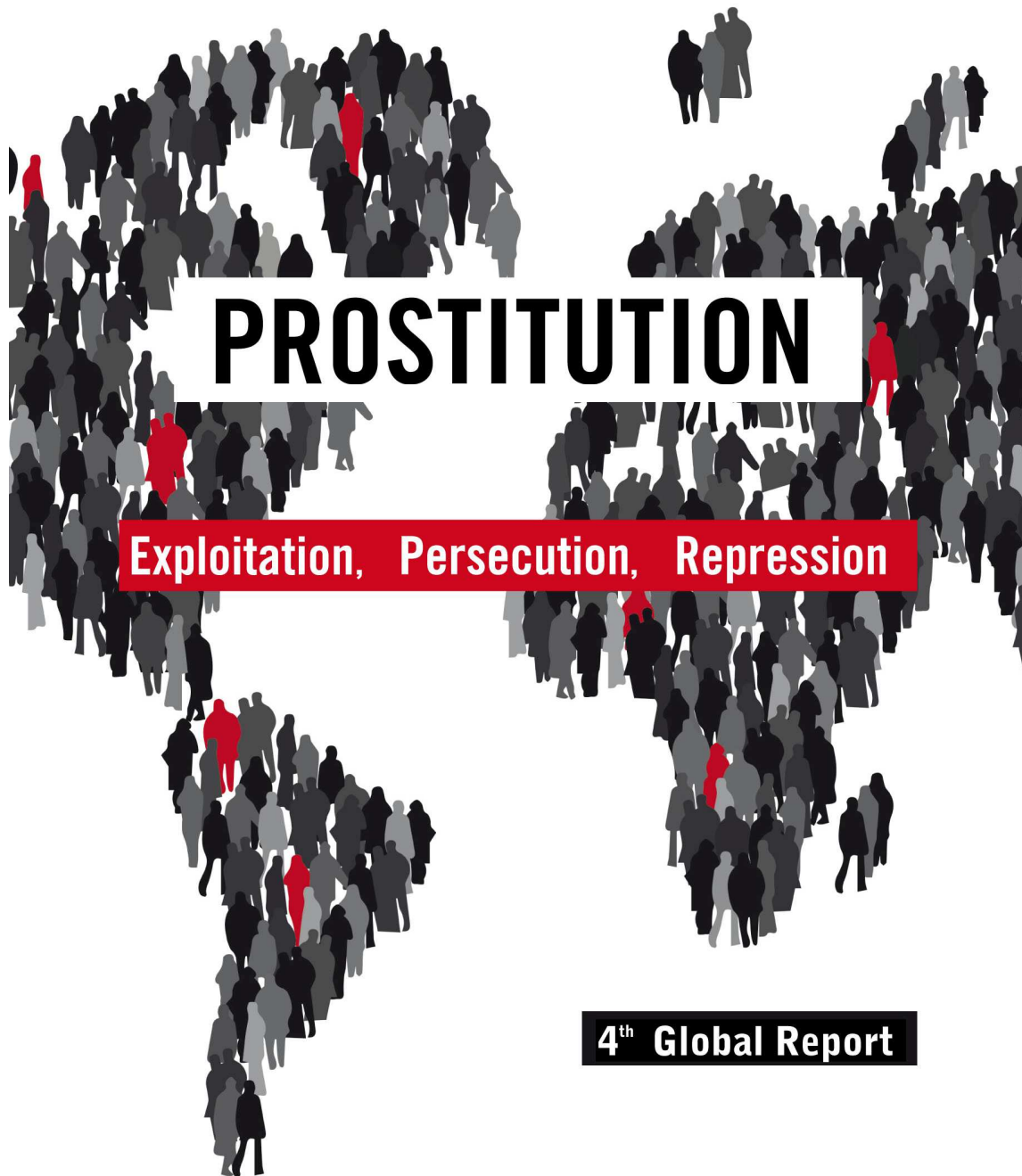


**Fondation SCELLES**

**Under the Direction of Yves CHARPENEL**

Deputy General Prosecutor of the Supreme Court of France

President of the Fondation Scelles



# PROSTITUTION

**Exploitation, Persecution, Repression**

**4<sup>th</sup> Global Report**

 **ECONOMICA**

# Prostitution

*By The Same Author*

- Fondation Scelles, Charpenel Y. (under the direction of), *1<sup>st</sup> Global Report: Rapport mondial sur l'exploitation sexuelle - La prostitution au cœur du crime organisé*, Economica Ed., 2011.
- Fondation Scelles, Charpenel Y. (under the direction of), *2<sup>nd</sup> Global Report: Sexual Exploitation - Prostitution and Organized Crime*, Economica Ed., 2012.
- Fondation Scelles, Charpenel Y. (under the direction of), *3<sup>rd</sup> Global Report: Sexual Exploitation – A growing menace*, Economica Ed., 2013.



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

## **4<sup>th</sup> Global Report**

# **Prostitution**

*Exploitation, Persecution, Repression*



**ECONOMICA**

49, rue Héricart, 75015 Paris, France

Excerpt from the Dictionary of the “Académie Française”

**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 of 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... *He refuses to prostitute his talent. The prostitution of awareness.*

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

Translated from the original French Edition  
« Prostitutions : Exploitations, Persécutions, Répressions » © Ed. Economica 2016

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# Summary

Preface.....	13
Opening note.....	15
Foreword.....	17
Methodological note.....	19
2013-2015 MAIN TOPICS.....	21
The Multiple Faces of Prostitution.....	23
Behind the Words, the Reality of Sexual Exploitation.....	34
Sexual Exploitation of Minorities.....	43
Prostitution in Creole Societies.....	59
Street Children and Prostitution as Survival.....	66
Cyber-Vulnerability amongst Social Media Users.....	75
Terrorism and Sexual Exploitation.....	82
Harassment and Sexual Assault in the Army.....	96
Sexual Exploitation and HIV/AIDS.....	103
Role of the Elites in the Fight against Vulnerable Situations.....	111
Role of Bilateral Cooperation in the Fight against Sexual Exploitation.....	118
2014-2015 Legal Responses.....	129
2013-2015 COUNTRIES' PANORAMA.....	139
Albania.....	141
Belgium.....	149
Cambodia.....	158
Cameroon.....	164
Canada.....	171
China.....	179
Colombia.....	185
Cuba.....	192
Cyprus.....	200
Denmark.....	208
Egypt.....	214

---

France .....	221
Germany .....	233
Greece.....	246
India.....	253
Ireland.....	259
Lebanon .....	268
Mexico.....	277
Moldova.....	283
Morocco.....	291
Netherlands (the) .....	299
New Zealand.....	310
Nigeria .....	319
Norway .....	328
Pakistan.....	336
Philippines .....	344
Romania.....	352
Russian Federation .....	358
Serbia.....	365
South Africa.....	369
Spain .....	379
Sweden .....	386
Thailand.....	394
Turkey.....	401
Ukraine .....	410
United Kingdom .....	418
United States of America.....	427
Vietnam.....	437
The Fondation Scelles' Story.....	445

## Preface

Vulnerability and prostitution are interconnected. Anyone that has studied prostitution is aware of this: prostitutes come from vulnerable situations.

They are vulnerable before they even become prostitutes. They suffer all forms of vulnerability, including economic ones, social ones, as well as physical and psychological vulnerabilities.

Poverty, unemployment, childhood violence and trauma, drug addiction, wars, human trafficking, all contribute to prostitution.

They are even more vulnerable once they have become human “goods”. First of all because the causes of their vulnerability do not usually disappear. Prostitution does not erase poverty. It remains concealed behind each act that the prostitute would like to refuse but accepts in submission.

Prostitution does not erase drug addiction. It only increases it: there are stronger drugs that are used more frequently and necessary to put up with this loathsome act and these everlasting nights. Prostitution does not erase the endured violence. Quite on the contrary, it increases arbitrary violence.

The procurer arbitrarily exerts money, beats, rapes, humiliates, scares, commands each act, and sometimes even kills prostitutes, without any other reason or justification but his own will.

A new form of misfortune has arbitrarily superseded another without any clarification.

The client arbitrarily considers that the “goods” (ie the prostitute) belongs to him and that he can use it as he likes, depending on his fancies. Each hour is made out of the arbitrary unknown.

Arbitrary violence is the worst of all for it justifies all the other menacing acts. It is dictators’ and terrorists’ favorite weapon. All those who are bound by it are turned into mere objects which are manipulated through fright and anguish. Arbitrary violence accompanies prostitution all the way through.

A democratic state must answer the following primary question when it has to choose between regulating or prohibiting the prostitution system: Can democracy accept arbitrariness? Obviously not.

The second question follows directly after the first: Can democracy accept prostitution? I will let you guess the answer.

**Gérard Biard**

*Spokesman of the NGO Zéromacho*

*Editor-in-chief of the magazine Charlie Hebdo*

*Jury President of the 2015-2016 Fondation Scelles Awards*



## Opening note

Internet communication has proliferated so much that we are now overexposed to all kinds of messages which are often contradictory and whose content must absolutely be verified. Truth must be found. We receive opposing statements on prostitution concerning questions such as:

- Is prostitution a form of violence?
- Is it an activity which has been chosen willingly?
- Do men have irrepressible sexual needs?
- Can prostitution bring revenues to States?
- Can prostitution be reduced?
- What are the results in the countries with laws for abolishing prostitution?

So as to form an opinion about these questions, inquiries and in-depth research by competent professionals are required: specialized NGO leaders, physicians, social workers, economists... Describing the actual situations and their consequences on men and women's lives is not sufficient. We also have to inform a great number of decision makers, as important financial interests are at stake. According to our different sources of information, prostitution involves about 30 million people worldwide (mostly women and children) and brings about 325 billion US\$ (almost 300 billion €) each year to those who advocate for prostitution and procuring "virtues".

We need to find financial means to achieve these studies and to publicize the results. We have been working on this at the Fondation Scelles for over 20 years with a team of talented employees, volunteers and trainees. Through this new Global Report, we wish to inform a large number of worldwide decision-makers who are interested in this issue.

In France itself, together with NGOs such as Mouvement du Nid or Amicale du Nid, we have created an NGO coalition which supports an abolitionist law planned to be voted on in Spring 2016. It will be the first one in the world to provide for a complete action plan intended to reduce prostitution.

We, and our family, have been financially supporting the Fondation since its establishment. The more we work on these issues, the more aware we become that these researches and their relaying require more and more crucial monetary support.

We rely on all willing men and women to enable our teams to continue and develop this fight for more truth and justice.

**Philippe Scelles**

*Honorary President - Vice-President  
of the Fondation Scelles*

**Yves Scelles**

*Vice-President  
of the Fondation Scelles*





## Foreword

This 4<sup>th</sup> Global Report on sexual exploitation reflects the Fondation Scelles' persistent objectives: for 20 years the foundation has conducted an in-depth and objective study on the current phenomena relevant to worldwide prostitution. This year, vulnerabilities have been pointed out and specifically studied because they fuel modern sexual exploitation all over the planet.

Throughout this report, you will find the connection between exploitation and globalization as well as impoverishment and marginalization.

All the analyses as well as the facts presented inspire three sentiments in readers, as they have in writers.

First of all, thanks to dozens of contributors, most of whom are volunteers, it is a great satisfaction to have access to the analysis of significant events and critical questions concerning the world of prostitution. Tackling such an issue without available trustworthy data would be misleading and ineffective. The Fondation Scelles' abolitionist position has been affirmed more than ever, but it does not impede objectivity by any means as it is the result of huge amounts of work, including verifying resources.

The second feeling that emerges is one of concern, because this form of particularly violent exploitation has been obviously growing, thriving more than ever due to globalization, the increasing forms of vulnerability all over the world and the ever more appealing benefits prostitution produces.

However the third feeling is the strong hope of refounding abolitionist laws as prohibitionist and regulationist laws have failed.

Here you will find the purpose of our recent studies, which deals with the deconstruction of the deceitful discourse which attempts to justify what cannot be justified, as well as the highlighted new forms of exploitation, existing particularly in terrorism and cybercriminal domains.

Enjoy reading this book which is intended to be a resource as well as a means of mobilizing action.

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



## Methodological note

The Fondation Scelles presents the 4th Global Report on sexual exploitation. The goal of this book is to analyze the facts to better understand the evolution of prostitution in each country.

So, we will find here the analyses of 38 countries from all continents and 12 topics in relation to current events from 2013 to 2015. Some topics are recurring from the previous years as they have not ceased to reoccur.

### Collection of data

The items we produce are from a range of sources of various kinds, all confined to the years 2013 to 2015: government reports, studies and findings from NGOs, reports of international organizations, academic research, information from our foreign correspondents, articles, polls, videos, stories...

Critical analysis of this data allows not only for the awareness of developments in each country during the last three years, but also an idea of the debates and controversies that have been widely discussed.

All sources used are available in the resource center of the Fondation Scelles, CRIDES (Center of International Research and Documentation on Sexual Exploitation). Since 1994, CRIDES has monitored the daily press of a large part of the world and brought 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, specialists from various fields (anthropology, sociology, political science, international relations, human rights, international law,...), field professionals (lawyers, judges, social workers, human rights advisors, engineers, clinical psychologists...), and a network of foreign correspondents who have nurtured and refined our analysis.

With this new edition, through our approach and our angle of attack, we hope to deliver a broader and more realistic vision than in previous years. We are well aware that the analysis of 38 countries and a dozen main topics can offer only a limited vision; but the goal is to develop a comprehensive account of the subjects treated and to put the facts in a social, cultural and geopolitical context for a better understanding of the phenomenon of sexual exploitation.

### **Additional remarks**

Data at the beginning of each country chapters come from the following sources:

The **Population figures** for 2014 come from the 2015 Report on Human Development (p. 234-237) of the United Nations Development Program (UNDP):

[http://hdr.undp.org/sites/default/files/2015\\_human\\_development\\_report\\_0.pdf](http://hdr.undp.org/sites/default/files/2015_human_development_report_0.pdf)

The figures for **Gross Domestic Product (GDP)** per capita in 2014 (in US\$) come from of the World Bank:

<http://donnees.banquemondiale.org/indicateur/NY.GDP.PCAP.CD>

The figures on the **Human Development Index (HDI)** in 2014 come from the 2015 Report on Human Development (p. 208-211) of the United Nations Development Program (UNDP):

[http://hdr.undp.org/sites/default/files/2015\\_human\\_development\\_report\\_0.pdf](http://hdr.undp.org/sites/default/files/2015_human_development_report_0.pdf)

**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 2014 come from the 2015 Report on Human Development (p. 224-227) of the United Nations Development Program (UNDP):

[http://hdr.undp.org/sites/default/files/2015\\_human\\_development\\_report\\_0.pdf](http://hdr.undp.org/sites/default/files/2015_human_development_report_0.pdf)

The figures for **Corruption Perceptions Index (CPI)** in 2015 come from the 2015 Corruption Perceptions Index 2015 of the NGO Transparency International:  
<https://www.transparency.org/cpi2015/>

Scale of 0 (highly corrupt) to 100 (very clean).

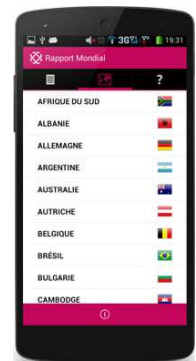
These analyses have the sole mission of contextualizing the national studies as well as statistics, to get an idea of the proportion of the population affected by the topics dealt with in this report: commercial sexual exploitation.

# 2013-2015 MAIN TOPICS



**The 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 \(click\)](#)



For further information: [www.fondationscelles.org](http://www.fondationscelles.org)



# The Multiple Faces of Prostitution

Prostitution is an activity that is evolving into many forms, both discrete and indiscrete. The phenomenon of prostitution is still undergoing profound changes, not only in terms in regulations and customs in each country, but also in terms of the communication tools that have been made available. It is therefore imperative to consider the prostitution, which develops via the Internet, as well as through information and communication tools that know no borders. Furthermore, many forms of prostitution develop outside of cyberspace, particularly within regulatory countries that give free rein to the managers of the sex industry to market the bodies of women and men. Finally, prostitution has managed to hide behind the façade of “romantic relationships”.

## Forms of Prostitution that Flourish on the Web

The Central Office for the Repression of Human Trafficking (OCRTEH) has witnessed the changing face of prostitution activity due to the development of the Internet. From street prostitution to online prostitution, cyberspace allows for the emergence of new forms of prostitution but also amplifies already existing forms. Cyberspace has many advantages: due to the legal uncertainty surrounding the Internet, the risks for perpetrators of prostitution are diminished due to their anonymity online. Individuals in prostitution have taken advantage of the Internet, as the low costs of advertising help them get greater visibility.

### *Sexual Exchange (France)*

In the context of economic crisis, trafficking through services sites have developed. Now it is possible to "exchange services of any kind for any sexual relationship" (*Ancien Gautrais*, November 10<sup>th</sup>, 2010). Advertisements published by men can offer their services as handymen for "hugs" (*Le Parisien*, November 4<sup>th</sup>, 2010). This new technique of prostitution is mainly a result of increased insecurity as well as a result of the criminalization of passive soliciting, which has resulted in the shift from street prostitution to Internet prostitution, as some customers are afraid to hire prostituted persons from the street (*Le Parisien*, November 4<sup>th</sup>, 2010). Indeed, the Internet is a privileged place of anonymity which allows for better facilitation for both the prostituted person as well as the client. Finally, the fact that there is no money involved gives the people the impression that they are not resorting to prostitution and that the situation is therefore less sordid.

Sexual exchange can take many forms but is always caused by the financial insecurity of people. Thus, the concept of "apartment for sexual services" (*BBC*, July 12<sup>th</sup>, 2013) is a form of sexual exchange to obtain housing in exchange for sex with the owner. This phenomenon particularly affects students at risk. Teenagers are also involved in transactional sex to obtain money, gifts or drugs. According to child psychiatrist Patrice Huerre "Swapping sex for a benefit

or for money is a form of prostitution" and "prostitution is illegal when it involves minors" (*Le Parisien*, April 4<sup>th</sup>, 2004). However, the young people involved in this phenomenon do not all realize that this is prostitution.

Despite legislative attempts to ban sexual exchange, sexual exchange is still not punishable in France today. In order to make individuals criminally responsible for these acts, we must consider these websites hosting these ads to be guilty of procuring. However, the definition of resorting to prostitution is expanded and strengthened in the bill against the prostitution system passed by the National Assembly which takes into account, "the provision or promise of some kind of benefit" (*French National Assembly*, December 4<sup>th</sup>, 2013 ). This definition would thus include, in addition to monetary remuneration compensation in the form of goods offered as "gifts" (*French National Assembly*, September 17<sup>th</sup>, 2013) and so would penalize those who would resort to exchange sexual services to obtain sex.

### **“Dating Site” Innovations: Prostitution that Dare Not Speak its Name**

In conjunction with the emergence of the Internet, the emergence of dating sites on the Web has developed as well. These websites that facilitate meetings do not necessarily offer economic benefits in exchange for "good company". American Brandon Wade has taken advantage of this loophole by indirectly facilitating prostitution. This man has made a fortune off dating sites. All these dating sites are based on beauty in exchange for money. Although these sites do not explicitly state transactional sex, they promote prostitution as behavior by basing the relationship on a logic of economic benefit.

The concept of *sugardaddies* and *sugarbabies* was born in the United States. Like the website *SeekingArrangement*, created in 2012, dating sites connect wealthy men, often elderly and young female students, actresses, models, that are attractive, intelligent, ambitious and interesting". It can even be an older woman called *sugarmommies* wishing to enjoy the company of a young man. These sites never speak of sexual exchange for money, but this is insidiously implied in their statements.

"Escorts refrain!": This site warns escorts not to join while registering and hopes that as a result of this warning, it will be disassociated from websites welcoming prostituted persons.

Yet a survey conducted on the site in 2013 shows that in 80% of cases, sexual relations would actually be a component of the contacts established through the website (*Le Journal International*, February 14<sup>th</sup>, 2014). The site asks people who sign up to be honest and to establish clear and precise arrangements so that everyone will agree on the terms of the "contract". If the use of the site is free for *sugarbabies* she/he is still payed by *sugardaddies* or *sugarmommies*, who must pay 50 US\$ per month (*Terrafemina*, March 27<sup>th</sup>, 2014). These sites can facilitate student prostitution.

However, the difficulty in fighting against such sites is the ability to differentiate these girls from woman who want to marry a mature man for his money (*Le Monde*, March 26<sup>th</sup>, 2014). Indeed, one can not condemn a man who wants to take care of his wife. But if the basis of the



relationship resides only on a material need, the person who takes advantage of the situation can be defined as a procurer.

Like *sugardaddies*, another dating site, also created by Brandon Wade, has been developing since 2012. It is aimed at people who wish to travel but do not have the means to do so. They can then rely on generous donors who, in exchange, will offer the right to travel with them. The site is again very careful because it does never state that it is transactional sex. However, revenues from these men, who want to travel together, are displayed on the site. The "attractive travelers" who register on the site must be attractive for the "generous travelers". Three categories of services are offered; it is possible to travel to a new destination in the company of another person, to travel to their city, or to invite them to your own city.

### ***From Escorting to Sex Tours***

Escorting is done through men or women, often from a wealthy class, often at social gatherings. The escort must look after his appearance in order to appear to belong to a high social status. Sexual relations are not part of the contract but are implicit and, in all cases, the escort must agree. These services are very expensive (from 216 to 1,083 US\$ the evening). Occasionally, escorts can be distinguished (students paying for their studies or the 30 year-old mother employed part-time...), or the luxury escort (often foreign with different motivation). Generally, escorts contact their customers via internet and have to pay a registration fee to be featured on a website. A significant share of their earnings is taken and those who want to unsubscribe often face threats and physical violence.

Since the early 2000s, a new form of prostitution on the Internet has developed: the sex tour. This new procedure of procuring networks, also called "city tour" is to program the stay of foreign prostituted persons in different European cities from anywhere from a couple days to a couple weeks. Generally prostituted persons go to the client, who can choose the prostituted person from a catalogue and can choose to meet him/her in a predetermined place at a predetermined time, which often takes place during business trips in particular.

This system offers procuring networks which provide some kind of safety. The sites dedicated to escorts, advertise these young women's measurements and their services, along with their photograph. Customers only need to look at the list of prostituted persons who are staying in their region and then can easily "place an order" by SMS. They thus receive the confirmation of the appointment, the date, the time, the hotel address and room number. These ads are managed entirely by procurers who organize trips, book tickets and take care of the appointments. The phenomenon is difficult to differentiate from hospitality professionals. But if it is proved that they are aware of these acts occurring at their establishments, they can be prosecuted for procuring.

## **The Evolution of Prostitution Forms Without Limits**

Countries that have opted for a regulationist regime could not have imagined the new forms that prostitution would take. Although prostitution is changing within each country according to its plan, forms of prostitution that develop have no limits as the imagination of procurers is seemingly endless. Whether its the development of gigantic brothels, the introduction of sex drive-ins or the recognition of sexual assistance that establishes the right to sex, public authorities have come to accept the dehumanization of people and have accepted the categorization of people as simple sexual objects. This causes one to wonder about the limits that regulationist States have set on the evolution of prostitution in their country.

### ***Sexual Assistance for Disabled People***

The dialogue of the sexual desires that exist amongst handicapped individuals has increased and is becoming less of a taboo subject. However, the responses suggested by some countries such as Switzerland, are not good. Sexual assistance, which is to provide sexual services for disabled people in return for payment, is indeed a breakthrough solution by some associations such as the *Association des Paralysés de France* (APF), which took part in the organization of a symposium "physical dependence: intimacy and sexuality" in April 2007 to the European Parliament. This meeting was intended to discuss the issue of sexual aid by giving a voice to people with disabilities in what concerns prostituted persons and escorts. Only those who are severely disabled and do not have access to their own bodies were considered.

Although several legal texts have initiated the consideration of the emotional and sexual life of people with disabilities, sexual aid is not part of the means considered to reach that goal. Thus, one cannot say that these legal texts constitute a step towards the recognition and regulation of sexual caregivers. Moreover, the French legislation on prostitution, especially the criminalization of pandering, appears as an obstacle to the establishment of such a practice. Indeed, as an intermediary between a person who is a prostituted person and another that uses their services is, under the law, procuring (*CCNE Opinion*, October 4<sup>th</sup>, 2012). The recognition of sexual helpers performing this activity would violate the principle of non-commercialization of the human body. Furthermore, the patient's vulnerability makes it easy to handle and facilitate potential abuses (*Chossy*, November 2011). Finally, the concept of sexuality is not referred as a right but rather than as a freedom.

Some countries have still chosen to categorize sexual aid as a profession. The Netherlands established, in 1982, a help to sex life named SAR (*Stichting Alternatieve Relatiebemiddeling*) who considers sexual benefits as care and the use of a sexual caregiver is fully repaid. The people who cannot have access to sexual assistance in their countries are choosing to come to the Netherlands to benefit from these services which increases the phenomenon of sex tourism (*Moreau*, 2008-2009). As for Germany, it provides a body contact service since 1995. But unlike the Netherlands, the body contact cannot amount to a sexual act.

### ***Teenage Prostitution: An Alarming, Growing Phenomenon***

The recent development of teenage prostitution through various practices is extremely worrisome. The prostituted population is increasingly young, which can be explained by economic insecurity or vulnerability of some young people from broken homes, or who have had academic trouble in school. In fact, 52.3% of young people consider accepting sex in exchange for gifts or money as it could offer a way out of poverty (*Amicale du Nid 34*, 2014). Youth prostitution is often motivated by access to luxury goods. While initially, students enter the circle of prostitution for survival or to finance their education, many are there because they have acquired a taste for fast money (not easy), or even luxury in which they were immersed.

Moreover, young people have recently developed new practices such as *sexting*, which involves emailing sexually explicit photographs by cellphone, or *dedipix*. In exchange, the recipient promises a comment on his/her blog. The more risqué the photo is, the better the comments will be. The goal is to gain notoriety and popularity. This practice of *sexting* worries cybercrime specialists, who believe that this practice will attract predatory pedophiles. It is often easy to discover where the photos come from, and it is also easy to contact the owner of the blog.

A new practice of procuring has spread around Europe—the *loverboy*. A loverboy is a young man who spots girls as they are leaving their colleges or high schools. They seduce them by pretending to be in love with them, and make them discover sexuality for the first time. Then, the loverboy manages to turn them against their environment (family, friends ...), saying that only he can understand their discomfort. Gradually, he isolates them from their everyday environment. Girls lose their bearings, drifting away from their family (fugue ...) and their friends. Once they have become totally dependent on the man, he threatens to leave if they refuse to "help", "after all he has done for them." Once they are in love with him, he forces them to have relationships with men and become violent if they do not obey. Romantic relationships are exactly what complicates the fight against this form of procuring. The girls do not see themselves as victims and do not complain.

### ***Discreet Places of Prostitution: from Hostess Bars to Massage Parlors***

In some hostess bars, employees are recruited through ads in local newspapers in the "employment, hotel, restaurant" section and advertise that they want a job as "hostess." Waiters and waitresses flirt with customers and get them to consume more alcohol. In fact, the turnover of employees is related to the consumption of its customers (the "cap"). In other words, if the customer does not consume enough, the hostess may be asked to repay a part of the announced fixed salary. Men imagine that these women are at their service. This is often the case as some women are willing to respond to customer requests, even if they ask for sex. Over a long period of time at the bar, pressure is put on hostesses to accept paid sex.

Massage parlors are perfectly legal establishments in the eyes of the law, and are reported in the Commercial Register under "personal care". They offer "body-body" sessions (masturbation) and "total relaxation" (ejaculation). The majority of prostituted persons involved are Asian.

According to OCRTEH, 13% of investigations into trafficking of human beings for sexual exploitation in 2014 were related to prostitution in massage parlors or hostess bars.

### ***Drive-In Sex in Switzerland***

In an industrial area of Zurich, the city created a "sex drive-in" justified by the will of political authorities to better "channel prostitution" (*Libération/AFP*, August 26<sup>th</sup>, 2013). In return, the practice of prostitution in the district of Sihlquai was banned, the idea being to bring prostituted persons and their clients to a secure and controlled area where social workers are located. This site, open daily from 7pm and 5am, can accommodate fifty prostituted persons. It comes in the form of new sex-boxes, available to clients and prostituted persons. A security justification that the State endorses allows people to be treated as mere commodities for consumption, where customers come to order human beings in the same way they would order fastfood without leaving their vehicle. Motivated by the desire to protect prostituted persons from abuse, this form of prostitution is nevertheless one of the many ways why prostituted persons are excluded from society.

This phenomenon has already been implemented in other countries such as Germany, where sex -boxes were installed in 2000 in Dortmund, Cologne in 2001 and Bonn in 2011. The results of these sex-boxes are difficult to define and analyse. However, one can see that this system was a failure as the site located in Dortmund had to close its doors in 2007 after its appropriation by criminal networks from Eastern Europe (*Tribune de Genève/AFP - Newsnet* August 27<sup>th</sup>, 2013).

### ***Mega Brothels: the Funmotel, Europe's Largest Brothel (Austria)***

Liberal logic on prostitution is pushed to the limit with mega brothels in which prostituted persons are piled into huge buildings. Today it is no longer small structures with some prostituted persons, but there is talk of real centres of prostitution, with brothels the size of supermarkets that can accommodate hundreds of customers daily. "Entrepreneurs" continually want to proclaim they have the "biggest brothel in Europe". Austria, however, will without a doubt have the largest brothel when it builds its *FunMotel*. The brothels' capacity will be 1,000 customers per day with an average of 80 to 120 prostituted persons in the property consisting of 147 rooms. Intended to be open around the clock, it will offer various services, such as filming pornographic films as well as other activities (restaurant, sauna, gym...). The law on prostitution in Vienna, published on November 1<sup>st</sup>, 2011, provided for a more restrictive delimitation of prostitution areas, with increased constraints on new establishments wishing to establish themselves in Vienna. This new law explains why the *FunMotel* will be located in Lower Austria, outside of Vienna (*Le Parisien/AFP*, November 20<sup>th</sup>, 2012). Despite the remoteness of *FunMotel* from the capital and its construction cost, we do not doubt the profitability of this structure. The provision of services such as restaurants and hammams attract customers. In Germany, the sex trafficking would yield nearly 16.25 billion US\$ a year (*Libération*, April 14<sup>th</sup>, 2014), which gives an idea of the financial stakes of such a project.

### ***How far to push the boundaries of acceptability?***

There are recent and disturbing examples of new practices related to prostitution activity. Yet it seems that sometimes the public authorities support such initiatives, German authorities being an example. Berlin offers special rates for pensioners and taxi drivers. "These bring us a lot of customers who pay half price on Sunday and Monday," argue the tenants of one of the places of prostitution. In Berlin, another brothel offers "Zwei für eins" package (two for the price of one), inviting another lady to participate in the lovemaking ... Moreover, reductions are available for environmentalist customers coming to the brothels by bike, and services are offered for free if the client agrees to be filmed and agrees to the video being posted online. Finally, in a chain of brothels located in Germany, they announce a discount formula that entitles the customer to "do whatever he wants, as much as he wants as long as he can" (the formula, is only offered between peak hours from 10 to 4, and includes sex, drinks and food).

### **Forms of Prostitution Hidden Under the Appearance of a Relationship**

Prostitution is a multifaceted activity that takes countless forms. It remains increasingly difficult to assess given the development of concealed prostitution that is hidden behind the facade of a romantic couple. The challenge lies in how to distinguish the differences between a person who has sex in exchange for money, a person "kept", or a woman who marries a rich man for his money. Temporary marriage in Iran, concubines in China, or "grottos" in the Ivory Coast, all illustrate how some forms of prostitution can flourish with impunity.

#### ***Temporary Marriage or Marriage for Sex (Iran)***

Declared unlawful by the Sunnis, temporary marriage has spread among Shiites under the name of weddings *mysiar* in recent years. This practice is to contract a marriage for a fixed period ranging from one hour to 99 years (*Parvaneh*, 2009) and is particularly observed in some countries of the Middle East such as Iran. In temporary marriages, some rules are established between both parties in a marriage contract while for permanent marriages, the main rules are set out in Islamic law. The dowry is also sought in temporary marriage, but if it is not mentioned in the contract, it is automatically canceled. The woman receives a sum of money and temporary marriage has the distinction of not being officially registered. The man may terminate the temporary marriage before the date set in the contract and can contract several temporary marriages, while women cannot (*The Guardian/Iran blog*, March 6<sup>th</sup>, 2012). This phenomenon can be explained by the desire to prevent sexual relations outside marriage which are condemned in Islamic law. In Iran, temporary marriage, also called *sigheh*, are institutionalized in the Civil Code.

In 2007, Mostafa Pour-Mohammadi, Iranian Minister of Interior encouraged the practice of temporary marriages in order to assuage the sexual impulse among the youth of the country. As a result, temporary marriages would justify sexual acts in exchange for compensation because it would conform to religious principles. However, it also promotes sex tourism: people come on

holiday to Muslim countries to get women in exchange for a dowry. Thus, under cover of this temporary marriage, they may resort to sex in exchange for money, without breaking the law. Moreover, the temporary marriage may drift into child prostitution, with Iranian law allowing marriage for girls from 13 years of age and boys from 15 years of age. It is even possible to go below this age limit. In fact, girls can be married from 9 years of age, if the father or the grandfather obtained a waiver in court (*Schuster, 2013*).

### ***The Grottos and Gnanhis (Ivory Coast)***

The term "grotto", resulting from the Ivorian slang (*French Language, 1991*), is used to describe men who use young women, mostly students, to satisfy their sexual desires. The "gurus" or "koutrous" are older men, often married, with a rather high social status enabling them to offer financial support to these women for their daily lives. To a lesser extent, it is also called "gnanhis" which offer students youth services. As always, the phenomenon of "grottos" is not seen as prostitution by those who practice it. As a result, young women prefer to use the term "lover" rather than "grottos". This practice is becoming more widespread and a recent study shows that almost one in five students admit to being a grotto (*Herbarium & Dali, 2005*). Getting a young girl is seen as a success in Ivory Coast (*Jeune Afrique, February 11<sup>th</sup>, 2013*). Thus, as the phenomenon is being trivialized, it seems normal for girls to turn to this option in order to escape poverty. Students are seen getting into big cars of their "grottos" or go to hotels to have sexual relations. These acts also take place within the university residences, which was confirmed by a young student who witnessed the sexual antics of her roommate (*Réseau Ivoire, January 22<sup>nd</sup>, 2008*).

