outside of Uganda, the girls find themselves obligated to become sex slaves in order to repay the costs of their travel, which can easily exceed \$7,000 USD.

Given the poor economic situation of the Ugandan population, trafficking profit from the situations of attractive, educated women who are unable to find a job. By helping them acquire tourist visas in order to move to Malaysia, many cling on to the false promises of work on behalf of human traffickers. In 2012, a police unit arrested 60 Ugandan women for having broken national laws. After their convictions, each of these women was left to fester in Malaysia prison (*Slate Afrique*, February 14<sup>th</sup>, 2013). In the south of Pattaya in Thailand, 7 Ugandan women between the ages of 20 and 28 were arrested in the same year. Before their encounter by authorities, these women earned between \$60 and \$100 USD per hour. Accused of roaming with the intention of committing a penal infraction, each was forced to pay a fine of 1,000 THB (\$30 USD) (*Pattaya Daily News*, February 7<sup>th</sup>, 2012).

Despite laws, which mandate legal punishment of prostitutes, the Ugandan authorities have demonstrated the desire to help combat human trafficking of Ugandan women for the purpose of sexual exploitation. In order to help prevent the growth of prostitution networks, the government put forward a measure to prohibit those under 35 years old from traveling to China (*The East Africa*, December 13<sup>th</sup>, 2012). In September of 2012, a petition was presented to the Ugandan parliament by congressman Elijah Okupa, to expose the plight of more than 150 young Ugandan women who were lured to Iraq by the promise of employment. 5 young women who were saved from sexual slavery in Iraq testified in front of the parliament in order to recount the outrageous abuses they suffered (sexual, psychological, physical) (*Make Every Woman Count*, December 6<sup>th</sup>, 2012). In addition to this measure, in November and December 2012, a delegation of members from the Committee of Equality of Opportunity within the Ugandan parliament visited China, India, and the UAE, in order to establish legal mechanisms that would better the process of identification and repatriation of human trafficking victims (*U.S. Department of State*, 2013).

### **Health and prostitution**

Attached closely to the problem of prostitution is the major problem of HIV/AIDS. The prevalence of the disease is estimated to be large enough to affect 7.3% of the Ugandan population. A 2011 study carried out by the American Sexually Transmitted Diseases Association concluded that close to 37% of the 1,000 prostitutes sampled were HIV-positive. Across the county, the probability of new cases of infection among prostitutes rests at 15% (*IRIN Plus News*, November 14<sup>th</sup>, 2012).

These alarmingly high numbers are most notably due to infrequent use of condoms. The fear of legal punishment and the general stigmatization around prostitution leaves the victims of these transactions unable to negotiate effectively safe sexual transactions (*New Vision*, March 24<sup>th</sup>, 2012). These women are often unwilling to undergo physical examinations or to follow proper treatment guidelines. As soon as they are declared HIV-Positive, they will be regularly refused access to health services. With respect to the Ugandan government, legislators have yet to put forward a public health program to directly target those at high-risk for HIV, including those who are prostitutes (*IRIN Plus News*, November 14<sup>th</sup>, 2012).

### **Sex tourism in Uganda**

Despite the law of 2009 that criminalized sex tourism and pedophilia, Kampala has become a highly frequented pit stop for numerous westerners on the search for foreign sex. Hundreds of thousands of Ugandans have been victims of sex tourism, including a considerable number of children. The issue has become so pervasive that a blog was developed online for tourists to describe their, “travel souvenirs,” which included multiple photos of sexual encounters with Ugandan women (*Slate Afrique*, February 14<sup>th</sup>, 2013).

The Activists for the Federation of Women Lawyers (FIDA), denounces the sex tourism destroying the lives of many citizens, and continues to prod the Ugandan government to

implement measures to prevent and condemn those who come into the country for sex tourism. Their cause gained widespread support following the arrest of Emin B., a 53 year old, serial pedophile, Macedonian man. Stopped on his way out of the country, Emin B. was found to be in possession of pornographic materials, including images of children. During his trial, his was accused of luring young girls to perform sexual relations with him on camera, in exchange for \$1 to \$2 USD. These films were soon posted on the Internet. On March 29<sup>th</sup>, 2012, the government charged him with inappropriate use of the Internet and condemned him to serve either 2 years of imprisonment or to pay a fine of roughly \$2,000 USD (*The Independent*, April 9<sup>th</sup>, 2012). Following the conviction, Anselm Wandega, the program coordinator for the *African Network for the Prevention and Protection Against Child Abuse and Neglect* (ANPPCAN) denounced the insufficiency of the sentence.

### **The dangerous struggle against prostitution**

Directly combatting prostitution in Uganda remains legally dangerous, as those who fight against the phenomenon are often accused of living off of prostitution. Under the strict legal definition given in article 138 of the Penal Code, these people remain under legal threat of condemnation. For this reason, the Ugandan Minister of Ethics and Integrity prevented the NGO *Women's Organization Network for Human Rights Advocacy* (WONETHA) from organizing a workshop in Kampala to benefit victims of prostitution under the pretext that "It was time for WONETHA to stop advancing the argument of human rights in order to justify the crimes of these women." In this legal context, on the 7<sup>th</sup> of May 2012, police officers physically assaulted members of the NGO and arrested 2 who were present. For the International Coalition of female defenders of human rights, this event stands as a violation of international and regional human rights legislation, to which Uganda remains legally bound to adhere (*AWID*, 2012).

In 2012, the national media reported multiple different accounts on women and young girls lured in by false promises of work to find themselves the victims of sexual slavery. On December 6<sup>th</sup>, 2012, a 16-day awareness campaign against gender violence was launched. This initiative aimed to gain support in the fight against the rising epidemic of human trafficking (*Make Every Woman Count*, December 6<sup>th</sup>, 2012).

In August 2012, the government organized educational events for local police in both May and August, alongside multiple NGOs. With 40 magistrates and 20 police workers taking part, the event aimed to help educate them on their role in the fight against human trafficking for sexual exploitation, to bring the country's PTIP law of 2009 into full effect (*U.S. Department of State*, 2013).

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## Ukraine

- Population: 44.9 million
- GDP per capita (in US dollars): 3,867
- Semi-presidential regime
- Human development index (HDI): 0.740 (78<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.338 (58<sup>th</sup> rank among 147 countries)
- Statistic from the Department of Homeland Security: 60,000 prostitutes in Ukraine.
- Statistic from the NGO *Aids Alliance*: 100,000 prostitutes.
- 1.1 billion € (\$1.5 billion USD) of illegal revenue from prostitution in 2010.
- Prohibitionist regime.
- Country of origin, transit, and destination for victims of human trafficking.
- Destination for Ukrainian victims: Russia, Poland, Iraq, Spain, Cyprus, Portugal, Czech Republic, Turkey, and the Seychelles.

The current Ukrainian president, Viktor Yanukovich, and some of his Ministers held on to sexist comments that violate the guarantees of equal rights enshrined in the constitution.

The President encouraged his counterparts at the Davos Forum in 2011 to visit Ukraine in the spring "*lorsque les femmes commencent à s'habiller de manière légère* (when women start to dress so lightly)".

Prime Minister Mykola Azarov, meanwhile, stated in particular that: "*conduire des réformes n'est pas une affaire de femmes* (conducting reforms is not women's business)."

In May 2012, the Minister of Education, Dmytro Tabachnyk, publicly said that the best university students "*sont les filles qui sont les moins intelligentes, les moins attirantes et qui ne ressemblent pas à des mannequins* (are girls who are less intelligent, less attractive and do not look like models)." He refused to apologize for these words (*U.S. Department of State, Bureau of Democracy*, 2013).

Since the arrival of the new government in February 2010, considered by many as reactionary and authoritarian, the political landscape of Ukraine has changed dramatically, according to the will of the new government to ban public meetings, restrict the freedom of the press and freedom of speech. In addition, police brutality has increased significantly (*European Journal of Women's Studies*, February 2012).



The elections of the parliament on October 28<sup>th</sup>, 2012 was also a step backward for democracy in Ukraine.

In a 2012 report on the implementation of human rights in Ukraine, it is stated that the elections were not consistent with international standards of fairness and transparency.

Concerning the situation of equality between men and women, discrimination remains very important, whether in terms of rights, salary or promotions. Women are often victims of sexual harassment.

Only 8% of parliament is females and the current government does not have any (*Le Monde*, February 22<sup>nd</sup>, 2012).

The deterioration of conditions of life for women is flagrant. For example, according to the law, a husband who is found guilty of domestic violence and rape against his wife may be held up to 5 days. According to the Minister of the Interior, during the first ten months of the year, the police recorded 451 cases of rape or attempted rape.

### **Prostitution and procuring**

In Ukraine, the prohibitionist system prohibits prostitution and implies that all actors - prostitutes, procurers and customers - are punished.

Prostitution was decriminalized in 2005. Until then, it was punishable under the Penal Code, but it made the fight against trafficking in women extremely difficult because, when they returned to Ukraine, they were being punished instead of helped.

Now, prostitution is punishable by a fine of 800 € (\$1,088 USD) or works of public interest, rarely used. However, government policy remains much more repressive than protective of prostitutes.

Procuring or keeping of a brothel is still considered a crime under article 303 of the Penal Code. This offense is punishable by 3 to 5 years of imprisonment.

There are several aggravating circumstances. Especially if it is committed "by an employee who takes advantage of his official position or by a person on whom the victim was physically dependent," the offense may be punishable by 4 to 7 years in prison (*EAHR*, 2007).

According to statistics from the NGO Aids Alliance, Ukraine has over 100,000 prostitutes, half of which are less than 20 years old. Among them, many are casual, part-time prostitutes (teachers, civil servants, and mothers looking for money before school starts) looking to make ends meet in a country where the average monthly salary is 200 € (\$272 USD) (*RFI*, May 5<sup>th</sup>, 2012). This is encouraged by sex tourism. In Kiev, 73% of girls between 18 and 23 say they have already received sexual proposals by foreigners, according to a survey of the Kiev International Institute of Sociology (KIIS). Poverty is the main cause of prostitution. Indeed, according to the KIIS, many Ukrainian prostitutes, despite a university education, have a job as a waitress or a teacher that pays up to 225 € (\$306 USD) per month, which is not enough to meet their needs and those of their families (*Cafébabel*, June 28<sup>th</sup>, 2012). In 2010, 24% of Ukrainians live below the poverty line (*The World Factbook*). The Ministry of the Interior lists 60,000 prostitutes in

Ukraine with 10,000 in Kiev, but there are many unknowns and the numbers could be doubled (*Courrier International /DagensNyheter*, June 26<sup>th</sup>, 2012).

### **Police and Justice: their actions hampered by corruption**

Despite the prohibition of prostitution and procuring, very few cases reach the courts because the corruption of police is so rampant. Procurers financially negotiate their protection with the police who turn a blind eye to their activity or who benefit from this activity.

According to the index of perception of corruption rankings of the NGO Transparency International, this plague remains the bane of the Ukrainian state, which is at the 144<sup>th</sup> spot of 176 countries for the year 2012, which illustrates no improvement over 2011.

These arrangements have the effect of complicating the efforts of prostitutes when they try to break the cycle of prostitution or denounce a procurer. Prostitutes are very easy prey for officials in that they are often unaware of their rights and have a fear of reprisals. They are therefore subject not only to the wishes of their procurers, but also those of the police.

Indeed, the police openly take advantage of prostitution and contribute to its existence by regularly fining prostitutes which they can pay with their bodies.

This latter practice has a name: the "soubotniki", as in Soviet regime, when people were volunteering on Saturdays.

Today, this practice remains for prostitutes who must be available to the police throughout the day in order to be protected by them or at least to escape the common police violence (*Courrier International /DagensNyheter*, June 26<sup>th</sup>, 2012).

### **The fight against human trafficking**

Ukraine has long been a country of origin, transit and increasingly destination for victims of sex trafficking.

The Ukrainian victims are sent to Russia, Poland, Iraq, Spain, Cyprus, Portugal, Czech Republic, Turkey and the Seychelles.

Women and children of Uzbekistan, Pakistan, Cameroon, Moldova, Germany and the Czech Republic are, in turn, subject to sex trafficking on Ukrainian territory.