### ***Concubines (China)***

In China, "ernais", also called "second wives" or "concubines", are luxury mistresses kept by wealthy men who are appointed as their "protectors" (*Madame Figaro, March 8<sup>th</sup>, 2012*). For most students or young workers, they are expected to be at the disposal of these businessmen and members of the political elite. Thus, concubines must wear designer clothes and always be ready to showcase their protector when they go out together. These men affirm their social status by showing off these women publicly and having sex with them privately. This, however, is more discreet than a prostituted person. The phenomenon is commonplace and is growing to the point such that today, there is a high number of men having relationships with concubines.

However, this practice is considered immoral for many and remains a taboo subject. Women are considered "impure" once their role as "second wife" is over and struggle to find a husband, especially once they are past the age of thirty (*JDD, December 30<sup>th</sup>, 2007*). Moreover, while the concubines have no rights and cannot be defended in court (only the amicable settlement is possible) married women may submit a request to the court that their money be returned and property obtained by the concubine be given up (*Madame Figaro, March 8<sup>th</sup>, 2012*). These wives conduct a very radical practice: they put the concubines in front of a camera. Often these concubines do not defend themselves and accept public humiliation.

Cohabitation is a phenomenon closely linked to corruption. Chinese media estimate that 90% of recent senior officials convicted of corruption over the past five years had mistresses (*Loussouarn, Frontline, 2013*). Concubines are expensive. To support themselves, many accept "bribes". A reward system has been put in place to encourage members of the Chinese Communist Party to denounce relationships with concubines (*JDD, December 30<sup>th</sup>, 2007*). In the case of corruption whereby an official is linked to a concubine, this concubine is subject to punishment. Concubines can be imprisoned for 7 years as authorities consider that the money derived from corruption benefits the concubine which makes her an accomplice (*Madame Figaro, March 8<sup>th</sup>, 2012*).

Finally, the public authorities developed prevention campaigns against concubines. On television, censorship was introduced. It is forbidden to broadcast series on state television featuring adultery situations. The purpose of this censorship is to educate the youth to not engage in relations with concubines (*JDD, December 30<sup>th</sup>, 2007*). In spring 2010 Chinese President Hu Jintao launched a campaign : "anti-cohabitation" among senior party officials. He asked them to "withhold from temptation."

Having adopted many new forms, prostitution and other illicit activities are now harder to detect. It is urgent to address these developments in order to provide effective judicial responses and appropriate social measures. The trans-boundary nature of cyberspace and the development of hidden prostitution practices require new modes of action in the fight against sexual exploitation. Thus, it appears through relevant examples presented in this chapter, that it is necessary to change the definition of prostitution in order to take into account new practices such as those taking the appearance of couple relationships or those forms of prostitution that provide "benefits" rather than money. Similarly, for countries that have different legislation, international cooperation is necessary for the apprehension of sexual exploitation networks. Finally, Nations that should further develop their prevention campaigns and public awareness, especially for young people and their parents.

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# Behind the Words, the Reality of Sexual Exploitation

A dramatic global phenomenon founded on violence and coercion, prostitution is responsible for the degradation and sacrifice of the most vulnerable members of society. These people are sacrificed simply to satisfy the primitive urges of some, using the guise of sexual liberty, and to generate considerable profit, estimated at 99 billion US\$ (close to 91 billion €) per year (*ILO*, 2014). The reality of prostitution is that of exploitation and the trafficking of tens of millions of human beings, of shorter life expectancy of children sold younger and younger into prostitution, slavery, training camps, torture at the hands of brothels, rape, and murder. Prostitution is governed by criminal organizations and sometimes even by the terrorism that it finances.

And yet, the image today of modern prostitution worldwide fails to reflect these realities. This is largely because the sex industry has hidden these cruel realities behind a fictional narrative of prostitution that makes the unacceptable, acceptable. To develop and increase its profits, this “industry” has tried to create an attractive image of prostitution in recent years. Through a global communication strategy and aggressive marketing techniques, the pro-prostitution lobby has created a new story of prostitution, one that depicts prostitution as an acceptable “job”, a sexual liberty, a mercantile agreement between consenting adults, an emancipation from the patriarchy, a viable solution to economic problems, and even as a human right. This new tale elevates, or at least normalizes prostitution with the objective of decriminalizing its activities and its participants alike, thus to liberalizing the entire “sex market”.

The world of prostitution is one of vulnerability, which targets the most fragile and discriminated-against people in the world: 98% of girls and women, transgender individuals, poverty-stricken people, asylum seekers fleeing situations of war and conflict, victims of sexual violence as minors or within a romantic relationship, those with health problems, and those with an addiction to drugs or alcohol. Prostitution perpetuates and aggravates these vulnerabilities due to the violent nature of the “industry”, the implicated constraints for its actors, as well as the severe physical and psychological damage that it causes.

This vulnerability, however, has no place in the story created by the sex industry, where the heroine is never a victim of devastating circumstances but is rather a prosperous “sex worker”, a “sex seller” who is strong, independent, invulnerable, and free. Missing in this story are the oppressive figures of clients and procurers. Instead, the sex industry gives the role of main enemy to the State, supported by its accomplices, feminists and abolitionists, who make “sex workers” more vulnerable and subject to punishment.

The tale told by the sex industry does not include the violence, constraints, physical harm, victims, or aggressors in its story, as it has to reassure public opinion. It does so by presenting prostituted persons as entrepreneurs, by clearing the names of the clients of these free “sex workers,” and by arguing that the State does not have a responsibility to protect prostituted persons, nor to penalize them, but conversely, should take the opportunity to profit from the industry. They never mention vulnerability, which implies a need for social protection, solidarity, and the creation of a more just society.

Instead, to ignore vulnerability is to accept the social order the way it is, to legitimize inequalities between sexes, as well as those between classes and castes. This tale consequently argues that we should accept prostitution as an inevitable outcome of this inescapable inequality. But to accept this fact is to abandon the principles that constitute a community; it is a renunciation of human values.

### **When prostitution rhymes with liberty**

The sex industry officially condemns coercion, violence and abuse, human trafficking and sexual exploitation of children. But in the narrative that the sex industry presents, prostitution is exempt from coercion and exploitation. This story puts forth a free “sex worker”, who has rationally chosen “sex work”. If pro-prostitution discourse recognizes alienation, it is not the alienation caused by the system of prostitution, but that of work itself. It argues that if prostituted persons are exposed to exploitation, so are factory workers.

If it is true that a small proportion of prostituted persons choose “sex work” without coercion, this minority has been presented by the sex industry as the norm. Through this rhetorical offensive, the pro-prostitution lobby has imposed the notion that in reality, prostitution is a free-trafficking industry, while forced prostitution and trafficking only concern a small proportion of prostituted persons.

The supposed “liberty” of the prostituted person is given great value. It ignores the harsh realities of prostitution and demonstrates a return to reactionary measures. This logic recalls Karl Marx’ conception of liberty of the free fox in a free henhouse. What is liberty worth for the most vulnerable? What do we say to the 85-95% of prostituted persons who wish to escape the industry?

#### ***Prostitution always results from a rational choice***

In the scenario presented by the pro-prostitution lobby, prostitution is always the result of a “free choice” or at least a “rational choice”. This discourse ignores completely coercion and the social and psychological vulnerabilities that cause prostitution. The question of consent, that is not raised here except in economic terms, is never posed.

The sex industry recognizes the vulnerability of prostituted persons but believes this vulnerability is solely a result of the discrimination, marginalization, and oppression of which they are victims, such as gender inequality, racism, and poverty. These so-called “imperfect”

contexts, can also give individuals limited choices and influence their decision to become “sex workers”. In reality, “in a world where 3 billion people live on less than 2.50 US\$ a day, and where 80% of the worldwide population lives in countries where income gaps are widening, individuals make economic transactions for sexual relations that are not always a question of direct coercion, but rather a reflection of limited options” (*Amnesty International*, 2014).

In the pro-prostitution narrative, however, these vulnerable situations never lead to acts of coercion or desperation, as it never affects the agency of prostituted persons; in other words, their vulnerable situations affect neither their autonomy nor their capacity to choose and to act. This “indirect coercion” does not present an obstacle to the “free choice” to sell “sexual services” with the goal of supporting a family, an education, or an addiction to drugs (*CHCDH*, 2012). Here, consent is an absolute.

To help the most vulnerable, we must support their capacity to decide, and never contest or judge them for it, “because this would ignore the ways in which individuals act in a deliberate and reflective manner, to at least survive or to self-empower (*Amnesty International*, 2014). Respect for free judgment, for the freedom and dignity of prostituted persons forbids, the denial that prostitution is a voluntary and rational decision, and the denial that people's right to choose “sex work” in their own best interests. It also forbids compromising their choices and their security by criminalizing the context in which they live. Coercion thus disappears behind the illusion that a rational, reflective and deliberate choice has been made by the “sex worker,” an “agent” in their life.

This narrative transforms prostitution into an alternative to poverty and social exclusion. Prostitution appears as the only economic opportunity for certain people who are discriminated against in the work force such as transgender individuals. Prostitution is also presented as a more appealing job due to its flexibility and its profitability, even for victims of trafficking, who it allows to escape the exploitative and precarious situations they were in originally.

### ***Procuring is only a form of support for prostituted persons***

In the pro-prostitution narrative, coercion by a third party is rarely, if ever, spoken about. Procuring is not seen as exploitative, but is simply seen as an element of “sex work”. The procurer becomes the supporter, manager, or organizer of prostituted persons. The sex industry transforms procurers into protectors and honorable managers that provide a service for prostituted persons. Under the title of “third party” we find chauffeurs, receptionists, bodyguards and even employers. The pro-prostitution rhetoric neutralizes completely the criminality of procuring by ignoring the violent and sexually exploitive nature of the job.

In this representation, it is the State that causes exploitation by penalizing prostituted persons. Therefore, the penalization of “clients” increases the influence of the procurers and pushes prostituted persons into secrecy, which makes them more vulnerable to exploitation, and forces them to turn to trafficking networks who serve as intermediaries. Similarly, this narrative maintains that penalizing procurers indirectly condemns prostituted persons, as they are forced to either collaborate amongst each other for their security or call on a third party for a taxi fare or

the lease of an apartment. This narrative insists that the decriminalization of procuring and buying sex protects the rights of prostituted persons who can thus continue their work without constraints.

### ***Sex trafficking is a myth***

In the sex industry's libertarian conception of prostitution, even the victims of sex trafficking have freely chosen to be prostituted. Since the middle of the 1990's, the pro-prostitution lobby has argued for the individual's right to migrate for "sex work". They invented the concept of "voluntary sex trafficking", and renamed it as "sex work migration" that is presented as a banal business, practiced without violence, with consent of the prostituted person and to their profit.

The pro-prostitution narrative does not consider the person who knows they are going to be prostituted in their destination country as a victim of trafficking, even when the conditions upon their arrival are far from what they had envisioned. Regardless of if someone is exploited, violently assaulted, held captive, or receives no profit, they are nevertheless seen as a "voluntary worker" who has chosen to migrate for "sex work" in the hopes of a better life.

In this narrative, exploitation is used to describe only those who are *forced* into prostitution, whereas "free" trafficking (i.e. sex work migration) is perceived as exercising one's right to freedom of movement. In this narrative, sex trafficking is presented as simply a myth meant to justify the repression of prostitution and migration; because trafficking only affects a minority of "sex workers", it should only be dealt with on a case-by-case basis. Vulnerability, violence, and coercion are assumed to be only pretexts used by the State to put in place repressive laws. Rather than being presented as endemic among prostituted persons, sex trafficking is presented as a by-product affecting only 5-10% of migrant prostituted persons.

### **When prostitution is harmless**

Prostitution involves significant physical and psychological abuse that does not exist in any other activity and that constitutes the first cause of death among prostituted persons. Yet in the many mystifying arguments for the decriminalization of prostitution, even those of groups such as Médecins du Monde (MDM), violence is absent. Only the institutional violence created by the State as well as laws that penalize prostituted persons recognized; the sex industry advises to respond only by reducing the State's harmful effects and by fighting against HIV/AIDS and other sexually transmitted infections (STIs).

This narrative insists again that violence in the prostitution industry is dramatized, that physical and psychological abuses of prostituted persons are imaginary, and that sexual abuse of children is overstated. The sex industry denounces statistics by arguing they are generalized and represent only a small portion of "sex workers," those most affected by social and psychological problems, and are the most exposed to medical and police problems (*Pheterson, 2001*).

The relativist story of the sex industry prohibits the definition of prostitution with a single reality that is violent in nature. The situations and experiences of prostituted persons are presented as diverse. The nature of a sexual relation is thus dependent on the individual, social, cultural and geographic context. In Heather Montgomery's report, "Global Sex Workers," a study of prostituted children in a Thai village near a tourist attraction, she maintained that prostitution is neither harmful nor identity changing for the children, because the link between sexuality and identity is not as strong in Thailand as it is in the West (*Montgomery, 1998*).

### ***Prostitution is not violent***

The pro-prostitution narrative seeks to deconstruct the image of prostitution as devastating and humiliating, and it completely glosses over the world of prostitution. It thus does not speak about the physical and psychological violence that are intrinsically linked to prostitution, or about the violation of prostituted persons' bodily integrity. It also ignores the violence on the part of the principal aggressors of prostituted persons, "clients" and procurers, as well as the daily risks of attack, rape, torture, imprisonment, and murder for prostituted persons. The pro-prostitution narrative negates the psycho-traumatic impact of prostitution as well as the sexual violence that prostituted persons often faced during their childhoods, which makes them more likely targets.

The sexual violence inherent to prostitution due to the repetition of unwanted, often violent, sexual acts is transformed into a free and thriving sexuality. The sex industry turns sex into a banal activity, and makes prostitution an avant-garde sexuality, despite the fact that sexual violence is extremely traumatic and comparable to torture. The harm done to prostituted persons is further intensified by the permanence of their situation of aggression.

In the scenario presented by the sex industry, the psychological harm done by prostitution does not exist. The sex industry completely reinterprets the notion of traumatic "dissociation" that refers to the universal defense mechanism used by at least 70% of prostituted persons to "survive" the repetition of undesired sexual acts. Prostituted persons psychologically separate their two personalities, between their prostituted personality and their "private" personality. This psychological disassociation, which actually causes prostituted persons to lose bodily sensation, allows them to separate from themselves in order to protect themselves from an intolerable experience. The sex industry turns this strategy of disassociating one's self from their body into a "sexual commercial service". In this narrative, the disassociation is simply presented as a way for a free and rational individual to conduct their work and to earn a living. The prostituted persons still have complete ownership of their body, and their work never affects their bodily integrity.

The recognition that 68% of prostituted persons suffer from post-traumatic stress disorder is presented in this narrative as an ideological belief rather than fact<sup>1</sup>. The sex industry, which is unable to dispute scientific fact, actually recognized that prostitution causes significant

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<sup>1</sup> Bedford v. Attorney General of Canada, Ontario Superior Court of Justice, Judge Himel, 2010.

psychological damages<sup>2</sup> comparable to that of Vietnam veterans or victims of repeated rape. These traumas that are intrinsically linked with the act of prostitution have no place in a discourse founded on autonomy and liberty.

### ***Violence would be institutionalized***

Pro-prostitution lobbyists always make a distinction between the activity of prostitution and the conditions in which this activity takes place. According to pro-prostitution lobbyists, prostitution is not intrinsically violent. The conditions in which prostitution is criminalized, however, make it violent.

This narrative maintains that prostituted persons are subject to violence due to discrimination, stigmatization and a lack of recognition of “sex work”. Through its legislation, police, and institutions, the State is responsible for the violence endured by prostituted persons. This violence includes, but is not limited to, harassment, extortion, police brutality, arrests, arbitrary detention and expulsion. Repressive laws, which lead to secrecy, heightened risks as well as more client aggression, aggravate this violence. These pro-prostitution lobbyists denounce the “dangerous practices” of the State, such as confiscating condoms and using them as proof of prostitution, which consequently increases the health risks and the vulnerability of prostituted persons. The State, however, considers that violence is intrinsically linked to the act of prostitution as well as to its clients and its procurers and thus sidesteps responsibility.

The sex industry defends the idea that improving the conditions in which prostitution occurs, through both the decriminalization and the professionalization of “sex work”, would resolve health and violence problems. It would thus suffice to stop stigmatizing prostitution, to legalize it, and to offer workers rights to prostituted persons, so they would no longer be subject to the atrocities of their current trade.

### **When the “sex worker” becomes invulnerable**

The pro-prostitution narrative neglects to mention the violence and coercion intrinsically linked to the act of prostitution and therefore claims that the prostituted person is never a victim. The “sex worker” becomes an invulnerable hero or heroine who is fighting for sexual freedom, economic independence, the right to a “job”, and the right to mobilize against a State who seeks to weaken them.

The sex industry has invented the idea of an “induced vulnerability” caused by legislation, judiciary institutions, and police hostile to prostituted persons. Legislation penalizing prostituted persons makes them more vulnerable.

In the absence of a victim, the aggressors also disappear too in the pro-prostitution discourse. Procurers and “clients” are exonerated, and their desire for sex, power and money is

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<sup>2</sup> Melissa Farley, American psychologist, is the first person to have initiated a survey on the prevalence of this phenomenon amongst prostituted persons in the mid 1990's.

legitimized. If the sex industry recognizes any aggression, it is always to describe it in neutral terms.

***Prostituted persons would never be victims...***

The neo-liberal scenario presented by the sex industry systematically renounces the idea of vulnerability and the notion of a “victim”. The pro-prostitution lobby developed an ideology that maintains that “sex workers” are being shamed, and rather, should be depicted as strong individuals. According to the pro-prostitution lobbyist, it is disparaging to consider someone a “victim”. Moreover, by labeling a prostitute a “victim”, one is in turn, making prostituted persons more vulnerable.

The pro-prostitution narrative redefines a “victim” so that the prostituted individual is strong, active, and invulnerable. Being a “victim” does not mean being subject to violence perpetrated by others, but rather references a character trait. To be a “victim” signifies that one is weak, passive, powerless, and incapable, in opposition to the “active subject.” The pro-prostitution narrative makes the prostituted person a voluntarist subject and an invulnerable hero or heroine, who represents action, liberty, and power. By definition, the prostituted person can never be a victim. The status of victim is an identity that must be combatted at all costs; the liberal individual in the sex industry must be responsible and invulnerable.

Pro-prostitution arguments overflow with the recurring theme of “the prostituted person as subject rather than victim,” presenting these terms as being mutually exclusive. In fact, the “victim-subject” opposition is false, because to the victim is generally opposed the aggressor, and to the subject is generally opposed the object. This opposition is used to impose the false idea that the victim is an object, and not a human being (*Ekman, 2013*). This narrative thus establishes a false identity of the “victim” because in reality, the term victim does not seek to describe weak or incapable individuals, but rather aims to reveal harm done and to define a situation of exploitation.

***...even when they are exploited or raped several times a day***

The “sex worker” exists without context, which is to say without exploitation. Regardless of what is done to the prostituted person, even if they are raped several times a day, given HIV/AIDS, subject to physical abuse, or are even tortured, they nevertheless remain an “active subject” who exercises control and resists exploitation. In this narrative, passivity is seen as a form of resisting exploitation. It is the attitude of the prostituted person that determines whether or not they are a victim. Making decisions, developing strategies to deal with the realities of prostitution, or even “actively” choosing submissiveness, qualifies a person as a subject rather than a victim. Whatever may be the degree of exploitation, if a person acts or submits “freely” as a means of surviving, they are not vulnerable.

The discourse dismisses the role of power and exploitation; it is simply a question of empowerment as it all depends on the prostituted person and their attitude. It is always the most vulnerable person who is depicted as the strongest. Thus, in her study of prostituted children in



Thailand, anthropologist Heather Montgomery does not describe the children as “victims” of sexual exploitation but rather as “active, rational subjects”. To refuse them this status, according to Montgomery, is to deny them this “way of intelligently using the little control they have effectively”. If these children do not want to be prostituted, they develop strategies to accept prostitution. The child is always an “active subject” who resists and exercises control. If the children do not protest when strangers rape them, it is because they have “chosen” to ignore this aggression, and thus resist through passivity.

In this situation, prostitution is an opportunity; it is an opportunity for older children to become the procurers of younger children. These children knew how to acquire power and social prestige amongst their limited options as, without prostitution, these children would have become miserable and obliged to have a job that pays much less than prostitution (Ekman, 2013).

Finally, according to the sex industry, the only possible violence against a prostituted person is to identify them as a victim. This is how one truly condemns them to be so. According to the pro-prostitution lobby, it is in identifying “migrant sex workers” as victims of trafficking, that the State deprives prostituted persons of their autonomy and their opportunity to live a better life. Therefore, it consequently condemns them to a situation of exploitation.

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# Sexual Exploitation of Minorities

Certain ethnic groups experience challenges linked directly to their status as a minority among the people with whom they live or survive. Their vulnerability exposes them to the tactics used by traffickers or sexual exploitation networks. One could argue this is the fault of their inability to adapt to 'modern' cultural norms, however, the isolation and the discrimination that they experience should be highlighted *a priori*.

This is the case of the people that North-Americans label Natives, and are in Canada, the natives or the Indians, the Métis and the Inuits. Colonization of these territories brought in cultures entirely unknown to the Natives, who were rapidly reduced to a discriminated minority due to new social criteria. Their way of life, social and family structures, and heritage were fought against, as a living incongruity within the criteria of the colonizers. This caused a spiral of exclusion, a loss of direction, poverty, violence, and abuse of all kinds.

In India, two groups are particularly vulnerable to sexual exploitation, along with all forms of arbitrary violence. The Dalits, more commonly called the untouchables, have been greatly excluded from the two decades of growth that India has experienced. Nothing distinguishes them, *a priori*, from their fellow citizens, except for the stigmatization that they experience due to the persistence of the caste system, even though it has been officially abolished. The Dalit women are oppressed two-fold due, in one part, to their place in the caste, and in another part, to their position as women, in a country where gender equality is viewed as a utopian fantasy. Other minority groups, such as the Nats, are victim to internal trafficking within their community. The women are often condemned as being born uniquely for sexual exploitation. In this case as well, the complicity of authorities, the lack of economic opportunities, and the hostility towards the group, explain, perpetuate, and amplify their vulnerability.

A link exists among these American and Indian minorities with an ancient European Community, the Roma people, who coexist with societies that are often hostile towards them. For this nomadic people who do not conform to European societal structures, their vulnerability is almost innate. Amplified by social exclusion, the Roma are rejected and discriminated against, have a lack of education, experience high rates of poverty, and their nomadic nature makes social aid on their behalf very difficult. At the heart of these three minority groups, young girls are particularly exposed to risk. They are the prey of trafficking networks, which are sometimes their own families.

## **Native women in Canada**

According to the National Household Survey of 2011, in Canada roughly 1,400,700 people are Natives, consisting of 4.3% of the Canadian population. There are three Native groups: the "First Nations," which is the largest group (851,500 people), the Métis (452,000), the Inuits

(60,000). The Natives represent a small part of the total population but they make up an important portion of the prostitution and sex trafficking sector. Furthermore, young girls from the First Nations group are overrepresented in prostitution with an exceptional rate of 14% to 60% depending on the region (Farley, 2004). The national statistics reveal that 75% of young Native minors have been victim to sexual abuse. Among them, 50% were younger than 14 at the time of abuse and almost 25% were younger than 7 (Sethi, 2007). In Vancouver, 60% of young victims are Natives (Urban Native Youth Association 2002). Children as young as 9 are exploited in Saskatoon and the average age to start in prostitution is 11-12 years. While the statistics on sexual exploitation are mainly concentrated in large urban areas such as Vancouver, Toronto and Montreal, this does not mean the problem is less prevalent in small towns or rural Native communities.

The internal trafficking of young Native girls takes multiple forms. Firstly, the trafficking can be within the family, with some members forcing others to prostitute themselves. Sex trafficking can also be organized, notably by gangs, through escort services, massages, and dancers. Finally, some hidden forms of prostitution exist such as *trick pads*<sup>3</sup> exist in certain parts of Canada (Urban Native Youth Association, 2002). The displacement of young girls who are victims of sex trafficking is intrinsic to the process of trafficking and follows a triangular model among the different provinces of Canada. For example, in Saskatoon (near Edmonton and Calgary), young girls are displaced in triangles such as Saskatoon-Edmonton-Calgary-Saskatoon and Saskatoon-Regina-Winnipeg-Saskatoon. These triangles, often interconnected, are widespread across Canada and make the young girls invisible.

The vulnerability of Native women presents numerous commonalities with the exploitation of Roma women. 90% of the Native population is unemployed (*The Manitoba Journal of Child Welfare*, 2003). The Native women suffer from a lack of education, a chronic lack of opportunity to find work, the inability to provide housing for themselves and often have trouble providing themselves with food and clothing. However, the original cause of the vulnerability of Native women is different from that of Roma women. It was established during the period of colonization.

### ***The victims of colonization***

Colonization in Canada is a fundamental cause of the sexual exploitation of Native girls that exists today. Numerous aspects of colonization, such as capitalism, the institution of the christian church, and the army, affected family units, languages, cultures and identities, economic status, and the ability of Natives to be parents (Lynne, 1998). The colonial system, which allowed for the destruction of family and social structures, deteriorated the communities, which increased rates of violence, sexual abuse, consumption of illegal substances, and suicide (*The First Peoples Child and Family Review*, 2005). Traditionally in Native culture sex is considered sacred, “a gift from the creator” and a way to communicate. As a result of colonization, sexual abuse was introduced and Native communities now live with the “historical image of Native girls as

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<sup>3</sup>An isolated lodging where young girls are held against their will and forced to prostitute themselves.

sexually available.” The girls, who perpetually suffer from violence and sexual abuse have no other option than to leave their communities in search of a more secure existence.

The system of state boarding schools (an assimilation strategy created by the state and run by the church) had grave consequences for the First Nation culture in general and for women in particular. The system was created to eradicate the Native culture through a process of cultural genocide (Lynne, 1998). A belief in the superiority of the European culture is inherent to this policy of assimilation. As a program of assimilation, the boarding schools were a failure, however, they managed to cause irreparable damages to the First Nation culture. The children were stolen from their families; their communities were held captive in the schools. The care and education of the children was lost and replaced with an institutional, authoritarian system, which led to physical, psychological, and sexual abuse (Lynne, 1998). The result of the schools on children and their parents, along with following generations, can be described as a collective trauma. This kind of trauma results from familial separation, the destruction of culture, physical, sexual and spiritual abuse (Lynne, 1998). In summary, the life of young Natives “is profoundly influenced by current and past abuses. Their current problems take root in the history of colonization, in the division of their territories and cultures, in the division of traditions and communities, and in the intergenerational repercussions of the boarding school system” (Canadian Parliament, 2003). Furthermore, this is accentuated by inappropriate cultural practices of the state, and the lack of an adequate support system exposes more youth to sex trafficking. Over multiple generations, the men and women have not learned how to have a “normal” sexuality or how to appropriately educate their children. Due to this fact, numerous “survivors” of the boarding school system sexually exploit their children (Farley, 2004).

### ***Racism within policy***

The systemic racism is present in various sections of society – media, justice, police, legislators, service providers, and Canadian society in general and is very important in understanding the problem of prostitution among Native women. Furthermore, the negative representation of Native people in the media, and stereotypes associated with their culture marginalizes them, in particular the youth. Young girls are seen as “easy and available” due to discriminatory and sexist policies that they have been victims of as well as their inferior status in society. A study of 45 interviews with young girls who have been sexually exploited, showed that young Native girls are not only exposed because they are vulnerable women and without housing, but also because they experience racism and social exclusion (Gorkoff, Runner, 2004). Indifference towards their suffering, which is the result of a “Not my place” syndrome, ignores the gravity of the phenomenon.

Numerous policies and legislation continue to marginalize these people, in particular the women. In the absence of clear policies on the matrimonial property right Native women are forced to leave their homes if they want to divorce. The lack of alternative lodging in the reserves or the rural communities brings these women to move to cities where they live in poverty and become very vulnerable to trafficking and sexual exploitation. Section 67 of the

Canadian Human Rights legislation, which does not modify the Indian Act, prevents Native people from bringing complaints against the State. Such a clause perpetuates the oppression of young Native girls and deprives them of the protection that other young Canadian girls have access to (*Native Women's Association of Canada, 2007*).

In some cases, when the authorities adopt a more dynamic approach and undertake investigations, they are often lacking an approach that is culturally relevant or adapted to effectively fight against prostitution. The lack of knowledge about the sexual exploitation of young Native girls, is a barrier to the initiatives in place to combat prostitution. Furthermore, due to stereotypes, sexual exploitation is still viewed as an act that Native people are willing to engage in.

#### ***A vulnerability exploited by recruitment methods***

The main difference in the way that young Native girls are recruited into trafficking as compared with young non-Native girls, is the prevalence of Native family members engaging in sex trafficking. Young Native people can come from families already involved in the sex industry, and can be recruited either through their parents (who may be prostituted persons or procurers), or through close affiliates (*Pierce, 2009*). The socio-economic disparities in the living standards of Native families affect their children and make them very vulnerable to sexual predators and sex traffickers. Once they have entered into the sex industry, it becomes very difficult to identify and help a minor, as they are generally held in an enclosed space or their homes. Native women and children make up the majority of victims of domestic sex trafficking in Canada.

#### ***Recruiting very young girls***

In cities like Winnipeg, Vancouver, and all cities with a high concentration of Native people, more and more often, traffickers are targeting schools to recruit prostituted persons. They attract girls from the age of 10 during recess or on their way to and from school by promising them gifts and a good life, or by making them dependent on drugs. These young girls are too young to understand sexual exploitation and to defend themselves. "Each spring an active recruitment of young Native girls of fourth and fifth grade takes place," explains Caroling Kraus, the principal of the Grandview elementary school. "We see groups of traffickers and recruiters try to enter school classrooms. Sometimes they enter and try and get the girls to go outside with them." The procurers isolate them, cut them off from their families, and then put them on the streets. More and more, the traffickers are using the internet to recruit young Native girls, particularly in rural communities by evoking the charm of big cities or through false promises of work.

Another method is to use young girls, from the age of 11, to recruit other young girls (*Urban Native Youth Association, 2002*). When young girls approach other young girls with promises of a better life, it seems very real and is very convincing. In the majority of cases, the young girls working as recruiters are being forced to do so, experiencing abuse and violence, and afraid to not provide a "necessary" service. This supports a hierarchical system where the recruiters are in

charge of the profits of the girls they recruited. When the recruiters move up the hierarchy they also get to stop working on the streets.

### ***Exploiting the vulnerability of girls who have recently arrived in the city***

Procurers often create a trustful relationship with newcomers by helping them meet people or to help them find housing. Airports are a recruitment place in major cities such as Montreal, with Native girls, particularly Inuit from northern communities, being a big target. Traffickers often know someone in the community who informed the trafficker that the girl was leaving town. Upon arrival, girls are targeted at the airport, where traffickers attract the girls by providing them with housing or giving them access to the resources they need. Bars are also areas for recruitment by traffickers. Native girls who travel from their reserves to major cities go to bars to break their isolation and meet other Native people, particularly since community centers close early in Montreal. Traffickers frequent these places to make friends with girls by offering them a glass or other services. They then sexually exploit the girls. Very often, traffickers seduce girls by buying them expensive gifts or manipulating them emotionally. Therefore, it is not uncommon for young sexually exploited girls to describe their traffickers as their boyfriends. Because of their economic and emotional dependency, many girls refuse to consider themselves sexually exploited.

### **Women from marginalized groups in India**

The extreme sexual violence against women in India has recently attracted international public attention internationally, and aroused reactions from Indian civil society who are outraged and believe the authorities should strongly condemn these crimes. The media-relayed drama of December 2012, where a physiotherapy student of 23 years of age was raped for 45 minutes by six drunken men before having her dead body thrown out of a bus with tinted windows. This incident, is a symbol of violence against women in India and the announcement of her death 13 days later horrified the country.

### ***Gender inequalities and inequities of caste/ethnic groups***

A study on male attitudes towards women in India by the *International Center for Research on Women -Asia Regional Office* in 2011 revealed that 1 out of 4 Indian men admit to having used sexual violence on his wife or another woman, and 1 out of 5 on a stable partner. Half of Indian men do not consider gender equality as a serious concept. 80% believe that looking after children is women's work and only 16% are engaged in housework (*Redress Information & Analysis*, March 16<sup>th</sup>, 2014). After two decades of economic growth, India is still found to stagnate in 130<sup>th</sup> place (out of 147 countries) in 2014 regarding the gender inequality index calculated by the United Nations (UNDP India). Misogynistic prejudices that remain in men's mentalities is an illustration, an explanation and a consequence of this situation and is the reason why the country has hardly advanced.

A study by the Department of Women and Child Development (DWCD) 2007 estimates that 2.8 million people were trafficked for the purpose of sexual exploitation in India. The majority of them are women and girls forced into prostitution because of poverty, and in most cases are well under 18 years of age. The demand for younger virgins is increasing, which is partly fueled by the fear of HIV/AIDS. There are new destinations for these trafficked girls and these emerging trafficking networks are becoming more complex and sophisticated.

The 2014 U.S Department of State Report on Trafficking in Persons points out that 90% of human trafficking in India is internal. Those most vulnerable are women and children from socially excluded groups such as "Dalits" (or Untouchables) or women from minority ethnic groups that the Indian government refers to as "Scheduled Tribes" (Tribes). The 1950 Constitution of the Indian state guarantees the right to equality in Articles 14 to 18. Another Act 1989 Scheduled Castes and Scheduled Tribes (prevention of atrocities) (Prevention of crimes against castes and tribes) has complemented this guarantee of equal rights in making special provision to protect vulnerable groups from exclusion, violence and arbitrariness.

It is legitimate to ask why this system of exclusion and violence prevails when the country is armed with a flawless legislative arsenal to cope with this problem. The persisting traditional mentality, especially in rural areas, partly explains this phenomenon. Corruption is ingrained in the security authorities, which leads to very ambiguous efforts to enforce the law. They are even entitled to act with impunity thanks to an Armed Forces Special Powers Act (Act respecting the special powers of the armed forces) that was established in 1942. The text was originally part of the state of emergency declared by the British against the separatist insurgency. According to a United Nations study, in 17% of cases of violence (including rape), victims have faced police opposition when they tried to file a complaint. In 25% of these cases, it is the same community of women who were discouraged to report the crime. Finally, over 40% of women do not try to seek justice from the authorities for fear of retaliation from the abuser community and / or dishonor. In only 1% of cases, the abuser was charged (*Redress Information & Analysis*, March 16<sup>th</sup>, 2014).