The number of cases where Ukrainians have been exploited by their fellow patriots increases, promoting sexual slavery.

Ukraine ratified the Palermo Protocol against human trafficking in 2004, but the Ukrainian legal system still does not match the minimum international standards to fight against the elimination of trafficking. Indeed, the 2013 U.S. Department of State Report on Human Trafficking notes that the government has not made significant efforts to curb human trafficking. It has not allocated funds in this fight in 2012, either to investigate crimes related to trafficking or to protect victims.

In addition, the police unit specialized in the anti-trafficking fight was dismantled in 2011; the number of investigations, prosecutions and convictions decreased in 2012 (*U.S. Department of State*, 2013).

The major cause of human trafficking is the extreme poverty that exists in Ukraine, in particularly due to a dramatically high rate of unemployment, which makes women vulnerable (*Regards de femmes*, 2012). The vast majority of women live in poverty, often in rural areas and to support their families, are willing to accept any job (waitress, dancer, house maid...). The jobs proposed are most often abroad and poorly paid.

In reality, these jobs are often associated with prostitution and the sex trade. These women are desperate, unsuspecting of what lies behind such proposals.

This phenomenon is particularly visible in the "Sex Slave" documentary shot by Ric Esther Bienstock, Canadian director, in 2005 denouncing the techniques used by the Ukrainian networks procuring "selling" of women in Turkey, especially under the guise of alleged job offer ads that are published in newspapers or relayed by acquaintances of the victims whom they trust (*European Turkey*, June 24<sup>th</sup>, 2012).

According to a report by the International Organization for Migration (IOM) of October 14<sup>th</sup>, 2011, human trafficking is governed by many organized crime groups. These groups often have links with state authorities.

According to the report, Ukraine is one of the countries in Europe where there is the most labor exploitation. Since 1991, the Ukrainians have exploited over 110,000 people. Traffickers, including Ukrainians, work with the Germans, Russians and Poles. Regarding their status, it is primarily prosecutors, border guards, and judges who participate in crimes related to trafficking in persons (*IRBC*, 2012).

According to the 2013 U.S. Department of State Report on Human Trafficking, the Ukrainian government has greatly reduced the resources allocated to the police in the fight against human trafficking. This is felt on the number of investigations carried out on trafficking crimes, decreased from 257 in 2010 to 197 in 2011, and finally 162 in 2012. As for convictions, they decreased from 158 in 2011 to 115 in 2012. Of these 115 people, only 65 were sentenced to prison.

Regarding the legal framework, the offense of human trafficking, a criminal penalty since 1998, is now provided for by article 149 of the Ukrainian Penal Code, which entered into force in 2006.

This article criminalizes trafficking or any other unlawful transaction with a person, as well as the recruitment, transportation, confinement, transfer or receipt of a person, when such acts are committed for purpose of exploitation.

The term exploitation is understood broadly and includes the concept of sexual exploitation, use in the pornography industry, forced labor or services provided under duress, slavery, serfdom call for debt, organ removal, forced pregnancy, and more. This article 149 prescribes penalties of 3-15 years in prison.

Government complicity in some cases of trafficking remains a serious problem in 2012, and local corruption interferes with the investigation and prosecution of trafficking cases. This is a major obstacle in the exercise of the right to a fair trial for the victims of human trafficking (*La Strada*, 2012). Concretely, this means that the government has made no investigations or prosecutions against government employees for crimes related to human trafficking.

The 2013-2015 action plan requires annual funding of about 120,000 dollars in principle from the state budget, but it is the international donors who continue to provide the majority of funds, since the Ukrainian state has not invested money in the anti-trafficking fight in 2012. According to the 2013 U.S. Department of State Report on Human Trafficking, the government has taken no specific action to reduce the demand for sexual acts through taxes.

### **The absence of a concrete fight against child sexual exploitation**

Nearly 30% of prostitutes in Ukraine are girls aged between 11 and 18 years (*New Europe*, July 27<sup>th</sup>, 2012). According to section 303 of the Penal Code, anyone who puts children on the prostitution market is subject to 5 to 10 years in prison. However, the sexual exploitation of children remains a serious problem. A significant amount of child pornography comes from Ukraine, according the officials of domestic and foreign policy.

The IOM says that children from socially disadvantaged families and wards of the state are those at risk, in most cases, to be victims of trafficking and sexual exploitation in the country known for commercial sex and the production of pornography.

In an October 2012 report, the NGO End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT) focused on the lack of concrete prevention to fight against the sexual exploitation of children. In addition, no policy to fight the growing problem of sex tourism involving children and no program to assist sexually exploited children.

According to official statistics from the Ministry of the Interior, 43 cases of child victims of prostitution were recorded by the police between 2009 and 2011. During the same period, 479 children between 16 and 18 were arrested by the police because they practiced prostitution.

Adolescents 16 to 18 years of age are often not protected as victims, but rather treated as criminals (*U.S. Department of State, Bureau of Democracy*, 2013).

The government has made no specific effort to reduce child sex tourism, utilized by the Ukrainians (*U.S. Department of State*, 2013).

### **The fight of FEMEN, an active and visible feminist**

The FEMEN feminist group, founded in 2008, denounced the inequality and discrimination against women such as the disparity in wages (27% lower for women), sexual harassment, corruption, sports competitions like Euro 2012, and sex tourism (*Paris -Match*, February 18<sup>th</sup>, 2012).

The concept of this group is to be highly visible through actions that attract attention - exhibition of their breasts or their naked bodies staged in the streets creating debates.

It is an unprecedented activism in a patriarchal society, where there is inaction. Ukrainian women are seen as mothers and it is extremely difficult for them to attain positions of responsibility (*Le Monde*, February 22<sup>nd</sup>, 2012).

For these feminists, nudity is a political weapon as a naked woman incites fear. It is also a peaceful weapon. But the reaction of the political system is violent. They have already been tortured following their actions (*Paris Match*, February 18<sup>th</sup>, 2012).

According to a study by KIIS, one Ukrainian prostitute in eight is a student or schoolgirl. Given the dire economic situation, many of these students are forced to resort to prostitution. The FEMEN fear that this phenomenon is amplified with Euro 2012 and have not stopped asking for a competition "without prostitution."

Illegal income from prostitution is estimated for the year 2010 to be \$1.5 billion USD, while it ranged between \$750 million and \$1 billion USD in 2008. Given the extreme corruption prevailing in Ukraine, it is clear that some politicians are taking advantage of this income (*Le Monde*, February 22<sup>nd</sup>, 2012).

FEMEN's slogan is, "Ukraine is not a brothel!" For them, even if their actions are extreme, undressing is the best way to attract attention to their cause, to make the public reflect, and to mobilize others to address the problems faced by women as words alone are not enough. The FEMEN protest against sexual exploitation in institutions of higher education. Indeed, many students have been asked for sexual favors in exchange for admission to the university, a scholarship, housing, or good test results.

The FEMEN also fight against the discrimination of Ukrainian women abroad. Indeed, India has recently issued a directive requiring that all visa applications for women aged between 15 and 40 years old from Ukraine are examined with the greatest care lest they go to India to enter prostitution.

The FEMEN responded by recalling that all Ukrainian women are not prostitutes, and that the Directive is insulting to them (*International Business Times*, February 19<sup>th</sup>, 2012).

### **Euro 2012, mixed results**

The European Football Championship (Euro 2012) was held in Kiev, and as with any major sporting event, prostitution rings were prepared to accommodate a large number of clients (*RFI*, May 5<sup>th</sup>, 2012). In the eyes of foreigners, Ukraine is a country of women that are "cheap and available" (*Reuters*, May 22<sup>nd</sup>, 2012).

Procurers have anticipated this great sporting event "involving girls," putting older and damaged women aside, for the benefit of young and beautiful girls coming from the countryside, where living conditions are difficult by increasing poverty.

Prostitutes fear public supporters of sports events as alcohol and defeats are sources of increased violence towards them (*Keek*, May 24<sup>th</sup>, 2012).

To fight against the competition from other countries in Europe especially for the Euro 2012, many Ukrainian prostitutes will not hesitate to have unprotected sex and open themselves up to the risks transmission of AIDS (*Xalima News*, May 25<sup>th</sup>, 2012).

In 2010, the FEMEN had anticipated the risks of Euro 2012 on sex tourism by proposing that the European Union of Football Associations (UEFA) implements an outreach program entitled "Do not buy a woman." The purpose of this program was to inform tourists of the illegality of prostitution in Ukraine and remind them that women are not consumer goods. But their proposal was ignored... (*JOLPress*, May 31<sup>st</sup>, 2012).

Salus, an NGO operating in Ukraine for 90 years to act for the prevention of AIDS, had also proposed municipal authorities to implement a campaign of installing condom vending machines and information booths on prostitution and its problems. Their proposal was rejected by the Ukrainian authorities (*Café Babel*, June 28<sup>th</sup>, 2012)

Ukrainian police received an order from the authorities to "cleanse" the streets of prostitutes, but also to show "tolerance" to foreign tourists.

This double discourse might increase corruption, a domestic issue, by implicitly allowing police officers to monetize their protection of prostitutes or tourists (*Libération*, June 6<sup>th</sup>, 2012). These fears were justified because the police took many repressive measures against prostitutes under the guise of protecting the football players and the fans.

The report of sex tourism generated by the Euro 2012 seems rather positive, although many foreign prostitutes moved. Indeed, there was no net increase in the demand for sexual services during this period according to non-governmental organizations and the prostitutes themselves.

This can be, on the one hand, the result of actions taken by the group FEMEN, but also the prejudices of health- which were made about the risks of HIV infection.

### **AIDS, the scourge of sanitation**

Ukraine is the most affected country by the virus of Europe. 14-31% of prostitutes are HIV-positive, according to studies conducted by UNAIDS (*Les Nouvelles News*, May 23<sup>rd</sup>, 2012).

Between 2000 and 2010, Ukraine was the victim of one of the highest prevalence rates of AIDS increases in Europe (*Courrier International /DagensNyheter*, June 26<sup>th</sup>, 2012).

The infection rate increased 1.1% and 350,000 Ukrainians are contaminated.

The most recent statistics from AIDS infection rates for Ukraine show that at the beginning of 2012, 216,977 people aged between 15 and 49 were infected.

24% of prostitutes in Kiev are positive according to a study in 2011 by the Alliance HIV/AIDS. This is due, among other things, to the desire of some customers to have unprotected sex, which prostitutes appease in order to earn more money. This situation is the result of increasing competition in the strong market of prostitution in Ukraine.

### **Judicial news**

At the end of 2012, two Israelis and a Ukrainian were arrested in Israel for human trafficking and running a brothel in which Ukrainian women, who had been persuaded to come to Israel to become prostitutes, were employed. They were young women on dating sites or through contacts in Ukraine and offered them to come to become prostitutes in Israel. They told

them they could make lots of money through prostitution and those that did it before them happily returned home in Ukraine (*Haaretz*, February 8<sup>th</sup>, 2013).

Efforts by Ukraine to curb the scourge of human trafficking have collapsed with the reorganization of the Ministry of the Interior in 2011, when the anti-trafficking unit was subordinated to the Department of General Crimes. There were 70 inspectors in 2010 in this unit and they were only 16 in 2012. Inspectors who replaced the old ones have very little experience in this field and the time spent on investigations of trafficking crimes decreased significantly. The lack of interest of the Ukrainian government in the fight against human trafficking risks to perpetuate the presence of traffickers attracted to places where impunity reigns.

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## United Arab Emirates

- Population: 8.1 million
- GDP per capita (in US dollars): 40,363 (2011)
- Federation of seven Emirates under a monarchy regime
- Human development index (HDI): 0.818 (41<sup>st</sup> rank among 187 countries)
- Gender inequality index (GII): 0.241 (40<sup>th</sup> rank among 147 countries)
- No official national statistics on prostitution.
- More than 80% of the population are foreign workers, often exploited into slavery or prostitution.
- Forced prostitution and the exploitation of establishments of prostitution are prohibited (articles 364 and 165 of the Penal Code)
- Human trafficking with the purpose of sexual exploitation is prohibited by Federal Law number 51 of 2006. However, the identification process of victims, foreseen by the law, have not been established. - In 2012, a new strategy for fighting against human trafficking was established. This strategy is based on 5 pillars: prevention, prosecution, penalty, protection and promotion.
- Country of destination and transit for human trafficking, especially with the purpose of sexual exploitation.

The United Arab Emirates is a federal state composed of seven emirates, which include Dubai, Abu Dhabi, Sharjah and Ajman. Benefitting from a strong and prosperous economy, the United Arab Emirates is one of the richest countries in the Gulf, after Saudi Arabia<sup>1</sup>, and it attracts numerous foreign workers searching for lucrative employment. The uniqueness of the Emirates resides in the fact that nationals represent a very small part of the population while foreigners represent 80%. The supply of labor, therefore, is numerous and inexpensive. Many workers who find themselves in a vulnerable state are exploited in the form of slavery or prostitution. In a country where to have sexual relations outside of a marriage is strongly punished, the act of paying for sex is an even greater offense. Although Articles 364 and 365 of the Penal Code forbids forced prostitution and the operation of a prostitution establishment, certain practices persist due to the weakness of the sentences.

<sup>1</sup> According to the Treasury Department, the United Arab Emirates' economy is dominated by the capital Abu Dhabi (just over 60% of total GDP) providing the bulk of the oil production, while Dubai (nearly 35% of total GDP) relies on the development of their service industry.

### From the promise of employment to forced prostitution

According to the report in 2012 from the U.S. State Department Report on Human Trafficking, 47 cases of human trafficking have been brought to court. 37 people were accused and 19 people were found guilty, according to the report in 2011. These cases involved 75 victims. 80% of those who were supported by the Dubai Foundation for Women and Children (DFWAC), were promised work or a productive activity. Of the 25 victims who were supported by Ewa'a, another association located in Abu Dhabi, 16 came to the United Arab Emirates with a work visa. The *modus operandi* of traffickers is almost identical for all the victims of trafficking resulting in prostitution. In general, the procurer promises work in the United Arab Emirates and says that she can earn a lot of money in a small amount of time. Once the victim arrives at her destination, however, she finds herself forced into prostitution. For proof one must simply read the press from 2012. A number of consecutive articles reported on people who were promised work as a cleaning woman or a servant, but in reality were forced to prostitute themselves. In this way, in June 2012, a man originating from India was accused of human trafficking for having promised a recently widowed mother a job in Dubai, and then locking her in an apartment. Once she arrived, he forced her into having paid sexual relations. The procurer and his accomplices took advantage of her need to support her children in India and forced her to prostitute herself. According to M.F., 31 years old, “*They intimidated me and threatened me so that I would prostitute myself. They forced me to have sexual relations with more than seven clients each day...*” (*Gulf News*, June 1<sup>st</sup>, 2012). In the majority of cases reported by the police, the victims and their procurers come from the same country and even from the same village. These procurers are aware of the distress in which their victims live, and do not hesitate to take advantage of their need to work and to feed their families. They exploit their victims’ hopes for decent work and then force them into prostitution. The most cited affair is far from an isolated case. In 2012, a prostitution ring led by a woman in Dubai was dismantled for having forced cleaning women into prostitution. She encouraged them to leave their sponsor<sup>2</sup>, locked them into apartments in several emirates and forced them to have paid sexual relations (*Emirates 24/7*, April 30<sup>th</sup>, 2012).

Methods of Subjecting Victims to Human Trafficking	Number of Occurrences	Percentage %
Promise of Work	28	80%
Abduction	1	3%
Threats	1	3%
Unknown Motive	5	14%
<b>Total</b>	<b>35</b>	<b>100%</b>

Source : National Committee to combat human trafficking (NCCHT), *Combating human trafficking in the UAE – Annual report 2012-2013*, 2013.

<sup>2</sup> Sponsoring is a restrictive patronage system used in certain Middle Eastern countries where migrant workers are under the guardianship of foreign businesses.

## **The development of telecommunication networks in the prostitution business**

Telecommunication networks seem to be used by procurers in the United Arab Emirates. However, it is not the case, as it is in France and in other countries, that websites are created to sell the sexual service of young women. It is illegal to host prostitution sites in the UAE and even if a site is made in another country, it is strongly prohibited to access them. The National Committee on the Struggle against Human Trafficking reported in 2012 two cases involving the internet to force young women into prostitution. One man was arrested by the police for having forced three Latin American women to prostitute themselves. He used online dating sites to promise them a long term relationship and a new life with him to lure them to Dubai, and then he kept them captive in his apartment. According to Colonel Abdul Rahim bin Shafiel from the organized crime division, this was the first case of social networking being used to lure victims to the United Arab Emirates (*Al Bawaba*, February 6<sup>th</sup>, 2012).

In a second affair, a Filipino woman was forced into prostitution after meeting, via Facebook, a compatriot who moved to Dubai to work as a salesman. Upon her arrival, the procurer took her passport and demanded that she pay him 20,000 AED (about \$5,700 USD). Not being able to acquire this sum, she was obligated to prostitute herself. SDB, 31 years old, testified, “*When I refused, he threatened to stop me from going home and from seeing my children. He forced me to prostitute myself and to collect money from the clients*” (*Emirates 24/7*, July 26<sup>th</sup>, 2012).

It should be noted that the UAE government has made a real effort in the struggle against human trafficking and is spreading awareness of the extent of human trafficking in all its forms. International cooperation has been put in place to prevent the delivery of visas that ambassadors and consulates assess as doubtful.

## **The implanting of a new strategy by the National Committee against Human Trafficking**

In 2012, the United Arab Emirates adopted a new strategy to combat the problem of human trafficking, which replaced the old strategy called “4 Pillars”<sup>3</sup>. From now on, the latter will give way to the “5 Pillars” strategy: prevention, protection, prosecution, punishment and promotion of international cooperation (*NCCHT*, 2013). The UAE, through the establishment of these five principles, hopes to improve the tools available to police officers and to achieve greater public awareness on the issue of human trafficking (*Emirates News Agency WAM*, April 16<sup>th</sup>, 2012). Thus the Federal Law n.51, voted on in 2006, created a legal base to prosecute procurers and other traffickers involved in forced prostitution and human trafficking, which results in prostitution. The Federal Law n.39 meanwhile, allows international judicial cooperation to actively fight against trafficking and to potentially extradite those are suspected of this offense.

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<sup>3</sup> The 2011 strategy called “The four-pillar anti-human trafficking strategy” was based on four essential aspects of the fight against human trafficking, namely, legislation, implantation of the law, support for victims, bilateral agreements and international cooperation.

In addition to increased criminal prosecution of forced prostitution, public authorities have focused on prevention and public awareness of the problem. Preventing is a major public asset in the fight against human trafficking resulting in sexual exploitation, insofar that it allows for the joint action of the authorities and the public, and promotes an anti-trafficking culture in the United Arab Emirates. To accomplish this, one prevention campaign was created in 2006 in Abu Dhabi and Al Ain in hope of achieving greater awareness in workers arriving in the UAE airports. This has proven effective as there is now a genuine awareness of the problem in the conscience of the public. The year 2012 was successful in terms of prevention, with the distribution of informational pamphlets on forced labor and sexual exploitation, as well as the production of commercials on this topic. Similarly, The National Committee to Fight against Human Trafficking has created a hotline to assist trafficking victims. In this way, a better public understanding of the problem allows for a more effective response.

Finally, support for victims has been reinforced by putting in place several organizations to provide material and financial support to trafficking victims. The Committee was thus able to give 36,340 AED (about \$9,500 USD) in 2012. The associated work of DFWAC and *Ewa'a* were equally essential in providing support to human trafficking victims. During the year 2012, DFWAC was put in charge of 44 victims, ages 13 to 33 including 4 minors. All the victims were directed to the organization by the police.

This financial aid has come from private sector businesses who wish to contribute to the fight against human trafficking. The program “New Beginnings” is a unique and very interesting group that allows companies to participate in victim support by establishing financial assistance and employment opportunities in these companies. This contribution from the private sector is perceived as part of these companies’ social responsibility to the public. It is considered normal that these companies contribute to the rehabilitation of human trafficking victims by providing them with decent career opportunities and some financial support. Some companies such as Unilever, Emirates Airlines, Al-Futtaim Group, KEO International Consultants, and the American Association of Women are already involved in this program. This model has become an inspiration to certain countries where the reinsertion of victims into society is often incomplete.

### **The absence of victim identification and of effective recourse despite the effective application of Federal Law n.51**

Federal law number 51 and the creation of the National Committee on the Fight against Human Trafficking in 2007 has contributed to the significant progress in criminal prosecutions of procurers. This law was amended in 2009 to conform to the international standards created by the United Nations’ Convention against Transnational Organized Crime (November 15<sup>th</sup>, 2000) together with the Protocol (called Palermo) supplementing the United Nations’ Convention against Transnational Organized Crime in the hopes to prevent, suppress and punish human traffickers, especially those who deal in women and children.

The penalties are sever and comparable to the penalties of a similar severity threshold. The penalties for traffickers who are convicted, depending on the circumstances, can be sentenced to a maximum of life in prison and subject to fines ranging from 100,000 to 1 million AED (\$28,700 USD to \$287,000 USD) as appropriate (NCCHT, 2013). In Sharjah, out of the 34 traffickers tried, 31 were found guilty. For Dubai the conviction rate is relatively weak compared to the other Emirates: 37% conviction rate in 2012. Still, the progress made by the UAE has been quite significant in the past six years as the convictions for the heads of trafficking networks has increased from 5 to 31 since 2007. According to Dr Anwar Gargash, Minister of State Foreign Affairs, the measures adopted by the UAE to fight against human trafficking are based on judicial mechanisms and social support implemented in coordination with a number of institutions. The progress made in the criminal proceedings of procurers are due to the Federal Law n.51 with the prevention and public awareness of the issue, the judicial and political institutions play an equal role. By way of illustration, it should be noted that the establishment in November 2010 by a special court to try cases of human trafficking, which testifies to the real consideration of the specifics of this crime and the importance that it should be granted specific legal treatment practices. In addition, the 2013 U.S. Department of State Report on Human Trafficking states that the Ministry of the Interior has established 31 schools to provide training on human trafficking to more than 1,000 senior police officials.

<b>Origin</b>	<b>Cases</b>	<b>Procurers Implicated</b>	<b>Procurers Convicted</b>	<b>Victims</b>
<b>Abu Dhabi</b>	5	8	6	10
<b>Dubai</b>	22	81	30	34
<b>Sharjah</b>	13	34	31	16
<b>Aman</b>	3	8	8	3
<b>Ras Al-Khaimah</b>	3	17	15	11
<b>Fujairah</b>	1	1	1	1
<b>Total</b>	47	149	91	75

*Source* : National Committee to combat human trafficking (NCCHT), *Combating human trafficking in the UAE – Annual report 2012-2013*, 2013.

The efforts are still needed in the identification of victims and in guaranteeing the right to an effective recourse. During the month of April 2012, the UAE received a visit the UN Special Reporter on Human Trafficking, Joy Ngozi Ezeilo, who urged the authorities to give more attention to the plight of trafficking victims. The market for foreign workers has become a very lucrative market the organized crime networks who deal in the sex trade and forced labor, thereby increasing the vulnerability of these people to risks of trafficking. For the UN expert, “one of the major tasks ahead will be to reduce the vulnerability of people to trafficking through the arrangement of safe and legal migration, to ensure that the strong demand for cheap foreign labor, unskilled or semi-skilled, is not exploited by traffickers” (*Centre d’actualités de l’ONU*, April 18<sup>th</sup>, 2012).

Highlighting the efforts made in their campaign against human trafficking, J. Ngozi Ezeilo regretted the failure to identify some human trafficking victims and to ensure the right to an effective recourse, causing an increased risk for trafficking victims to fall back into the hands of the traffickers. While, in 2012, 57 people were identified as trafficking victims for sexual exploitation and were directed to health centers, certain questionable practices remain, such as the confiscation of passports (*U.S. Department of State*, 2013). In this respect, the government has implemented a short term program where domestic workers with an expired visa, can stay in the territory until the renewal of their documents without the risk of being convicted.