### ***Female Dalits (Untouchables)***

The word Dalit comes from Sanskrit and means "broken, oppressed, downtrodden, or oppressed". Dalit applies to members of the servile castes who are born with the stigma of being "Untouchable". They are considered unclean and polluting, and are therefore physically and socially excluded and isolated from the rest of society. Dalits represent a community of 170 million people in India, which is 17% of the population. Because of their identity, they regularly face discrimination and violence that impede the enjoyment of fundamental rights recognized by national and international laws and deprive them of dignity guaranteed to all Indians citizens. It is forbidden for them to eat with higher caste members or enter their homes, use village wells, enter the temples of the villages, wearing sandals or even hold an umbrella in the presence of members of the upper castes; they are excluded and sit alone in restaurants, can not ride a bike in the village, and must bury their dead in a separate field. They are often unfairly evicted by



people of upper castes, and are found in the outskirts of villages, on land unfit for cultivation. Dalit women are the victims of the combination of discrimination against both their caste and against their sex, which has the consequence of abuse, violence and exploitation. According to a 2010 study, 21 Dalit women were raped and 13 Dalits (men and women) are murdered every week. The crimes against individuals of this caste are steadily increasing since 2000. In 2006, the conviction rate for crimes committed against Dalits was only 5.3% (*Legally India-Blog*, August 25<sup>th</sup>, 2014).

In 2013, the United Nations revealed that 62.4% of Dalit women admitted to having had at least one verbal aggression, 54.8% physical aggression, 46.8% sexual assault, 43% have experienced domestic violence and 23.2% rape (*UN Special Rapporteur on violence against women*, 2013). Recently, the press very regularly reported facts of extreme violence against Dalit women. In June 2015, a Dalit girl was severely beaten and threatened with death by women from a higher caste because she had projected her shadow on a male relative when she was pumping water at the village well (*The Times of India*, June 16<sup>th</sup>, 2015). In October 2015, the police force tore the clothes off a Dalit couple and forced them to walk the streets, because they tried to lodge a complaint for a theft. In 2015 again, two Dalit sisters of 15 and 23 years of age were sentenced to undergo gang rape and to be paraded naked through a village council composed solely of men, as punishment because their brother had fled with a married woman of a higher caste. This case aroused such indignation at national and international levels that the Supreme Court finally recognized the need to protect these women.

According to NGOs that defend the rights of Dalits, since Prime Minister Narendra Modi came to office in May 2014, violence against Dalits and other minorities has increased by 500%. His government has also cut funds for assistance programs for Dalits and women by 50% (*Salon*, October 22<sup>nd</sup>, 2015). Dalit women are especially vulnerable to commercial sexual exploitation, because of their extreme poverty that leads to prostitution for survival. However, other factors arising from their poverty and exclusion perpetuate endemic prostitution suffered by Dalit women. The survival of the ritual of forced prostitution within the Devadasi system in this caste is one of these factors. The practice of forced marriages of young girls, who find themselves sexually exploited, divorced and sold to a dealer by their husbands is yet another factor. After being raped, divorced or abandoned, Dalit women are rejected, stigmatized, and have to turn to sex for survival. As the police and the justice authorities do not respond to their caste, women become easy prey to remove, to rape, and to sexually exploit.

### ***When forced prostitution of women from ethnic minorities is a tradition***

Within these vulnerable groups living in India, the tradition of devoting the girls to prostitution continues from generation to generation. This practice has become the norm. Meanwhile, the rest of society hardly challenges this system that stigmatizes these groups as they are despised because of these rites considered immoral and vicious. About 16% of victims of sexual exploitation were prostituted because of traditional practices (Devadasi and Adivasi) (*International Journal for Equity in Health*, September 25<sup>th</sup>, 2008). 645 of these groups of

Scheduled Tribes (Tribes) were identified in 35 Indian states. Adivasi is the generic term for their members who represent 8.6% of India's population, or 104 million people, according to government census office Census of India (censusindia.gov.in). Over 95% of them live in rural areas and 68% fail to reach high school (*Salon*, October 22<sup>nd</sup>, 2015).

In some of these communities, it is considered that the girls have no other fate than to be prostituted person from puberty, as is with groups such as the Nats, the Bedias, the Faasi, the Banjar and Demmuris. Most of these ethnic groups were originally nomads whose business was to entertain the noble class. Over time, they have settled and prostitution of their wives became their main source of income. Victims are forced into traditional prostitution at a young age (9-13 years) by male family members (parents, siblings) who then assume the role of procurers. This economy based on prostitution in entire villages is considered to be partly the result of British colonization. In 1871, the Criminal Tribes Act classified the ethnic groups practising criminal activities. Nomads who practiced the arts were included in the list. As a result of repression and violence, these people have settled and have resorted to prostitution for survival, which then became a tradition.

Nat Purwa (Uttar Pradesh) is the village where this endemic practice of prostitution is the most publicized. This village is populated by the Nat community, but there are hundreds of other villages inhabited by other communities in the Adivasi Indian territory. Prostitution has been considered for 400 years as a tradition in this village of about 5000 inhabitants. Even today, over 70% of women are prostituted (*The Hindu*, March 23<sup>rd</sup>, 2013). NGOs like Apne Aap Women Worldwide, are trying to change attitudes and to offer better opportunities to women and children. But they are regularly intimidated both by the villagers not wanting to lose their main source of income, by corrupt police who protect the interests of dealers, and by notable neighboring towns that are clients of these prostituted persons. Fatima Khatoon, Apne Aap Women activist Worldwide, was born in the Nat community in the state of Bihar. Forcibly married at a very young age, she says: "*When I tried to resist my traffickers and to go to the police to report these networks, the police came to my home, arrested my daughter, at 14 years of age, and kept her in a cell overnight. It was to intimidate me so that I would not resist and send a message to my community: do not oppose the traffickers, prostitution must continue in this community*" (*Khatoon*, November 12<sup>th</sup>, 2014). In Dommuri community, it is tradition that the eldest daughter financially helps her family through prostitution since puberty. Men pay between 3,000 and 8,000 INR (45-118 US\$/41 to 109 €) to be their first customer (*BMC International Health and Human Rights*, April 14<sup>th</sup>, 2006).

***Devadâsî, Yoginis: when the sexual exploitation of the most vulnerable people is considered sacred***

Sanskrit "deva" (god/goddess) and "Dasi" (servant/maid), the Devadasi system continues despite the ban imposed in 1988. It is to dedicate a daughter from a young age to a deity. By region, the deities which are devoted women vary, as well as the name of this rite: Devadasi, Yoginis, Mathamma. This form of sexual exploitation is prevalent in the states of Karnataka,

Maharashtra and Andhra Pradesh. A study in 2007 by *Anti-Slavery International* on the practice of ritual sexual slavery and forced religious "marriages" shows that 93% of Devadasi were from the Dalit caste and 7% are ethnic minorities (Adivasi) (*Anti-Slavery International*, 2007). In 2006, the *Women's National Commission* counted over 48,358 Devadasi women.

A Devadasi is violated for the first time after the consecration ceremony or at puberty, usually by a man who paid for this "privilege". After this, she is sexually exploited in the commercial areas adjacent to the temple or in prostitution neighborhoods in major cities until she is too old and is reduced to begging. Most are "married" between 4 and 8 years, initiated before the age of 12 years and become useless to their exploiters round the age of 30 (*Anti-Slavery International*, 2007). The status of Devadasi is a life sentence of family life deprivation, social stigma and discrimination, sexual exploitation during youth, and extreme poverty, especially in old age. This practice is, rightly, often likened to a human sacrifice to slavery that continues despite its prohibition. In 2014, the Indian Supreme Court, the association S.L. Foundation, sentenced a temple of South India (Karnataka) for operation of Devadasi. The Court found that, despite its illegality, this system mainly persisted in other remote rural areas; it has ordered the government and the *National Commission for Women* to take effective action to stop these practices. Chennawa, 65 and blind, survives on food pieces: "I was forced to sleep with a man for the first time at 12 years old(...) I was happy to be with Yellama. I helped my mother and my siblings. But look at my fate now (...)My mother, a Devadasi herself, devoted me to Yellama and left me in the streets to be beaten and raped. I want no more of this goddess, just let me die" (*The Guardian*, January 21<sup>st</sup>, 2011). The goddess of fertility, Yellama, is at the heart of this rite that dates back over 2000 years. Formerly, the Devadasi role was to dance and sing at parties and weddings. The performance was originally supposed to be a sensual awakening but over the centuries, the role of Devadasi has come to mean "sexually available".

The Devadasi system is perpetuated by the long-standing complicity of political, socio-cultural realities as well as the considerable business interests. It is more than comfortable for a society dominated by their "superior" male to ensure interests the introduction of girls from disadvantaged groups to the sale of sexual services under the guise of sacred duty that continues in their society. Today, this system and the persistence of beliefs ensures virtually inexhaustible source of victims to those involved in the sex industry organized on a large scale in cities like Mumbai, Delhi, Kolkata and Gujarat. The farm crisis and environmental disasters that push hundreds of thousands into these cities, who arrive to seek work without their wives and families. This therefore constitutes a consumer market for cheap prostitution. According to a 2001 study in Belgaum (Karnataka), 30% of the Devadasi women had migrated to Mumbai's red light districts and other major cities (*Padmavati, Dutta*, 2001). A survey of health services to these women revealed that 65% of them do not care about their health. The main problems they encounter are alcohol (87%), sexually transmitted infections (40%), gynecological problems resulting from induced abortions (35%) and physical abuse (25%). Only a few cases of HIV/AIDS were observed, and the infected patients were young women who stayed in the prostitution districts of Mumbai (*Anti-Slavery International*, 2007).

Devadasi's children are also doomed from birth to be discriminated against because their father has not recognized them. Of all Indian children, they are the most vulnerable to sexual exploitation and human trafficking, both because of the status of their mother, but also because of their traditional role that is passed down from generation to generation. Obviously if families decide to make their daughters Devadasi it is primarily for economic survival. But in areas where this rite is still highly prevalent, deep belief in the Mother Goddess Yellama and her powers still exist. Dedicating a daughter to her worship is said to bring wealth, health and male heirs to the family over generations. In families where there is no son, dedicating a girl helps perpetuate the name as it will be given to her children. This girl will also take the role of a son by helping her parents economically, without contributing to a dowry. This also empowers women to commit rites at the funeral of their parents, which is a role that is otherwise exclusively for the eldest son. The Dalit group continues to devote their daughters to this ritual today, which make up 97% of their families. Their lack of education explains the acceptance of these beliefs. Families also know that society, which excludes their group, can offer no other survival and social elevations to their daughters.

### **People from the Roma community, victims of prostitution in Europe**

This ethnic minority is the most active in Europe, accounting for 10 to 12 million people spread across the European Union. A study of five countries (Bulgaria, Czech Republic, Hungary, Romania, Slovakia), concluded that the Roma community has the most trafficking victims (*ERRC*, March 2011). In Bulgaria, human trafficking is for sexual exploitation, forced labor, illegal adoption and forced begging. People from the Roma community represent approximately 10% of the Bulgarian population and, according to many Bulgarian police officers, this community constitutes about 80% of those trafficked for the purpose of sexual exploitation. NGOs, for their part, believe rather that figure to 50% (*ERRC*, March 2011).

In the Czech Republic, they represent 3% of the total population and the authorities are reluctant to estimate the proportion of people from the Roma community among the victims of trafficking. However, according to Bulgarian official sources, in the border region with Germany, people from the Roma community represent over 70% of victims of trafficking for the purpose of sexual exploitation (*ERRC*, March 2011). In Hungary, according to information provided by two NGOs providing assistance to prostituted persons in the country of destination (Switzerland and the Netherlands), between 25% and 30% of beneficiaries are Hungarian women, 80% are from the Roma community. They represent a large portion of exploited people (*ERRC*, March 2011). In a research published in the last few months, the European Network on HIV/AIDS Prevention and Health Promotion Among Migrant Sex Workers (TAMPEP) reported a large number of people from the Roma community among the prostituted persons in Romania.

In Slovakia, 9% of the Slovak population comes from the Roma community. Representatives of NGOs estimate that the percentage of people from the Roma community among people victims of trafficking for purposes of sexual exploitation would be 60 to 90 % of

known cases (OSCE, 2010). The issue of ethnic minorities in terms of effects of prostitution is very difficult to treat because it generates special treatment. Thus, the information provided by NGOs that offer assistance to prostituted persons in the Netherlands, Belgium and Switzerland reveals that prostituted persons from the Roma community are treated differently from other prostituted persons from the European Union. According to the NGO Breaking Chains Network working in the area of Antwerp region of Belgium, prostituted persons from the Roma community have, more often than other non-Roma prostitutes, been subject to abuse by customers as well as by traffickers (ERRC, March 2011).

### **Why are the people from the Roma community vulnerable?**

In the 2010 report on trafficking in human beings, members of the Roma community are listed as a vulnerable minority in 10 of the 28 member countries of the European Union (Austria, Bulgaria, Cyprus, Czech Republic, Germany, Greece, Hungary, Portugal, Slovakia, United Kingdom). In the Czech Republic, Germany, Hungary and Slovakia, women and girls from the Roma community are even considered to be highly vulnerable to internal and external trafficking for purposes of sexual exploitation (U.S. Department of State, June 2010). Anyone can be a victim of trafficking, regardless of ethnic origin or social status. However, a number of factors make people more vulnerable to trafficking (poverty, social exclusion, education, literacy, children in state orphanages, debt, violent family environment, drug abuse, gender discrimination and ethnic discrimination). The existence of previous experience in prostitution also increases vulnerability to trafficking. Thus, vulnerabilities of the Roma population and those of other populations are mostly similar, especially when the myth that human trafficking is a cultural practice of the Roma ethnic group is still prevalent.

#### ***Poverty and Social Exclusion***

People from the Roma community are particularly affected by the problems of poverty and exclusion in their country of origin. For example, in Bulgaria, 49% of people from the Roma community live below the poverty line, 45.5% are unemployed (World Bank, 2010), 47.7% of households from the Roma community do not have pipes or sewers, 85% have no toilets inside the home and 32.4% have no access to running water (ERRC, April 21<sup>st</sup>, 2005). In the Czech Republic, it is estimated that at least 60,000 people from the Roma community were excluded from the society in 2006 (GAC/Ivan Gabal Analysis & Consulting company, August 2006). Out of 12 people from the Roma community, 10 report that they cannot find a job because of their ethnicity or their disadvantaged background. The girls from the Roma community are more affected by these problems than boys. A 27-year-old Hungarian Roma girl was trafficked to Germany to be sexually exploited. She said: "*When I was 14, my father had an accident and had to stop working. My mother did not work and she had received only basic education, so she could only do housework. We were in a difficult economic situation. My siblings and I spent a lot of time with our friends to avoid having to eat at home. When I turned 17, my mother put me on*

*the sidewalk for me to prostitute myself"* (ERRC, March 2011). Poverty is also a barrier to the actions of prevention services that fight against trafficking in the Roma community. In Bulgaria, victim services explain that it is very difficult to maintain constant communication with people from the Roma community since many of them do not have regular access to a telephone and do not use the Internet (ERRC, March 2011).

### ***Gender Discrimination***

Due to the feminization of poverty, the low status of women in patriarchal societies and different forms of gender discrimination, result in women making up a significant proportion of trafficking victims in the world, especially for the purpose of sexual exploitation (79% of those sexually exploited, 66% were women and 13% of girls ) (UNODC, 2009). This model is found precisely among the peoples of the Roma community. 37 trafficked people were interviewed, including 23 women and 14 men. 17 of the 23 women were sexually exploited. Women from the Roma community are often the target of multiple forms of discrimination in a wide range of situations, which greatly increases their vulnerability to trafficking.

### ***The Lack of Education***

Women from the Roma community, who represent the majority of those exploited in these countries have received only very basic education and are often illiterate. Only 25% of children from the Roma complete primary school. The highest level of education among respondents in the Czech Republic, Hungary or Slovakia, is secondary. In Slovakia, of 11 respondents, 4 were sent to special schools for children with mental disabilities. The exclusion of the Roma community from an egalitarian and comprehensive education is real, not only among children but also their parents. This exclusion causes generations plagued by unemployment, increased risk-taking and the use of desperate measures to earn money. Schools only accessible to children from the Roma community are an additional problem. In Bulgaria, municipalities report that they organize lectures by the police and NGOs in schools to raise awareness against the trafficking phenomenon. However, the authorities also state that these lectures are not performed at schools accessible to children from the Roma community, thus leaving the most vulnerable group without access to prevention of trafficking activities (ERRC, March 2011).

### ***Growing up under the protection of the State***

In the five countries studied by the European Roma Rights Centre, orphanages guardianship of the State, are considered a key factor in vulnerability to trafficking, both for children from the Roma community and the non-Roma community (ERRC, March 2011). Children and young people graduating from these institutions often find themselves isolated, lacking a social network that would otherwise support them. They cannot live independently and have very few job opportunities. A female Hungarian Roma community sex trafficked survivor of 35 years of age said: *"I suffered a lot in my life. I grew up under the protection of the state and I never met my family. People taking care of us abused children were not taking good care of us. With the help*

*of a teacher, I found a council flat and a job at the age of 18. Then I met a man. I do not know who I could trust (...) He tricked me, I lost my apartment and I became homeless. I started drinking and I became a prostitute in Budapest. The police would often find me. Sometimes they wanted to hit me or urinate on me. I met a man who sold me as a prostitute and domestic slave to another man. I finally managed to escape and went back to this man as I was pregnant and we had a girl. A friend gave us an apartment where we settled. Our child was handed over to child protection services because we do not have our own home and we are not working. I'm trying to get my child back" (ERRC, 2007).*

### ***Domestic violence and abuse***

Domestic violence and substance abuse can exist regardless of sexual exploitation of a person, but often occurs when that person is a victim of trafficking. The words of a 35 year old woman from a Roma community in Hungary in March 2010 clearly illustrate this observation: "*I am reluctant to remind myself of my childhood, because as soon as I do, only bad memories come to mind. I think I was about 6 or 7 years old, when my grandfather started sexually abusing me. I was very scared of my grandfather [who lived in the same house]. I would go to the streets with friends, more and more often, to avoid having to go home".* Then she started taking drugs that led her to enter prostitution to pay for her doses. She became liable to a dealer who then sold her. "*The man took me into a car and took me into the woods. He tied me to a tree and raped me. After that, he put me in an apartment somewhere in the city center but I did not know where I was. I do not know how much time has passed, maybe a year since I remember seeing the snow-covered roofs. Every day, the man brought me one or two customers who had perverse demands. I was often struck, but I also had to hit others. There have been times when people put out their cigarettes on me, or I had to meet several men at the same time. He never gave me money, but he brought me drugs every day" (ERRC, March 2011).*

Within the study of sexual exploitation, the three minority communities studied in this text are extremely relevant. In all three areas, women and children constitute the majority of those trafficked for purposes of sexual exploitation. These minorities are made more vulnerable by economic difficulties, racism and exclusion, which are perpetuated from generation to generation. The comparison of their situations raises the question of educating people to be independent, which is the only effective fight against vulnerability. Multiple questions emerge: how do we reform orphanages for children from the Roma community in the Eastern countries? How do we eradicate cultural discrimination against the Dalits and Adivasis? How do we reverse the disastrous consequences of colonization such as state boarding schools for Natives?

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# Prostitution in Creole Societies

Prostitution is defined by the Larousse Dictionary as “the practice by someone who consents to have recurring sexual relationships with an undetermined number of partners in exchange for money.” However, the question of remuneration for this work is not associated with a normal understanding of payment for a completed task but depends on socio-economic factors: “due to the global economic crisis, students, housewives and unemployed women have turned more and more to prostitution, on an occasional or a long term basis, so as to supplement their income and attempt to escape their precarious economic situation” (*Fondation Scelles*, 2013). In societies whose GDP (Gross Domestic Product) is at least 30% below the GDP of large metropolises and where the unemployment rate reaches 26%, the economic crisis is likely to have a much more serious impact with regards to prostitution rates.

When studying prostitution in Creole societies, it is important to understand the origins of the society with the arrival of soldiers, relationships with the Amerindians and, of course, the slave trade. The latter point is still in dispute insofar as many writers, whether of Creole origin or not, consider that the slave trade represents the beginning of Creole societies since it is associated, as René Girard put it, with “original violence,” which participates in the initial construction of all people and all nations. Edouard Glissant tells us: “If it is possible to say so, the people of the plantations knew a lot about travelling. In the ship they embarked on a great trip, all of them had faced the unknown without being aware of it, or wishing to forget it as fast as possible(...) the humble ship is a symbolic womb. The matrix abyss(...) Indeed, if you are facing fear on your own then you are already sharing the unknown with some others who you have not met yet” (*Glissant*, 1997). Such a conception might lead one to forget that the mixing of cultures and interbreeding created cultural wealth, in and of itself, and this is the foundation of the broad web of peoples that has been slowly developed day after day. That’s why it seems impossible today to trace back the origin of each individual human being in these territories. It is, however, rather paradoxically, also a shared element of all the peoples who arrived on these lands from the Americas and from the Indian or Pacific Oceans. In effect, to use a quote from *In Praise of Creoleness*, Creoles define themselves as “neither Europeans, nor Africans, nor Asians; we declare we are Creoles. It will be an inner attitude, a watch or, even better, a kind of mental envelope for the core from which our world will arise in full consciousness of the world” (*Barnabé, Chamoiseau, Confiant*, 1997). So as to strengthen this argument, we shall mention again Edouard Glissant’s words on the rhizome identity, “whereas the ‘grassroots identity’ descends from the ancestors, the ‘rhizome identity’ is being built in the present. It has neither an original place, nor a precise family history; it is born from the relations it is creating” (*Glissant*, 1997). This point serves as a starting point of analysis as, directly related to the question of the slave trade, are also the questions of exploitation of persons, by other persons and, in particular, violence against women. This has led to the particular aspect of the man-woman relationship

that is highlighted in the “Psychology of Creole Societies.” In effect, “the notion of Creole family and literature is closely related to slavery and, as a consequence, the construction of the family is often dated back to 1848, the date of the abolition of slavery. Not that the family did not exist before, but the slave status and the children’s attachment to the mother (more precisely to the mother’s household), such as it is described in the 12<sup>th</sup> and 13<sup>th</sup> articles of the Black Code, did not allow women to build a family, nor to consider the family as a matriarchal or, more precisely, as womb focused, such as it had been described by Jacques André” (*Nuissier*, 2013). The link between slavery and prostitution has been established by Wijers and Lap-Chew who write that: “If you assume that prostitution is a slavery in itself, prostitution and slavery then share a common essence. Any other analysis outside this logic is consequently impossible. It is sometimes even forbidden; some people tried to analyze the phenomenon through another approach and were accused to be “justifying a domination system” (*Wijers and Lap-Chew*, 1997).

As Creole societies are founded originally on a slavery system, the latter impacts on male-female relationships are still felt through the identification of a common enemy. Indeed, “everything happens as if, in order to maintain a precarious balance in male-female relationships, we had to present ourselves as companions in misfortune: the black woman raped by the white man and the black man exploited by the white man. They can become reconciled through a common enemy but the old dispute continues all the same” (*Nuissier*, 2013). This particular contentious matter between men and women comes from the former blaming the latter for consenting implicitly to the torturers’ acts of victimization. “This ‘founding myth,’ beyond its historical veracity, may explain dispossession: man is deprived of the woman who is stolen and raped by the master and the woman has been robbed of her body by the master. The myth of the founding rape implies that the black woman could not have any desire for the white master and that she is necessarily his victim; it also continues the illusion of an untarnished African past which has been soiled by the White man. This myth still exists in the Guadeloupe common sense, which implies that relationships between men and women are not yet ‘peaceful’ except in this island” (*Mulot*, 2000). Hence these relationships could still be thought of as marked by suspicion since women are never considered as real victims, as far as they are supposed to be consenting. In line with this view, one could imagine that violence against women is playing a secondary part and that the credibility granted to them would remain an issue in dispute.”

Consequently, in order to fully comprehend prostitution question in Creole societies, it is necessary to return to the woman’s situation in Creole societies. Our analysis must also take into account more traditional factors, including the country of origin, the economic means, the different forms of prostitution, the prostitution of minors, HIV/AIDS transmission, and the notion of community viewed from the known and unknown angles, the discussed and the taboo, the foreigner and the fellow country man and woman.

## Statistics on the French territories in the Americas

According to the National Institute of Statistics and Economic Studies (INSEE), there are 450,000 inhabitants in each of the Guadeloupe and Martinique islands. There are 250,000 inhabitants in the French Guiana. The average immigration rate is 6.5%, but it is double in Guiana, a territory which is 40 times larger than Guadeloupe and Martinique put together (INSEE, 2006). The GDP per person is 21,458 US\$ (19,812 €) (Statistics INSEE, 2013) with an annual increase of 0.8%. This rate is 27% below the one in metropolitan France (excepting Ile-de-France). These figures are very much the same as those in a study conducted by François Guillemaut in 2009, “a GDP per person of 18,846 US\$ (17,400 €) in Guadeloupe versus 32,276 US\$ (29,800 €) in metropolitan France, an unemployment rate close to 25% (22% men versus 30% women) and a number of RMI (minimum income allowance) beneficiaries much higher than in metropolitan France (15% of the population, 90% of which are women). The economy is based on family consumption as well as on promoted immigration (by the Office for promoting migrations in overseas territories - BUMIDOM, 1963-1982) and is a substitute for the plantation economy which has been decreasing since the 50’s”. These territories are defined as ultra peripheral ones after the European standards. The average unemployment rate in the three territories is 26% of the active population (INSEE, 2014), which represents twice as much as in metropolitan France. The average density is 249.2 inhabitants per square meter, with the exception of Guiana. The official local statistics on prostitution for the three departments number from 250 to 300 persons for each of them (2009). In other words, these territories suffer a serious precariousness because of unemployment, lack of opportunities, weak industries, trade and agriculture. It is also a country with paradoxes, the main one being the over-remuneration paid to civil servants and local community agents (40% of the gross wage) whereas they already enjoy the employment guarantee. This is also responsible for the weak development of an investment based economy and the massive rush of West Indians and Guyanese towards public services. Arbitrary law enforcement reigns in these territories while the relation to legislation is most peculiar. We can choose the example of Napoleon’s Civil Code existing in the same time that slavery (Black Code) was restored in 1802 by the same Napoleon. On the one hand the Civil Code for Metropolitan France and the Black Code for the people in the tropics.

It has been difficult to estimate the range of prostitution in Creole societies because of the lack of recent figures. This has a positive aspect though as it is the result of charities that take care of these prostituted persons through a global and national undertaking intended to stop exclusion, fight against discrimination and avoid STD transmission by accompanying mothers and children. As a consequence, these charities have to preserve their anonymity so that they are not stigmatized.

However, it is possible to say there are three existing forms of prostitution.

The first one is considered as an old and sedentary one; it is related with maritime activity and occurs in many harbors or in touristic resorts, mostly in streets. The prostituted persons

mainly come from the Dominican Republic and from Haiti; they have ID's and utilize little cabins near their house or a bit farther away to practice their activity.

The second form of prostitution is probably directly connected with women's exploitation in certain bars. It has been proved that there is a relationship between this exploitation and an organized network in direct connection with drug trafficking. Another form of organized prostitution can be found in the Dutch part of Saint Martin Island. It targets women from South America (Colombia, Venezuela) and from the Dominican Republic. They are between 20 and 30 years old and they also prostitute themselves in bars. In the French part of the island prostitution seems to be more discreet and masked: some women receive clients at their home after soliciting in shopping malls or in the streets.

Yolande Geadah asks the following question: "Must prostitution be considered as a sexual exploitation which is not acceptable nowadays or as a profession which deserves protection and social cover?" Most of the time, when the issue of women's prostitution is tackled, it is often associated with a violent and dependent situation in the face of a man who pretends to play a protective part and who, in truth, exploits women. Unlike in Europe, there is no prostitution of persons from Eastern countries or Africa organized by criminal gangs. However, there have been a few cases in relation with human and drug trafficking. In most cases, an impression of autonomy appears to be prevailing as women have already been family heads. Thus this notion of autonomy has to do with the representation of women in Creole societies.

### **Prostitution and migration**

"The primary question here concerns woman's exclusion: they have no access to work and, above all, to its fair remuneration. The lack of perspectives in their country of origin, the impossible access to legal migration conditions, combined with the demand of workers in sectors which offer no regulation and no protection, allow the development of illegal migration routes and exploitation by labor within the informal (or illegal) market. Then the trafficking issue is considered through the structural conditions of women's oppression" (*Guillemaut, 2004*).

In Creole societies and particularly in the West Indies and in Guiana most prostituted persons come from the Dominican Republic or from Haïti. French territories in the Americas appear as an Eldorado among the Caribbean which is an archipelago of poverty; it is not a surprise that women should come there to prostitute themselves.

The geographic origin of the women is significant for people. Prostitution also means stigmatization insofar as all the women from these islands are thought to be prostituted persons in the public opinion. Generalization is a phenomenon that spreads easily and makes the collective imagination think that a child whose mother is from Haiti or the Dominican Republic is a prostituted child.

### **Prostitution and economic means**

The economic issue does not only concern migrant women. “Masked prostitution” is more and more often referred to in Creole societies. It involves women who ask their lovers to pay for rent, bills, shopping, entertainment, and gifts. While these relationships do not represent direct forms of payment, they are indirect forms of payment, motivated by economic difficulties in a country where unemployment is rampant on a large scale. We could think that this system is to the economic advantage of women through welfare payments and other allocations whereas men are not eligible for any of them. Hence women have an artificial economic power that men are jealous of. On one hand the French system which is based on solidarity allows help to modest households and people in difficult situations; but on the other hand it brings about a kind of perversion in the economic relationships between men and women although this has been caused in part by men. In effect, it is only because they perceive love relationships through economic relations and economic power that they speak of disguised prostitution, which is an expression that the women never use.

A form of invisible prostitution tends to be developing among students and high school girls from destitute families. It occurs mainly when money is needed to improve daily life; the Creole expression is KPN (Koké Pou Ni) which means literally “to have sexual intercourse in order to get money.” This form of prostitution incurs a double violence. Beside the financial precariousness, it implies the risk of HIV/AIDS transmission since men over 50 are the second most infected population. Some associations that take care of minors have worried about this situation. They have brought to light regular relations between 55-60 year-old men and minors whose main motive is to supplement their income or get material goods.

### **Prostitution and HIV/AIDS transmission**

These two elements are closely related because of the numerous partners and the lack of condom use. Multiple sexual acts increase the risks of transmitting STD like the HIV/AIDS. Occasional prostitution also puts people at high risk, particularly prostituted minors, as their young age does not give them sufficient authority to demand protected intercourse with adults who request risky behaviors.

### **Prostitution as a form of control for and by men**

Whether men are talking about masked prostitution or old men are having sexual relations with young girls, each of them has a negative image of woman. Above all, she is a sexual object, a means to meet men’s personal needs. The old dispute between man and woman is still present. The woman is necessarily considered a prostituted person, whether or not she is one, for she is always supposed to have been responsible for the original deceit because of her sexual relations with her master. As a consequence, women cannot be but disloyal and unfaithful. It allows men

to maintain their control over them, to satisfy their needs and also to make them feel guilty through the situation they impose on them and through the victimized position they adopt for themselves.

This is a real form of violence towards women since men can thus maintain women's subordination and accuse them of an ever possible unfaithfulness. It is also a way of satisfying some needs they do not dare to satisfy with their official partner. It is an opportunity to utilize these women as objects, as long as they are paying, and to whom they do not have to give any justification for these needs. There is no need for them to respect women, who are not partners but only objects for satisfying sexual urges.

Charitable organisations such as the Fédération Féminine d'Organisation et de Revalorisation Culturelle Économique et Sociale (FORCES), Kaz Créole, the Association pour la Prévention et l'Accompagnement des Publics en Difficultés (APAPED) are most vigilant in terms of violence towards women. FORCES works mostly at studying the evolution of violence towards women and at promoting women in general, whereas associations such as Kaz Créole or APAPED are more involved in mothers' and children's overall care, health and education.

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# Street Children and Prostitution as Survival

"When I am working, I try to think of other things, of my past life, when I was well, or I picture my daughter, and I can do nothing more but stare off into the distance. Before, my mind controlled my actions, and now, it is my body that I cannot recognize", Kesiah, Nigeria.

Kesiah's father was assassinated by a family member when she was only 15 years old. After her father's passing, her mother hired a transporter to take her to Ouagadougou, the capital of Burkina Faso, where she was to become a maid servant. But, that was not her true destiny. When she arrived in Ouagadougou, she was recruited by the prostitution cartel. After being raped countless times by her procurer, Kesiah was forced to begin selling herself. Beyond, the sexual violence she suffered, Kesiah was beaten regularly by her procurer, her clients, and even by the police with whom she came into contact with.

Kesiah's horrible story is one that is shared by numerous children around the world. During the Stockholm Congress, the first world congress regarding the fight against the exploitation of children, the topic of child prostitution emerged as an international problem, touching all continents of the world.

The International Labor Organization (ILO) defines prostitution as "the utilization of men, women, and children for sexual activities in exchange for payment in cash or other modes of exchange (gifts, food, clothes). Prostitution can take place on the street or in establishments such as brothels, clubs, massage parlors, bars, hotels, and restaurants." Child prostitution is part of the general notion of sexual exploitation and came about as a result of the joining of child pornography and the commercialization of buying and selling children.

According to the OIT, in 2006, there were 12.3 million people performing forced labor, 1.39 million were victims of commercialized sexual exploitation. Between 40 and 50 percent of these victims were women and children. Amongst these victims, children are considered the most vulnerable. UNESCO describes these exploited children as "boys and girls who have turned to the streets to be their homes; they must find their own way to survive; they are without protection. These children are often ripped from their families and from normal society." These are "street children" as opposed to "children in the street", who spend most of the day in the street but, at night, return to their families.

Unfortunately, child prostitution on the streets is very difficult to keep track of. However, one can estimate that the majority of children who spend their days on the streets are prostituted persons. Consequently, if they are without family connections, these children are forced to face life on the street and the everyday fight for their most basic need, to eat. Thus, these children turn to prostitution as a way of survival.

## Causes That Force Street Children Into Prostitution

Most street children turn to prostitution in order to survive. In order to understand the causes of child prostitution, it is necessary to identify the processes which drive these children to live on the streets. Children are supposed to be protected. This is to say that they should be in the care of their parents, or another responsible adult. But, there are a number of reasons that contribute to the separation of a child from their family. Most often, brutal and radical situations force them out onto the street.

### *From the family circle to the street...*

Firstly, the child can lose his or her parents or guardian due to societal conflicts, wars, natural disasters, or epidemics like the plague in HIV/AIDS. As orphans, these children have no other choice but to live on the street. If the country in which these orphaned children are living is developed, the State takes charge of them. But, in less developed countries, social services offered by the State are either non-existent or very ineffective. In addition, the orphanages in these countries are often over-populated and do not have the resources to orphaned children need.