In Federal Law n.51 and even in the criminalization of human trafficking, there are gaps in the protection of victims. The law contains no provision concerning “the protection, relief, recovery, rehabilitation and the right to compensation for victims” (*Centre d’actualités de l’ONU*, April 18<sup>th</sup>, 2012). Compensation for the violations of human rights, to which trafficking victims are subject, is likely to help them in their rehabilitation process and paves the way for a normal life. In the case of child prostitution, it must be noted that the UAE government has made no attempt to recognize the demand or to prosecute citizens who use child prostitution abroad.

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## United Kingdom

- Population: 62.8 million
- GDP per capita (in US dollars): 38,514
- Constitutional monarchy
- Human development index (HDI): 0.875 (26<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.205 (34<sup>th</sup> rank among 147 countries)
- Member of the European Union since 1973.
  
- No official national statistics on prostitution.
- There are between 80,000 and 100,000 prostitutes according to estimates.
- In 2008, the United Kingdom criminalized the purchase of sex services from forced prostitutes. Afterwards, England, Scotland and North Ireland proposed to expand this law and to criminalize the purchase of sex services according to the “Scandinavian model”.
- Increase in domestic child trade with purpose of sexual exploitation.
- In 2012, there were 23,097 cases of sexual violence against children. Conviction rate: 10%.
- 69 sex trafficking cases were processed in 2012.
- Country of destination for victims of sexual exploitation.
- Victims of sex trafficking mainly come from Nigeria, Vietnam, Albania, Romania and China.

In January of 2012, a pastry chef discovered a Roman “brothel token” in the mud along the Thames River, documenting a more than 2,000-year existence of prostitution in the United Kingdom (*IOL News*, January 4<sup>th</sup>, 2012). Although sexual exploitation and prostitution in the U.K. has become more complex than in the times of the Roman Empire, it is no less present. Today, in London alone, there are an estimated 2,103 brothels, employing some 51,000 prostitutes (*Boff*, March 2012). Although prostitution is legal in the U.K., operating a brothel is not, according to the Sexual Offences Act of 2003, an amended version of the Sexual Offences Act of 1956, which set the groundwork for the current legalized regulation of prostitution (*Politics*, 2012). Reports from various government offices and NGO’s suggest that the 100,000 prostitutes in the U.K. today are comprised mainly of willing participants, however sex trafficking within and into the U.K. appears to be increasing (*U.S. Department of State*, 2009).

The UK is a destination for victims from 36 documented countries. The majority of victims come from Nigeria, Vietnam, Albania, Romania, China and increasingly, Latvia (*U.S. Department of State*, 2013). All forms of trafficking are prohibited in the UK under the 2009



Coroners and Justice Act, the 2003 Sexual Offences Act and the 2004 Asylum and Immigration Act, which mandate maximum sentences of 10, 14 and 14 years respectively.

In 2012 there were several improvements to the legislation surrounding trafficking and sexual exploitation, as well as an increase in successful prosecution. For example the first successful conviction under section 71 of the Coroners and Justice Act, which put away 4 trafficking offenders in Bedfordshire, England, for subjecting homeless men to labor without pay. Furthermore, new legislation in England and Wales was passed in order to comply with the European Directive on Trafficking (*U.S. Department of State, 2013*).

These events are consistent with increased prosecution and changes in legislation over the past decade. The Sexual Offences Act, which covers sex trafficking in sections 57 through 59, was created in 2003 and amended in 2007 to allow the Crown's prosecution of crimes committed overseas (*CPS, 2012*). The 2008 Policing and Crime Bill criminalized purchasing a sexual act from a person acting under coercion even if the "customer" is unaware that the victim is acting under duress (*Politics, 2012*). In 2010, Specialist Crime Directorate 9 (SCD9): the Human Exploitation and Organized Crime Command was created, along with its subdivision, the Trafficking and Prostitution Unit (TPU), to centralize police efforts in regards to sexual exploitation (*Boff, March 2012*). Furthermore, Section 57 of the Sexual Offences Act 2003, which addresses human trafficking into the UK for sexual exploitation is up to be amended in 2013 (*CPS, 2012*).

### **Increasing concern over trafficking**

According to the Interdepartmental Ministerial Group on Human Trafficking, from 2010 to 2011 the number of reported human trafficking victims increased from 710 to 946 (*BBC News, October 18<sup>th</sup>, 2012*). The actual number of undetected victims, however, is estimated to be much higher. The National Referral Mechanism was established in 2009 to detect and provide aid to human trafficking victims in the United Kingdom. 1,186 victims were "referred" to the NRM in 2012, although only 148 trafficking offenders were prosecuted, with a 70% conviction rate (*U.S. Department of State, 2013*).

While many of the victims referred to the NRM did not receive the conclusive "positive grounds" necessary to be considered a human trafficking victim, many NGOs believe that the NRM is flawed, and misses large groups of trafficking victims. For example, in his report to Mayor Boris Johnson of London, A.M. Andrew Boff described how even though NGOs report Nigerians to be the nationality most frequently trafficked into the U.K., they are rarely, if ever, reported by the NRM. This, he suggested may be a structural flaw. In sex trafficking cases, SCD9, and the TPU in particular, focuses on brothel raids, based on the assumption that prostitutes working the street are generally U.K. nationals, where as the brothel workers are generally foreign. These wide sweeping brothel raids turn up the greatest number of potential victims. However, brothels are predominantly run by Eastern European or Chinese gangs, meaning that Eastern European or Chinese trafficking victims make up the majority of "referred" cases (*Boff, March 2012*). On the other hand, West African trafficking victims, Nigerians in

particular, have been found to be more likely exploited in small, close knit, communities, with transactions often taking place before transit to the U.K. This keeps them out of the eyes of the SCD9, and thus makes them less likely to be referred to the NRM.

With few statistics on the most frequently trafficked nationality, it is hard to tell exactly how many victims of human trafficking are in the U.K. at any given time. The estimates vary greatly; one NGO, The Poppy Project, suggested that 81% of prostitutes in London in 2004 were foreign nationals, whereas The Economic and Social Science Research Council claimed the number of foreign women to be working in street prostitution in England and Wales to be as low as 6-8.7% (Boff, March 2012).

Even more difficult to discern than the number of victims, is the number of traffickers. Although there are an estimated 700 sex trafficking victims in Scotland, Scottish courts had their first successful trafficking conviction in 2012, after two offenders were sentenced to 40 and 38 months in prison, under section 22 of the Criminal Justice (Scotland) Act of 2003 for forcing 14 women into prostitution across Scotland and Northern Ireland. Scottish police believe that 9 major gangs traffic people into Scotland for prostitution and forced labor (*Herald, Scotland*, June 14<sup>th</sup>, 2012), just a small part of the estimated 92 organized crime groups involved in human trafficking throughout the rest of the U.K. (*BBC News*, October 18<sup>th</sup>, 2012). In 2012 one of the most prolific of these organized crime groups were the Triads, a Chinese “snakehead” gang, which established “pop-up brothels” across Northern Ireland, where they forced, mainly Chinese, women into prostitution in one location for 2-4 weeks, before moving them somewhere else (*Belfast Telegraph*, April 23<sup>rd</sup>, 2012). Organized crime in the U.K. makes around \$235 million USD (180 million €) per year from prostitution and trafficking alone (*The Journal*, August 17<sup>th</sup>, 2012).

Trafficking operations throughout the U.K. often work on a smaller scale, for example, in April of 2012 a couple was sentenced for forcing women from Latvia and Lithuania to become prostitutes in massage parlors, and in October one offender was sentenced to two years in prison for trafficking over 25 Nigerian girls.

### **Child sexual exploitation**

A case that brought international attention to U.K. sex trafficking was the story of a young, deaf, Pakistani girl who had been trafficked to Britain at 10 years old, where she was kept in a cellar by an elderly couple (husband aged 83 and wife aged 66 at the time of the report) who repeatedly raped and beat her for almost a decade (*USA Today/AP*, February 13<sup>th</sup>, 2012). Unfortunately, this case was not a unique one. In June of 2012, four men were sentenced to life in prison, and two others for seven years, for running a pedophilic sex ring in Oxford for over 8 years (*The Malaysian Insider*, June 28<sup>th</sup>, 2012). Around 50 girls, under 16 years old, were repeatedly raped and exploited (*Cherwell*, April 19<sup>th</sup>, 2012). According to the Child Exploitation and Online Protection Center, there are around 300 child trafficking victims in the U.K. every year (*BBC News*, October 18<sup>th</sup>, 2012). Even more children are the victims of other sex crimes.

There were 23,097 reported child victims of sex crimes in 2012 in England, the equivalent of 444 attacks per week. Over 1,500 of those victims were under 5 years old (*EDP24*, April 4<sup>th</sup>, 2012).

### **The “Olympic Effect”**

With London set to host the 2012 Summer Olympics, many in the media and government speculated the effects of the games on human trafficking and prostitution. In the months leading up to the games SCD9 was given an extra 600,000 GBP (\$915,000 USD or 700,000 €). Many speculated that the influx of tourists would bring an increase of sex trafficking to London, and thus, the SCD9 began to “crack down” on prostitution in the 5 Olympic boroughs. In the 7 months leading up to the games each London borough had an average of 1.16 brothel raids, while the 5 Olympic zones had an average of 14 raids each (*Boff*, March 2012). There were 80 raids in the areas located near game sites, versus 29 in unaffected boroughs. Additionally, sex workers operating in those zones were given extra bail conditions when they were found in breach of brothel laws, including curfews and orders to move their work to other locations (*JOL News*, January 4<sup>th</sup>, 2012).

However, the increase in raids failed to find any evidence that trafficking or prostitution increased during the games (*Boff*, March 2012). In fact, it was suggested, by a study of the Vancouver Winter Games (*National Post*, January 4<sup>th</sup>, 2012), as well as the work of various NGOs, that prostitutes were actually more at risk during the Olympics, not because of the influx of tourists or an increase in trafficking, but because of police action (*The Telegraph*, February 4<sup>th</sup>, 2012). According to the Vancouver study, which surveyed around 100 prostitutes working before and after the winter games, the increased police action in the Olympic zones pushes sex workers away from their usual safety nets, into areas that may be more dangerous, and towards clients they don't know and who may be violent (*National Post*, January 4<sup>th</sup>, 2012). According to Miriam Merkova from the charity Toynbee Hall, during the London Games prostitutes were forced to take more risks in order to make money, and were less likely to report crimes for fear of arrest (*The Telegraph*, February 4<sup>th</sup>, 2012).

### **Systematic flaws**

The increase in brothel raids during the Olympic Games highlighted a structural flaw in the way the United Kingdom handles prostitution and sex trafficking. Many NGOs criticized not only the increase in raids, but the raids themselves, stating that they stretch police resources, displace vulnerable sex workers and make it less likely for them to report crimes. Although active sex workers are 18 times more likely to be murdered than the average woman, they are statistically much less likely to report assault or violent crime with 56% of assaults on sex workers in the U.K. believed to be unreported (*Boff*, March 2012). SCD9 routinely targets “non-exploitative brothels” or charges sex workers with brothel law infractions for harmless acts such as sharing an apartment with another prostitute, which shows, as stated in A.M. Boff's report, that “enforcement of brothel laws is now taking priority to these women's safety”. For example,

in 2011, 5 men assaulted and robbed 3 women in a brothel, the men were not arrested, even after they were caught on CCTV raping and robbing another woman, the police instead threatened the victims with arrest for violating brothel laws (*IOL News*, January 4<sup>th</sup>, 2012).

The 2012 U.S. Department of State Report on Human Trafficking stated that the U.K. had continued problems with inadvertent deportation and prosecution of victims, and criticized a 2011 law that prohibited all migrant workers from changing employers. In August of 2012, the University of Cambridge did a study that reported on the “penalization of migrant women”. The study showed that even when victims referred to the NRM received the conclusive “positive grounds”, 25% spent an average of 4 months in custody. Additionally, the NRM only allows for 45 days of government support for victims.

### **Legislation in process**

In recent years the U.K. has actively worked to improve its sexual exploitation legislation, prosecution, and prevention tactics. The 2011-2015 National Action Plan outlined four strategy areas in regards to sexual exploitation and human trafficking: to improve victim care arrangements, increase the ability to “act early” by stopping traffickers before they reach the U.K., create a multi-agency border cooperation, and improve coordination between law enforcement within the U.K. It stated an aim to: identify victims and improve the National Referral Mechanism, deter and disrupt trafficking overseas, target traffickers before they reach the U.K., educate potential victims, and create the National Crime Agency and Organized Crime Coordination Center (*UNODC*, 2012). To improve border coordination, the U.K. opted into the EU Directive on Trafficking in Human Beings in 2011 (2011/36/EU). Also in 2011, the Home Office launched the ‘Ugly Mugs’ campaign to protect sex workers by providing 108,000 GBP (\$177,271 USD – 129,631 €) over 12 months to create a network where sex workers and law enforcement can make each other aware of violent individuals. The system is run by the U.K. Network of Sex Work Projects (NSWP) (*Politics*, 2012). In Northern Ireland, the Blue Blindfold Campaign works to raise awareness about sex trafficking (*U.S. Department of State*, 2012), while the Turn Off the Red Light Campaign works to criminalize buying sex, with tactics including a billboard campaign that began August 2012 (*The Journal*, August 17<sup>th</sup>, 2012). To fight trafficking at the borders an “e-learning package” was created to educate border officials on the identification of human trafficking victims (*U.S. Department of State*, 2013).

Additionally, a trend which began in Merseyside, England, has grown in popularity in the U.K. Beginning in 2006, crimes against prostitutes in Merseyside have been considered hate crimes, which forces the prostitute to be considered a victim first and foremost (*Boff*, March 2012). Legislation has been suggested in England and Wales that would criminalize the buying of sex, following the “Nordic Model” (*IOL News*, January 4<sup>th</sup>, 2012), similar to the Purchase of Sex Bill, which is currently under consideration in Scottish Parliament.

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## United States of America

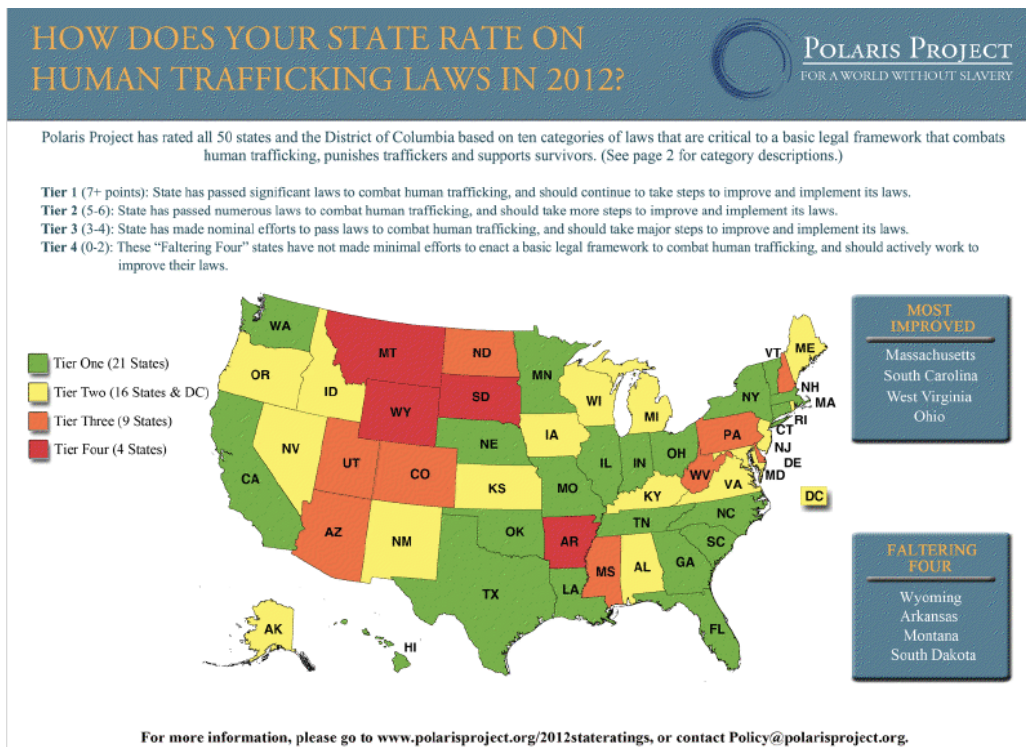
- Population: 315.8 million
- GDP per capita (in US dollars): 49,965
- Presidential regime with a federal organization
- Human development index (HDI): 0.917 (3<sup>rd</sup> rank among 187 countries)
- Gender inequality index (GII): 0.256 (42<sup>nd</sup> rank among 147 countries)
- No official national statistics on prostitution.
- Every year, 100,000 minors are victims of sex trafficking and 4,000 minors are trafficked through New York City.
- Prohibitionist regime, except in 12 counties of Nevada, of which only 8 of these counties have brothels. In Nevada, about 500 women are practice prostitution in about 30 brothels.
- During the *Super Bowl Weekend* of 2012, a national police raid in institutions of prostitution, took place and culminated in the arrests of 314 clients (“johns”) accused of soliciting.
- According to the Advanced Interactive Media (AIM) Group, 80% of online prostitution revenue in February 2012 was attributed to *Backpage*, a classifieds website.

In 2012, the United States has taken many legal strides forward in terms of protecting the victims of sexual exploitation and punishing the traffickers. Nevada remains the only state where prostitution is legally protected in some rural districts. This year, sexual exploitation problems represented in the media stemmed from the Super Bowl weekend, N.Y.C. taxi trafficking, California condom controversies, and sexual advertisements on *Backpage*.

President Obama announced in September of 2012, that the U.S. government needs to concentrate on: stopping and spotting trafficking, turning the tables on traffickers, and helping victims recover through T-visas which enable victims with a nonimmigrant status to reside in the United States and apply for U.S. citizenship after five years (*Chicago Tribune*, February 3<sup>rd</sup>, 2012). The Federal Government of the United States reauthorized the Trafficking Victims Protection Act (TVPA) of 2008, which defines a human trafficking victim as a person who is made to perform labor or commercial sex act through force, deception, or coercion.

## Incongruities in state law

While the TVPA is enforced on a national level, state legislature is not uniform. State law cannot undermine the responsibilities of the federal government. Prostitution is considered illegal in forty-nine out of the fifty states. In Nevada, it is legal under the form of regulated brothels in eight districts, but it is illegal in the majority of Nevada including the Clark district, (which contains Las Vegas) and the Washoe district (which contains Reno). In Nevada, about 500 women are legal ‘independent contractors’ in just under 30 brothels (*The New York Times*, April 19<sup>th</sup>, 2012).



© 2012 *State Ratings Map* | Polaris Project | *Combating Human Trafficking and Modern-day Slavery*.

Most states are actively passing laws to combat human trafficking. Wyoming is an exception to this trend. It has yet to pass any legislation against human trafficking. The “*Faltering Four*” states or the states with the least amount of legislature protecting victims and punishing traffickers are: Wyoming, Arkansas, Montana and South Dakota (see map above).

## Super Bowl and sex trafficking

Even though many consider it an urban legend, statistics show that the American football “Super Bowl Weekend” is also considered a sex trafficking event. In 2011, the Dallas Super Bowl resulted in 133 underage arrests for prostitution. In February of 2012, the Super Bowl football match was held in Indianapolis, Indiana. During week of the Super Bowl 2012, over

1,000 listings were posted on *Backpage*, and over a quarter of these listings made references to the Super Bowl.

Indiana Governor Mitch Daniels, Attorney General Greg Zeller and child advocate of Shared Hope International, Linda Smith, banded together to evaluate the legal and social services in place to help the victims (*Forbes*, February 2<sup>nd</sup>, 2012). In February of 2012, Indiana State Human Trafficking legislature was altered, as the repercussions for trafficking a child under the age of 16 was increased from 20 to 50 years in jail. Volunteers played an important role in trafficking surveillance during the Super Bowl. The Indian Prevention of Abused and Trafficked Humans task trained nearly 3,400 volunteers prior to the Super Bowl. Volunteer partners included 60 government, non-profit, faith, and community groups. In result, law enforcement made 68 commercial sex trafficking arrests and recovered two human trafficking victims (*Chicago Tribune*, February 3<sup>rd</sup>, 2012).

### **Nationwide prostitution stings**

The Cook County Police Department of Illinois State coordinated the “*National Day of Johns Arrests*” movement in October of 2011, which organized a nationwide prostitution sting.

In February of 2012, *Super Bowl Weekend*, there was a second nationwide prostitution sweep. It consisted of ten days of surveillance (28 January to 6 February 2012), which culminated in the arrest of 314 johns (sex buyers) being booked on solicitation charges. The states involved in this sweep were Illinois (Aurora, Cook, Elgin, Kane and Orland Park counties), Indiana (Indianapolis), Massachusetts (Boston), California (Los Angeles), Arizona (Phoenix) and Nevada (Las Vegas).

Likewise, the F.B.I. organized a nation-wide prostitution sting called “*Operation Cross Country*” (22 June- 24 June 2012) with more than 2,500 state, local, and federal officers operating in 27 U.S. cities. This three-day law enforcement sweep, targeting the problem of teenage prostitution, resulted in the arrest of 104 alleged johns as well as the rescue of 79 children (*Chicago Tribune*, February 3<sup>rd</sup>, 2012).

### **N.Y.C. targeting taxi drivers**

It is estimated that about 4,000 minors are trafficked through New York City, NY annually. In June of 2012, New York City council legislation addressed this problem through legal action against the transportation of human trafficking victims in taxis. Along with previous legislation punishing drivers who operate un-registered taxis, a driver now faces a \$10,000 USD fine and the loss of his/her license if convicted of transporting a victim of human trafficking. David S. Yassky, the N.Y.C taxi commissioner said that educating new taxi drivers on the repercussions of trafficking as well as training them to spot victims would be applied to all drivers renewing or applying for a taxi license (*Chicago Tribune*, February 3<sup>rd</sup>, 2012).



## California condom controversies

There is a disaccord between promoting public health and promoting the porn industry. As of January of 2012, there is a mandatory condom regulation for all adult film stars in Los Angeles.

The Los Angeles City Council has decided to apply this measure, but the *Free Speech Coalition* (FSC), lobbying for the porn industry, said that this insistence on condom regulation would negatively impact the lives of 1,500 adult film stars and force the porn community to leave Los Angeles, where about 90% of legally distributed pornographic movies are produced (*Chicago Tribune*, February 3<sup>rd</sup>, 2012).

Another controversy is that condom seizures from sex workers are undoing years of struggle against HIV/AIDS. In 1994, San Francisco's district attorney Arlo Smith signed a law stating that condoms should not be used as evidence for prostitution and that police condom arrests are jeopardizing public safety. In order to protect the health of prostitutes, the prostitutes should not feel like condom usage can get them in legal trouble. Despite Smith's nearly twenty-year-old legislation, some police officers continue to point fingers at women who carry more than three condoms. Instead of seizing condoms, San Francisco's police have been taking photos of condoms as evidence of sex work. This however, can discourage condom use and increase the risks of unprotected sex. Meanwhile, condom seizures still exist in New York, Washington D.C., and Los Angeles. These condom seizures can create a dishonest belief among sex workers that there is a legal limit on the number of condoms that they can carry at any given time (*Chicago Tribune*, February 3<sup>rd</sup>, 2012).

## Backpage: Will censorship of sex advertisements eliminate the problem?

The United States online sex trade is prosperous, despite efforts to prevent it. The sale of women online through sex advertisements is prevalent on several sites (*The New York Times*, March 16<sup>th</sup>, 2012). The most frequented sex advertisement site since 2010, when Craigslist was forced to shut down its adult services section, is called *Backpage*. As of 2012, *Backpage* (owned by Village Voice Media) is the leading U.S. website for prostitution advertising. According to Advanced Interactive Media (AIM) Group, 80% of online prostitution advertising revenue for the month of February of 2012 was attributed to *Backpage*. These advertisements usually market 'escorts' and 'body rubs' (an implied code for prostitution). Between February of 2011 and February of 2012, *Backpage* made a 26 million dollar net profit from these ads (*Daily Mail*, December 24<sup>th</sup>, 2012).