Another explanation was highlighted by Samu Social International in their brochure entitled, *Adolescents and Young Girls on the Street*. In this brochure, Samu Social International brings up the discussion of violence in the family. According to their observations, violence is a heavily prevalent cause for a child to leave their home: children leave their families as a form of rebellion. They have no other choice but to live in the street (*Samu Social International, 2013*). Samu Social's brochure gives the example of Nassou, a 10 year old girl from Bamako, Mali. During her first encounter with Samu Social Mali, she recalled that she was sent off to live with her maternal grand-mother after her parents got divorced. Since then, her mother has remarried. Nassou explained that she was always in constant conflict with her mother and that her mother always threatened to "stab her eyes out" or "break her arms" or "burn her legs." One day, her mother did just that. She poured petroleum gas on Nassou's legs and set them on fire. That was the last straw for Nassou. She left her home to live on the streets and that's when she met the Samu Social team.

Still, research articles consider child prostitution as being mostly caused by poverty. To a certain extent, many families are forced to abandon one of their children, usually their eldest son because they don't have the financial means to care for them. Another, more extreme and harrowing choice for parents is to use their children as scapegoats responsible for their financial problems. Some parents accuse their children of stealing or even performing witchcraft in order to force them to go out onto the streets to work. Antoinette, a 15 year old girl from the Democratic Republic of the Congo was kicked out of her home by her mother and forced to find work in a brothel at the age of 14. She told RNW Africa, "My mother suspected that I stole 100 dollars. I denied. There were 8 of us in the family, but she only questioned me. I was kicked out of my home. I never saw the 100 dollars, even with my own eyes!" (*Gouby, 2001*). Nonetheless,

Claudine Legardinier demonstrates that if poverty is a cause of prostitution, economic advancement is not the solution. In fact, the growth of the middle-class has caused an increase in the demand for sexual services, forcing procurers to diversify their offers (*Legardinier, 2002*).

***...and from the streets to prostitution***

On the street, children try to earn money to live on by doing small, manual labor jobs, or selling little objects -tea, newspapers... The streets are unfriendly and survival there is far from easy when the law is always against you. Prostitution is always a present option for making money and assuring that it can provide for their own basic needs. Occasionally, children migrate to neighboring countries, or even further to more developed societies, (notably Europe and North America) to find work. In most cases, this costs a fortune (hundreds, if not thousands of dollars). Children must have a lot of savings to be able to pay a smuggler or transporter.

If children turn to sexual relations as a way to survive, it is because their ideals about physicality have already been altered by the existence of sexual abuse in their past. Because of this, street children have somewhat of a split identity. Their bodies are "extremely aware" (over trained in begging, stealing, and prostituting themselves in order to survive), but their minds are completely unaware that their bodies are capable of doing them good and how it works. "While children and adolescents of the street are aware of what their body is capable of, they cannot properly get to know it" (*Samu Social International, 2013*). Thus the young boys are always looking to verify themselves through social delinquency, while the young girls turn to sexuality, in particular prostitution. Their bodies become nothing more than a means of survival.

On an even graver note, the body becomes mechanized. These children detach themselves from physical sensations, notably hunger and pain (physical and mental). They turn to alcohol and drugs (marijuana, heroine, and also easily obtainable industrial products such as paint thinners and shoe glue) as ways to numb themselves. The effects of these products affect the brain in such a way that they help to eliminate the sensations of hunger, coldness, and loneliness for brief moments so that they can endure the reality of being on the streets. Samu Social International has recorded many reports from the young girls of Mali. One girl, Mariam, disclosed, "There are always men in my vagina and in my anus. If I do not drug myself, I cannot handle the pain." Leïla adds, "Drugs help you to do things without reflecting, and they stop the suffering of your day" (*Samu Social International, 2013*). Jean Dabezies describes this vicious cycle of sex, drugs, and alcohol saying: prostitution becomes a way to make money "easily" so as to be able to pay for these products. Yet, so as to forget that they are sexual objects, and to make the instances of disdain go away, they turn to alcohol and drugs as their way-out. Prostitution is both a cause and an effect of these addictions (*Dabezies, 1989*).

Beyond the alteration of their bodies as factors for prostitution, the absence of protection drives the children and adolescents who live on the streets to "latch onto" a protector, usually this is the leader of their young group. This type of relationship allows the child to feel a sense of identity and belonging. However, this relationship does not come without a price. It is not uncommon for this type of leader to tyrannize his "protégés" and to force them into prostitution,

either with him, or with other clients in order to make some money for themselves. Consequentially, the child finds "a despotic family", exactly like the one he or she has left (*Samu Social International*, 2013).

One more indirect cause that pushes children and adolescents into prostitution is the trivialization of sex and sex tourism. It's simple, without demand, there are no offers. Now that sex tourism has become a sweeping new idea, new ways of transport are developing and the amount of sex travelers is ever increasing. The World Tourism Industry says that 1% of all tourists are pedophiles looking for sex (*Dusch*, 2002).

In her chapter entitled "Sea, Sex, and Sun," Claudine Legardinier shows the vast multiplication of sexual destinations such as the Caribbean, Madagascar, Vietnam, Brazil, Costa Rica, Bali, Cambodia, Thailand, Burma, and also, Morocco, Tunisia, and Egypt, all destinations reserved for homosexuals (*Legardinier*, 2002).

When young prostitutes' clients are mostly local, most sex tourists tend to come from rich countries. It is nevertheless important to reconsider an anchored, yet inconspicuous character. "Sex tourism does not only attract fat, white, lustful, old, western men" (*Dusch*, 2002).

For example, in Thailand, the majority of sex tourists are Chinese, Japanese, or Arab. These tourists justify their practices with two types of arguments. The first is economic. They argue that they are contributing to the development of a country by abusing these minors, affirming that, "it is better than letting them die of hunger" (*Bartoli*, 2002). This type of argument is constantly refuted by the International Labor Organization (ILO), which argues that the exploitation of minors is an illicit activity and that it cannot be considered a legitimate way of creating employment (*Sorensen*, 2005). The second type of justification is a problem of cultural relativism, like the claim that "children are more mature, and thus, more apt to have sexual relations at a young age," or cultural myths that claim, "sex with a virgin increases your manliness" (*Fondation Scelles*, 2007). Moreover, if a sex tourist abuses a child, he is doing this to assert a sense of domination as Malika Nor, an education specialist, explains: sexual abusers "feel not that much motivated by sexuality in itself, but rather, are motivated by the feeling of being strong and in control by having this type of relationship with a minor. To impose their sexuality is also to impose their power" (*Fondation Scelles*, 2007).

### **The Irreversible Physical and Psychological Consequences**

Prostitution leaves imprinted, irreversible traces on the body and minds of these children. These children suffer through all of the same problems in the whole world. For the most part these symptoms are the same for children who prostitute themselves in the framework of the commercial sexual exploitation of minors. Take Africa, Asia, Latin America, or Europe, all these children suffer the same consequences. Aurora Javate de Dios distinguishes between four categories of suffering caused by child prostitution (*Javate de Dios*, 2005).

Firstly, street children who prostitute themselves are particularly vulnerable to sexually transmitted infections (STIs). Their clients usually do not get tested for STIs and the children do

not dare to demand that they use a condom. Many prostituted children contract HIV/AIDS and die very young. This situation worries UNICEF as this type of cycle only leads to the increase in transmission of HIV/AIDS. UNICEF estimated that more than 2 million people aged 10 to 19 were living throughout the world with HIV/AIDS in 2010. Most people amongst this group just ignored their HIV/AIDS status and thus, 2,600 people aged 15 to 24 are infected every day (UNICEF, 2012). Moreover, prostituted children are heavily affected by injuries, such as wounds or rips in their vagina or anus because their tissues and membranes are extremely fragile. The young girls are forced to get abortions constantly, putting their lives in grave danger.

These street children are also in extreme physical danger being mal-nourished, having little to no medical care, and living in awfully dirty conditions. In addition, they are overexposed to violence, psychologically, physically, and sexually. This was highlighted by the United Nation's Council for Human Rights in January of 2012:

"The street can certainly offer refuge for those who suffer violence in their home or in their community, but it exposes children to other scenes and forms of violence, from the everyday psychological violence inflicted by stigmatization or intimidation, to the physical and/or sexual violence from other people who live on the street or from members of the public, to the access of violence within the gangs, to the violence of organizers of commercial forced sex and begging, to the violence of business-owners, police raids, rape and murder ignored by justice" (United Nations, 2012).

Prostituted children endure yet another danger, psychological suffering. Lack of sleep, troubled behavior (rage and aggressiveness), anxieties, phobias, and depression are just some of the daily struggles that mark the lives of these children (Bartoli, 2002). Prostitution truly destroys their lives, physically, sexually and emotionally. These children also tend to show an extreme lack of trust towards adults, and towards men in particular.

Overall, the social dangers here are innumerable. Used and shamed, these children exclude themselves from society. Their social marginalization is accentuated by the discrimination that society casts upon them. Sadly, these children lose all confidence and respect they once had for themselves. The real question is, without education, can one really leave the life of prostitution...

### **Legal Protections For Street Children Are At An All-Time Low**

In the introduction, it was indicated that information on street children is very hard to come by and that it is very difficult to obtain any sort of statistics on the number of children who are prostituted. The States are anxious to promote a positive approach to the question. They are often not in a position to tackle the issue. They haven't developed legislation and legal processes to protect these children who are particularly vulnerable. After all, these young prostituted persons are children. They should be a priority when it comes to having international protections such as "children's rights".

#### ***The Congress of Stockholm, a turning point***

Before the Congress Stockholm in 1996, only articles 34 and 35 of the United Nations Convention included rights and protections for children (1989). Article 34 states that "The State parties get committed to protect the child from all forms of sexual exploitation and sexual violence." Article 35 states that "These UN States must take all appropriate measures in their national planning, bilaterally and multilaterally, to prevent kidnapping and the selling and trading of children for any purpose or in any forms". In 1992, the United Nation's Commission for Human Rights adopted another action program regarding the trafficking of children for prostitution and the production of pornography. Before 1996, the UN legislation was largely challenged by the issue of children's rights and protection.

The Stockholm Congress had a commendable amount of awareness regarding this issue. In this manner, the UN Convention on the rights of children proved itself stronger by adding yet another piece of protocol for the fight against the sexual exploitation of children. This set of rules was adopted by the General Assembly in 2000. The States ratified these measures and must put in place more concrete ones that included severe punishments for clients and procurers of prostituted children. At the European level, in November of 2001, the European Council and its 43 member States adopted 75 measures all with the intent of eradicating the trafficking of children for porn and prostitution.

#### ***Awareness raising still far from bringing about lawful protections***

Despite the awareness raised by the Stockholm Congress, child prostitution still remains a huge issue with many difficulties. For one, the definition of what it means to be a child is not universal, so much so that even the common rule that a child is someone who is under the age of 18 poses a sizable limitation to the harmonization of national legislations. On the other hand, if certain States, like France in 1998, have adopted laws of extraterritoriality, authorizing the prosecution of immigrants accused of having sexually abused children abroad, the application of these laws is problematic in that it is difficult to identify and condemn sex tourists who can come and go as they please and because of corruption. The collection of proof is solely dependent on the collaboration with the local police, who are rarely cooperative (*Bartoli, 2002*).

#### **Concrete Actions to Combat the Plague of Child Prostitution On the Streets**

In light of the dangers that prostituted children are confronted with, and the fact that they lack legislative protections, it is legitimate to ask this question: How do we fight against the plague of street prostitution? Concrete actions can and must be carried out in order to provide for the prevention of this problem, and to reintegrate and train the children and adolescents who are forever marked by the life of prostitution.

Citoyen des Rues International, a non-profit, non-denominational, and politically unbiased organization, was founded in 2007. Their work is present in 15 different countries in Latin America, Africa, and Asia. Their main objective is to aid street children in their progressive reintegration into mainstream society, and to accompany them through this process in their

native country. To better accomplish this, Citoyen des Rues International has developed a new awareness project to prevent sex tourism in Morocco.

***Treating the problem before preventing it...***

Claudine Legardinier insists on the need of active solutions, on short, mid and long-terms. Firstly, there must be increased awareness and information as a way to combat child prostitution on the streets. Information campaigns about sex tourism focusing potential victims being trafficked for exploitation must also be directed towards the general public in order to show the horrid realities of prostitution: it is a way to tackle the issue. In addition, it is absolutely essential to train social actors, the police or the justice authorities, in order to render them sensitive to prostitution and the fact that child prostitution is present and must be stopped. Finally, it is crucial to inform the media that their portrayal of children as delinquents who prostitute themselves voluntarily must cease. Education plays a massive role in the fight against male chauvinists who oppose the ideas of tolerance, respect, and equality; and also in discouraging sex seekers by showing them the realities of prostitution -violence, disregard for human dignity and rights. Above all, the educational institution offers children hope for a job and a brighter future. More long-term programs include combating poverty and inequality in the world, and making education and professional development a priority in order to prevent familial disintegration and other situations that push children into prostitution.

***...then reintegration and reformation of traumatized children***

Citoyen des Rues International has created 3 help centers in Peru, 2 in both Benin and Guinea, in order to reintegrate street children and to accompany them into their new lives. Unfortunately, the association foresees two main problems in their work. Sometimes, providing these children with clothes, food, and activities in the street can have a negative effect on them, encouraging them to remain passive or worse, to turn to life on the streets.

In order to help these children and adolescents to leave prostitution, social workers must first develop a confident relationship with the young people that they help by regularly roaming the streets where they work. In Lima, the NGO Children of Rio, a member of Citoyen des Rues International, hosts on a weekly event children who are invited to play soccer or card-games. Establishing a confident relationship is crucial, but difficult. Being socially excluded and stigmatized, these street children develop "avoidance strategies" towards the social and health structures of general society (*Samu Social International*, 2013). Once confidence is established between the child and the association, the accompaniment process can begin. This step consists of offering a shelter and lending a listening ear. The child must feel free to come and go, to and from the help center, and to speak freely to his or her social worker. Little by little, the social worker can grab a hold of how the child came to prostitution, and perhaps, how he or she can find an alternative solution. Once the child expresses the desire to re-establish a normal life, it is necessary to offer him or her a lasting, sustainable solution. This can be returning to their family (which does not occur very often, due to the fact that it is often family conflicts that push



children onto the streets), or a long-term stay at the center. In addition, the child must be provided with a way to construct their future in developing literacy, or professional training. These kinds of decisions are made in a realistic manner after the child is well informed and has agreed. The goal of the education and professional training is to help the child to become independent.

Child prostitution can often be attributed to family disintegration, and can also be caused by other factors such as natural catastrophes, epidemics, interfamilial violence, and/or poverty. Once living on the street, these children must face one terrible necessity, survival. Pubescent maturation and change of relation to their body, the need to find security and identity, the tyranny of their "protectors", and the rise of sex tourism are some factors that push too often children into selling their bodies. The physical and psychological consequences are so very dramatic that they often mark their lives forever; very few among them recover. Their extreme vulnerability is all the more exploited because there are no international, national, or regional protections. Although there are protective legislations for minors, street children who prostitute themselves still rest at the mercies of violence and serious abuse. Thus, the fight against the curse of prostitution has become gravely fundamental. Prevention, much like the reintegration and reformation of these traumatized children, allow to tackle both the origins and the consequences of the problem. So long as States choose not to face these types of unanswered questions, in spite of the wonderful work of numerous associations and NGOs, the fates of these children will remain void of hope.

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# Cyber-Vulnerability amongst Social Media Users

The explosion of the Internet has revolutionized human relations, most notably with the increasing use of social media sites, and these virtual communities have taken up an important place in the daily life of almost all web users. The term social media network can be applied to all platforms of online communication that allow users to create networks predicated upon common interests. There are currently over 700 of these networks around the world<sup>4</sup>.

These networks ask users to supply personal information, which allows the users to create an online “profile”. They also provide tools that allow users to upload their own content and a list of contacts, with whom they can interact (*AJ Pénal*, May 2012).

These social media networks allow free interaction between their users and the possibility to create new and positive links; however this liberty of interaction also creates conditions for abuse. Due to our current addiction to oversharing everything about our private lives online, the vulnerabilities arising from the use of social media networks are increasing. Thus, it suits every person to measure the risks well, which is far from being evident, if we consider the numerous affairs in which users become cybervictims (*Quemener*, 2013). In this free space, one meets not only friends, but also people who can belong to organized networks searching for vulnerable targets – and in particular children.

Indisputably, the idea of Internet freedom, or at least the illusion of it, creates the ideal environment for organizations offering prostitution on web sites, which puts vulnerable users at risk. Social media networks have done nothing but increase the frequency of this phenomenon, as they are the perfect platforms to seek out future victims by making them feel at ease by fostering their trust over time.

The Internet’s assurance of relative anonymity, its ephemeral exchanges and its global character have encouraged procurers and various criminal networks to resort to the most discrete means of developing their illegal activities.

In addition, users can perceive their online relations to these criminals as harmless or completely safe, and then be tricked by the seductive criminal tactic of contacting the victims over a long period of time. The criminal is a friend before he becomes an enemy.

The active participation of cyber-procuring victims - their role in speaking to the criminal, exchanging with them and building a relationship - has led some to question if they are in fact culpable, and in some ways, responsible for the inevitable situations in which they find themselves. This raises questions about the complexity of online relationships for fragile and vulnerable users. So as to understand the nature of these threats, we should present the

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<sup>4</sup> Avis 512009 on the online social network, adopted on June 12<sup>th</sup> 2009, Workgroup on “article 29 sur la protection des données”.

exploiters' operating modes of targeting the victims of prostitution, and present the legislative responses at both the national and international level.

### **Cyber Threats to Individual Freedom and Private Life**

Firstly, it must be noted that online social networking is the most practical method of communicating for many Internet users, supplying the user with several ways of communicating.

Users often have a tendency to communicate using games and other entertainment based platforms. This leads to intimacy issues (*Adolescence*, 2013) for users who often struggle to figure out who they are, which can lead to a very real maladjustment issue in adolescents.

The wide exposure of private life is equally considered to be another vulnerability arising from frequent social media usage. In this context, users demand that services provide a maximum confidentiality. The giants of this industry (software providers like Google, Twitter and Facebook or hardware providers like Blackberry, Samsung and Apple) creatively compete to seduce new users. All guarantee the most advanced encryption services, whose infallibility is supposed to keep the correspondence of its users safe from privacy invasions. Due to this situation, education and awareness are essential.

### **Cyber Threats to Identity: Identity Theft and Cyberstalking**

The vulnerability of social media users is especially noticeable when their identity is exposed. It is not only the name of the victim which is targeted, but their identity and, more broadly, any "information which makes them identifiable in real life". Data which allow an individual to be identified are numerous and varied: first and last name, pseudonym, photo, marital status, company name, website domain name, IP address, e-mail address...

French Homeland Security law no.2011-267 of 14 March 2011 (called the LOPPSI II law) introduced a specific offense of identity theft which incorporates those perpetrated on digital networks to the French Penal Code. Thus, article 226-4-1 of the French Penal Code punishes 'the act of impersonating a third party or making use of one or more data of any kind that can be identified as those of the third party, in order to disturb the tranquility of the third party or others, or damage his name or social standing'. This new rule filled a hole in the law, allowing the authorities to respond to acts which previously would not have been considered criminal offences. Some previous judicial acts had actually sanctioned acts of identity theft on social media networks on the basis of Article 9 of the French Penal Code which regards respect for private life.

There is also another method of harassment online particular to social networks. The victim receives repeated messages, containing threats, insults, or blackmail. In order for the messages to stop, the senders of these messages may also demand money, a sexual meeting or personal information. This type of harassment is most commonly found on social networks with an

absence of identity authentication where anonymity allows the perpetrators to operate with impunity.

Article 222-33-2-2 of the French Penal Code<sup>5</sup> states that ‘the legal consequences of harassing an individual by repetitive behavior or words leading to impacts on the physical or mental health of the victim amount to a one year prison sentence and a 16,520 US\$ (15,000 €) fine when the harassment has impacted the victims’ ability to work, resulting in the loss of eight or less working days or no inability to work. The facts mentioned in the first paragraph are punished with a two year prison sentence and a 33,735 US\$ (30,000 €) fine. However the lawmaker has provided, in that matter, for an aggravated circumstance because of the use of online communication with the public, which is then punished with a 3 year prison sentence and 49,560 US\$ (45,000 €) fine. Victims have consequently much greater power of prosecution than before and their cases should be processed more rapidly by relevant police services.

### **Cyber Victims of Prostitution and Human Trafficking**

Most organized prostitution and human trafficking networks today use the Internet to develop their business – and they particularly make use of social media (*Fondation Scelles*, 2013). Sexual criminals are generally, just as present on social media as on the Internet, with underage pornography being the most odious example (*Robert*, February 2014), which is sometimes accompanied by links to sites where one can find organized prostitution networks.

The apparent distance between Internet users results in seduction behaviors, drawing new victims into negotiations orchestrated by predators who desire the sexual services of their victims. Sexual negotiations take on a banal and ordinary appearance, seeming to be simply another form of e-commerce (*Fondation Scelles Infos*, April 2014). A recent case has led to the arrest of several people, who had got acquainted through social media, to an indictment for illegal procuring work.

### **The Legislative Response**

Article 6.I.–1 of the Law for Digital Economy (LCEN, no. 2004-575 of June 21<sup>st</sup>, 2004) states that ‘Internet service providers (ISPs) must inform their customers of the existence of technical means to restrict access to certain types of services; they must also provide their customers with at least one of these technical means.’ Simply put, service providers must inform their customers of the existence of parental controls and make them easily available to the customer. Furthermore, the same law states that ISPs are not required to monitor the information they transmit or store, nor are they under any obligation to search for illegal activity. However, they must contribute to the fight against the spread of criminal activity, given the general interest attached to the repression of such acts as advocating crimes against humanity, incitement of

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<sup>5</sup> Law no.2014-873 (August 4<sup>th</sup>, 2014) concerning real equality between women and men.

racial hatred, child pornography, incitement of violence – including incitement to violence against women - and violations of human dignity.

### **Specific Protections for Minor Cyber Victims**

The growing importance of social networks in everyday life feeds into another phenomenon – the online solicitation of children for sexual purposes (grooming). At the heart of this activity is manipulation. An adult will take advantage of a child’s vulnerabilities to propose, via electronic means of communication, a meeting – using it as an opportunity to commit sexual abuse. Grooming is a progressive activity, designed to gradually build a relationship of trust with the victim, who is then prompted to send intimate photos. The child is then blackmailed by the adult, who threatens to send the photos to their parents, their school or their friends. This grants the abuser control, allowing him to continue the abuse without discovery. A recent survey reveals that one in a hundred children has been asked during the previous year for photos or videos showing sexual acts, or has been asked to speak about sexual acts.

French law specifically refers to grooming as ‘when an adult makes sexual proposals to a minor – under the age of 15, or a person posing as such – using electronic communication’. Grooming is punished by two years’ imprisonment and a 33,000 US\$ (30,000 €) fine. This punishment is increased to five years’ imprisonment and a 82,552 US\$ (75,000 €) fine if the grooming activity culminated in physical contact (article 227-22-1 of the French Penal Code). This law - by its provision for adults posing as minors - allows the authorities to more effectively track down online predators.

Law No. 2007-297 of 5 March 2007, on the prevention of delinquency, is fully applicable when the acts were committed through social media networks – it contains provisions designed to suppress certain deviant behavior in the use of the internet which particularly affects minors (*AJ Pénal*, March 2009).

Thus, infractions against sexual harassment of a minor (Penal Court, art. 227-22-1) prohibit “adults from making sexual propositions to a 15 year old minor, or to a person who presents themselves as this age, through using electronic communication, also known as ‘grooming’ ”. This infraction, which specifically prohibits the targeting of minors via the Internet or by SMS, is punishable by up to two years imprisonment and a 33,000 US\$ (30,000 €) fine. The penalties are increased to five years imprisonment and a 82,552 US\$ (75,000 €) fine when online sexual exploitation led to a meeting in person. This infraction aims to track adult predators who approach minors via social media networks, by pretending to be minors themselves.

### **The Aggravated Circumstances of Using a Social Network**

Human trafficking is a crime punishable by seven years in prison and a fine of up to 165,105 US\$ (150,000 €) (article 225-4-1 of the French Penal Code). However, aggravated punishments are provided for by articles 225-4-2 and the following articles of the French Penal Code. Article

225-4-2 provides for a sentence of 10 years imprisonment and a 1.65 million US\$ (1.5 million €) fine when the offence is committed in two circumstances referred to in parts one to four of Section 1 of Article 225-4-1 of the French Penal Code. The same penalties are provided when the criminal act is performed with any of the following circumstances:

- The act involves several people
- An act taking place outside the territory of the Republic or at the time of their arrival on the territory
- When the perpetrator has been in contact with the victim using electronic communication for the express purpose of subsequent public dissemination

### **Prevention and awareness: indispensable tools**

While the average Internet user is rarely a victim of crime, they are often the unintended facilitators. This is particularly true for those who reveal very personal information online without being aware that it may one day be turned against them, and we know that this risk concerns minors in particular.

More than any other type of user, minors must be made aware of the numerous risks posed by their Internet use, and they must equally be made aware of the protective measures that they can take to counteract this risk. The French National Consultative Commission on Human Rights advises this as necessary for a ‘culture of caution and security’. The specificity of these issues, as suggested by the number of concerned organizations, has led the French Children’s Ombudsman to suggest the creation of a specific platform for reflection, public proposals and intervention; bringing together all public and private actors in order to establish a uniform digital policy regarding minor internet users in France.

This call for a more unified approach joins the call of many other concerned bodies, who would like more impetus put on the coordination and intervention on the part of public bodies, real media training for professionals working with young people, changes in the classification of web content, better consideration of European Charters, and research incentives made available (*Robert*, February 2014). This finding emphasizes the importance of teaching our children about appropriate internet usage, whilst offering a reminder concerning the common values of freedom of expression, which the penal law could limit in its efforts to fight cyber criminality.

The third recommendation of the inter-ministerial report (*Robert*, February 2014) on the fight against cyber criminality emphasizes the following suggestions:

1. A higher level of state involvement in terms of momentum, goal setting and long-term control over the policies designed to prevent cybercrime by:
  - Public awareness campaigns on personal data protection and vigilance against scams
  - More audience-specific campaigns and help centers
  - The creation of 17 online platforms whereby anyone can report online criminal activity occurring on social media networking sites

- Systematically carrying out risk assessments before opening any new services in a regulated domain
2. Making the Internet user its own moderator, and the leading party in the fight for security for users and the fight against inappropriate images or text and illegal activity by:
    - Educating young people about the Internet in schools and mobilizing trainers already established in the 5,000 public Internet access centers across France, whilst also assuring the continued availability of high levels training
    - The development of information centers with online or telephone accessibility
    - Homogenizing the materials which advertise prevention in public settings
    - The creation of a search engine to facilitate the detection of sites, companies or spam e-mail addresses associated with illegal online activity
    - Streamlining the ways users can flag up illegal activity to authorities
    - Improving the coordination and involvement of the various victim support organizations
  3. Mobilize the various involved professionals and assure the best awareness raising and advocacy (...)

### **Stricter Sentencing Guidelines**

A recent government flyer circulated with the aim of defining criminal policy directions to strengthen the fight against cybercrime. For the first time, the term cyber prostitution was used in this type of document (*Official Bulletin of the Ministry of Justice*, January 22<sup>nd</sup>, 2015). Trafficking in human beings for sexual exploitation is the oldest form of human trafficking and the most widespread. In France today foreign trafficking networks mainly do this form of trafficking. Using experienced management and operational logistics, international prostitution networks move their victims swiftly through any given territory, and use the Internet and social media networks to provide logistical support and coordination. This assures a constant replenishment of sex workers coming into France from Romania, Bulgaria, Africa and China, whose activities are often hidden behind legal establishments such as massage parlors. This type of activity is growing, and its discretion, scale and operation outside of spheres accessible to the law make detection and investigation more complex and difficult to achieve.

Due to these circumstances, it must be stressed that the fight against this phenomenon should be a governmental priority<sup>6</sup>. To this end the National Consultative Commission on Human Rights (CNCDH), has launched a widespread consultation process to define the priorities of their new mandate as National Reporter on Trafficking in Human Beings. This consultation should, of course, focus on current trends in the methods employed by human trafficking organizations, and their use of the internet organizations will be subject to investigation in this study.

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<sup>6</sup> The National Action Plan against the trafficking of human beings, adopted by the Counselors of Ministers may 14<sup>th</sup>, 2015, aims to put in place orders 2011/36/EU from the European parliament and the council on April 5<sup>th</sup>, 2011. This plan was announced by the President of the French Republic.



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# Terrorism and Sexual Exploitation

There is not, strictly speaking, a universal definition of terrorism. The use of terror does not limit itself to political, ideological, ethnic or religious ends, and one can find an almost infinite number of motives to "terrorize." From this point of view, the human imagination remains unlimited. Terrorism can put thousands of bewildered civilians on the street, and cause death, pain and suffering to vulnerable people of all ethnic groups and all religions. If armed conflicts have always been a fertile ground for the perpetration of sexual violence against women and children, the current proliferation of geographic areas rendered unstable by terrorist organizations has led to the resurgence of sexual exploitation at a high rate.

In April, 2015, during a reading in front of the United Nations Security Council, Zainab Bangura, special Representative of the General Secretary in charge of the question of the sexual violence in conflict, evoked a logic of sex terrorism "involving non-state armed groups adopting extremist ideologies" (*United Nations*, March 23<sup>rd</sup>, 2014). Some of the most concerning terrorist groups are the Islamic State of Iraq and the Levant (Iraq and Syrian Arab Republic), Boko Haram (Nigeria), Al Shabaab (Somalia), Ansar Dine (Mali) as well as groups affiliated with Al Qaeda. Concerns about these groups continue to rise as the sexual violence committed by these organizations seems, above all, connected to strategic, ideological and financial objectives. Since the territorial conquests of ultra-radical Sunni groups in Iraq in 2014, the Christian minorities, Yazidis and Turkmens have been particularly targeted.

Our western societies are also not immune to sexual violence against vulnerable people. Let us remember that in France in 2014, 118 women were killed by their partners (*Government of the French Republic*, June 2015). This averaged as one woman killed every three days. While this chapter will not judge or attempt to advise other cultures on issues involving sexual exploitation, this chapter will put into perspective and analyze, in light of recent events, the large-scale ideologies and deliberate processes of sexual exploitation set up by the Islamic State.

## Frame

The horrific correlation between terrorism and sexual exploitation is caused by a particular geopolitical context. It occurs in areas of conflict or post-conflict, particularly where legal authorities are contested and state structures are absent, where the law is not applied and where the most vulnerable are no longer protected.

Women and girls are, by far, the main victims of such sexual violence. Migration and the displacement of populations away from their homes due to fears of abuse make these people more vulnerable to abuse. Everywhere in the world, sexual violence increases when the number of refugees and/or displaced people grows. Refugee camps, which can be administered by national or international structures, do not necessarily protect vulnerable individuals.

Belonging to an ethnic or religious minority not tolerated by the ideology of an armed group (terrorist or regular force army) may be the driving force of a deliberate strategy of persecution including sexual violence.

In a report from March 2015 on the link between sexual violence and conflict, the United Nations Security Council mentions only 19 countries whose “credible information” on sexual violence is accurate. 45 terrorist or state groups are supposed to be involved in this type of violence worldwide.

These forms of sexual exploitation include rape, sexual slavery, prostitution, forced marriage and human trafficking, when young women are lured to conquered territories or sold by terrorist groups for prostitution networks.

### **The Situation in Iraq and in the Syrian Arab Republic**

Between 2003, the year of the intervention of the United States, and 2014, with the capture of Mosul and the proclamation of the Caliphate by the Islamic State of Iraq and the Levant (ISIL), the Iraqi state structure has experienced multiple upheavals that weakened the Iraqi authorities and fractured its population. Political strife and armed conflicts combining resistance to occupation, competition between groups, clans, families, militias, and religious sensitivities have led to a situation of chaos which has led the Islamic state to emerge powerfully, influentially and dominantly, challenging the borders outlined by the Sykes-Picot agreement of 1916. Iraqi women have paid a high price in a country where the structures supposed to protect them remain almost nonexistent. The number of displaced women leaving conflict areas has been increasing. Iraq had some 1.6 million widows at the end of 2014 (*Puttick*, February 2015). Faced with a disastrous economic situation, without resources, fleeing killings and forced marriages, sometimes imprisoned, these women became easy prey for traffickers. That being said, criminal networks did not wait for the Islamic State to prosper. According to the Organization of Women's Freedom in Iraq (OWFI), 4,000 women and girls were reportedly trafficked within 7 years after the US invasion. Militias tracked these women down in the markets, public squares where they were isolated, kidnapped and resold to trafficking networks. Many of them are exploited sexually in Baghdad (prostitution is illegal in Iraq), or sent abroad to Syria, Turkey, Jordan, Lebanon, and in the Gulf monarchies. In 2011, 95% of the prostituted persons exploited in Syria were of Iraqi origin (*Puttick*, February 2015). Families of prostituted persons, who often do not know what they are agreeing to, sell their relatives into sex trafficking networks in Iraq and elsewhere.

In 2011, popular demonstrations began in the Syrian Arab Republic, following the “Arab Spring” revolutions that had begun appearing in Arab countries in December 2010. When the army fired on demonstrators in March 2011, the country plunged into violence. The flow of refugees increased to 1.5 million people displaced within Syria and between 300,000 and 400,000 having already fled to Turkey, Lebanon and Iraq in Autumn 2012.

The country split into armed factions (Free Syrian Army, Groups affiliated to Al-Qaeda including Islamic State) that were opposed by Bashar el-Assad's army—an army that was similarly divided. In light of this chaos, the Islamic State quickly and successfully extended into Syria and into Iraq, notably taking Mosul on June 10<sup>th</sup> 2014. Meanwhile, the group also distanced itself from the al-Qaeda nebula, thus affirming and proclaiming its independence on 29 June 2014, with the restoration of the Caliphate, headed by Abu Bakr al-Baghdadi.

### **Implementation of a Strategy of Sexual Violence by the Islamic State: the case of Yazidis**

It is in this context that the Islamic State (IS) instates a “pattern of sexual violence, slavery, abduction and human trafficking” that begins with the persecution of minorities (*United Nations*, March 23<sup>rd</sup>, 2015). From August 2014, the United Nations Assistance Mission for Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) received the first reports showing that slavery, rape and other forms of sexual and physical violence against women and children are committed deliberately in order to eliminate and/or assimilate ethnic and religious minorities: Turkmens, Shabaks, Christians, and especially Yazidis are targeted (*UNAMI, OHCHR*, 2014).

Following the military attack on Mount Sinjar in August 2014, a large part of the Yazidis population, accounting for 1.5% of the Iraqi population, were unable to flee the fighting zone to areas held by the Kurdistan Worker's Party (PKK) in Iraqi Kurdistan and therefore, found themselves trapped. Women and children were then separated from the men and taken to different locations in Northern Iraq (Mosul, Tal Afar, Tal Banat, Ba'aj Rambusi, Sinjar) and Eastern Syria (Raqqqa, Rabi'a), via means of transport requisitioned for this purpose. On August 2<sup>nd</sup>, witnesses claim that Yazidi women were taken from the village of Maturat in the South of Sinjar district to a prison (Badoush) in Mosul. On August 3<sup>rd</sup>, between 450 and 500 women were led to the citadel of Tal Afar and 150 women and girls were transported to Syria before being "distributed" to ISIS fighters as rewards or sold into slavery according to their age and marital status (*UNAMI, OHCHR*, 2014).

Women and girls are separated into three groups (married women with children, married women without children, women and unmarried girls) and evaluated according to their beauty (*Yazda, The Free Yezidi Foundation*, September 2015). Some are "distributed" to fighters by lottery (*Sara Mercier*, 2015). Human Rights Watch (HRW) has received the testimonies of 11 women and 9 girls having managed to flee. The testimonies consisted of reports of rape, sometimes by several fighters, forced marriages, and forced religious conversions (*HRW*, April 15<sup>th</sup>, 2015). Some claim to have been sold several times. Before these "sales" or the "distribution," young Yazidi women are all detained in jail or closed centers. There are two reports of rape by combatants on two girls aged 6 and 9 (*Yazda, The Free Yezidi Foundation*, September 2015).

While many perpetrators have been reported to be of Iraqi, Syrian, Libyan, Algerian, and Saudi descent, there have also been Europeans mentioned in the testimony. According to

UNAMI, on November 6<sup>th</sup> 2014, approximately 2,500 women and children were still held by the Islamic State in northern Iraq. An organization of the Yazidi community provided to HRW a list of 3,133 missing persons, 2,300 of whom are considered to have been kidnapped. On March 15<sup>th</sup>, 2015, 974 Yazidis had escaped or were redeemed (ransom) by their captors including 513 women and 304 children. That being said, Mirza Ismail, the president and founder of the Yazidi International Organization, said in a speech to the American congress that she believes 7,000 have been taken, with the majority being women and girls. It is difficult to estimate the exact number of female and young girls held in the conquered IS territory.

Most of the testimonies demonstrate major psychological distress, such as post-traumatic stress disorder, amongst victims who have managed to escape or were exchanged for ransom. The HRW testimony of a young, 12-year-old victim named Jalila who describes the violence she endured: “*Sometimes I was sold. Sometimes I was offered as a gift. The last man was the most violent; he tied my hands and legs*” (HRW, April 15<sup>th</sup>, 2015).

### **Theorization of Sexual Violence: A Process of Justification**

In a French language publication by the Islamic State, an article entitled “The 'Revitalization' of Slavery Before Time” justifies the slavery of “non-believers”. The article tries to legitimize sexual violence against the ethnic minorities like the Yazidis by claiming that they are uncivilized (*Dar Al-Islam*, no.5). Being neither Jews nor Christians, Yazidis cannot pay the *djizâ* (finds its justification in the Koran, Sura 9,29), which is an obligatory tribute that is paid by non-Muslim populations in exchange for a sovereign protection and this thus validates their enslavement because they do not belong to the religions of the book (Torah, Bible, Qur’an).

After their capture, “the Yazidi women and children are then divided according to Sharia law among the fighters of the Islamic State that participated in the Sinjar operations. A fifth of these slaves are transferred to the Islamic state authorities to be distributed as a fifth of the booty.” The Islamic State organization also considers that the slavery of concubines is firmly established under Sharia law. The IS believes that to fight against this slavery would be to deny or mock the verses of the Qur’an or the Hadith of the Prophet. Later in the article, it is written that the “abandonment of slavery led to an increase of *al-fâhichah* (adultery, fornication)” (*Dar al-Islam*, No.5).

Through releasing extensive documents justifying slavery, the Islamic State is attempting to validate its actions by putting itself above international law. A brochure issued by the *Department of Research and Fatwa of the Islamic State* was broadcast via a pro-daech<sup>7</sup> Twitter account. Excerpts of this broadcast were published in the *New York Review of Books* in September 2015. These excerpts reveal that sexual relations are immediately authorized with prisoners who are virgins, as it is “lawful to buy, sell or give prisoners and slaves as they are simply property...” (*New York Review of Books*, September 24<sup>th</sup>, 2015). Sexual relations with a slave that has not yet reached puberty is permitted if “her body is developed enough for the act.”

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<sup>7</sup> Arabic acronym for the Islamic State organization.

It is also permissible to beat one's female slave with "disciplinary beatings" but it is forbidden to hit the face. Evidently, these excerpts reveal a theoretical rhetoric that attempts to justify sexual and physical violence. These acts are justified through interpretations of religious texts despite the fact that these violent practices are "unanimously condemned by all religious Muslim authorities alike" (*Le Figaro Vox*, August 17<sup>th</sup>, 2015). While these attempts to justify violent practices may have less to do with sex and more to do with the mission to return to the origins of the Caliphate, this does not lessen the intolerable violence against women and girls of the Yazidi community or other ethnic groups. As the Islamic State is not a homogeneous group, it is difficult to know the degree to which its members apply these "rules" or if there is even an internal surveillance network within these organizations.

In another IS article entitled "Slave-girls or Prostitutes", the slavery of the Yazidi population is once again justified (*Dabiq*, No. 9). The article insists on the right to possess women held captive, as well as to possess slaves separated from their husbands even if they are not divorced. The IS has denied its use of violence. The IS claims that the purpose of this slavery is not for sexual pleasure but rather, is to help slaves embrace the religion of Allah in order to "break free of their chains." According to the IS, no one is forced into slavery: "*I haven't heard of, nor seen anyone in the Islamic State who coerced his slave-girl to accept Islam,*" and those who have "*claimed to have run away from the Islamic State, made up lies, and wrote false stories (...)*" (*Dabiq*, no.9). The Islamic State firmly rejects any form of condemnation from Western countries and maintains that the West should look at itself before condemning the IS's sexual slavery: "*Are slave-girls whom we took by Allah's command not better than your prostitutes who are used by all men? Your prostitute lives by selling her honor, within the sight and hearing of the deviant scholars from whom we don't hear even a faint sound. (...), then her enslavement is seen as a violation to human rights and sexual relations with her is seen as a rape?*" (*Dabiq*, no.9). For the Islamic State, "Politically correct" Western judgments will have no place within the Caliphate and nothing will prohibit the opening of slave market. It should be noted that Jabhat al-Nusra, the terrorist group affiliated to Al-Qaeda which also fights in Syria does not share the same point of view on sexual slavery and denounces it by using the opinions of high religious authorities. According to Jabhat al-Nusra, sexual slavery will only lead to retaliation by enemy groups (*MEMRI, Inquiry and Analysis Series*, August 17<sup>th</sup>, 2015). Moreover, the United Nations and Amnesty International mention abuses by Kurdish and Iraqi security forces on Sunni Arabs in the conquered territories near Sinjar (*BBC News*, December 4<sup>th</sup>, 2015). Behind this propaganda that attempts to justify slavery looms a business strategy.

### **Strategy and Business**


A report by the Jihad and Terrorism Threat Monitor (JTTM) published in September 2014 on the website of the Middle East Media Research Institute (MEMRI) shows a conversation on Facebook between a French fighter in Syria and supporters of the IS. This discussion demonstrates the way they consider Yazidi women:

“- \$350 per slave in Mosul if you want lol  
 - I had seen around \$180 per slave lol  
 - 180, she must be ugly...”

The search for women for IS fighters is part of a deliberate strategy of the Islamic state to assimilate the polytheistic community of the Yazidi into the Caliphate, as well as to attract new members by promising them a slave woman, which ensures the stability and motivation of IS troops. After seizing the Sinjar Mountains and capturing Yazidi women and girls, IS fighters received these women as a gift based on their level of involvement and their fighting spirit. To recruit new members in the conquered territories and push young men of local Sunni communities to join its ranks, women have also been proposed as “gifts.” These women are seen as a kind of payment, which we could easily qualify as procuring, which shows the extent to which these captives are viewed as objects. Likewise, to establish its local authority and “buy” peace with local clans and large families, women are offered through forced marriages or as concubine-slaves, which serves as a pact that seals an alliance between the IS and local families and tribes.

In his report on conflict-related sexual violence, the United Nations Security Council says the IS issued an "order" setting prices based on the age of the Yazidi and Christian victims. The younger an individual is, the higher the price rises: 172 US\$ (159 €) is the price set for a girl under 10 years.

**ISIS'S DESPICABLE 'PRICE LIST' FOR YAZIDI AND CHRISTIAN SLAVES**



A translated version of the document (left) was shared online by humanitarian and peace prize winner Dr Widad Akrawi, and reads as follows:

*We have received news that the demand in Women and Cattle market has sharply decreased and that will affect Islamic State revenues as well as the funding of mujahideen in the battlefield, therefore we have made some changes. Below are the prices for Yazidi and Christian women.*

*The price for Yazidi or Christian women between the age of 40 - 50 is \$43 (£27)*

*\$75 (£48) for 30 to 40-year-olds*

*\$86 (£55) for 20 to 30-year-olds*

*\$130 (£83) for ten to 20-year-olds*

*\$172 (£110) for one to nine-year-olds*

*Customers are allowed to purchase only three items with the exception of customers from Turkey, Syria and Gulf countries.*

*Dated and sealed by ISIS in Iraq October 16, 2014.*

Source : Spencer R., « Islamic State slave price list shows Yazidi, Christian girls aged 1-9 being sold for \$172 », *Jihad Watch*, November 5<sup>th</sup>, 2014.

The order also stipulates that a fighter cannot own more than three slaves (or concubines), which does not apply for fighters with Turkish, Syrian, or Gulf nationality. There are several reports of slave markets. A girl named Jinanqui, was found one day in a room with dozens of other women and heard a conversation between two 'buyers': "She has big tits, that one. But I want a Yazidi with blue eyes and a pale complexion. These are the best, it seems. I am ready to pay the price" (*Oberlé, 2015*). The reason Saudis are entitled to the 'right' to more than 3 slaves, "is to encourage business (...) it is a good deal: the home of the finances of the Islamic state increases its revenues to support the mujahedeen, and our foreign brothers find their fulfillment" (*Oberlé, 2015*).

Alongside this domestic trafficking, there is also external trafficking that uses the same routes as other traffic circuits (weapons, oil) and therefore benefits from connections with international prostitution networks, or creates new ones. The German consortium ARD produced in December 2015, a documentary report of slave trafficking led by the Islamic State (*Gatestone Institute, December 20<sup>th</sup>, 2015*). The trafficking of women and children takes place via the smartphone application WhatsApp, with supporting photographs, in a kind of virtual slave market with a money transfer to an office of intermediaries in Gaziantep (Turkey). Yazidi negotiators can thus "rebuy" their community members for anywhere between of 15,000 to 20,000 US\$ (13,849 to 18,466 €) but the individual awarded to the highest bidder, which is not always Yazidi community members. Prostitution networks can therefore potentially participate in this human trafficking. M. Guidère believes there could be resold interconnections between this trafficking and criminal Nigerian prostitution networks "to European markets" (*Le Figaro Vox, August 17, 2015*).

### **Ideology on the Place of Women (which should be questioned)**

Contrary to popular belief, the abundant "literature" produced by the Islamic State and its supporters on the role and place of women in its Caliphate suggests that the question of women is not simply a minor issue. Women are used as a means to establish a vision for the territories the IS occupies, to recruit men as well as young women for male combatants, and to justify its position on the role of women and thus, denounce the ethical "standards" of the West. In January 2015, a document entitled "Women in the Islamic state: Manifesto and case study" was broadcast by Al-Khansaa brigade via the organization's medias (*Quilliam Foundation, February 2015*). In a hypocritical reinterpretation of feminism, this document shows a deep aversion to the Western view of human rights and gender equality. For the IS, the outrageous materialism, sexual advertisements, prostitution, pornography of the West are seen as an affliction of western women. The IS maintains that gender equality is another lie of the West since women have neither the same jobs nor the same wages as their male colleagues. Moreover, according to the Al-Khansaa manifesto, this pseudo-equality between women and men can only lead to "emasculatation" of men as they forget their responsibilities.



The manifesto indicates clearly that the role reserved for women is of high importance: it is a question of becoming "founding mothers" of the Caliphate by giving birth to the future "lion" fighters. Women are there primarily to procreate and populate the territories. This role revolves around three fundamental responsibilities: supporting her husband, raising children, following the religious precepts. While the text clearly highlights the importance of women's role in the Caliphate, it also limits their identity and function. Women are divinely more limited than men because they were "made by Adam and for Adam" (*Quilliam Foundation*, February 2015). Women are meant to be confined to the home, with the exception of women who work as teachers, doctors, and if necessary, fighters. Marriage is essential for all women, and girls as young as 9 years-old can be married. While the education of girls is sometimes permitted for girls between the ages of 7 and 15, it should not be prolonged or encouraged as it is a distraction from Allah. The Islamic State believes that women who do not follow these precepts should be punished. While women have an essential role, it is nevertheless a secondary role to that of men. Women must "stay in their rightful place," procreate, and support their husbands.

### **Recruitment of Women is Similar to Trafficking**

In working towards its objectives of territorial conquest and establishment of a Caliphate, the Islamic State devotes part of its activities to recruiting women from the West, Africa (including Maghreb) and the Middle East. It is the women who are already settled in Syria, who play the role of matchmaker and organize the recruitment of women abroad by publishing promises of marriage announcements on social networks (Facebook, Twitter). By using these network websites to capitalize on young women's desires to find their "bearded prince," these women recruiters advertise the physical attractiveness and allure of IS fighters. Recently, the recruiters have developed their marketing strategy to include advertisements that promote the "quality of living" of the IS territories. Social networks, such as Twitter in particular, are largely used for this purpose. According to the Quilliam Foundation, there were between 45,000 and 90,000 Twitter accounts that were owned by pro-IS supporters, including several hundred that were used for recruitment. The recruitment includes strategies of "lovebombing," whereby *loveboys* constantly compliment the "prey" and raise their confidence. The *loveboys* establish privileged secret relations with the "prey" and encourage them to isolate themselves from their family. Inside the Islamic State, people from the same geographical origin who master the same language, group together to create "sects" within the IS. Therefore, recruiters try to bring in French speaking women for the French combatants. According to David Thomson, a journalist specializing in jihadist networks, these young women cannot leave home without a promise of marriage. Consequently, this has to be done via Skype or FaceTime, before their departure.



Source : The Sawab Center© - #DaeshDeniesHerDignity

On March 9<sup>th</sup>, 2015, the Senate Commission of Inquiry on the organization of ways to fight against the jihadist networks in France and Europe listed 119 women nationals present on the IS territory. The majority of the young women going to the IS get there via Turkey (generally Gaziantep). Jihadist manuals, which are distributed via social networks, indicate how to arrive at its territory, how to dress, and where to cross the border. Many promises of romantic marriages, however, end in tragedy and regret for the women. This is largely because their safety in the IS is not assured. Women are completely deceived by their loverboys. The reality of life in the IS is very different from the image presented to young girls. Girls recruited by the IS are deceived in a similar way to women deceived by trafficking networks, who are lured by offers of false employment and are then exploited.

## Direct and Indirect Consequences of the Conflict

### *Syrian Refugees and Sexual Violence*

The civil war in the Syrian Arab Republic has led to an unprecedented influx of Syrian refugees in neighboring countries in particular. The Office of the United Nations for Human Rights counted 4.596.161 refugees on December 31<sup>st</sup>, 2015 of which 2.503.549 are in Turkey, 1.070.189 in Lebanon, 633,466 in Jordan, 244,527 in Iraq, of whom a large majority are women and children (*Web Portal regional response to the refugee crisis in Syria*). Refugee camps were established in these countries to deal with this massive influx of refugees. These refugees, who often have no resources and are unemployed, become an easy prey for prostitution networks. Many cases of sexual violence were reported in several destination countries and many victim testimonies revealed exploitation in and outside of refugee camps (*Women Peace and Security*, April, 2014). Sadly, many perpetrators of this sexual violence are members of international

organizations that are supposed to be protecting refugees (*Kvinna till Kvinna*, May 16<sup>th</sup>, 2014). The 2015 U.S. Department of State report on Trafficking in Persons reports cases of forced marriage and prostitution by men from Jordan and the Gulf countries. 6 individuals were prosecuted in Jordan for forcing a young 17 year old Syrian refugee into 21 temporary marriages for prostitution purposes, for two years. Refugee-related prostitution networks have largely developed in Turkey and Lebanon. In March 2015, a Turkish man with suspected links with the Islamic state was sentenced for forcing prostitution upon underage Syrian girls in the south of the country (*The Christian Post*, March 5<sup>th</sup>, 2015). In nightclubs and cabarets in Lebanon, Syrian "artists" have replaced the young Eastern European women. In certain streets and public gardens, the presence of young Syrians has become extremely visible. Lebanese security forces dismantled several networks. 27 cases involving Syrian prostituted people and traffickers-managers were reported in 2014 (*Al-Monitor*, March 13<sup>th</sup>, 2014). Syrian refugees were also forced into prostitution in hotels or establishments of prostitution in Baghdad, Basra and in other places in the South of Iraq (*U.S. Department of State*, July 2015).

### ***Prostitution in Iraq***

Like in Syria, the number of young Iraqi women displaced within the country has been growing since 2003. The Shiite militias and criminal gangs continue to abduct young isolated women in order to resell them, sometimes to prostitution rings.

Although illegal, prostitution still exists in Iraq and Baghdad. It is reported to have around a dozen brothels (*The New Yorker*, October 5<sup>th</sup>, 2015). The breakdown of state structures as well as the rampant corruption amongst those responsible for enforcing the law, leads to the increase of the sexual exploitation. On July 13<sup>th</sup>, 2014 28 prostituted persons were murdered, probably by religious militias, in a prostitution establishment on the outskirts of Baghdad (Zayouna). The Organization of Women's Freedom in Iraq (OWFI) opened 8 centers across the country to protect victims of sexual violence. Some of these places are kept secret—the government does not allow NGOs to operate outside the Iraqi Kurdistan. That being said, trafficking networks were active prior to the conflict, and the list of destination countries for Iraqi victims -Turkey, and Middle East countries- has not changed. No convictions were pronounced in 2014 despite the promulgation in 2012 of a new specific anti-trafficking law.

### **The Case of Boko Haram**

Sunni Islamist terrorist group, Boko Haram (whose name, according to the BBC can be translated as "Western education is forbidden"), emerged over the course of the 2000s. The armed conflict between Boko Haram and the Nigerian government forces led to major displacement of people: there were between 170,000 and 200,000 refugees in neighboring countries in April 2015 (*UK Home Office*, June 9<sup>th</sup>, 2015). On March 7<sup>th</sup> 2015, the organization pledged allegiance to the Islamic State. Once again, women and children were the first victims. Sexual violence (abuse, rape, trafficking, forced marriages) affected both those captured by Boko

Haram as well as refugees, whether on the road or in camps. On April 14<sup>th</sup> 2014, the terrorist group abducted 276 girls from a public school in the Borno State, which is in the North-East of the country. While some have been released or have escaped, Boko Haram continues to kidnap girls so that they serve as fighters or are sold. The modus operandi is similar to that of the Islamic State: after a capture of civilians, women and unmarried girls are separated from the group. They are then likely to be forced into marriages with fighters of the group. Those who refuse, and do not convert, "are sold to Nigerian networks of prostitution" (*Challenges*, February 17<sup>th</sup>, 2015). If the Islamic State has multiple funding sources (oil, traffic, financial support from sympathizers, taxes in the conquered territories), this is not the case for Boko Haram, for whom the "trading of infidels" through networks of trafficking and prostitution represents an important part of their income. According to M. Guidère, trafficking of abducted women would bring to the group "between 100,000 US\$ and 200,000 US\$ [92,330 € and 184,660 €] per month". Again, the evidence shows a nightmarish violence: "They made me a sex machine. They took turns sleeping with me. Now I am pregnant and I cannot identify the father" (*International Business Times*, May 7<sup>th</sup>, 2015). The Human Rights Council of the United Nations states that they received multiple reports mentioning that during retreats for coalition and government forces, fighters of the Boko Haram group can kill the women and girls they maintain in slavery (*United Nations*, April 1<sup>st</sup>, 2015). The evidence collected by HRW on 30 women and girls confirmed this sexual violence of forced marriage with kidnapers, sexual abuse and rape. Christians and students in particular, represent the majority of young women targeted by the organization (*HRW*, October 2014). In a video from 2014, Abubakar Shekau, the group's leader, claimed they forced detained girls as young as 9 years old, into weddings with their men (*BBC News*, May 5<sup>th</sup>, 2014).

Under international law, this sexual exploitation for ideological, strategic and financial purposes cannot be tolerated. Sexual violence against ethnic and/or religious minorities by terrorist groups is an attack upon the integrity of those who suffer. If sexual exploitation is pursued for the sake of the organization's strategy and business, we must thus ensure that this organization's strategy be combatted and that this business model be thwarted. If sexual exploitation is pursued due to ideological justifications, then we must, with the legal tools we have, deconstruct the attempts at justifying and theorizing sexual slavery. Should we compromise in the name of cultural relativism? The answer is simple—no violence against women is acceptable. Neither here, when a woman is beaten to death by her husband or exploited in prostitution networks, nor there when she is considered as a slave and sold or distributed to the goodwill of men. But in order to fight against sexual violence towards women and girls and for gender equality, we must put our best foot forward. When members of national or international organizations, including some with UN mandates, abuse young women displaced in refugee camps, we must denounce these intolerable acts of sexual violence, regardless of where they occur, who commits them, and how they are justified.

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# Harassment and Sexual Assault in the Army

*Case studies, primarily in the United States and France*

For decades, soldiers have perpetuated a system, throughout the world where sexual assault<sup>8</sup>, cover-ups, and the harassment of victims is common conduct. While there has been an increase in women in armies, the problem of harassment and sexual assault has reached such a point that it can no longer be ignored. Victims of sexual trauma experienced within the army, have described their horrific experiences in books, articles, films, and in group therapy or at their sexual assault trials.

## Harassment and Sexual Assault in the American Army

Since the Tailhook Convention Scandal in 1991, the common nature of sexual harassment in American armies has slowly become a part of the public conscience. However, only after the publication of Helen Benedict's book *The Lonely Soldier* did American society realize the extent of the problem.

The frequency of sexual trauma in the American army has become an epidemic that touches men as frequently as it touches women. Simply in 2013, 60% of military personnel reported sexual harassment, 20% of which were women. These statistics show a clear failure in the system. Some principal problems emerge, which together, generate the perfect environment for the perpetuation of acts of sexual violence: a power structure in the hands of men, a hierarchical legal process with the chain of command, and a prevention program that places responsibility on the victim.

Today 88% of officers in the army are men. This goes hand in hand with a process of initiation and hazing in training camps that is deeply misogynistic, a low percentage of women per unit, and the late arrival of permission for women to engage in combat roles. In this environment, women have to prove themselves to a greater extent than their male counterparts in order to attain the same level of respect as their partners. According to Mickiela Montoya, a victim of sexual assault who expresses her testimony in Benedict's book, "There are only three things they let you be if you're a woman in the military: a bitch, a whore, or a dyke." If sexual harassment is an issue in and of itself, it is even more dangerous in units where it is tolerated, as it is likely to increase the rate of assaults.

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<sup>8</sup>Throughout this article, the expression "sexual assault," will be used in accordance with the definition outlined by the United States Department of Defense: "Sexual assault is any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape."



After a sexual assault is committed, the protocol is for the victim to report the assault to their commanding officer who will pass the details up the chain of command. In 80% of cases, however, assaults are not reported. This reveals a serious lack of confidence in the army's legal system with regards to sexual assault claims. The first issue is that the commanding officer is the only person to whom the victim can relate their experience. This causes a problem when the willingness of the commanding officer to pursue an investigation is not evident. In a third of the cases where sexual trauma was not reported, the reason for the abstention was the commanding officer's friendship with the assailant. In 25% of these same cases, the aggressor was the commander himself. In these cases, the victims are often accused of having lied, having committed adultery (even when the victim is single and the assailant married), or having acted against good morals.

Other victims fail to report harassment because they have no trust in the legal system. This appears quite reasonable when one considers that out of 3,158 reports submitted for allegation of rape in 2010, only 529 resulted in a trial and only 175 of the accused assailants went to prison. This absence of justice and the resulting consequences has led to a rate of recidivism that reaches 90%.

This reality is not only a concern for soldiers but also for civilians. After leaving the army, these assailants will live in communities where no one will be aware of their previous crimes as they are not listed on the sex offenders list. The absence of an adequate legal process in the army is thus leading to a dangerous situation for civilians that could result in terrible consequences.

However, the main problem that prevents victims from speaking out is the social pressure to remain silent. In 2005 the U.S. Department of Defense created the Sexual Assault Prevention and Response Office (SAPRO). This has been a failure as, firstly, the office only has the power to make suggestions and, secondly, it has designed a very weak prevention system that includes training on how victims and assailants should respond and treat harassment. These courses mainly focus on what can be done by victims and their entourage to avoid sexual assault, and relies on slogans such as "ask her when she's sober" or "have a buddy." While the simple nature of posters and videos presented once a year doesn't change an ingrained culture of harassment, these slogans also suggest that sexual assault is the result of victims placing themselves in vulnerable situations such as drinking too much or walking alone at night. This, however, is a falsehood. Sexual assault is not caused by sexual desire. It is caused by a thirst for domination and a perverse need to deprive the victim of control over their most intimate parts. This is why the psychological impact is enormous when we tell a victim what they should have done or that they could have avoided the assault because it suggests that it was their fault.

Videos showing women being lectured because they weren't accompanied home by a friend, or posters with advice such as "Don't take unnecessary risks," or "Never be complacent," place the responsibility on the victim, which discourages the reporting of sexual assault. This advice about appropriate behavior with regards to personal security is also a tacit recognition on behalf of the army that sexual assault exists and constitutes a problem. If this wasn't the case, women would not have to receive advice on precautions to take against their male counterparts.

Methods to prevent sexual assault should not be directed at victims and witnesses. Changes should consider social structures that make some soldiers less important than others and the legal systems that allow perpetrators to get away with their crimes. The prevention should begin by giving more influential power to women by integrating female soldiers. Then, rather than showing videos annually, there should be the establishment, day after day, with the cooperation of officers, of an environment of mutual respect. Victims of sexual harassment should be able to report their cases to an impartial third party, rather than a commanding officer, who by nature of his or her position has control over the perceived merit of each of his or her subordinates. Finally, it is necessary that acts of sexual assault be pursued with quick and severe consequences. This would not only reduce the rates of recidivism but clearly communicate to assailants that they will have to confront a real policy of zero tolerance.

### **Harassment and Sexual Assaults in the French Army**

For years the question of sexual trauma in the French army was hidden behind the locked doors of the Ministry of Defense. In February 2014, Leila Manno and Julia Pascual published a book concerning this subject titled *La guerre invisible* [The Invisible War]. Through testimonies written by ex-combatants as well as current military personnel, the book reveals the veritable fight undertaken by women in the French Army.

Since this is a new subject, there are very few statistics. However, due to the important work of these two authors, we can identify the existence of sexism, harassment, and sexual violence in the French military system. According to their research, it is difficult for women to get a position outside administrative positions, secretarial positions, or medical positions. This observation is corroborated with information found on the website of the *Secrétariat Général de l'Administration* (SGA) [General Secretariat of Administration], which includes human resources, telecommunications, and air traffic control, along with other careers that are more oriented towards women. 38.2% of the women in the military work in administrative roles and 56% of medical workers are women (*La Croix*, July 17<sup>th</sup>, 2013). While these careers represent very admirable and important choices, it is necessary for women to choose these positions freely and not because they feel excluded from other positions due to a culture of harassment or other sexist barriers.

Women who serve in combat units are confronted with harassment and contempt. It is a common strategy to resort to the use of misogynistic language during training. Women who oppose this behavior are viewed as having a weak character and their reaction is presented as further proof that they have no place in the army. Out of the 22% of women who choose to have combat roles, only 6.7% of them are engaged in operations abroad (Opex). This obstacle for women to engage in combat roles prevents them from working their way up in the hierarchy and worsens the current situation with only 3 female generals in the army in 2013.

These differences in access to powers limit the positive evolution of our society. A hidden consequence of this inequality is uncontrolled sexual violence. The problems linked to this

question of sexual violence discovered in the French army, are very similar to those found in the United States: a lack of respect, isolation, absence of an independent legal body (as justice depends on the chain of command).

As long as misogyny is a training strategy, and the number of women in command roles is sparse, it is not difficult to imagine why female army personnel do not benefit from the same respect and loyalty as their male counterparts.

Of course many women have strong connections with their fellow soldiers and leave the army with worthwhile experience, education, and perspectives of a better life but too many among them suffer abuse and psychological trauma. This is also heightened due to the fact that when women in a unit are assaulted, it is generally by one of their brothers in arms. Not only does this cause psychological trauma comparable to that experienced by victims of incest but it requires other soldiers to make a choice between the protection of their “brother” or the defense of their “sister,” and too often the former prevails. This fundamental loyalty towards the men of a unit is the cause of many personal and legal problems. Often, when women have experienced sexual assault they are encouraged by their fellow soldiers to remain silent. Reporting sexual assault can result in women being called bitches or liars, and being ostracized from the rest of their unit. Because sexual assault is often perceived as a failure on the part of the commanding officer to maintain control over his troops, the victim is often moved to another unit rather than the assault being reported to higher authorities.

When a case is brought before a court, it is generally years after the assault took place. The testimonies of soldiers can be altered in favor of the aggressor, which damages the reliability of any witness statement. The victims also have to undertake the emotional hardship of recounting their story in a room with their aggressor, which then only receives a light punishment. In the military, the sentence is 40 days’ imprisonment for harassment, and in the navy it is only 10 days. With regards to sexual assault the sentences are more severe. In the case of an officer who drugged and sexually assaulted two women, the aggressor was sentenced to 3 years in prison. Furthermore, all too often, in addition to these light sentences, after having served their time in prison, the aggressors retake their position in the army, while the victims leave due to reasons of psychological trauma.

Statistics concerning convictions are not as easily accessible in France as they are in the United States. Nevertheless, it is possible to make comparisons based on victim testimony. A primary observation is that cases where the commander is the aggressor do not occur as often in France. It also seems that there are more convictions in France than in the US, even if they only occur several years later.

There is a different understanding of the notion of sexual harassment between France and in the US. For a number of French people, the term “sexual harassment” is applied when a sexual act is committed under threat or where there is no consent. However, an act such as pinching the buttocks of a colleague or showing pornography on a military base are simply seen as normal conduct for males. It is thought that women have to accept this: “I have never been assaulted in the proper definition of the term, that is, being tyrannized by someone. It’s true that we are often

annoyed and it's true that there are men who will take advantage of a situation to pinch our bottoms in the elevator, but that's different... I really feel aggressed once someone puts a knife to my throat and says: 'if you don't say yes then you lose your job.'" (*Saguy*, 2003). This view can, nevertheless, cause a problem: harassment is a pathway to sexual trauma. When men can treat women as sexual objects day after day, the risk of sexual assault increases greatly.

### **Harassment and Sexual Assault in Armies Around the World**

The consideration of France and the United States in terms of sexual violence does not mean that harassment and sexual assault in the army are limited to these two countries. In examining global reports, it becomes evident that harassment and sexual assault are a pandemic. In Germany 15% of female soldiers reported an unwanted sexual act in 2015. In Israel 12% of military personnel were victims of sexual trauma. In Australia 62% of the military of personnel declared having experienced sexual harassment in 2013. In Libya, the famous "Amazonians" of Muammar Gadhafi where officially his body guards but once behind closed doors they were his sex slaves (*Cojean*, 2012).

The examination of this problem on a global scale can be discouraging but there are reasons for hope. Norway is experimenting with a unique method for responding to sexual harassment. While in the majority of military bases, Norwegian soldiers live in gender segregated housing, on one military base in the north of the country, the army is experimenting with rooms that have 4 men and 2 women. The initiative is too recent to see real results but initial reports suggest that women on this base feel a greater sense of comradery with their male counterparts. On the other hand, the simple fact that there are so many statistics on sexual harassment in so many countries suggest that the public is aware of the problem, which will force policy makers to make necessary changes.

The men and women who have chosen to join the army have dedicated their life to the protection of their country. In the United States, the pressure from civil society should be enough to get congress to pass the law of Senator Gillibrand. Under this law, soldiers would have many pathways to report sexual assault, which would prevent reports from being silenced by commanders.

In France, it is necessary to conduct further research in order to find pertinent solutions. There is still much to do but some advancements have already been achieved. Jean-Yves Le Drian, the Minister of Defense, ordered an investigation into sexual violence in the French army. Furthermore, a woman has already courageously revealed the abuse that she experienced (*La Croix/AFP*, March 3<sup>rd</sup>, 2014). We can hope that in the months and years to come, more women will come forward, and that this system, which perpetuates harassment and sexual violence, will undergo serious modifications.

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# Sexual Exploitation and HIV/AIDS

In June 1981, the Center for Disease Control and Prevention published a report of morbidity and mortality based on 5 victims of a rare pulmonary infection contracted by perfectly healthy homosexual individuals. The study showed that these 5 men had immunodeficiency problems. These cases of HIV/AIDS were later noted as the first to be identified in the United States. During the following decade the epidemic reached its peak, with more than 3.5 million cases around the world in 1997 (*Arnegard*, December 16<sup>th</sup>, 2012). At this time the virus was a mystery, treatment was a failure and the mortality rate was ever-increasing.

Thirty years later, more than 35 million people all over the world were living with HIV/AIDS. Thanks to improved treatments and a considerable investment towards fighting the virus, the UN estimates 18.9 billion US\$ (17.45 billion €) in 2012 (*UNAIDS (a)*, 2013), the number of deaths caused by HIV/AIDS decreased by 30% between 2005 and 2012 (1.6 million). The total of new reported cases of HIV/AIDS has also dropped – by 33% in the world in 2001, and even by 50% in some countries (*The Henry J. Kaiser Family Foundation*, November 30<sup>th</sup>, 2015).