According to Polaris Project, it is estimated that 100,000 minors are involved in sex trafficking every year in the United States. Currently, Rob McKenna, Attorney General of Washington State is heading the legal attack of *Backpage*, specifically against the sexual advertisement of minors. McKenna is pushing for a bill (Senate Bill 6251) that would require states to obtain documentation that advertised escorts are at least 18 years old (*The New York Times*, April 2<sup>nd</sup>, 2012). In addition, in March of 2012, 19 United States Senators signed a letter

to Village Voice Media C.E.O. Jim Larkin, which stated: “there is only one option to keep our children safe from exploitation on your advertising network—shut down the adult services section of *Backpage*” (*The Daily Caller*, March 26<sup>th</sup>, 2012)

Elizabeth McDougall, the lawyer defending *Backpage*, claims that shutting down *Backpage* would be counterproductive because it would push the sex advertisement industry to operate offshores, outside the reach of US authorities. McDougall warns that if they close their adult services section, prostitution advertisements will move underground (*Washington State Office of the Attorney General*, July 12<sup>th</sup>, 2012). McKenna is counter-acting this through a moral and ethical prerogative. McKenna is determined to fight against the fact that *Backpage* is allowing girls and women to be sold on a legitimate website in 21<sup>st</sup> century America.

### **Media’s emphasis on sex scandals**

Scandalous sexual exploitation stories of 2012 may not be applicable in terms of attacking the issue of ending sexual exploitation. Nevertheless, as shocking media releases, they provide an eye-catching story for the general public.

One popularized scandal that surfaced in March 2012 was that Goldman Sachs (American multinational banking firm) held a significant stake in Village Voice Media’s *Backpage*. Goldman Sachs had a 16 percent stake in the *Backpage*. When attacked by the media, Goldman Sachs Group Inc. agreed to sell back its stake in *Backpage* because they did not want to be affiliated with sex trafficking (*The New York Times*, March 31<sup>st</sup>, 2012). While Goldman Sachs received negative associations in this media explosion in terms of women’s rights, many articles did not touch on Goldman Sachs’ initiative. “10,000 Women” is a \$100 million USD global initiative which was created to assist local economies grow by providing 10,000 disadvantaged women with business and management education.

In March of 2012, a highly mediatized scandal was the surfacing of a \$10 million USD elite prostitution ring in New York City. Scottish “Madam” Anna Gristina directed this ring. This escort service had alleged liaisons with high profile bankers and political figures. While Gristina denied selling sex or running an escort agency, she claimed that she was responsible for “connecting” wealthy men with beautiful women. In November of 2012, Gristina was sentenced to a six months’ imprisonment after ultimately pleading guilty to a sole count of facilitating prostitution (*New York Daily News*, November 20<sup>th</sup>, 2012).

A scandal, which disgraced the White House as well as the United States’ reputation abroad, was when eleven United States Secret Service agents were caught hiring prostitutes in Colombia, in April of 2012. Right before President Obama arrived in Cartagena, Colombia for a conference (the Summit of the Americas) it surfaced that certain agents of the United States Secret Service hired prostitutes. While prostitution is legal in that area of Colombia, the scandal still reflects poorly on the United States. In result, the eleven agents were disbanded from United States’ Secret Service (*New York Daily News*, April 14<sup>th</sup>, 2012).

## Legal progressions

An over-arching theme in 2012 legislature is the protection of sex trafficking victims and the punishment of sex traffickers. The Washington State Senate Bill 6251(SB 6251), pushed by McKenna against underage sex advertisement was passed in April of 2012 but McKenna continues to fight to shut down sex advertisements on Backpage (*The Stranger*, June 5<sup>th</sup>, 2012).

Ohio State passed the Safe Harbor Act (HB 262), which entails a ten-year mandatory sentence for offenders caught preying on children or using them as sex slaves, and a path for victims to have their records expunged if they have a prostitution or solicitation charges. Florida has also adopted this Safe Harbor Act (*Toledo Blade*, June 28<sup>th</sup>, 2012).

Hawaii passed the Senate Bill 2576 (SB 2576) in June of 2012 which allows sex trafficking victims to clear prostitution convictions from their criminal record by proving that they were sexually enslaved (*Hawaii News*, June 26<sup>th</sup>, 2012).

Texas passed the Senate Bill 94 (SB 94), which allows victims of human trafficking to sue for civil damages from both traffickers and advertisers of sex trafficking (*The Texas Tribune*, November 21<sup>st</sup>, 2012).

California passed Proposition 35 which increased prison terms for labor trafficking from five to twelve years, sex trafficking of majors from five to twenty years, and sex trafficking of minors from eight years to life (*Time*, November 5<sup>th</sup>, 2012).

## Preventative action

The fight to reduce sexual exploitation in the United States is progressing, but it has a long way to go. The average entry into prostitution in the United States is 13 years old and it has been noted that 300,000 American youth are at risk for being exploited in the sex industry (*Forbes*, February 2<sup>nd</sup>, 2012). There are currently over 240 programs in over 100 cities in the United States that specialize in providing assistance to survivors of prostitution. These nation-wide programs are composed of community service, religious, and non-profit organizations. Undercover operations or reverse-stings (on the street, web and brothel), shaming sex-traffickers by publicizing their identities, and suspending drivers licenses to those who are caught soliciting sex, are widespread ways that the police counteract sexual exploitation. In addition, May of 2012 was the website launch for *DemandForum.net* which organizes many resources for the prevention of sex trafficking and the creation of initiatives in the United States (*The National Institute of Justice*, April 30<sup>th</sup>, 2012).

Celebrity intervention is an important part of sexual exploitation awareness reaching the public. The DNA (Demi Moore and Ashton Kutcher) Foundation's campaign, "Real Men Don't Buy Girls" was created to educate the public about the sexual exploitation of minors. This campaign involves many celebrities in its awareness videos such as: Sean Penn, Drake, Jessica Biel, Eva Longoria, Jamie Foxx, and Justin Timberlake. The "Real Men Don't Buy Girls" videos surfaced in April of 2011, but are gaining more popularity this year (*Technology, Business, and Anti-Human Trafficking Innovation*, January 4<sup>th</sup>, 2012).

Celebrity documentary “Half the Sky: Turning Oppression into Opportunity for Women Worldwide,” is a four-hour documentary based on the book by New York Times journalists Nicolas Kristof and Sheryl Wu Dunn. It focuses on the brave stories of sexually, religiously, and politically oppressed women in the United States, Asia, and Africa. This documentary premiered in the United States in October of 2012 and will be internationally broadcasted in 2013. It stars Meg Ryan, Eva Mendes, Gabriel Union, America Ferrera, and Olivia Wilde.

From a domestic and international perspective, Google and Microsoft have both identified anti-trafficking initiatives in 2012. Google announced that the search engine would be providing \$11.5 million USD in grants to 10 organizations fighting to end modern-day trafficking (*Technology, Business, and Anti-Human Trafficking Innovation*, January 4<sup>th</sup>, 2012).

While the United States Federal Government has reauthorized the Trafficking Victims Protection Act of 2008 and many state governments are taking strides to prevent sexual exploitation and sex trafficking, there is room for improvement. The TVPA seeks to combat trafficking by endorsing the policy of “3 Ps”: prosecution of exploiters, protection of victims, and prevention of the trafficking trade. On the contrary, there are weaknesses in the TVPA according to the 2012 U.S. Department of State Report on Human Trafficking. For example, the U.S. Government was not able to integrate all federal data on federally prosecuted human trafficking cases. Likewise, NGOs reported that the victim funding levels were insufficient to provide complete long-term victim care and key legal services. On the federal, state and local level, the data collection analysis of human trafficking can be improved as well as the enforcement of the government-wide “zero-tolerance” policy of sexual exploitation.

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## Venezuela

- Population: 29.9 million
- GDP per capita (in US dollars) 12,767
- Federal republic
- Human development index (HDI): 0.748 (71<sup>st</sup> rank among 187 countries)
- Gender inequality index (GII): 0.466 (92<sup>nd</sup> rank among 147 countries)
  
- No official national statistics on prostitution.
- Child and male (particularly transsexual) prostitution are increasing.
- Prostitution is not explicitly forbidden (the client is not punished) and it does not constitute as a crime as it is not clearly prohibited. It is required for prostitutes to fill out a form for additional information and pay 20,000 VEF (about \$3,252 USD) every 15 days.
- Prohibition of female trafficking for sexual exploitation or forced labor (Law against organized crime in 2005). In 2007, this prohibition was extended to most forms of exploitation. In April 2012, legislative reform extended the crime of trafficking to everybody regardless of gender.
- Second most violent country in Latin America with the number of homicides multiplied by four between 1999 and 2012.
- Country of origin, transit, and destination for human trafficking with the purpose of sexual exploitation.
- Victims of human trafficking come from Venezuela, Colombia, Peru, Haiti, China, and South Africa.
- Venezuelan victims of prostitution are sent to the Caribbean islands, in particular Aruba, Curaçao, and Trinidad and Tobago.

Hugo Chavez, President of the Bolivarian Republic of Venezuela for over 13 years, was re-elected as head of government for the third consecutive term on October 7<sup>th</sup>, 2012. The country who claims the "21<sup>st</sup> century socialism" has been widely recognized for its social policy. And for good reason, since the Economic Commission for Latin America and the Caribbean (ECLAC), a regional commission of the United Nations, stated in its report in January 2012 that Venezuela was the South American country to have the smallest the poverty rate between 1996 and 2010 (*Le Monde*, October 4<sup>th</sup>, 2012).

However, this social progress must not conceal one of the major problems that Venezuelan society knows and has continued to worsen since more than a decade: the pervasive violence. The homicide rate displayed by the country, one of the highest in Latin America, has quickly darkened the balance (*France Info*, October 6<sup>th</sup>, 2012).

### **A country plagued by violence**

Venezuela is a country marked by extremely high insecurity and violence. There were, in fact, a very large number of homicides in 2012. The Venezuelan Ministry of Interior puts the figure at 55.2 deaths per 100,000 inhabitants in 2012, a total of 16,000 homicides in the year (*Le Monde*, March 6<sup>th</sup>, 2013). However, NGOs recognized as Observatorio Venezolano de Violencia (OVV), dispute this data and put the figure at 21,692 homicides in 2012, 73 deaths per 100,000 inhabitants. Thus, the number of homicides has increased fourfold between 1999 and 2012, coinciding with the arrival of Hugo Chavez in power (*Le Figaro*, April 10<sup>th</sup>, 2013). It is also important to note that there has been an increase in violence of 12% in 2012, the year of presidential elections. These figures make Venezuela Latin America's second most violent country, after Honduras (85.5/100,000 ) (*Le Monde*, March 6<sup>th</sup>, 2013). It is far ahead of its neighbor, Colombia (34/100,000) (*L'Express*, April 14<sup>th</sup>, 2013) and occupies fifth place in the ranking of the most violent countries in the world, according to the UN. The number of murders by firearms is particularly high in Venezuela, accounting for 92% of all homicides.

In addition, 583 kidnappings were reported in 2012 in Venezuela. The "express" abductions, a few hours in order to extort money from victims' families, affect the wealthy middle class. This figure is actually higher since most victims do not complain (*Le Monde*, March 6<sup>th</sup>, 2013).

The *Dibise*, special force that deals with kidnappings, is also in charge of the fight against drug traffickers. Problems of security and violence in poor neighborhoods are often drug-related. And because of this, the country is a hub from South America to the North. This is also the fourth consecutive year that Venezuela is on the "black list" of the American anti-drug (*La Presse/AFP*, September 14<sup>th</sup>, 2012).

Security, although a major problem, has however been mentioned during the presidential campaign in October 2012. However, one considers that the authorities have taken some positive steps to reduce security problems, including by launching a plan to destroy guns (6,000,000 weapons circulate in Venezuela) (*RFI*, December 28<sup>th</sup>, 2012).