That being said, approximately 2.3 million new cases were reported in 2012 and significant disparities exist between the prevalence in different countries. Although the prevalence in the world is approximately 0.8, certain countries, often those with a lower average annual income, suffer from a much greater prevalence of HIV/AIDS. Swaziland, where the most significant HIV/AIDS epidemic rages, has a prevalence of 26.5%.

Prevalence is determined by economic, political, cultural and demographic factors. These factors vary from country to country, which explains the significant differences in the presence of HIV/AIDS around the world. If we set aside these differences, we are left with a few hard facts: four categories of populations are the most vulnerable to HIV/AIDS.

The probability of contracting the virus is 14 times greater for prostituted women than for other women, 19 times greater for homosexual men than for the rest of the male population; nearly 50 times greater for transgendered women than for other adults, and 50 times greater for intravenous drug users than for the rest of the population (*OMS*, July 11<sup>th</sup>, 2014). Sex exchanged for money has had a profound impact on the transmission of HIV/AIDS.

In West Africa, we estimate that 10 to 32% of recent infections are spread through the sex trafficking. In Uganda, Swaziland and Zambia, 7 to 11% of recent infections are linked with prostituted persons, their clients and their personal partners (*UNAIDS (c)*, 2013). This reality means that the fight against HIV/AIDS has been not only a fight against the epidemic, but also a question of human rights and gender equality.

### **Prostitution and the increased risk of HIV/AIDS infection**

According to the UNAIDS world report, the average rate prevalence of HIV/AIDS in prostituted persons is 14% (according to statistics from documents published by 24 countries since 2006). However, inquiries are too infrequent to draw any definitive conclusions. Moreover, there are significant differences between countries and regions. The average rate of prostituted persons infected with HIV/AIDS is 22% in Southern and Eastern Africa (8 countries), 17% in Central and Western Africa (17 countries), and less than 5% in all other regions. Of the 62 countries that shared these statistics, the prevalence of prostituted persons infected with HIV/AIDS varied from 1% in 14 countries to 70% in Swaziland (according to a survey of 323 prostituted persons) (*UNAIDS (c)*, 2013).

Contrary to popular belief, all prostituted persons do not fit the same profile. Prostituted persons come from all social classes and do not represent a single profile. Because of this diversity, it is difficult to discuss prostituted persons as a single, homogenous group. The particular situation of each prostituted person has an important influence on their risk of being infected with HIV/AIDS. Factors such as their status (whether or not they are also a victim of human trafficking), their gender (male, female or transgendered), their working place (working behind closed doors or on the street), the accessibility of social services, and their level of education all play a role in their risk of being infected.

Even within the same country, these factors can vary greatly and can turn out a different rate of prevalence from one city to another. For instance, in India, the prevalence for prostituted persons in Mumbai is 4.6% compared to the numbers recorded in certain neighbourhoods in Maharashtra, where 24% of prostituted persons work on the street and 29% work in brothels (*WHO*, 2011). These differences aside, the nature of their activity often exposes prostituted persons to situations and behaviours with similar risks.

### **Erratic condom use**

In the UNAIDS 2013 world report, countries indicated that “condom use in commercial sex is high and improving; 44 countries reported higher median condom use in 2012 than in 2009: 85% compared to 78%” (*UNAIDS (c)*, 2013). In 2010, in 26 of 86 countries that provided statistics, more than 90% of prostituted persons confirmed having used a condom in their last sexual encounter with a client. Thirteen other countries announced a condom use of 80 to 90% (*UNAIDS (c)*, 2013). Although these numbers seem encouraging, 47 countries, more than half the countries who shared their statistics, indicated that the rate of condom use was less than 80% and 17 where the use was less than 60% (*UNAIDS (c)*, 2010). These numbers are based on several factors. Firstly, condom access, which can be very difficult in some countries: “A review of sex workers’ experiences of public health facilities in four countries in Eastern and Southern Africa identified insufficient access to condoms and lubricants among their unmet health needs” (*UNAIDS (c)*, 2013). Another factor is the amount of time spent in prostitution industry.



According to a study based on the rate of prevalence in prostituted persons working behind closed doors in Cambodia, between 1998 and 2007, the use of condoms almost doubled to attain 100% condom use in less than 9 years. The prevalence of HIV/AIDS in prostituted persons has consequently decreased by at least 30%. However, the study also shows that the rate of prevalence of HIV/AIDS also increases based on the amount of time one is prostituted, which leads us to believe that the use of condoms varies depending on how long a person has been prostituted and on how many partners. There could be multiple explanations for inconsistent condom use: difficulty to access condoms, being offered more money for sex without a condom, intimidation and violence on the part of the client to force unprotected sex.

### **Inequalities – gender and violence**

Theoretical and psychological inequalities between men and women lead to physical violence founded on gender, marginalisation and an imbalance of power. “In addition to the greater physiological vulnerability of women to HIV, gender inequalities include vulnerability to rape, sex with older men, and unequal access to education and economic opportunities. These make HIV-related risks especially acute for girls and young women” (*UNAIDS (c)*, 2013). In certain regions of the world (nearly all sub-Saharan countries and certain Caribbean countries), women are far more exposed to the risk of infection than men. The majority of people infected are women aged 15 to 24 (*UNAIDS (c)*, 2013). Sexist violence has increased the risk of contracting HIV/AIDS. Two recent studies, one in Uganda takes a look at women aged 15 to 49 and the other in South Africa studies women aged 15 to 26, revealed that women with violent partners were 50% more likely than other women to contract HIV/AIDS (*UNAIDS (c)*, 2013). The risk is increased for prostituted women particularly exposed to violence. In Adama (Ethiopia), 60% of prostituted women indicated that they have come across violence in their prostitution activities. In Mombasa (Kenya), 79% have faced the same type of violence (*UNAIDS (c)*, July 2014).

More broadly speaking, half of the people infected with HIV/AIDS in the world are women and 76% of these infected women live in Sub-Saharan Africa. This high number reflects the influence of institutional factors, infrastructure and sociocultural factors: the lack of sex education, the absence of care (prevention and treatment), stigmatization and the apologia for certain ‘male’ behaviours. Thus, the risk of infection for women is increased, while men continue to be encouraged to have multiple sexual partners (and often partners of both sexes). A recent study revealed that 90% of women infected with HIV/AIDS in India were contaminated over the course of a long-term relationship. At the same time, a number of homosexuals married women to avoid being stigmatized or discriminated against. These men continued to have sexual intercourse with other homosexual men, thereby exposing their wives to the virus.

## **Human Trafficking**

Gender inequality is directly linked to human trafficking. In fact, each year, the majority of victims of human trafficking are women and young girls (75% of recorded victims). Of the 2.4 million victims of human trafficking in the world, 79% are trafficked for the purposes of sexual exploitation (*UNODC*, June 2010). The majority of these young girls are tricked or trapped into being trafficked; often being promised well paid work, they are then sold and prostituted. Human trafficking is a phenomenon that, like HIV/AIDS, affects every country in the world. Country of origin, transit or destination - they all play a part in human trafficking. Given that most of these women or girls were forced into prostitution in the first place, negotiating the use of protection is made even more difficult. Victims are also more vulnerable to sickness in general. One study of the brothels of Mumbai looking at victims of human trafficking showed that nearly 25% of women and girls were HIV positive (*Avert*, May 1<sup>st</sup>, 2015). Even in countries where there is a low prevalence of HIV/AIDS, prostituted persons are more exposed to the transmission of the virus through unprotected sex. Therefore, a country like France, where the majority of prostituted persons are foreign and victims of human trafficking, is charged with the difficult task of answering all the questions that prostitution raises, including the HIV/AIDS problem.

## **Intravenous drug use**

Prostituted persons are not only exposed to the HIV/AIDS virus through their sexual exploits. Needle injected drugs increase the risk of contamination dramatically. Prostituted persons are often users of injectable drugs. In China for example, a study showed that, 12 to 49% of prostituted persons, who were also needle injected drug users, contracted HIV/AIDS (*WHO*, 2011). The correlation between prostitution and drug use is immensely complex. Certain people enter into prostitution to finance their addiction, while others fall into an addiction after prostituting themselves. It is not unheard of that procurers would force their prostituted persons to consume drugs until they become addicted. This strategy enables them to control them more easily. Whatever their level of dependency, prostituted persons run a double risk of becoming infected with HIV/AIDS.

## **Legal complications**

Beyond the legislative debates regarding whether or not prostitution should be legalized, all countries in the world are confronted with the challenge of fighting HIV/AIDS. The criminalization of sex trafficking (or at least of certain aspects of the sex trafficking) constitutes an important obstacle for prostituted persons. Statistics do not show a direct correlation between legislation and the prevalence of HIV/AIDS. It is nonetheless acknowledged that in countries where prostitution is criminalized, prostituted persons do not benefit from health care services or HIV/AIDS prevention, which leaves them even more vulnerable to infection. For example,

several countries consider the possession of condoms as proof of being a prostituted person. Prostituted persons in Kenya, Zimbabwe, the Russian Federation, Namibia or the United States, report that the police confiscate and systematically destroy condoms found on the prostituted persons and then arrest them (*UNAIDS*, July 2014). Therefore, they find themselves forced to have unprotected sex with their clients. This raises a contamination issue, which is paradoxically linked to having a lack of access to protection. Numerous governmental organizations and nongovernmental organization distribute condoms to prostituted persons and organize sexual health themed seminars, led by other prostituted persons. It is clear that legalization is the problem. In the words of Maria, a prostituted women in Los Angeles (California), interviewed by Human Rights Watch (HRW): “Why does the city provide me with condoms if I cannot have them on my person without being sent to jail?” (*Avert*, May 1<sup>st</sup>, 2015).

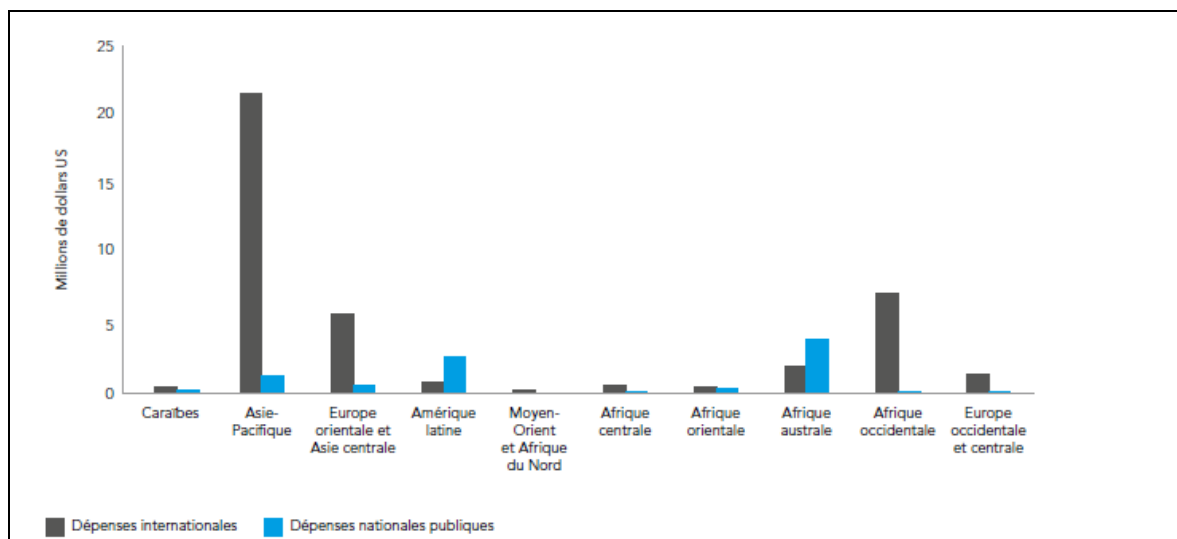
This is but one example of the way that legislation prevents prostituted persons from having the access they need to safe sex. Some laws restrict prostituted persons’ access to health care services, while other laws are downright discriminatory. For example, 76 countries and territories have criminalized sex between two same-gendered people (*UNAIDS* (b), 2013). According to the 2013 *UNAIDS* Report, studies have proven that punitive laws have negative consequences on access to health care. Over the last two decades, the number of laws criminalizing the transmission of HIV/AIDS and/or the fact of not revealing one’s infection to a partner, has increased. These laws increase discrimination and stigmatization of the vulnerable persons that suffer from HIV/AIDS, which can have an effect of isolating these people from society, and in turn, increase their risk of contaminating others. Fear of discrimination makes it more difficult for infected persons to access proper health care and protection. Payal, an 18-year-old prostitute in Nepal explains: “When I went to a VCT (Voluntary Counselling and Testing) clinic, the health workers immediately asked if I was a sex worker. One of the doctors even asked: ‘Are you HIV positive?’ This dissuaded me from returning to a hospital.” (*Avert*, May 1<sup>st</sup>, 2015).

Another legislative obstacle to the prevention and treatment of HIV/AIDS is the criminalization of homosexuality. In Sub-Saharan Africa, numerous men and transgendered persons engage in prostitution for economic reasons. Nevertheless, because homosexuality is strictly forbidden and criminalized, prostituted persons are even more socially isolated, which makes their access to proper health care even more difficult. In 2010, 106 countries (62%) had laws and regulations in place to protect carriers or people exposed to HIV/AIDS. However, statistics are insufficient to show that these regulations actually had a positive impact (*UNAIDS*, 2010). Nearly a third of countries still have not adopted legal protection. Furthermore, only 56% of countries blessed with these laws are actually able to register, document and take action on discrimination cases against persons infected or exposed to HIV/AIDS (*UNAIDS*, 2010). In other words, despite the existence of protective legislation, an insufficient application of these laws and a continuous stigmatization mean that prostituted persons are the most vulnerable to becoming infected with the virus.

### Intervention programs geared towards prostituted persons

Since the explosion of the HIV/AIDS epidemic, the international community has searched for a solution, not only to finance research for a cure, but also to launch prevention and treatment programs. Thousands of projects to fight the virus have already been put into place all over the world, by governmental organisations and nongovernmental organisations alike. Some programs aimed at at-risk groups have on the other hand, proven their effectiveness. In India for example, Avahan was put in place by the Bill & Melinda Gates Foundation in 2003. This program focuses on empowerment, with programs that promote condoms, sexually transmitted infection (STI) and HIV/AIDS testing... These programs are geared towards prostituted persons, men who engage in sexual relationships with other men and injected drug users in 6 states in Southern India. According to a survey taken in 2013, the program may have prevented 600, 000 infections in 10 years. Even so, at-risk groups, more specifically prostituted persons, are rarely the main focus of these programs. According to the Gap Report 2014 from UNAIDS, only a third of respondent countries are fortunate to have programs that help reduce the risk for prostituted persons. The lack of financing for prevention programs aimed at prostituted persons is one of the main reasons why these programs do not exist. Despite the increased risk of infection for prostituted persons, the prevention programs that are geared towards prostituted persons represent a small portion of the prevention on a global scale.

### National and international public spending on programs aimed at supporting prostituted persons in low and medium wage nations (Statistics from 2013)



Source : Global Report. Global report UNAIDS on the global AIDS epidemic 2013, pg.23.

## 2014 AIDS Conference in Melbourne

The 20<sup>th</sup> international conference on HIV/AIDS was centered on human rights. Ahead of this biannual conference, the Declaration of Melbourne (*AIDS 2014*, May 2014) already denounced multiple cases of discrimination and repressive legislation around the world that continued to affect people living with HIV/AIDS as well as the most vulnerable people in the face of the virus: prostituted persons, drug users and gay men. Criminalizing these practices constrains the fight against HIV/AIDS and studies have shown that repressive and discriminatory policies fuel the epidemic. Over the course of the conference, many voices demanded the general decriminalization of the activities of vulnerable persons, particularly the decriminalization of sex trafficking, as was recommended by the World Health Organization (WHO) as well as by the famous scientific review *The Lancet*, which published a special issue containing seven different studies on “HIV and Sex Workers”. During the conference, researchers continually pointed out the barriers preventing prostituted persons from accessing prevention and health care. Moreover, they denounced stigmatization, discrimination and criminalization of prostitution, which is at the root of the problem. They suggested decriminalization as a viable alternative, which according to them could reduce the number of HIV/AIDS infections by between 33 and 46% among heterosexuals in the next ten years.

“Governments and politics can no longer ignore the evidence,” said Kate Shannon of the University of British Columbia, and one of the authors featured in *The Lancet*. Many have taken the opportunity to widen the debate and criticize the penalization of the clients of prostitution, like the Swedish model. “We say that the Swedish model is the worst model, as bad as countries who hyper criminalize sex trafficking. But they yield approximately the same results,” says Dr. Réjan Thomas, a prominent figure in the fight against HIV/AIDS in Canada (*Radio-Canada*, July 22<sup>nd</sup>, 2014). The Dutch and New Zealand models are also cited. In the wake of the Melbourne conference, world medias seemed to have a united voice: to end HIV/AIDS, we need to start by decriminalizing prostitution!

Decriminalising would mean freeing the sex industry. We can ask ourselves if such a speech does not ideologize the debate rather than enables us to come up with viable solutions. It is the client, more than the prostituted person, that is the carrier of HIV/AIDS and that transmits the disease from one woman to another, prostituted or not. “Punishing clients is not recognized as a factor of the risk of infection of HIV: no studies have been conducted that show that banning paying for sex has health risks,” highlighted a collective of doctors in 2013 (*Le Monde*, November 12<sup>th</sup>, 2013). The rate of prevalence of HIV/AIDS is not higher in countries where the client is penalized, on the contrary: 0.10% in Sweden versus 0.40% in France or Spain in 2013. Normalizing prostitution will also not further protect prostituted persons: in countries where prostitution is regulated like in Germany, certain establishments advertise unprotected sex to draw clients!

If decriminalizing prostituted persons is a necessary step to promote the fight against HIV/AIDS, punishing the client is also essential.

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# Role of the Elites in the Fight against Vulnerable Situations

*Case study: Moldovan Community in France.*

A common characteristic of people who have completed their migration route, for economic reasons, is their predisposition to accept precarious living conditions in the host country. By leaving their home, they hope to provide for the material needs of the families left behind: a luxury they can't allow themselves if remaining in their homeland. Once settled in the host country, the lifestyle of the migrants significantly revolves around income-generating activities. Their primary objective being to send as much money as possible to the home country, the migrants try to save on everything, regardless of their comfort. Thus, comfort, leisure and quality of the living environment take second or third priority plan.

It is known that migrants often seek to minimize their living expenses. For many, their migration experience is designed as a temporary phenomenon - a likely return to the country of origin is never excluded in the medium to long term. Therefore, pending for an undetermined amount of time in perilous conditions is worth the opportunity to help out their families.

With that in mind, we can now understand why, in the last 15 years, a remarkable preponderance of economic migrants inhabited the poorest areas of their host country. In those deficient neighborhoods, migrants frequently find themselves in a vulnerable position due to a lack of work and an unsuitable integration program. These insecure migrants living in those conditions are an ideal target for the prostitution industry and the human trafficking "business". According to the Central Office for the Repression of Human Trafficking (OCRTEH), many prostitutes are foreign nationals (*BBC*, March 27<sup>th</sup> 2013). Therefore, we don't only assist to a transfer of prostitutes, but we witness most importantly a migration of women who are looking for employment. As stated by OCRTEH, a majority of these women come from Central and Eastern Europe. In France, they now account for half the foreign prostitutes (French Senate, October 29<sup>th</sup>, 2002).

Battling prostitution and sexual exploitation, France's prevention and care services developed themselves considerably. A "communitarian" perspective has emerged to meet unmet needs. Forthwith, many migrants chose to seek the help provided by community-based associations, while others opt to get it outside the communitarian sphere. Consequently, the elite of migrant communities are developing a new framework of interaction with the migrant community (the "roots") and the national community of the host country.

## **Vulnerability defined by insecurity in the context of economic migration**

The causes of insecurity in Eastern European countries are emerging in the disastrous economic situation of the last 20-25 years after the fall of communism in the USSR (1989-1991)

and in the satellite countries, which triggered a series of deep processes of corporate transformation of the region. Enjoying their newfound freedom following the numerous decades of domination under a totalitarian system, the Eastern European nations have entered a new era characterized by a fast "import" but not always wise values and lifestyle of the West. As the following events occurred very suddenly in the whole region, the state's political organization and the rules of economic life underwent major transformations. Those changes led to many negative effects, particularly upon the material situation of the inhabitants of the region. Phenomena such as official corruption at all levels, monopolies controlled by supporters of the former communist power, incorrect adaptation of the judiciary and legislative system to new realities, sudden breach of economic ties between the structures of the formerly planned economy - contributed to a rapid impoverishment of the population. Soon, millions of people were left unemployed, living standards fell sharply and the prospects for economic recovery seemed to move away at high speed.

Under these conditions, a new phenomenon has emerged and gained momentum in the mid-90s: economic emigration. Lacking solid prospects for rapid and sustainable improvement of the economic situation, the countries of Eastern Europe have seen a mass exodus of active people to countries in better economic health, seeking financial stability and new opportunities for professional and personal development. The East-West economic migration can be described mainly by its mass character: all social strata are concerned. People of all ages, from all educational levels and from all socio-professional groups have launched the "conquest" of a better material status.

The first migrant populations from the former communist bloc in Eastern Europe after 1989 have been facing problems of limited mobility to the West. Thus, in the late 90s and the first decade of the twenty-first century, the countries of the former Soviet Union found themselves isolated from their neighbors to the west. This has not necessarily decreased migration (statistics showed a growing number of East-West migrants), but deeply complicated the process of emigration, while promoting a mode of unlawful access of such migrants in Western European countries. This led to an increase in networks of human trafficking in the region. Hence, for the migrant women of Eastern Europe, vulnerability is mainly reflected by poor living conditions and characterized by the search of work in the host country.

There are many cases where these women are victims of trafficking, sexual exploitation and/or lack of work in the host country, sometimes forcing them into prostitution. A study conducted by the European Parliament confirms that the vulnerable living conditions of these women lead to exploitation through prostitution (Schulze, January 2014). Most victims are affected migrant(s) and/or representative(s) of ethnic minorities. Thus, according to the European Network for HIV/STI Prevention and Health Promotion among Migrant Sex Workers (TAMPEP), on average, about 70% of prostitutes in Western Europe are migrant women (TAMPEP, February 2007). The study of the European Parliament draws attention to the fact that, for migrant women, the probability of falling into prostitution increases accordingly to the population of the host country (Schulze, January 2014). This reflects the increased vulnerability



of migrant women because of racial discrimination, poor knowledge of the host country's language, administrative barriers arising from stringent migration policies and segregation of work. All factors that lead migrants to markets in informal work, increasing the risk of suffering from poverty and marginalization. According to several studies in France on the renunciation of care (*French Senate*, October 8<sup>th</sup>, 2013), it is found that this waiver is manifested among the public in a precarious situation, particularly marked among foreigners in irregular situation. This explains, to some extent, health status and lack of access to social rights of prostitutes from Eastern Europe.

### **Vulnerable Migrant Communities = "Human Resources" of Prostitution**

The formation of economic migrant communities in France is a phenomenon that appeared and gained momentum near Paris, in the town of Villeneuve-Saint-Georges, one of the poorest towns in France. This town hosts a high proportion of immigrant populations. According to the town authorities, Villeneuve-Saint-Georges today welcomes people from more than 101 countries worldwide (*ADLI*, 2014). Much of the city is formed by the poor districts where slum landlords rent shacks to illegal immigrants in exchange for rent prices unbeatable in the real estate legal sector in the region. These "units" do not fit any standard of health and safety and do not allow their occupants to lead a lifestyle in accordance with the right to privacy. However, economic migrants, who are always looking for inexpensive methods to survive in France, prize these temporary housing solutions. This is the case of Moldovan immigrants, who today are numerous in Villeneuve-Saint-Georges, to the point that the city has earned the nickname "Little Moldova" among Moldovan citizens living in the Parisian region. The municipality estimates their number from 2 000 to 2 500 people (first Moldovan community in France) (*Le Parisien*, November 29<sup>th</sup>, 2014). The vast majority lives in precarious conditions, considered very "different" if compared to their homes in Moldova and are built with the money earned in France. According to police sources, most of these migrants are victims of trafficking of all kinds - cases of extortion, theft, fraud and exploitation by the "authorities" are common.

Many obstacles make the lives of these migrants even more precarious: difficulties to find work, to defend themselves in case of legal problems, finding accommodation or employment... The rate of "moonlighting" or undeclared work is very high. Several Moldovan migrants have graduated from universities in their home countries or have significant professional experience. However, they are struggling to find a job corresponding to their level of education or experience. Many migrants work in undergraduate jobs. For example, many female teachers in their country are given domestic jobs. In addition, the equivalence of foreign degrees is often not admitted in France. A majority of migrants lack qualification, which also affects the types of contracts they get: precarious, part time work. There is also a significant lack of social ties in the territory, which leads to increased number of isolated migrants.

Being a migrant in these vulnerable communities proves to be an aggravating factor in situations of precariousness. The absence of social protection, housing, isolation, exposure to

aggression, feelings of unworthiness sometimes push Moldovan women and migrant women of Eastern European countries in general, to engage in prostitution to earn more money than in the origin country. This money is used most often to invest legally in their country (once they are back), to support their families remained at home or to ensure their own survival in France.

### **The "Elite Migrants" - a new Solution?**

The link between the individual, the institution and the authorities (of the host country, but also of the country of origin) is a fragile relationship within these vulnerable communities. It is difficult for insecure migrants to speak to representatives of institutions. Fear of judgment, language problems, the difficult administrative situations, are all factors that further block these relations. There are a number of structures and associations aimed at helping these migrants in their integration into French society. But very often they are invisible to migrants. Many of them do not know the activities of these structures, or they simply refuse to use them for lack of confidence. This can be explained by the fact that people prefer to trust a person rather than a structure. Most often, people in these structures are of the same origin, with different migration routes (most want to study); they have managed their integration into the host society and are identified as "elite migrants".

### **Actions of "Elite Migrants" to Limit Vulnerabilities**

In recent years, several Moldovan associations and the municipality of Villeneuve-Saint-Georges have achieved aid work. This field action is geared towards the community of Moldovan citizens, which is particularly large in this city. Since 2012, an Orthodox church was opened in the city, offering the Moldovan community in addition to religious services, moral and psychological assistance. The Orthodox Christian community "Church of the Holy Trinity" has become a real support for Moldovan migrants in the region. The involvement of other associations of Moldovans has been consistent and has materialized through the establishment of free legal help for Romanian that is permanently accessible to all Moldovans encountering legal difficulties as part of a project European (Consolidation of Migration Management Capacities in Republic of Moldova). Since April 2014, free French language courses have been set up for Moldovans in the region. These activities for the benefit of Villeneuve-Saint-Georges Moldovan community aim to reduce the precariousness of the population by providing the means to seamlessly integrate into French society. It should be mentioned that legal aid and free French courses are also available to Moldovan nationals of the entire Paris region.

There are many ways of helping these migrant populations: to be accompanied to solve the problems of everyday life and accomplish the specific steps to the integration process, to be able to speak and write the language of the country where these people live and work, are all areas where elites can help new coming migrants. This was seen in the actions of the elites (especially intellectual and religious) of the Moldovan community in France. Their role in this process has

been essential: it is the associative leaders in the region who have targeted the urgent needs of the community, identified necessary initiatives to help new coming migrants and have made links between the municipality and the community.

Among the more recent players in the fight against the precariousness of migrant communities, is NEXUS, an activity hub funded by the European Union, partner governments and international organizations. It is being implemented by a consortium led by the International Agency for Source Country Information (IASCI) in Austria and a number of activities are financed by the Swiss Agency for Development and Cooperation (SDC). NEXUS is currently present in Moldova, where the team works to support local initiatives to help the success of the migration project of Moldovans wishing to leave their country, but also to fight against the potentially dangerous effects of mass emigration (neglecting of minors, exodus of qualified managers, human trafficking, etc.). A purpose of these activities is to build an accessible bridge between the migrants and the country they want to leave for. In other words, NEXUS intends to help Moldovans choose the best migration path in line with their expectations and offers them the best possible conditions of personal security, without forgetting their integration within the host society. The slogan of NEXUS “Migrate well informed!” summarizes a new philosophy, a new approach to migration: emigration is neither inevitable nor a tragedy, it's an experience that can and should be both positive and enriching for migrants and for the host country. The will to achieve this stated objective derives much of NEXUS activities in Moldova, where the goal is to inform prospective migrants “upstream” through activities such as advice on the administration of the host country, the formalities for obtaining visas, housing, labor law, labor contracts... NEXUS counts on the flow of information to help maximize the profit for the migrants who will be ready to return home once their economic goal has been achieved in the best possible conditions.

Since 2015, NEXUS has extended the range of its partners outside Moldova, forging collaborations with leaders in the Diaspora in host countries (including France). Thus, NEXUS provides and promotes an effective connection between the Moldovan migrants, elites and institutions of the country of origin (Moldova). In this context, it is important to mention the NEXUS Moldova partnership relations with civil society actors in the Paris region, including the Association for the Integration of Migrants (AIM). The expected result of this partnership is to ensure continuity of action for legal aid and the free French courses for Moldovan citizens residing in the Paris region of France. At the same time, the effort is directed towards identifying ways for the introduction of two new “services” for the Moldovan community in France: guidance and counseling for new coming Moldovan students in France, and assistance for the integration of the labor market (résumés, cover letter, preparations for employment interviews ...) that helps maximize the possibility of employment. The main objective of these activities is to contribute to help migrants escape from their present precarious situation. The role of the diaspora elites in identifying novel methods to achieve these ends is fundamental: it is thanks to the initiative of these new elites that a financially viable model was developed. This model includes the participation of a project supported by the European Union (in this case, NEXUS)

and donor states (Switzerland), as well as a support structure for the activities that are free of charge for the beneficiaries (the migrant community).

Since 2011, the representatives of the Moldovan diaspora in Paris have also organized an orientation and integration seminar for new coming Moldovan students in France. The idea came in 2010, following exchanges between the leaders of the Diaspora and representatives of the Embassy of the Republic of Moldova in France. During these exchanges, the integration difficulties faced regularly by young Moldovan students arriving in France were widely discussed. In some severe cases, these difficulties had led to the expulsion of the students from the French territory, for lack of the necessary steps leading to a residence permit. The orientation seminar and integration was proposed by representatives of the Moldovan community, themselves former students in France. The transmission of the key elements of etiquette in France is the focus of this seminar, which takes place annually on the first Saturday of October. The seminar is a great example of solidarity between students, and intergenerational knowledge transmission. The success of this event is confirmed annually by strong student participation. The seminar is part of the community mobilization effort against precariousness and vulnerability. Many student testimonials say they benefited from this activity and believed it was useful in the fight against social exclusion, and for the integration of migrants into French society. Thus, by conducting a series of activities in partnership with the European structures for their community, the leaders of the Diaspora are gaining trust among migrants. Moldovan migrants consider these leaders represent their interests in the face of Moldovan and French authorities.

Training the elite among migrants has been proven to be one of the best ways of integrating these communities into the host societies and proves a mature and achieved experience of migration. Without a completed project of integration, these skilled, motivated and socially active migrants can never break out of their own migrant circle. Now these elites represent sustainable and efficient connections between the communities of migrants and their host societies. This demonstrates that there is a change of mind, insofar as the elite of migrant communities no longer cultivate a certain "distance from the people". Instead, the new approach is completely reversed: the new elites argue effectively for the integration of the most vulnerable and poorest social strata. Now, even if access to the elite is still done by the "traditional" channels (level of education, financial situation, employment status ...), there is more support for people coming from different socio economic backgrounds. Thus, the elite is respected by the community at large due to their efforts to keep a close link with the entire community (even the poorest members of this community) while actively campaigning on their behalf and contributing to the eradication of social exclusion.

The community of Moldovan nationals in France and its elites, that is already formed or is being formed, serves as an interesting example of the elite's participation, involvement and active struggle against vulnerabilities that lead to exploitation. This is a specific case where the notions of civic activism and meritocracy are becoming more important and are assuming a new meaning.

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# Role of Bilateral Cooperation in the Fight against Sexual Exploitation

The exploitation of prostitution by criminal groups is not restricted by state borders: Legal action should not be either. However its need to respect the rule of law must be coupled with efficiency and effectiveness.

Profiting from new technologies, organized crime groups are proving that sex trafficking is able to adapt and evolve in such a way that it is now predominantly transnational. It is thus the responsibility of the state to anticipate the cooperative and procedural difficulties that could hinder the suppression of the transnational exploitation of prostituted persons. International cooperation is thus an essential component in any fight against sex trafficking.

International legal cooperation means extended collaboration between legal authorities of different countries, who have at least a minimum of common interest in working together. This cooperation is generally achieved through international conventions. In criminal matters this is a method to reach an individual, some information, or a proof, which a legal authority of one State needs but which is under the legal jurisdiction of another State. The growth of international agreements, which dictate legal cooperation between countries suggests that there has been a realization that it is through international cooperation that the fight against transnational criminal activity must be fought. This cooperation can take diverse forms: either it can be agreed through intergovernmental organizations (through Interpol at the international level, through Europol and Eurojust in the European Union) or through liaison officers. There is also informal cooperation, which takes form as exchanges between personnel and officials of different state authorities and non-governmental organizations. More frequently this cooperation is formalized through agreements of mutual legal assistance (multilateral or bilateral) which aims to facilitate police and judicial cooperation. The evident mutual interest in these agreements is the ability to easily transfer police and judicial information, without an intermediary, and thereby avoiding inherent diplomatic delays. The idea behind these agreements is to achieve the dismantling of criminal networks as opposed to being restricted to a simple and immediate arrest of some individuals.

International cooperation has numerous elements: a universal multilateral vocation, which constitutes big principles for States as a frame of reference, and bilateral cooperation which assures effectiveness. Faced with limitations such as state sovereignty, the variety of different state legislations, or even the general nature of international treaties that dictate guiding principles, bilateralism should be prioritized in the fight against sex trafficking, due to its greater effectiveness over multilateral cooperation.

Bilateral cooperation can be defined as collaboration between two sovereign countries, with the aim of defending their common interests through mutual assistance. This cooperation can be achieved through the signing of bilateral agreements. In the current context of

“hyperglobalisation,” sex trafficking has taken the form of structured networks across at least two states and even more. This observation suggests that if a global investigation is necessary, bilateral relations should be established. Currently, however, no bilateral treaties against human trafficking exist: there are only treaties of mutual assistance for suppression, which serve as the basis in the fight against sex trafficking.