### **Gender issues at the heart of daily violence**

Although a large proportion of homicides, notably including firearms, are related to drug trafficking or weapons, it remains that there is daily violence affecting, among others, the lesbian, gay, bisexual and transgender (LGBT) community, and women. In 2012, 86 murders were recorded whose motives were related to the gender of the Venezuelan victims (*Infobae*, May 23<sup>rd</sup>, 2013).



On the 25<sup>th</sup> and the 26<sup>th</sup> of October 2012, organizations protecting human rights denounced the fact that the staff *Cuerpo de Investigaciones Científicas, Penales y Criminalísticas* (CICPC, Body of Scientific, Penal and Criminal Investigations) arbitrarily detained 23 transsexuals in Caracas. In particular, they used guns to intimidate the victims. 4 victims were tortured with the use of electric shock and suffered physical and verbal abuse because of their sexual identity. The Inter-American Commission on Human Rights (IACHR) has learned that 6 transsexuals were murdered in 2012 in Venezuela, and serious acts of violence were committed against lesbians, gays and transsexuals in the year.

Domestic violence is also important in Venezuela. In 2012, 33 women died after being beaten by their spouse (*Noticiasde aqui*, December 11<sup>th</sup>, 2012). More telling still, Amnesty International believes that one out of three Venezuelan women suffer from domestic violence.

National organizations fighting against violence against women estimate that in 2005, a Venezuelan woman was beaten every fifteen minutes. Elida Aponte, Vice-Minister for the transversality of gender policy and coordinating the network against violence against women, notes that these figures have increased from 2007, when the Law on Women's Rights was enacted. This figure remained at a constant level in 2012 (*Notizulia*, March 7<sup>th</sup>, 2012). The law *Ley orgánica sobre el derecho de las mujeres a una vida libre de violencia* (2007) still does not have a regulatory framework providing the authorities with how to handle cases of violence, including domestic, against women. Hearings were held in the Alexandra Hidalgo case, a Venezuelan raped and tortured by a group of men, including her husband in 2004. It was only in October 2012 that it was decided that the husband would appear in court for rape and abduction (*Amnesty International*, 2013).

### **Women's exploitation and new forms of prostitution**

The reasons that may lead Venezuelans to find themselves in conditions of trafficking for sexual purposes are many. This includes evoking the desire to flee the poorest regions within the country to join the urban and tourist centers such as Caracas, Maracaibo, Margarita Island. Most victims are recruited through false job offers. In June 2011, victims of trafficking also came from other countries such as Colombia, Peru, Haiti, China, and South Africa.

According to the 2013 U.S. Department of State Report on Human Trafficking, some Venezuelan women are sent to the coastal islands of the Caribbean, especially in Aruba, Curaçao, Trinidad and Tobago, where they are forced into prostitution. Venezuela is one of the obligatory passages to move women into the Caribbean.

The networks of prostitution and trafficking of women are also by land. This is the case of the border between Brazil and Venezuela, through the roads BR-174 (Brazil) and Troncal 10 (Venezuela). Brazilian women, without a passport or with false papers are sent in the direction of Venezuela, Guyana, and Suriname. During the journey, the various stops lead victims to the tourist areas where they prostitute themselves to arrive at their final destination: Europe, particularly Portugal, Spain, and the Netherlands (*Espacio Abierto Cuaderno Venezolano de Sociología*, April-June 2012).

Sex tourism in Venezuela allows these “northern” customers to come directly to find local Venezuelan women. Monica Garnsey’s documentary, "My Boyfriend, the Sex Tourist" presents customers of a Venezuelan brothel, which represents a real "vacation club," who can choose the girl they want, only to change the next day and have two girls for the price of one, if they remain one week. Most portraits depicted in this documentary are young women whose families live in poverty. They have resorted to prostitution to help their families, some have even been forced to stop their studies.

Between June 2011 and January 2012, 111 cases of sexual exploitation were reported in Venezuela, according to the *Asociación de Mujeres por el Bienestar y Asistencia Recíproca* (AMBER), an NGO whose aim is to improve the quality of life for women, girls and adolescent victims of sexual exploitation in Venezuela (*Vitrina of Reportajes* (blog), July 7<sup>th</sup>, 2012). Today, beyond the prostitution of women, there is a wide variety of forms of prostitution. Male prostitution and child prostitution are steadily rising. Male prostitution largely concerns transsexuals. The most concerning part of child prostitution in Venezuela is often the mistreatment of parents. Estrella, a 16 year old prostitute says: "I started at the age of 12 years because my parents separated. I lived with my father who beat me and that's why I went out into the street." This child prostitution is organized in some cases under the guise of other economic activities, such as selling flowers. Canelita, a Colombian prostitute in Venezuela, described prostitution as observed in everyday life: "there are children who are in the streets at night with a pretext to sell flowers, but this is not the case. These children are prostitutes because of their parents" (*CPIU*, December 23<sup>rd</sup>, 2011).

### **Legal regime on sexual exploitation**

Prostitution is not a crime in Venezuela, as it is not clearly prohibited. "We assume that it is not openly lawful, but it is not prohibited either. As it is a taboo, there are no clear rules" explains Moira Martínez, lawyer specializing in the protection of children and adolescents (*Vitrina de Reportajes* (blog), July 7<sup>th</sup>, 2012).

The client is also not tried in Venezuela. One could even say that the client is protected because the state, concerned with ensuring health, forces prostitutes to always have a "*rosado*" book. This book brings together various information such as age, identity and regular health checks (*Observatorio Venezolano de los Derechos Humanos de las Mujeres*, November 2009). In addition, within the country, prostitutes are forced to fill out a form for additional information and must pay 20,000 VEF (about \$3,252 USD) every 15 days (*Reeditor*, October 22<sup>nd</sup>, 2012). The system of prostitution in Venezuela is still abolitionist, but with a trend toward regulationist in favor of the client via the "*rosado*" book.

However, Venezuelan law prohibits most forms of human trafficking through the law *Ley orgánica sobre el derecho de las mujeres a una vida Libre de violencia* (2007). Article 56 prohibits, among other things, trafficking in women and girls for sexual exploitation. Penalties range from 15 to 20 years in prison for such an offense. Articles 46 and 47 prohibit, meanwhile, forced prostitution and sexual slavery with penalties ranging from 10 to 20 years in prison.

In addition, there is a law against organized crime, enacted in 2005, which prohibits trafficking in persons from one country to another for purposes of sexual exploitation or forced labor. Penalties range from 10 to 18 years in prison. However, trafficking of men and boys is not addressed.

According to the 2013 U.S. Department of State Report on Human Trafficking, in April 2012, the National Assembly adopted a reform of the law against organized crime and terrorism (Ley Orgánica contra la y el Delincuencia organiza da financiamiento al Terroristas). This reform does not limit the definition of trafficking for women and girls and extends to all persons regardless of gender. The penalties shall be 20 to 25 years in prison and 25 to 30 years if minors are involved. Legislation against trafficking in persons with the implementation of provisions for the protection of victims, written in consultation with civil society, was also presented to the National Assembly. This project has not yet been approved.

### **Advanced and drawbacks in governmental actions relating to sexual exploitation**

The Venezuelan government has made some efforts to prevent human trafficking for sexual exploitation and sex tourism involving minors through public awareness campaigns, mainly for tourists. A hotline has been set up especially to report cases of trafficking. However, NGOs reported that its use was limited. There was no significant action to reduce demand for commercial sex in 2012 (*U.S. Department of State*, 2013).

In addition, a number of obstacles to the improvement of the situation related to violence and sexual exploitation are reported.

The Venezuelan police are guilty of violations of human rights by the various physical, verbal attacks and torture. Most of these violations are not then investigated. In 2012, members of the police Chacao Caracas attacked a transsexual prostitute: death threats, derogatory remarks in connection with his sexual identity, and physical attacks with toxic gas (*IACHR*, 2013).

There is also dysfunction in the justice system. Indeed, 90% of crimes go unpunished in Venezuela (*RFI*, December 28<sup>th</sup>, 2012). One example is the murder of Lulu (registered under the birth name of José Antonio Suárez García) who was killed June 3<sup>rd</sup>, 2012. Transsexual Lulu, prostituted herself, perhaps by force, in Caracas. It seems that justice has proved ineffective in this case and the *Comisión Interamericana de Derechos Humanos* (IACHR) in particular urged the Venezuelan state to open an investigation to determine whether the murder was committed because of the gender identity of the victim (*IACHR*, 2013).

Finally, human rights defenders are themselves victims of physical, unfounded accusations made by the government and state media (*Amnesty International*, 2013).

Sexual exploitation and gender-based violence are not improving in Venezuela, mainly because of police impunity and a weak legal system. The question is whether the government will grow to implement corrective and proactive measures to improve the situation.

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## Vietnam

- Population: 89,7 million
- GDP per capita (in US dollars): 1.596
- Single party Republic
- Human development index (HDI): 0.617 (127<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.299 (48<sup>th</sup> rank among 147 countries)
- Member of the Association of Southeast Asian Nations since 1995.
  
- No official national statistics on prostitution.
- Selling sexual services is prohibited by Administrative Law. Procuring is illegal under the Penal Code (2000).
- A national Program of Action Against Prostitution was adopted in 2011 (2011-2015).
- Significant phenomenon of domestic trafficking.
- Country of origin and destination for trade victims.
- Destinations of Vietnamese victims: China, Cambodia, Laos, South Korea, Indonesia, Taiwan, Thailand, Malaysia, Singapore, Russia and, to a lesser extent, Western Europe and the Middle East.

According to the authorities, both female and male prostitution is on the rise in 2012. The major cities of the country are especially affected. According to the Department of Culture, Sports and Tourism, the capital city, Ho-Chi-Minh-City has approximately 25,000 service establishments employing 20,000 women. These include around 90 discotheques, 3,000 hotels and 13,000 massage parlors, hair salons and coffee shops (*Vietnam News*, January 7<sup>th</sup>, 2012). As elsewhere in South-East Asia, these businesses are often used as fronts for brothels.

In 2012, a study conducted by the Ministry of Labour, Invalids and Social Affairs (MoLISA) of 189 male and 199 female prostitutes in the three biggest cities of the country – Hanoi, Haiphong and Ho-Chi-Minh-City – showed profits to be among the highest of Vietnam. Moreover, the majority of them would receive other sources of incomes (*Vietnam Net Bridge*, March 16<sup>th</sup>, 2012). On average, a prostitute would earn \$410 USD per month. These sums of money, attractive for the average citizen, constitute the main motivation for people entering prostitution. Other motivations would be the need for money to help their family, a lack of luck in love, drug addiction, and so on. For homosexuals, the study points out that the search for

sexual satisfaction is also one of the most influential factors. Moreover, more than 25% of prostitutes are estimated to work “voluntary” and more than 60% work “independently”, according to the study conducted by the MoLISA.

The results of this study, largely circulated by the Vietnamese press in 2012, give a largely distorted view of the reality of prostitution. This can be explained by the fact that in Vietnam prostitution is generally seen as a social evil similar to drug addiction. Until recently, prostitutes were sent to re-education centers for periods ranging from three to eighteen months. According to the Human Rights Watch, these centers resemble forced labour camps more than rehabilitation centres (*HRW*, 2011). The conditions of detention are poor and the detainees are forced to work a near-nothing salary. Cases of torture have even been reported, with the use of electroshocks to punish those who refuse to work or act in accordance with the rules of the camp.

On June 20<sup>th</sup> 2012, the Law Handling Administrative Violations, which aimed to stop the detention of persons convicted for prostitution in re-education centers, was passed. This is a major progression important to underline. It could be interpreted as a sign of a shift in the perception of prostitution by Vietnamese legislators. The release of all detained prostitutes should take place by July 2013 (*Thanh Nien News*, June 20<sup>th</sup>, 2012). Nevertheless, the new law does not guarantee the removal of all punishment for prostitutes. Indeed, they will remain obliged to pay fines up to 240 US dollars (*LCI*, October 11<sup>th</sup>, 2013), an amount of money found to be insufficient by MoLISA, given the relatively lavish incomes of prostitutes (*Gay Star News*, December 5<sup>th</sup>, 2012).