Once two countries have the motive to cooperate against sexual exploitation they will designate the terms of the bilateral agreement, the extent of mutual assistance and the domains and modalities of this cooperation: from the investigation, to the recovery of criminal assets and the protection of victims. Nevertheless, bilateral cooperation is not without limitations and faces a range of obstacles.

### **A preliminary period of preparation: identification of domains, partnerships, and boundaries**

A State that is motivated to fight against the exploitation of transnational prostitution, via bilateral cooperation, cannot expect to do so the way it wants, with whoever it wants, and against whatever it wants. The State must, before any cooperation takes place, identify the subject of the cooperation and the partners included in the bilateral cooperation. Following this it should define the boundaries of cooperation so that it functions effectively.

#### ***Defining the sector of bilateral cooperation: the fight against sex trafficking with purposes of sexual exploitation***

As cooperation requires a relinquishing of sovereignty on behalf of the two states, it is necessary that the partners in bilateral cooperation find common interests to accept this loss. The states thus have the responsibility to define the sectors of bilateral cooperation (the domains in which they are willing to cooperate), which are the areas of work where the states would not achieve anything without the cooperation and the collaboration of their partner. The common interest in this case is the fight against sex trafficking. For example, France and Romania wanted to collaborate due to the large amount of Romanian women being exploited for prostitution within the French territory. As the French authorities wanted to fight against this exploitation as much as the Romanians, they had a common interest.

#### ***Determining an appropriate partner for bilateral cooperation***

Bilateral cooperation presupposes a willingness to cooperate, which immediately reduces the amount of available partners when one considers how many sovereign countries have little desire to cooperate or are completely unwilling. The identification of partners with whom cooperation is possible is thus a necessary preliminary step in the creation of a bilateral agreement. Nigeria is a current example of a country that has little desire to cooperate with regards to human trafficking: Nigeria does not respond to international rogatory requests communicated through diplomatic channels. On the other hand, the Romanians and the Croatians are completely willing

to discuss, sign, and put into action bilateral treaties, to the end that, even when the terms of the bilateral agreement have come to a conclusion, the willingness to cooperate remains, which allows for good diplomatic relations.

In the case of France and Morocco, however, bilateral cooperation was suspended during almost a year at the end of February 2014, due to diplomatic tensions, which were, to some degree, the result of charges brought against high dignitaries of Morocco, and to another degree, the result of a series of diplomatic incidents and faux pas’.

Besides the willingness of a partner to cooperate it is necessary that the public policies of the two States are not contradictory. In the case of incompatibility between legislations, unless the discordance is amenable, a partnership should not be pursued. With this in mind, France is often tentative to cooperate with countries that allow the death penalty, such as China or the United States.

In an ideal situation, it would be necessary to have uniform legislation, which would permit the avoidance of “forum shopping,” where the defendant has a choice between whichever legislation is preferable.

Effectively, bilateral cooperation is much more accessible if the partners are party to the same international multilateral agreements, as this suggests they share the same principles and values already.

#### *Determining the boundaries of bilateral cooperation*

Bilateral cooperation with regards to the suppression of human trafficking can apply to many domains. It is therefore necessary that the partners define the boundaries in the agreement. This can include police cooperation (direction of investigations), judicial cooperation (conviction of perpetrators, seizing of assets, extradition, transportation of convicted people), or even the protection and accompaniment of victims. This list is theoretical, however, because generally everything is proceeded with.

For example, the treaty of judicial cooperation in penal matters of the 18<sup>th</sup> of April 2005, agreed between France and China, only covers the domains for which an agreement could be found: the investigation and pursuit of criminal matters. However, it is not applicable to making decisions with regards to arrests and convictions, which does not inhibit the cooperation foreseen with regards to seizing assets.

#### **Judicial bilateral cooperation from the direction of the investigation to the sentencing**

As soon as it becomes part of an agreement, bilateral cooperation is implemented during the entirety of an investigation, meaning as soon as a sexual exploitation network has been identified. However, this cooperation is only possible once partners in the investigation have been identified abroad.



### ***The necessity of a preliminary identification of partners***

Bilateral cooperation networks allow for the identification of trustworthy partners who can be dealt with abroad. The state needs to identify which services are the most competent in each country to ensure this cooperation takes place.

In France, the competent partner for cooperating with foreign agencies in the fight against sex trafficking, is the state prosecutor or the investigating judge in charge of the case. The prosecutor can be apprised by the criminal police officers, who have a general role, or by the police service specializing in human trafficking, which, in France, is the central office for the suppression of human trafficking (OCRTEH).

The OCRTEH is thus the police service that cooperates with foreign authorities during an investigation. In the case of Franco-Romanian cooperation, one Romanian officer was placed at the OCRTEH and a French liaison officer was placed in Bucharest to maintain relations with Romanian police and judicial authorities. Information exchanges are organized daily, to identify if an individual is known in the other country, for example.

### ***Verification of the veracity of the crime and the identification of perpetrators***

The criminal investigation is the first area where bilateral cooperation will be put into action, generally in order to characterize and verify the veracity of the infraction of sex trafficking. With efficacy and speed in mind, bilateral cooperation thus allows for the investigation to be as well rounded as possible, as the authorization of a foreign police officer or magistrate to act on foreign territory only occurs in the case of specific bilateral agreements. In effect, bilateral cooperation allows for information exchanges between the two cooperating states during the investigation. This permits the interrogations executed by state A to be legitimate on the territory of the state B, which can be fundamental in the communication of evidence to a jury. Furthermore, bilateral cooperation allows for a legal act carried out by the police or judicial authorities of one state to be used by the other. Therefore, a person can be tried in state A even though they were interrogated in state B.

For example, French and Belgian police have been cooperating in order to fight against infractions caused by French tourists in a particular prostitution district. This cooperation then inspired the signing of a partnership agreement. During the operation, named “Dolly” the presence of 5 French police officers on Belgian territory facilitated the identification of stolen French vehicles, which were often found in this particular district.

The establishment of the European Union has permitted the development of a common area of security, liberty, and justice, which has led to a revolution in cooperative practices with regards to criminal matters. The mutual trust within the EU has allowed for the movement from interstate cooperation to direct cooperation between legal authorities. This, however, is only possible within the EU and otherwise bilateral agreements are necessary.

In addition, member states of the EU benefit from a specific procedure that privileges bilateral cooperation, in the case of investigations, due to the possibility of creating common investigation teams. This procedure allows for criminal investigations to be conducted during a

specific time frame and with specific objectives. There can be consultation about actions and a sharing of methods or even the coordination of the pursuit of criminals in joint investigations.

The European arrest warrant, which has replaced extradition between EU member states, is another legal procedure that is specific to the EU, which facilitates bilateral cooperation at the investigation or conviction stages. It simplifies and accelerates extradition by replacing the political and administrative phase of the procedure with a legal mechanism. The demand for double criminality with regards to 32 infractions, including human trafficking, has notably been abolished. A maximum delay of 90 days, including the arrest, has been imposed on countries for the return of an accused person to the state where the European arrest warrant was issued. The European arrest warrant is founded on the principle of mutual recognition of judicial decisions: a decision made by the legal authorities in a member state to request the arrest and the transfer of an accused person needs to be acknowledged and executed as quickly and immediately as possible by the other EU member states. Without a bilateral agreement the average delay for extradition between France and Romania was 18 months. With the European arrest warrant, once the conditions are met, the average delay is 20 days. In the case of an investigation, this gain in time is essential.

Outside of the European Union, extradition agreements will always apply at the point of investigation or trial. Extradition means that a state, which finds an individual already pursued or convicted by the legal authorities of another state, delivers that individual so he may be tried or serve his sentence. Effectively, it is generally preferable that the perpetrators of sex trafficking are tried in the state where the crimes were committed, as this is where the victims, the witnesses, and the evidence will be. Furthermore, when perpetrators of human trafficking are found outside the jurisdiction of the country where they committed their crime, extradition to that state is generally the better option, as they have the resources to pursue a case more effectively. This, however, is difficult to obtain outside of a specific agreement. Currently, France is a signatory to general extradition conventions, bilaterally or multilaterally, with numerous countries but is lacking agreements of legal cooperation with many developing countries, which are often origin states or transit states for human trafficking. The foreign affairs minister has the central position of authority in France with regards to the transmission and reception of extradition requests brought forward under these agreements.

### **Legal bilateral cooperation as an indispensable tool for the identification and protection of victims**

A state approach that aims only at suppression has the risk of negating the question of respect for fundamental human rights with regards to victims who should be able to act in order to gain protection and compensation for damages. State authorities also need to cooperate, not only with the state authorities of their partners but with civil society and particularly NGOs that give assistance to victims of sexual exploitation, as they are not represented by organizations for

prostituted persons. Nevertheless, all action aimed at helping victims of sexual exploitation requires the preliminary identification of victims.

***The necessity of preliminary identification before any protection***

Victims need to be identified as early as possible so that they can be liberated from their situation of sexual exploitation and vulnerability. In France, the national action plan against human trafficking (2014-2016) makes the identification of victims the starting point in the mobilization of public services.

However, the identification of foreign victims by national authorities is difficult. Sometimes, before they are able to be identified, victims are sent to another country. Bilateral cooperation, therefore, allows for the presence on the territory of foreign officers, from the relevant country, who might be able to identify the nationality of the victim, or even their region of origin, ethnicity, and language. Once identified as such, the victim is accorded specific rights to be protected: the victim is given a cooling off period during which they receive assistance to decide on their eventual cooperation with legal authorities and during which they are protected from immediate exportation when they are in an illegal situation (in terms of immigration or work) in their host country. Measures of protection against the traffickers are also proposed. Furthermore, the victim can ask for compensation through legal channels and receive information regarding the necessary procedures to undertake legal action.

Effectively, the identification of victims primarily aids in the fight against criminal networks of sexual exploitation, as victims are involved in proving traffickers' roles and responsibilities by providing evidence as a witness. However, in order to assure their protection, victims can appear as X so they do not have to appear before the court (practice of the OCRTEH). When this protection is assured via the placing of victims in holding, the police assure that when they get out, the victims do not find themselves back on the street: they are put in touch with charitable organizations, and they can be allocated emergency housing.

Recently, a guide of best practices, relative to the identification of victims of human trafficking was created by the United States and the EU (Bulgaria, Spain, France, Greece, Netherlands, Romania). From November 2011 to November 2013, *Euro TrafguID* developed the guidelines and common procedures for the identification of victims of human trafficking. The guide aims to resolve the lack of harmonization of indicators, procedures, and tools of identification of victims of human trafficking in the participating countries, and within the European Union in general, via the development of common guidelines. The guide outlines best practices for:

- The detection of victims of trafficking (for example by monitoring specific websites or by encouraging the reporting of traffickers by third parties through telephone lines and information campaigns);
- Orientation towards legal organisms specialized in victims of human trafficking (for example by bringing together all the organisms focused on hosting and rehabilitating victims);
- Primary evaluations of risks, in terms of access to basic needs and information;

- Allowing a healing and cooling-down period

This project is the emblematic example of a project that has worked well. Due to its success the program is currently in action in Bosnia.

### ***The crucial role of NGOs and charitable organizations***

Sex trafficking is a subject that cannot be examined without considering the role of NGOs and charitable organizations. The state does not have the means to act beyond the investigation and conviction stages. NGOs, therefore, represent the only alternative to manage and support victims during an investigation into sexual exploitation, which generally lasts for some years. They can also eventually convince the victims to cooperate, which is an extremely delicate process, as victims know that protection will not be assured with a simple name and address change and that it will be limited in time by a lack of means. Bilateral cooperation thus allows for the identification of appropriate partners.

In France, the facility for secure accommodation *Ac.Sé*, financed by the state and run nationally, is the only organization to have secure accommodation at the request of the police. On the one hand, it accommodates and protects major victims of sex trafficking, be they French or foreign, without a distinction of gender. The protection of victims rests on geographic distancing, the multiplicity of locations, and the confidentiality concerning their location. On the other hand, this facility relies on a network of charitable organizations specialized in the rehabilitation of victims of human trafficking and sexual exploitation.

In Romania there is a national agency for victims of human trafficking, which is in charge of victims' safe return to the country and their care: *Agencia Natională Împotriva Traficului de Persoane* (ANITP). This specialized agency puts victims in contact with legal organizations or NGOs in the country that work in this domain. The agency cooperates with Romanian and foreign NGOs as well as intergovernmental organizations, with the aim of altering public opinion to be more sensitive to human trafficking, prostitution, and their consequences.

However, the means of NGOs are limited: faced with the rise in potential victims, the budgets of NGOs are stagnant or even diminishing.

According to Yves Charpenel, the Deputy General Prosecutor of the Supreme Court of France, and the president of Fondation Scelles, despite the willingness to grant an important place to victims of sex trafficking, only 1 in 100 victims is present during the conviction stage. Numerous trials suffer because of the absence of witness accounts or are weakened by contradictory testimonies by victims who do not confirm to the court their declarations made during the investigation, as they are concerned for their lives or the lives of their loved ones. Sometimes they deny their status as victims due to their incomes being much higher than they could be otherwise through legal activities.

Furthermore, the absence of victims present during trials of human trafficking can be explained by the fact that victims often do not speak the language of the country where they live, their level of education is very low, they do not know their rights and they worry that the state authorities will arrest them due to their illegal status, having not respected immigration laws or

having been coerced to commit other crimes such as trafficking illegal drugs. These observations present obvious obstacles for investigators and pursuing authorities. Specific criteria for identifying victims of trafficking and sexual exploitation can be determined, such as the absence of identity documents, the repayment of a trafficking fee, the absence of regular income and the prohibition of free circulation and communication outside their place of residence.

The average delay to go from the identification of a trafficking network to conviction is 4 years. This suggests that bilateral cooperation must be long-term. This cooperation, however, is only really effective if it lasts right up until the dismantling of the network and achieves results, meaning the seizing of assets and the transfer of convicted persons.

### **Judicial bilateral cooperation at the end of proceedings: the seizure of criminal assets and legal transfer of detained persons**

Beyond the boundaries of investigation and conviction, bilateral cooperation can also target the perpetrators of sexual exploitation through the recuperation of profits generated by the illegal activity or by the transferring of the perpetrators to another country where they did not commit the crime.

#### ***Bilateral cooperation in financial matters: the seizure of criminal assets***

As the principal motivation of sex traffickers is profit, the seizure of criminal assets is essential in dissuading perpetrators from continuing or restarting their illegal activities. Bilateral cooperation is an effective measure in this part of the fight against sex trafficking. In reality, the assets that the traffickers use to commit their infraction, and the revenue that they make, are often transferred or hidden in other states than the one where the crime was committed. This allows the criminals and their families to profit from the illegal activity, all the while making their identification more difficult by the pursuant legal authorities. Thus, bilateral cooperation is useful in improving identification procedures and the seizure of funds and assets, which are the profits of criminality.

#### ***Identification of criminal assets***

The seizure of criminal assets requires the identification of the elements that make up the criminal assets. For local authorities, which have pursued the perpetrator on their territory, it is very difficult to identify these assets once they have been transferred to a foreign country. Local authorities do not necessarily have an understanding of the foreign banks or their financial systems, or they aren't particularly capable at identifying property purchases effectuated by a perpetrator of sex trafficking. In these cases, where financial investigation is required, it is necessary to have bilateral cooperation with state authorities. This cooperation takes form as a financial investigation that is directed by the same principles and guidelines as outlined previously. This kind of investigation is, therefore, not going to focus on the identification of proofs that an infraction was committed, but on the property, real estate, liquid assets, or

financial assets of the identified perpetrator, or presumed perpetrator of sex trafficking. Again, it is necessary that the cooperating state has the technological capacities, experience and means to be an effective partner. In France, a specialized police force was created to facilitate the identification and localization of criminal assets during the investigation, which is called the Platform for the identification of Criminal Assets (PIAC). This body has the power to conduct financial investigations under the supervision of a judicial authority. Furthermore, PIAC centralizes all the information linked to the detection of criminal assets on French and foreign territory. This is necessary as organized crime knows no boundaries and can exploit them to its advantage.

#### *Seizure of criminal assets*

Seizure is a conservative measure, established by order of the court, that places temporary restrictions on transfers and the conversion and movement of assets. In the fight against sex trafficking, the seizure of assets is essential as it prevents the criminal use of funds and deprives the criminal of his or her profits. Under a bilateral agreement, the solicited authority can directly comply with the requesting countries court order on its territory, via a national court. The country can also create its own court order, based on the one received. In France, an interdepartmental service, directed by a judge for the seizure and holding of criminal assets was put in place in 2010: The agency for the management and recovery of criminal assets and confiscated assets (AGRASC), can be mandated to execute requests for mutual assistance in international criminal investigations, under the control of a judicial authority. The mechanisms to effectuate seizures are functioning and becoming more and more significant over time (AGRASC, 2014).

#### *Confiscating criminal assets*

In the absence of cooperation with the nation-state of the trafficker, the assets of the criminal must be returned after judgement. Bilateral cooperation with the trafficker's country of origin is thus necessary for the confiscation of assets. This allows for a permanent seizure of the criminal assets after a judicial or administrative process, which transfers the assets to the state. When the assets are not liquid assets but vehicles or property, the state will sell the assets. Therefore, it is often the state where the assets are found that profits from their sale. A bilateral agreement, however, can assure that a 50/50 share is divided between the countries (*Protocole of Palermo*, 2000). However, the confiscation of criminal assets in terms of sex trafficking is often complicated: once seized and put on sale, it is often close affiliates of the trafficker or employees who will purchase the items. These situations represent a failure of the system because the criminal gets his assets back with the sentiment that crime pays. The failure of the sale can also result from the absence of willing buyers due to fears that they will be targeted by the criminals. This problem is still not resolved even if some solutions have been found such as the destruction of assets. The following of the procedure adds further difficulties. To this day, few cases have resulted in the seizure of criminal assets due to a lack of material and human means. The volume

of seized assets is pathetic compared to the revenue generated from sex trafficking. Effectively, the total revenue generated from sex trafficking in France in 2012 was 574 million US\$ (530 million €), according to the statistics collected by the OCRTEH, while the value of seized assets in the same year was 9.74 million US\$ (9 million €) according to the AGRASC. Furthermore, a fair amount of those seized assets were not confiscated but returned, and the methods used by different judicial systems in these matters vary from country to country. These obstacles are very detrimental to bilateral cooperation, as the traffickers are aware of these flaws and thus distribute their assets across numerous countries in order to take advantage of the differences in legislation.

### **Bilateral legal cooperation in penitentiary matters: the transfer of detained persons**

In the last step of the criminal proceedings, people convicted by the state can be transferred to their country of origin in order to favor their reintegration into society. In order to be sure that the country of origin understands and applies the sentence that was handed down, it is necessary to implement a bilateral cooperation. This permits fluid dialogue and the granting of guarantees. The country of origin is informed about the sentence and the possibility for the detained to serve the entirety or part of their sentence. The guarantee that the sentence will be carried out exists because the authorities are informed and can take the steps necessary to ensure it is.

With regards to the transfer of convicted persons, France is connected to 80 countries with bilateral conventions or through the Convention of the European Council, which, by itself, groups 63 states.

### **Bilateral legal cooperation faced with numerous obstacles in the fight against sexual exploitation**

The relinquishing of state sovereignty implied in bilateral cooperation is the main obstacle: criminal law is very connected to its territory and states are not willing to abandon this in order to have a common area of criminal law. Furthermore, bilateral cooperation is a difficult procedure to put into action in terms of cost and time.

Some other obstacles include the conflict between legal systems in cooperating countries and the high rate of corruption in countries where sex trafficking is common. Furthermore, it is rare that bilateral cooperation remains between two states, it often happens that it extends to 4 or 5 states, which multiplies the stated difficulties.

Nevertheless, when bilateral cooperation is put into action it works effectively and allows for the dismantling of sex trafficking networks.

Additionally, for the mutual legal assistance in the fight against sex trafficking to be effective, it seems evident that it is advantageous to include multiple legal parties along with all other actors involved in criminal law proceedings where penal cooperation requires a global approach.

Besides, professionals agree unanimously that the development of human relationships is vital for all successful cooperation. The development of personal relationships of confidence between motivated and specialized people thus often allows for solutions to be found to difficult problems.

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## 2014-2015 Legal Responses

A quick reading of the worldwide judicial news collected by the International Center for Research and Documentation on Sexual Exploitation (CRIDES) reveals more than ever the volume and the variety of current forms of sexual exploitation. Its reports of trials and inquiries, which cover January 2014 to May 2015, do not give an exhaustive view of reality as they only mention the affairs known and treated by the authorities.

Nevertheless the hundreds of listed cases reflect the genuine reality of a criminal activity that wishes to show only its commercial side so as to hide the violence and harm done to human beings. The public representation of the most striking affairs cannot be a substitute for the necessary analysis of precise cases, the complete facts of which are contained in judicial files which are available only to the parties in question. Thus the interest is obvious for victims and NGOs that fight against sexual exploitation to file a civil action suit wherever the legislation of the country involved allows to do so.

Anyone will be struck by the importance of the cases presented below. They only represent a minority of the criminal proceedings which are opened every year worldwide concerning trafficking or procuring offenses. However three recurring phenomenons are to be noted: the dizzying increase in cases of networks prostituting vulnerable persons, many of whom are minors, the almost systematic internationalization of prostitution organizations, and the consistent use of digital technologies.

### Panorama of cases covered by worldwide media in 2014-2015<sup>9</sup>

January 2014	A 75-year-old man received a 2,600 US\$ (2,400 €) fine for the purchase of sexual services from a Nigerian woman, who was a victim of a trafficking network ( <i>Norway</i> ) Dismantling of a San Diego gang operating in 46 towns within 23 different states, which tattooed a bar code on their victims ( <i>USA</i> ) 5 persons convicted in the Zaman Café trial, called the « Zahia case ». 2 famous players of the football French team released from the charge of prostituting a minor ( <i>France</i> )
February 2014	Major raid in Dongguan red light district by 6,500 policemen (hotels, saunas, karaoke bars) followed by the questioning of 1,000 people; 73 networks dismantled ( <i>China</i> ) Fight between 2 Romanian gangs in the Bois de Boulogne (Paris) with crossbows and golf clubs disputing the territory known to be most profitable for prostitution: 10 arrests ( <i>France</i> ) Through the « Home for Christmas » program, 10 persons arrested for operating in a

<sup>9</sup> The entire collection of articles, in relation to this topic, are available from Fondation SCÉLLES/CRIDES.

	<p>network of underage prostituted girls, among whom 31 were rescued (<i>Canada</i>)</p> <p>In Savannah, a sentence of life imprisonment for the head of a network prostituting female Mexican immigrants who had to accept 40 clients per day. 23 accomplices were sentenced to shorter terms (<i>USA</i>)</p>
March 2014	<p>Victoria police reveal a network exploiting minors placed in shelters. Testimony from a 13-year-old girl who got a cigarette packet from her procurer for each sexual act (<i>Australia</i>)</p> <p>American citizen arrested for running a child pornography and prostitution ring in South America; the trial will take place in the USA as the incurred penalties are more severe (<i>Honduras</i>)</p> <p>In Djakarta, traffickers accused of pretending to be trade unionists offering jobs, they had in this manner abducted 19 minors between 13 and 15 years old (<i>Indonesia</i>)</p> <p>The head of a network transferring Hungarian prostituted women to the UK was sentenced to 2 years and 9 months imprisonment after he had been deported from Hungary (<i>UK</i>)</p>
April 2014	<p>In California, the head of the Lingwood Gang who detained, abused and prostituted 7 underage girls has been sentenced to 30 years imprisonment (<i>USA</i>)</p> <p>In the Schwyz Canton, trial and a 8-year prison sentence of a Turkish man who prostituted 45 women from the Balkans (<i>Switzerland</i>)</p> <p>In Marseille, life imprisonment for the serial killer Patrick Salameh who abducted, tortured and killed 3 prostituted women of Algerian, Ukrainian and Romanian nationalities (<i>France</i>)</p>
May 2014	<p>The Phnom Penh Court of Appeal confirms the 7-year prison sentence given to the French recidivist pedophile Jacques Philippe Albertini (<i>Cambodge</i>)</p> <p>The female procurer Amanda Sheffield was sentenced to 12 years' imprisonment for exploiting 13-years old girls after giving them alcohol and drugs (<i>UK</i>)</p> <p>Riccardo Viti, nicknamed « the Florence Beast » has been arrested for murdering and crucifying a Romanian prostituted woman (<i>Italy</i>)</p> <p>Trial of a Moroccan who offered to sell intercourse with intersex persons (<i>Egypte</i>)</p>
June 2014	<p>Raid in the prostitution venues of Dushanbe, 50 prostituted persons arrested and 30 persons fined (<i>Tajikistan</i>)</p> <p>After Muslim organizations lodged a complaint, brothels were closed while the government had to give 425 US\$ (392 €) to each of the 1,500 prostituted persons concerned (<i>Indonésie</i>)</p> <p>Following two national operations (“Cross Country” and “Broken Heart”), 168 children were rescued and 281 procurers arrested. <i>The Innocence Lost National Initiative</i> was launched in the USA in 2003 by the <i>FBI</i>, the <i>Department of Justice Child Exploitation and Obscenity Section</i> and the <i>National Center for Missing &amp;</i></p>

	<p><i>Exploited Children.</i> In this framework, 3,600 children have been found soliciting in American streets, 1,450 persons sentenced to long terms of prison (among whom 14 received life imprisonment; over 3.1 million US\$ (2.86 million €) were seized(<i>USA</i>)</p> <p>In Paris, 4 Chinese men arrested for robbing Chinese prostituted women so as to finance their own provincial prostitution ring (<i>France</i>)</p>
July 2014	<p>In Marseille, the « destitution trial » : from 4 to 7 years' imprisonment for 6 Bulgarian procurers who exploited and tortured Roma minors, who were fed on waste from trash cans (<i>France</i>)</p> <p>In Gurgaon, a 13 year-old girl abducted from a minors' shelter then prostituted by 3 persons was released and her traffickers arrested (<i>India</i>)</p> <p>In Orlando, a 22 year-old procurer had made 500,000 US\$ (461,650 €) in a year by prostituting between 15 and 20 persons. He was sentenced to 3 years' imprisonment after pleading guilty (<i>USA</i>)</p> <p>Discussion in Hawai on the abolition of the HB 1926 law, which allows policemen to pay for sexual services from prostituted persons so as to learn information about trafficking (<i>USA</i>)</p> <p>In Baghdad, raid supposed to have been operated by a Muslim group (Daesh/ISIL) in a brothel. 25 persons were killed, among whom 20 were prostituted persons (<i>Iraq</i>)</p>
August 2014	<p>Second death sentence of Chester Turner for murdering 4 prostituted persons. This pizza delivery man had already been sentenced to death in 2007 for ten murders in South Los Angeles (<i>USA</i>)</p> <p>In Montana State, a sex buyer is prosecuted for prostitution solicitation after calling the police because a dancer refused a sexual act (<i>USA</i>)</p> <p>In Bobigny, 7 years' imprisonment and a fine 81,232 US\$ (75,000 €), plus 21,662 US\$ (20,000 €) in damages was handed down for the sexual enslavement of a young girl belonging to the Roma community, who was forced to have 40 clients per weekend (<i>France</i>)</p> <p>An Albanian is sentenced to 14 years' imprisonment for the abduction, the rape and the sale of young Lithuanian girls in Coventry (<i>UK</i>)</p>
September 2014	<p>Arrest of 30 prostituted women from continental China pretending to sell cosmetics and fueling a ring of over 100 callgirls, with a turnover of 16 million US\$ (14.77 million €) per year, 30% of which went to the prostituted women (<i>Taiwan</i>)</p> <p>End of the « Archimedes » operation co-ordinated by Europol with 20,000 mobilized agents in 28 countries. 1,000 persons were arrested and 200 victims of trafficking were rescued (<i>Europe</i>)</p> <p>In Changsha, 2 persons had been sentenced to death for illegally confining and prostituting an 11 year-old girl but these sentences were commuted to life imprisonment (<i>China</i>)</p> <p>The 23 year old actress Shweta Basu was arrested for prostitution and placed in a</p>

	<p>shelter while her procurer was imprisoned. She pleaded a lack of money in spite of a promising start in the cinema industry (<i>India</i>)</p>
October 2014	<p>In Oran, after a hundred persons were arrested, among whom 65 were prostituted, 3 brothel managers were sentenced to a year in prison for setting up “dens of vice” (<i>Algeria</i>)</p> <p>In Harris County (Texas), creation of a specialized court for prostitution cases, 2,000 cases have been counted in 4 years (<i>USA</i>)</p> <p>First prison sentence for an Australian pedophile “trapped” by Sweetie, a virtual Filipina little girl created on the web by the NGO “Terre des Hommes” (<i>Australia</i>)</p> <p>Silvio Berlusconi is acquitted for the offense of prostituting minors by the Milano Court of Appeal on the grounds that his knowing of the girl’s real age was not proved (<i>Italy</i>)</p>
November 2014	<p>2 prostituted women were murdered in a “girlie bar”. The arrested suspect is a British trader (<i>Hong Kong</i>)</p> <p>In Bordeaux, prison sentences from 5 to 7 years for the managers of a Nigerian network of prostituted women who were sold for between 650 to 13,000 US\$ (600 and 12,000 €) and forced to pay back 65,000 US\$ (60,000 €). They were bewitched by the “juju” (<i>France</i>)</p> <p>Trial of 17 managers of a brothel in Durban, exploiting young women from Thailand (<i>South Africa</i>)</p> <p>Trial of a Thai woman who kidnapped and exploited 4 Thai masseuses (<i>Bahrain</i>)</p>
December 2014	<p>A female brothel manager in Geneva is fined 1,000 CHF (1,033 US\$/913 €) for allowing unprotected sexual intercourse (<i>Switzerland</i>)</p> <p>In Cairo, police raid the Ramses Bath, 26 men are arrested for being involved in a homosexual prostitution network (<i>Egypt</i>)</p> <p>2 rings were dismantled for making two kinds of services available for 7,400 US\$ (6,536 €). One offered “impure” services (prostitution), the other offered “pure” services (breastfeeding) (<i>China</i>)</p> <p>Legal proceedings against the Korean government brought by former prostituted women who were offered to US soldiers after the Korean war (<i>South Korea</i>)</p>
January 2015	<p>Arrest of a nightclub manager in Kuala Lumpur and release of 184 women (among whom were 136 Vietnamese women) that he prostituted (<i>Malaysia</i>)</p> <p>Arrest of 23 prostituted persons (of whom 12 were women) in a “den of vice” on El Karoub Beach (<i>Algeria</i>)</p> <p>7-year prison sentence for a high school boy who had raped 3 prostituted women under the threat of a small Japanese sabre (<i>France</i>)</p> <p>Arrest of 29 persons from Murcia region who offered up to 400 women (among whom 12 were minors) on the web with a “à la carte” service (<i>Spain</i>)</p>

February 2015	<p>Opening of the Carlton case trial in Lille with 14 defendants including Dominique Strauss-Kahn , former director of the IMF(<i>France</i>)</p> <p>A Bucharest court tried 7 persons implicated in a ring of 30 callgirls, including TV announcers and models. They charged 10,000 € (10,831 US\$) a night (<i>Romania</i>)</p> <p>Mario, alias “El Bufon” was sentenced to 28 years in prison for the purchase (1,000 US\$/923 €) and resale of nearly 400 underage girls to procurers (<i>Mexico</i>)</p> <p>A Japanese man was arrested for organizing the trafficking of minors under the cover of an NGO fighting for children’s rights (<i>Japan</i>)</p>
March 2015	<p>The opening of an inquiry on the Dutch pedophile Scully reveals rapes and murders of children from 2 to 11 years old; the pictures were resold on the internet (<i>Philippines</i>)</p> <p>A Jihadist who smuggled people across the border is accused of forcing female Syrian refugees to prostitute themselves (<i>Turkey</i>)</p> <p>A 63 years old man was sentenced to 5 years’ imprisonment and a 3-year suspended sentence combined with probation order because he prostituted his disabled wife for 20 € (21,50 US\$), 2 bottles of aniseed alcohol, or 5 cigarettes (<i>France</i>)</p> <p>In Florida, 2 brothers were tried for kidnapping and prostituting an underage girl, who was compared to a “cash machine” by the prosecutor (<i>USA</i>)</p>
April 2015	<p>In Montreal and Toronto, dismantlement of a network sexually exploiting 500 Chinese and South Korean women (<i>Canada</i>)</p> <p>In Shanghai, arrest of the “Spider gang” that sold 13 to 17 years old underage girls from Sichuan to Shanghai brothels (<i>China</i>)</p> <p>Hanoi Court sentenced Vietnamese men to a 8-year imprisonment for selling young women for 130 US\$ (120 €) each to Chinese brothels(<i>Vietnam</i>)</p> <p>In Cebu, a recidivist Canadian was arrested after the parents of his victims, complained that he only wanted to pay 20 PHP (0,42 US\$/0,39 €) instead of the 100 PHP (2,10 US\$/1,93 €) promised, for their four 9 to 11 years old little girls (<i>Philippines</i>)</p> <p>The police attacked the drug cartel “Urabenos” which also sells “zero kilometer commodities”, meaning virgins (<i>Colombia</i>)</p>
May 2015	<p>During a 4-day “John Sweep” operation, 30 clients were arrested according to the enforced new law penalizing the purchase of sexual services. 22 of them agreed on an awareness session, the others paid a fine (<i>Canada</i>)</p> <p>Arrest of ring managers who offered about 200 TV personalities, actors and celebrities for 7,700 US\$ (7,109 €) per sexual act(<i>Indonesia</i>)</p> <p>In the Old Bailey (main London Court), the “Ring of Horror” case is brought to trial: men sold 2 school girls aged 12 and 13 to 60 men (<i>UK</i>)</p> <p>Arrest in Paris and Bucharest of 30 Romanians who organized sex tours in France (<i>France - Romania</i>)</p>

## **Analysis of a repressive response to offenses in relation to trafficking with purposes of sexual exploitation in France**

All repressive legal response, whatever the nature or the cover of the relevant legislations throughout the world, requires the conjunction of three complementary processes: the development of specialized inquiries, the description of an adapted criminal policy and pronounced penalties in proportion to the seriousness of the infringement of law.

Enriched with a background of over 200 years of police and judiciary statistics, France, as an abolitionist country, offers the opportunity to measure regularly and objectively the reality and consistency of the legal response for the period concerned by this report.

### **Inquiries in 2013 and 2014**

The evaluation by the specialized services shows three main trends:

- the persistent street prostitution, mostly African, in urban neighborhoods ;
- unprecedented soaring of cyberprostitution operated in hotels and apartments by essentially Chinese and Romanian trafficking networks ;
- strengthened international networks which are better and better organized, using debt constraint and different forms of violence.