### **General assessment on human trafficking in Vietnam**

The main routes for human trafficking in Vietnam are in the North - those which lead from Vietnam to China (*UNIAP*, 2008) - and in the South, from Vietnam to Cambodia. In the first case, both young and adult women become prostitutes in brothels or are married by force to Chinese farmers. Vietnamese brides are especially requested in China for two reasons. The first is economic: the high price of arranged marriage with Chinese women. The second one is demographic: the imbalance of the sexes in China resulting from the one-child policy and abortions of baby girls (*Le Monde*, December 3<sup>rd</sup>, 2011).

The route from Vietnam to Cambodia mainly leads Vietnamese women and girls into the sex industry. Studies have shown that 15% to 33% of prostitutes in Cambodia are Vietnamese (*The Asia Foundation*, 2006). But Cambodia can also be a stop for women who are traveling to a third country such as Thailand, Lao PDR, Malaysia and, to a lesser extent, Western Europe and the Middle East. Official Vietnamese newspapers release statistics, but it is very difficult to measure the exact scale of these migrations. Published information is partial or even contradictory (*UNIAP*, 2011).

Transnational criminal organisations do not seem to play a key role in the human trafficking phenomenon taking place in the Great Mekong Sub-region of which Vietnam is a part. Human trafficking is generally considered to be the result of informal social networks.

Belonging to an ethnic or religious minority can be added to the list of factors such as a lack of education, economic instability, or being young woman, which increases the likelihood of becoming a prostitute. In Vietnam, these people are victims of discrimination, arbitrary arrests or, in certain cases, land grabs (*Amnesty International*, 2004).

In addition, according to the study of the NGO Oxfam, victims are not necessarily the poorest or the least educated. The economic liberalisation reform (*Doi Moi*) passed in 1986, while reducing extreme poverty, has contributed to the deepening wealth gap in Vietnamese society between the urban and rural populations. This situation leads some people to migrate both to the cities and abroad where opportunities to increase their wealth are greater, even if it implies considerable personal risks.

### **A legal framework that remains incomplete**

In the 2012 U.S. Department of State Report on Human Trafficking, Vietnam was ranked in the second tier for a second consecutive year. This low ranking of Vietnam is first and foremost due to the fact the legislation against human trafficking does not comply with international minimum standards. Although Vietnam has signed the Palermo Protocol, to date, it has not ratified it, directly harming international cooperation efforts.

In addition, the age of adulthood set by the Vietnamese Penal Code is different from the one set by the international community. While the international community sets the age of adulthood at 18 in the Palermo Protocol (Article 3, Paragraph D), Article 12 of the Vietnamese Penal Code sets it at 16. In other words, a young 17 year old Vietnamese girl who is a victim of trafficking would not be considered a minor forced into her current situation. By contrast, she is likely to be convicted for prostitution or illegal immigration, even though the Palermo Protocol would immediately recognize her as a legal victim of human trafficking.

In January 2012, the first Vietnamese anti-trafficking law (*Law No. 66/2011/QH12 on human trafficking prevention and combat*) came into effect. However, this new law does not give a clear and precise definition of human trafficking. In addition, it has not yet been transposed into the Penal Code. Thus, traffickers continue to be sentenced under Articles 119 and 120 of the Penal Code. These Articles provide for prison sentences from 2 to 20 years. According to the U.S. Department of State, these penalties are commensurate with penalties prescribed for other serious crime such as rape and thus, are sufficiently stringent. Nevertheless, some NGOs estimate these penalties are not severe enough, considering that those who traffic drugs may face the death penalty (*CEOP*, 2011). In December 2012, the Appeals Court of Ho-Chi-Minh-City sentenced a Justice Department official of Can Tho to life-imprisonment for his complicity in human trafficking. The official in question allegedly received bribes of an approximately 195,000 US dollars between May 2009 and October 2010. In exchange, he registered marriages of Vietnamese women with foreign nationals in order to facilitate human trafficking (*U.S. Department of State*, 2013). It was the first time that a Vietnamese official had been convicted for human trafficking. Nevertheless, the penalty provided appears exceptionally severe compared to the one prescribed for human traffickers.

Despite the shortcomings outlined above, the new law has the advantage of focusing on prevention while improving cooperation between different ministries and NGOs (*Voice of America*, November 29<sup>th</sup>, 2011). In addition, the law allocates a budget of 13.5 million US dollars and guarantees the renewal of the anti-trafficking National Action Plan.

In the past few years, Vietnam has signed many bilateral agreements with its neighbours (Cambodia, China, Laos and Thailand). In 2004, the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) was created, and the six governments of the Great Mekong Sub-region committed themselves in a memorandum to comply with international minimum standards. They also emphasized the importance of bilateral and multilateral cooperation as well as cooperation between governments and NGOs. Nevertheless, other declarations of intent have been signed in the framework of ASEAN<sup>1</sup>.

### **Insufficient protection of victims**

Temporary reception centers have been established by the MoLISA with the financial support of the International Organisation for Migration (IOM). The length of stay in these centers may not exceed one month. Medical care, psychological support and legal assistance are provided to the victims. Currently, there are three temporary reception centers throughout Vietnam: two located near the Chinese border and one near the Cambodian border. Other centers can accommodate victims for longer periods. These are run by a governmental agency called Vietnam Women's Union. There, free vocational training is offered to the victims in order to ease reintegration into their communities. At the moment, 40 such centers are estimated to be functioning (*OXFAM Quebec*, 2005). However, their resources are surprisingly underused. In fact, many victims do not benefit from this assistance, because they are not legally recognized as victims and, once back home, are left to their own devices.

### **Multiple problems related to the identification of victims**

Several obstacles stand in the way of the identification of victims. First and foremost, victims often do not possess identification, as it is often confiscated by those who trafficked them. When victims are arrested, the authorities may face difficulties to ascertain their age or nationality. Moreover, victims lack confidence in police services because of the strong perception of corruption among Vietnamese people, which makes victims reluctant to explain what they have experienced.

The lack of training of border guards and police officers working at district and provincial levels is another factor which affects the identification of victims. Indeed, this leads to the application of inadequate investigation methods and a poor monitoring system for cases of human trafficking (*U.S. Department of State*, 2013). In addition, the current identification process is complex and requires effective cooperation between the different responsible

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<sup>1</sup> A complete list of the Vietnamese anti-trafficking legal framework and of bilateral and multilateral agreements signed by Vietnam is available on the internet: [http://www.no-trafficking.org/vietnam\\_action.html](http://www.no-trafficking.org/vietnam_action.html)



authorities. According to the U.S. Department of State and NGOs, this system has several shortcomings and lacks substantial efficacy.

Repatriation of trafficked victims by foreign authorities is also a decisive step in the identification process. Bilateral agreements signed by Vietnam and neighbouring countries mandate the transfer of people who have been identified as victims of trafficking. Nevertheless, these agreements do not provide assistance to victims which would enable them to go back home. Cases of victims abandoned at the border and trafficked again have been reported (CEOP, 2011).

Finally, certain victims go back to Vietnam without passing through official borders because they fear being identified as trafficked victims, which would bring social stigmatization in their home community. These victims remain, a majority of the time, unable to access assistance services provided for them; opening up the means for victims to obtain assistance remains the greatest challenge for the government.

Despite efforts made by the Vietnamese authorities to fight against human trafficking for the purpose of commercial sexual exploitation, the scale of the phenomenon remains considerable. In 2012, Vietnam, for the first time, adopted a law against human trafficking. Even though this stands as a monumental legal development, the effective implementation of the law is pending. Vietnam should pursue the necessary efforts to ensure that its anti-trafficking legislation aligns with international minimum standards. Under this point, much work remains to be done in the identification process of victims, the training of police officials and border guards, the protection of victims, and the effective cooperation between different governmental bodies and NGOs and between Vietnam and neighbouring countries. Regarding prostitution, a distortion of perception is obvious between deputies and the MoLISA. In any case, the law passed in June of 2012 which prohibits the detention of prostitutes in re-education centres is undoubtedly a significant step forward.

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# The Fondation Scelles' Story

The Fondation Scelles, officially recognized in 1994, was created in 1993 by Jean and Jeanne Scelles, Christian Democrats, who donated their fortune to the project.

Jean Scelles, a member of the French Resistance, was imprisoned in 1941 in Algiers. There he discovered prostitution while listening to a procurer – a fellow prisoner – explain how he would “tame and punish rebellious girls.” Narrowly rescued, Jean Scelles promised to dedicate his life, alongside his wife, to the protection of human dignity by improving public awareness, lobbying within the political sphere, and enforcing the prosecution of traffickers.

Between 1953 and 1973, 40 lawyers associated with the “Equipes d’Action Contre le Proxénétisme (Action Teams against Procuring)” filed more than 300 lawsuits against procurers. These teams continue to fight tirelessly against procuring, filing an average of 15 lawsuits per year.

When Jean Scelles died in 1996, his nephew Philippe Scelles, who had helped him create the foundation, became President. Since then, the foundation has developed consistently, thanks to the dedication of numerous collaborators and volunteers.

Yves Charpenel, Deputy General Prosecutor of the Supreme Court of France, has been President of the Foundation since 2010.

Prostitution, human trafficking, sex tourism, and pornography are all cause for outrage. The commercial sexual exploitation of children and adults is insufferable.

Our duty and mission is to uncover, understand, and fight against this terrible scourge and to create a world free of any form of commercial sexual exploitation.

## **Our goals:**

**Increase public awareness of the magnitude of this challenge.** Prostitution affects us all. Values as fundamental as the respect of others, equality, and development are infringed upon by sexual exploitation. Refusing the use of prostitution as a system of human exploitation preserves our respect of these values.

**Change the perception of prostitution.** We call on public opinion to acknowledge the reality of this system and to disapprove of what may seem to be a certain and everlasting fact. We want prostitution to be seen as a consequence and cause of socio-economic, as well as gender disparities, in order to incite a true change in public opinion.

**A coherent global policy.** The only way to effectively fight against sexual exploitation is through the coordination of social services, health care, police, and judicial services.

**Obtain the harmonization of European policies.** In Europe, as borders disappear every day, the harmonization of national legislation based on the clear principles of respect, equality and the disapproval of any kind of legalized procuring, is essential.

**Introduce a sense of responsibility into the minds of the client.** Clients of prostitution represent a very important part of the system of violence endured by sex workers. Their responsibility should be at the center of public debates and policies regulating prostitution. The Fondation Scelles does not exercise any moral judgment, and it does not question the prostitute's free will. We fight on behalf of all prostituted persons for whom the "choice to be a prostitute" is nothing but an illusion.

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***“Prostitution concerns us all.  
We need your help to fight against it”***

Yves Charpenel, President



**Connaître, Comprendre & Combattre  
l'Exploitation Sexuelle**

[www.fondationscelles.org](http://www.fondationscelles.org)

Fondation Scelles, reconnue d'utilité publique depuis 1994



**Sensibilisation des jeunes aux risques de prostitution**

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**L'actualité de la prostitution**

<http://infos.fondationscelles.org>

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*For the third year, the Fondation Scelles presents an overview of sexual exploitation around the world. This past year has been particularly fruitful for traffickers and the various analyses in this report confirm the variety, intensity and adaptability of criminal networks in France and around the world, which are becoming more and more present in all observed forms of prostitution.*

*The studies, country by country, focus on the main trends of sexual exploitation today, and confirm the growing threats to our societies.*

*What is particularly focused on in this new report is the establishment of the facts concerning effective responses, and more generally, demonstrating that effective campaigns are those that are done together. Beyond the different looks worn by legislators, governments, and associations confronted with the globalization of sexual exploitation, the Fondation Scelles continues to search for all partnerships to stop this crime from becoming commonplace. In this context, the draft legislation currently being debated in France, along with the 3<sup>rd</sup> Global Report, offers our country, as well as the world, an opportunity for informed debates on the development of prostitution.*

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**The Fondation Scelles**, an acknowledged association of public utility since 1994, aims to ensure that every human being may prosper without resorting to prostitution. Through analysis and awareness campaigns aimed towards the policy makers and the general public of France and Europe, the Fondation Scelles, in partnership with several other associations, fights to uncover, understand, and combat this form of violence.

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