The Ministry of the Interior reports 50 dismantled rings in 2014 (versus 30 in 2002), including 19 under the legal definition of trafficking in human beings, with 144 arrested offenders and 148 identified victims (among whom 145 were women).

Sources : *Ministry of Interior/DCPJ, May 2014 / OCRTEH, April 2015*

### **Criminal policies in 2014**

In January 2015, the DACG publicized to all public prosecutor's departments its first circular on human trafficking (CRIM/2015-1/G1-22.01.2015) in the same model as the October 29<sup>th</sup>, 2014 circular on organized crime. The previous circular dedicated to aggravated procuring and trafficking in human beings dated back to March 9<sup>th</sup>, 2005. The public prosecutor's departments are thus invited to collaborate on the enforcement of the first adopted national plan, while the synthesis of the annual reports about the legal policy by these departments had devoted no particular development to this question for the 2014 year.

Source : *Ministry of Justice DACG, June 2015*

### **Convictions pronounced in 2013**

The analysis of the convictions pronounced in 2013 in relation with human trafficking and procuring, representing 135 different incriminations, shows that 504 different persons were convicted for 1,420 different charges. Whereas the average national convictions pronounced for all the penal offenses show 86% French (10% of whom were women), 102 persons were explicitly convicted under the legal definition of human trafficking, including 9% French people, 43% of whom were women.

Source: *National Crime Record – DACG*

### **Analysis of the convictions pronounced in France in 2013 in relation with procuring<sup>10</sup>**

#### **Decisions**

The whole of these indicators reflects the increasing awareness by jurisdictions of the behavioral seriousness when it comes to sexual exploitation.

#### *Number of judged offenses*

French courts have punished 1,154 offenses of procuring and aggravated procuring (an increase of 10.49% by comparison with 2012), 24 offenses of prostitution (an increase of 2.3%). 37 of these offenses tended to be classified as trafficking in human beings. The steady increase since 2009 comes despite the fact that the number of investigations has not been sufficiently increased. This shows both the investigators' improved efficiency and that of the criminal sexual exploitation market. Little by little the specific offense of human trafficking begins to be reflected in the convictions, which gives a more precise idea of these cases' nature.

#### *Number of pronounced convictions*

504 convictions have been pronounced (a 16% increase by comparison with 2012) including 324 with charges for aggravated procuring (a 33% increase).

#### *Jurisdictions responsible for the convictions*

- 3 Courts of Assizes (Crown Court in Britain)
- 163 Courts of Appeal
- 338 Criminal Courts

#### *Number of pronounced penalties*

- 1,018 different penalties (a 17% increase)

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<sup>10</sup> Ministry of Justice, *Les condamnations en 2013 figurant au casier judiciaire*, 2014 / Ministry of Justice, *DACG Contribution au rapport de la CNCDH*, June 2015.

### ***Prison sentences***

A sentence was pronounced in 92% cases of aggravated procuring and 63% in cases of first degree procuring, a steady figure by comparison with 2012. The percentage if related to all penal sentences shows a sentence is pronounced in 22% cases. First degree procuring is sentenced to about 18 months' imprisonment while aggravated procuring is sentenced to over 2 years' imprisonment; the general average of all convictions is 7.7 months.

### ***Impositions of a fine***

On the general level, in 2013, the average pronounced impositions of fines (added to a prison sentence) was 7,800 € (8,448 US\$). First degree procuring was sentenced to an average fine of 15,007 €/16,254 US\$ (2,808 €/3,041 US\$ in 2012) while aggravated procuring was sentenced to an average 10,307 €/11,163 US\$ (9,000 €/9,747 US\$ in 2012). There has been a consequent increase since 2012 but it remains out of proportion with criminal profits. The Direction Centrale de la Police Judiciaire (DCPJ) assessed the 2014 turnover in France at 504 million € (about 546 million US\$), 80% of which was laundered by organized crime networks. The maximum fines which are provided by the French Penal Code amount to 150,000 € (162,465 US\$) for first degree procuring (article 225-5) and to 1.5 million € (1.62 US\$) for aggravated procuring (article 225-7).

### ***Supplementary sentences***

36% of the pronounced sentences for all the convictions in France are accompanied with supplementary measures. 99% of procuring cases are concerned. The main added measures are the banning of condemned from French territory (110 cases among the 324 sentences for aggravated procuring) and the seizure of criminal assets (309 cases among the 504 sentences).

### ***The procedure length of time***

41.9 months for first degree procuring (a 27% increase) and 27 months for aggravated procuring (a 3% decrease). On the whole, procedures concerning procuring (first degree or aggravated) are three times longer than all penal procedures on an average basis (12.9 months in 2013).

### ***Resort to remand***

Remand has been resorted to in 54% of aggravated procuring cases and 31% of simple procuring cases, meaning a 17% decrease if compared with 2012.

### ***Remand length of time***

In 2013, the remand length of time has slightly increased to 7,8 months for simple procuring, from 6,7 months in 2012 and 9,5 months in 2013 for aggravated procuring from 9,2 months in 2012.



## Convicted people

### *Age of the convicted people*

This kind of crime implies some maturity of mind. In 2013, 78% of the persons convicted for procuring were over 25, the average for the 610,000 convictions including all offenses was 62%. These figures are very much the same as in 2012.

### *Gender of the convicted persons*

In 2013, three times as many women were convicted for this crime than for the other offenses. The specificity of this crime lies in the over-representation of the convicted women: 32% in procuring cases (a 10% increase in comparison with 2012) versus 10% convicted women for all offenses.

### *Convicts' nationality*

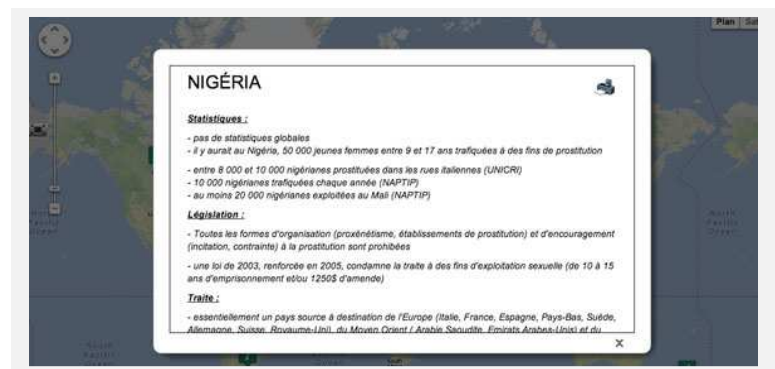
The recurring high percentage of foreign convicts is the consequence of the transnational nature of these cases. Whereas 14% of all the persons convicted in France are of foreign origin, the percentage reaches 57% in sentences for first degree procuring and 61% in sentences for aggravated procuring. The increasing proportion of French convicts for organized procuring (39% in 2013 versus 31% in 2012) is a worrying mark of the trivialization of these offenses among the national delinquent population.

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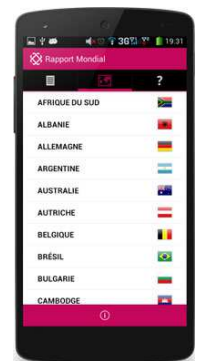


# 2013-2015 COUNTRIES' PANORAMA



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## Albania

- Population: 3.2 million
- GDP per capita (in US dollars): 4,564
- Parliamentary regime
- Human development index (HDI): 0.733 (85<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.217 (45<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 36 on a scale from 0 (highly corrupt) to 100 (very clean)
  
- No official national statistics on prostitution
- Prostitution is illegal in Albania and is punishable by a fine or sentence of up to three years of imprisonment; procurers can be sentenced to up to five years of imprisonment (15 years in cases of aggravating circumstances). Since 2012, the purchase of sexual services has been criminalized and clients can face up to three years of imprisonment.
- Human trafficking is punishable by eight years in prison when the victims are adults and 10-20 years if the victims are minors.
- In 2014, 18 trafficking suspects were prosecuted. Nine of them were sentenced to terms ranging from 10 to 20 years in prison. In 2013 only three suspects were prosecuted, two of whom were convicted.
- Phenomenon of domestic trafficking of Roma and Egyptian minorities.
- Country of origin and destination for victims of trafficking for sexual exploitation.
- Countries of destination for victims of Albanian trafficking: neighboring Balkan countries (Kosovo, Macedonia, Montenegro, Greece) and Western Europe (Italy, Belgium, France, The United Kingdom, The Netherlands).

The 2013 U.S. Department of State report on Trafficking in Persons put Albania on the Tier 2 Watch List (from 2009 Albania was previously listed as Tier 2). This recognizes the efforts of the Albanian government, but also emphasizes their failures. The report highlights several shortcomings, such as the low number of prosecutions against traffickers which have decreased in recent years, the continued prosecution of victims, the lack of assistance to child victims, and the lack of a National Coordinator to fight against human trafficking since the unjustified dismissal of the last holder.

This downgrade was not happily received by Albania. Since 2009, the country has sought candidacy for entry into the European Union. The fight against crime and the improvement of women's rights are two obstacles to this development. However, the Albanian government has several years of important work on these issues to adapt to the European criteria.

### **Women, Minors, Roma and Egyptian Minorities: the Primary Victims of Sexual Exploitation.**

98.8% of victims of trafficking for prostitution are women (*INSTAT*, 2015). In a country still experiencing much poverty, women are primarily affected by unemployment, and therefore vulnerable to all forms of exploitation, inside and outside of Albania (*Independent Balkan News Agency*, May 27<sup>th</sup>, 2015). Between 2010 and 2014, 24.1% of Albanian women between the ages of 15 and 24 were unemployed (source: World Bank). This is even truer for Roma and Egyptian minorities: the unemployment rate is 58% for Roma women and 73% for Egyptian women (*UNDP in Albania*, 2015).

Several studies highlight the high vulnerability of minors. Between 2009 and 2013, the minor assistance hotline ALO116, created by the Albanian Children's Rights Center with the support of UNICEF, registered nearly 500,000 calls from children ages 9-18 and treated 140 cases of exploitation (sexual, begging,...) (*CRCA*, September 10<sup>th</sup>, 2013). The proportion of child victims is increasing. According to the NGO Different and Equal, minors accounted for 24% of the victims they assisted in 2012; in 2013 they were more than 50%.

Again, the Roma and Egyptian communities are primarily affected. The NGO ARSIS estimated that about 2,500 children are homeless in Albania in December 2014 and 73.4% of them belong to Roma and Egyptian communities. The same study stated that out of these 2,500 children, 800 were at risk of being trafficked within or outside the country or sexually exploited.

### **A Country of Origin for Trafficking but debated figures...**

Albania is a country of origin and destination for human trafficking for sexual exploitation. Victims come from Ukraine, Russian Federation, and Norway, and a growing number of Albanian victims are being sexually exploited. Albanian women and children are victims of human trafficking into neighboring countries such as Greece, Macedonia, Kosovo, and Montenegro, as well as other European countries such as Italy, Belgium, the Netherlands, Germany, Switzerland, Ireland, and the United Kingdom (*U.S. Department of State*, 2015). There are no estimates on the number of victims within Albania or abroad.

The method used by traffickers tends to be the same: victims are deceived, leave Albania with their significant other, are sent to Italy with false papers, and are forced into prostitution. According to the NGO Vatra, there are two kinds of traffickers. There are Albanian traffickers acting as networks, and more "artisanal" traffickers who are individuals acting on their own

accord. The departure cities for victims include all major cities in Albania, particularly tourist ones.

Reports from the National Crime Agency in the UK claim that the number of Albanian victims has gradually increased in recent years. In 2013, 192 Albanian victims or potential victims were registered in the UK (of whom 87% were trafficked for sexual exploitation). In 2014, there were 449 victims (of whom 351 were women) representing 19% of the victims recorded in the UK by the National Orientation Mechanism (*National Crime Agency*, 2015). Albania was the primary country of origin for victims in the UK in 2014.

In May 2014, the Albanian government contested this analysis. They claimed that most ‘trafficked victims’ in the EU were actually economic migrants presenting themselves as victims of trafficking to obtain a special status. They said that they “are in discussion with our European partners to sign a cooperation agreement in the field of human trafficking , which will make possible a more efficient identification of actual victims” (*Balkan Web*, May 25<sup>th</sup>, 2014).

### **The Fight Against Human Trafficking: A Priority for the Rama Government**

With the return to political stability after the June 2013 parliamentary elections, the new center-left government was led by Edi Rama, the former mayor of Tirana, who established that he wanted to make the fight against human trafficking a priority. On October 19, 2013, the European Day of Action against Trafficking, the Prime Minister announced that “(...) the new government will engage human resources, technical and financial means, being aware that this challenge is urgent for society, but also an emergency relating to the necessity of not allowing Albania to enter the black list of hopeless countries” (*Independent Balkan News Agency*, October 19<sup>th</sup>, 2013). Meanwhile, a new National Coordinator against trafficking was appointed. For the first time, this service under the Ministry of the Interior was given its own budget (approx. 50,000 US\$ /46 165 €) for its operations.

### **Restructuring the Fight against Human Trafficking**

Since he was appointed, Gjebrea Elona, the new National Coordinator, has sought to reactivate and reorganize the institutional framework against human trafficking to develop a more coherent and efficient program.

#### ***At the National Level***

The National Referral Mechanism (NRM) has been revived. Led by the National Coordinator, it brings together 16 NGOs and institutions to coordinate their work in identification, protection, and reintegration of victims. Its actions are completed by the National Task Force against Human Trafficking, created in November 2013, and a National Authority, created in August 2014. The Task Force, chaired by the National Coordinator, improves coordination between the police, magistrates, and judges. The National Authority is composed of

representatives from the police, social services, health, education, and consular authorities to manage the database of victims. The National Commission for the Fight against Human Trafficking was reviewed and extended by order of the Prime Minister on August 19<sup>th</sup>, 2014. Fortified with new members and new responsibilities, this commission is responsible for the implementation of strategies developed by the government to fight against human trafficking.

### ***At the Regional and Local Levels***

Regional Committees against Trafficking (RCAT) were reorganized: 12 committees have been created to cover the Albanian territory and local action plans have been prepared with committees responsible for their implementation. Three mobile teams in charge of the initial identification of victims have been established in cooperation with the International Organization for Migration (IOM). These teams (active in Tirana, Vlora, and Elbasan) bring together two social workers and a police officer. They are responsible for identifying potential victims and facilitating their access to support services. In 2014, mobile teams identified 94 potential victims, including 54 minors, at risk for prostitution and forced begging. Following these changes, a new action plan for the fight against human trafficking for 2014-2017 was adopted by the Council of Ministers in November 2014. It was organized around the four priorities (the “four Ps”): protection of victims, prevention of trafficking and re-victimization, partnership, and pursuit of traffickers.

## **First Actions of the New National Coordination**

### ***Prevention and Awareness***

The government has been focusing on preventative action and awareness. This has taken various forms in seminars and conferences for the general public (for young people and students in particular) and training workshops for professionals in contact with victims of trafficking (social workers, judges, police officers, health professionals, tourism professionals,...) with themes such as identification, assistance to victims / potential victims of trafficking, and reintegration of victims into the working world. Apart from organizing these programs, the government has carried out two significant projects:

- A week of anti-trafficking awareness, organized for October 18<sup>th</sup>-24<sup>th</sup> 2014 by the National Coordination along with various NGOs and institutions. This included awareness activities throughout the country with exhibitions, forums, round tables, and television advertisements.
- In June 2014 a smartphone application called “Raporto! Shpeto!” (“Report! Save a life!”) was launched to help victims. This application was created in cooperation with USAID, World Vision Albania, the Vodaphone Albania Foundation, and the Albanian government. This application provides access to the hotline, a list of services (shelters, hospitals,...), the ability to make a report by SMS or email, and various other resources (information on the phenomenon, identification of victims, and prevention).



## Revision of Trafficking Laws

In 2013 and 2014 the laws on human trafficking were strengthened by reforms of the Albanian Criminal Code (*GRETA*, 2015):

- Minimum sentences were raised from five to eight years of imprisonment for trafficking of adults and 10 to 20 for trafficking of minors;
- Domestic trafficking has been added to the Criminal Code as a criminal offense, distinct from cross-border trafficking;
- Impunity for victims of trafficking was added to the Criminal Code in cases where they were involved in criminal activities while victims;
- Taking advantage of trafficked persons is now criminalized and punishable by two to five years in prison (Article 110b);
- Actions facilitating trafficking (manufacturing, supplying, or possessing of identity documents, passports, or other travel documents or their confiscation and destruction to promote exploitation of a person) are now criminal offenses punishable by two to five years of imprisonment.

In addition to strengthening penalties for trafficking, specific measures were taken to protect minors. In May 2013, Article 117 of the Criminal Code on the production, sale, distribution, and possession of child pornography was amended: the possession and manufacturing (particularly the recruitment of children for this purpose) of child pornography is now subject to a sentence of 3 to 10 years in prison. In September 2014 an agreement between the Ministry of Internal Affairs and the Ministry of Social Welfare and Youth was signed to better identify and protect homeless children.

Despite these changes, there is still concern about the confusion between trafficking laws and prostitution laws. Prostitution is illegal in Albania: prostituted persons are liable to a fine or up to three years in prison, procurers up to five years (15 in aggravating circumstances), and, since 2012, clients for up to three years (*Fondation Scelles*, 2013). Traffickers are often charged with “exploitation of prostitution” rather than trafficking to incur lesser penalties.

These laws on prostitution are periodically called into question and there are frequent debates on legalization. In 2015 the debate focused on Article 113 of the Criminal Code, which punishes prostituted persons. In April, the Commissioner for the Protection against Discrimination, Irma Baraku, called on the Constitutional Court to repeal this article. Far from demanding the decriminalization of prostitution, the Commissioner highlighted the discriminatory nature of this text and asked that the practice of prostitution not be considered a criminal offense. He explained the inefficiency of the law in terms of clients (in 2013 only three people were punished for the purchase of sexual services) (*Academicus International Scientific Journal*, 2015) and its protective effect on traffickers.

In June 2015, after a debate within the government and parliament (which resulted in a vote against the repeal of section 113), the Constitutional Court decided to maintain the law. Thus, prostitution remains a criminal offense.

## First Signs of Progress

The statistics from 2014 show a slight improvement over previous years, a possible sign of the effectiveness of recent measures.

- The government and NGOs identified 125 victims/potential victims of trafficking, including 62 minors, in 2014 (compared to 95 in 2013). 77 of these were victims of trafficking for prostitution and 10 of trafficking for both prostitution and forced labor.
- The court of the prosecutor's office for serious offenses investigated 39 alleged suspects (compared to 24 suspects in 2013 and 11 in 2012).
- The court of first instance for serious offenses pursued 18 suspects in 2014 (compared to three in 2013). There were nine convictions for human trafficking (compared to two in 2013). All convicted traffickers have received sentences ranging from 10 to 20 years of imprisonment (*U.S. Department of State, 2015*).
- In 2014, the government trained 333 judges, magistrates, and police officers in the identification of victims and the prosecution of traffickers (compared to only 57 in 2013).
- Albania has increased its police cooperation with other countries: as an example, in 2014, the operation Tempesta was conducted in Italy, Romania, Greece, and Albania, leading to the arrest of seven Albanian nationals suspected of belonging to a criminal organization involved in drug and human trafficking. Cooperation agreements were signed with neighboring countries to improve identification and assistance to victims, especially minors (agreements with Kosovo in 2012 and Montenegro in 2014).

## The Burden of Corruption

Despite some progress, observers continue to criticize the corruption in Albanian society, particularly in the justice system. In April 2015, the European Commission called on Albania to “consider organized crime a major issue,” and to “do more to ensure the independence, effectiveness, and accountability of the justice system.”

The government has made efforts to move in this direction. In the last months of 2014 and throughout 2015, they have taken several measures: organization of a national forum in the presence of the Prime Minister for the fight against corruption in Tirana, a campaign for creating a reporting site, and the launching of a national campaign against corruption (Feb. 2015) ([stopkorrupsionit.al](http://stopkorrupsionit.al)). However, a special commission of the Albanian Parliament met in June 2015 to discuss this issue and concluded that the justice system is totally corrupt and that corruption is considered a “normal” way of administering justice (*Balkan Insight, June 9<sup>th</sup>, 2015*).

A scandal occurred during 2015, highlighting the complicity existing between high-level politicians and organized crime networks. This began with an international arrest warrant issued by the Belgian authorities against Christian Democrat MP Mark Frroku for a retrial. In 2010 he had been sentenced to 10 years in prison for the murder of a compatriot in Brussels in 1999. This

murder was linked to a prostitution network. The case was sent to retrial because of procedural violations and a second trial was scheduled for October 2015. The initial arrest warrant was kept secret by Tirana Interpol for several months leading to the resignation of the head of the Albanian police and the arrest of two Interpol officers. To assert its commitment to the fight against corruption, the Albanian parliament lifted the immunity on Mark Frroku, who was arrested in April 2015 and is currently being extradited.

### **Inadequate Protection for Victims**

The healthcare law was amended in June 2014 to facilitate access to care for trafficking victims. This law was initially adopted in 2011, but bureaucratic obstacles prevented victims from getting access to free medical care. The amended law and agreement with the Ministry of Health should ensure free care to 200 victims each year. Currently these measures still have not been implemented and the services concerned are still awaiting instruction from the government for the implementation.

Through 2014, the Albanian government increased subsidies for shelters of trafficking victims. The welcome center managed by the state was supposed to receive 198,000 US\$ (182,813 €) and three shelters managed by NGOs (Different and Equal, Another Vision, and Vatra Psychological Center) were to receive 27,800 US\$ (25,667 €) for the cost of food. However, the government did not pay the full amount promised, resulting in financial difficulties for the NGOs throughout 2014. However, this is still an improvement compared to 2013, when no subsidies were announced or paid by the government.

Since 2013, the Albanian government has renewed its efforts in the fight against human trafficking. Their political willingness has been quickly rewarded. In 2014, the U.S. Department of State report on Trafficking in Persons released Albania from the Tier 2 Watch List, restoring it to Tier 2. That same year Albania achieved status of “candidate country” for accession into the European Union.

The question still remains: will these efforts actually be effective? It is difficult to know. The second evaluation by GRETA<sup>11</sup> experts in June 2015 will indicate more precisely the answer to this question. An acceptable action plan has been created and it is now a matter of implementation. According to the NGO Vatra activity reports, the problem in Albania has never been a lack of initiatives, but rather a lack of resources allocated for the implementation of these initiatives. In this sense, it seems that the creation of a budget for the National Coordinator is a positive sign for Albania’s future.

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<sup>11</sup> GRETA is responsible for ensuring the implementation of the Convention of the Council of Europe on the Fight against Trafficking in Human Beings by the Parties. The second round of evaluations by GRETA began in May 2014, two and a half years after the publication of their first report.

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## Belgium

- Population: 11.1 million
- GDP per capita (in US dollars): 47,352
- Federal government - Constitutional monarchy
- Human development index (HDI): 0.890 (21<sup>st</sup> rank among 187 countries)
- Gender inequality index (GII): 0.063 (15<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 77 on a scale from 0 (highly corrupt) to 100 (very clean)
- Founding Member of the European Union since 1952.
  
- 23,000 prostituted persons in Belgium according to a 2012 police report. Between 4,000 and 5,000 prostituted persons in Brussels, of whom a third are men (*L'Avenir*, November 16<sup>th</sup>, 2012).
- Abolitionist system since 1948, confirmed in 1965. Prostitution does not constitute an infraction in itself, but legislation condemns procuring, soliciting, and the managing of brothels (article 380 of the Penal Code). Trafficking for sexual exploitation is punished with up to 20 years in prison (articles 442-5 to 443-9 of the Penal Code).
- Regulationist components in municipal policies.
- In 2014, 259 human trafficking suspects were brought to justice, of whom 112 were suspected of sexual exploitation. Of the 259 people, 47 were found guilty, but few were sentenced to prison terms, and some were sentenced to partial or conditional terms.
- The government continues its efforts to bring to justice the royal family of Abu Dhabi, presumed guilty of keeping 17 young women in forced servitude during their stay in a Brussels hotel in 2008 (*U.S. Department of State*, 2015).
- Considerable phenomenon of prostitution in the area bordering with France
- Country of destination, transit, and to a lesser degree origin for victims of trafficking for sexual exploitation.
- Primary origin countries for victims: Bulgaria, Romania, Albania, Nigeria, China, Morocco.

Since 1995, human trafficking has been punished. Article 433 quinquies of the Penal Code puts forth 5 points of exploitation including exploitation of prostitution and child pornography (*Centre pour l'égalité des chances et la lutte contre le racisme*, 2013). August 2<sup>nd</sup>, 2013, marks the introduction into action of several important modifications to the human trafficking law (*U.S.*

*Department of State*, 2014). According to the Center for Equal Opportunities and the Fight Against Racism, perpetrators of human trafficking risk higher penalties from now on, since their fines will be multiplied by the number of victims (*Centre interfédéral pour l'égalité des chances*, August 2<sup>nd</sup>, 2013). Other forms of sexual exploitation are punishable as exploitation for personal gain.

Before this modification, certain perpetrators managed to escape the law thanks to an interpretation which only considered prostitution and child pornography to be punishable.

The heterogeneous approach to prostitution among European countries does not allow for an effective fight against the scourge of sexual exploitation and, more largely, human trafficking. While 65 years ago many countries ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, these same countries have adopted different policies. Networks take advantage of this and abuse of the often severe discrepancies between laws, and the often too-tolerant field practices. Belgium is a good example.

### **Prostitution: An Alarming Reality**

In Belgium, prostitution itself does not constitute a crime. However, soliciting, procuring, and brothel-keeping are condemned by the Penal Code (*CEPESS(a)*, December 2011). The Penal Code provides high penalties when procuring is associated with the use of force or when minors under 16 years old are involved.

Police reports around 23,000 prostituted persons in Belgium (*L'Avenir*, October 1<sup>st</sup>, 2013). The country's geographical position gives it the distinction of being a country of destination, origin, and transit (*Centre pour l'égalité des chances et la lutte contre le racisme*, 2011). Migrants come mainly from Eastern Europe but also from Africa and Asia. There are several forms of prostitution: Indoor prostitution where prostituted persons rent a "square" with a display window, prostitution established "undercover," such as in massage parlors, prostitution in bars where waiters, often employees, offer additional services (with or without a window display), and finally private prostitution where clients are recruited via the internet or advertisements.

With the crisis, prostitution continues to spread in the country, especially "low cost" prostitution (*La Gazette*, September 11<sup>th</sup>, 2014). Prostituted persons in the town of Charleroi in the Wallonne region don't hesitate to lower their prices to match those of neighboring areas where the activity is practiced for a lower cost. Other prostituted persons in the border region prefer to switch to luxury prostitution with fees of up to 324 US\$ (300 €) the trick (*L'Express*, June 7<sup>th</sup>, 2013). Border prostitution is also widespread, from Tournai to Courtrai, brothels attract thousands of northerners to the "Blue Door" especially, where prices are extremely low and demand is high. Since the closure of clubs in Lille, the French regularly visit these places, arguing that prices are lower than in France. They represent 80% of the clients who frequent the border bars.

Like elsewhere, male prostitution is growing in scale (*Le Soir*, February 21<sup>st</sup>, 2013).

At the same time, foreigners fleeing difficult living conditions in their countries of origin are exploited by networks who use many strategies to hide their activities such as the recruitment of women in bars, who work under false status of independence and who do not understand what they have signed (*CEPESS(b)*, Decembrer 2011). On January 14th, 2015, a man was sentenced to a year in prison for human trafficking and procuring (*L'Avenir*, January 14<sup>th</sup>, 2015). The perpetrator was exploiting a dozen women in a brothel called “Le Roll’s” between 2008 and 2011, one of whom he had married in 2005, and had an illegal residence status. The status of “self employed” is the only one authorized to prostituted persons by the federal government, but the majority do not have a status, and remain hidden.

### **Management with the Goal of Cracking Down on Prostitution**

Recent years mark a tendency towards repression, in conduction with measures adopted at a local level, in particular against noise. The adoption of article 134 quinquies of the new municipal law, which came into effect July 1<sup>st</sup>, 2011, also gives special jurisdiction to mayors who may close an establishment where there is evidence of human trafficking (*Milquet, Turtelboom*, 2012). In October of 2013, a crackdown lead to the displacement of prostituted persons in the Alhambra district of Brussels near the Albert II boulevard, after 10 PM (*La Dernière Heure*, October 3<sup>rd</sup>, 2013). The goal was to increase police patrols to stop street prostitution, which was prohibited in principle. But this municipal law was deemed ineffective, as it was inadequate with regard to the problem of trafficking for sexual exploitation. 80% of prostituted persons are victims of sexual exploitation (*L'Avenir*, October 1<sup>st</sup>, 2013).

Prostitution in Europe seems to be changing face, and is the subject of a wider urban management policy linking security to economic objectives. European politics have therefore targeted the expulsion of prostituted persons who become too visible in areas devoted to shopping and leisure. Therefore, they aim to fight organized crime, in part to maintain economic concerns. Major European cities wish to occupy a prominent place among the competition for investors and/or companies. To meet the free movement of people in the Schengen area and to better counter the phenomenon of “network prostitution,” Belgian authorities have increased their exchanges with Bulgarian and Romanian police. Cooperation with security is in process. Indeed, Belgian and French police are collaborating in the Northern Belgium quarter, within the Shaerbeek community, which is known for prostitution. The disorder caused especially by French tourists justifies the operations conducted jointly by Belgian and French police. On January 16th, 2014, a joint patrol was mobilized on Aerschot Street where 85 people were arrested for disturbing public order (*7 sur 7*, January 16<sup>th</sup>, 2014). These partnerships with regards to security and municipal policies are measures taken to address the problem of noise complaints. They do not address the scourge of trafficking, that is to say, violence experienced by prostituted persons.

Despite regular police inspections, prostitution is not lessening, and the social component, notably, is not sufficiently investigated by public authorities. Support for people leaving prostitution is crucial.

For the time being, organizations that specialize in support for human trafficking victims, such as PAG-ASA in Brussels, Payoke in Antwerp and Surya in Liège, continuously work to put social measures in place (*GRETA*, 2013). These NGOs also conduct prevention measures and participate in the training of professionals in the fight against trafficking. Several actions are also organized in the PAC (Public Action Center). On February 14<sup>th</sup>, 2014, a decree that provides funding and supportive care to victims was approved on the recommendation of the Minister of Wallonia, Eliane Tillieux, to provide more medical assistance to victims and aid for their professional integration (*7 sur 7*, February 14<sup>th</sup>, 2014). Belgian authorities must intensify their efforts for the protection of victims, including paying special attention to foreign minors who are victims of sexual exploitation. This socially fragile population is considered marginal and delinquent when left to itself, which means on the street.

### **Tolerance in Rules that Trivializes the System of Prostitution: Perverse Effects**

The legislation is clear, it condemns the act of procuring, and the keeping of brothels. The reality of the situation is quite another matter. Towns situated in the three regions of Belgium (Flanders in the North, Walloon in the South, and Brussels in the center) certainly have among them the tendency to look the other way regarding practices related to procuring. While legislation tries to be more severe, there is a form of tolerance in towns which allows each to take their own direction in keeping public order, without really tackling the origin of the problem. The consequence is the establishment of networks and the durability of illegal activities.

The consequential case of the procurer Dominique Alderweireld, better known as “Dodo la Saumure,” reflects this reality (*Sud Ouest*, February 3<sup>rd</sup>, 2015). On October 1<sup>st</sup>, 2011, the perpetrator was sentenced to 5 years in prison with a suspended sentence for acts of procuring and the keeping of a brothel between 2000 and 2009. He exercised his activities illegally in several venues of prostitution under the guise of “massage parlors” or “bars.”

In 2011, 16 brothels were identified. Women who engaged in prostitution in his establishments complained of mistreatment (*Le Monde*, February 5<sup>th</sup>, 2015). In April of 2013, he appealed and thus became the object of media attention. He openly displayed his friendship with police authorities, who did not seem to have forced him to cease his illegal activities.

Mayors tend to focus their attention on problems of nuisance, complicating judicial investigations in process - in this case, the disagreements between prosecutor and police (*L’Avenir*, May 25<sup>th</sup>, 2013).

The police were not supported by the prosecution in the case of Dodo la Saumure and should have had guidelines for effective action on the ground. This counterproductive interference



between police measures taken by the mayor, and those taken by the Belgian Prosecutor under criminal law, enabled therefore the activities of Dodo la Saumure to continue.

While the goal of mayors is to move prostituted persons to other areas, the measures taken under the criminal code by the prosecutor aim to prosecute perpetrators of human trafficking (*Centre pour l'égalité des chances et la lutte contre le racisme*, 2013).

This character also played a role in "the Lille Carlton case"<sup>12</sup> with Dominique Strauss-Kahn, the former head of the International Monetary Fund (IMF). In January of 2015, he was charged with "aggravated procuring as an organized gang." The justice system accused him of having played an important role in the export of prostituted women from Belgium to France. On 17 February 2015, the French Prosecution demanded two years in prison (a one year suspended sentence) and a 3-15 month suspended sentence for the other defendants (*Huffington Post*, February 17<sup>th</sup>, 2015). On June 12<sup>th</sup>, 2015, Dodo la Saumure and the majority of the defendants were acquitted by the Lille Criminal Court.

According to the 2013 report by the Group of Experts on Action against Trafficking in Human Beings (GRETA) in Belgium, the fight against trafficking is considered a priority action in the framework of the National Security Plan 2012/2015, but is insufficiently reflected in local policies (*GRETA*, 2013). It is necessary that the efforts are coordinated for effective fight against trafficking for sexual exploitation. Belgium is the prisoner of a system that encourages human trafficking. As long as the measures are not applied strictly, local police will prefer to use their own strategies against prostitution, and prosecution of traffickers will prove ineffective.

### **Prostitution: Subject of Discord**

As prostitution is not prohibited, different actors coming from associative and political environments reflect on how best to contain it (*FPS*, 2011). In 2005, the city of Antwerp built an "Eros Center" so as to contain prostitution in certain neighborhoods (*CEPESS(a)*, December 2011). The goal of this project is to build a venue where prostituted persons can exercise far from local residents. For the initiator of the project, this measure aims to set better boundaries for prostitution in windows by offering secure, hygienic, and sanitary conditions. The Eros Center of Antwerp may have reduced health problems, but trafficking for sexual exploitation persists despite police checking. Additionally, traffickers are adapting to changes. Procurers are more likely to seduce women to keep a hold of them, rather than using violence. Prostitutes cannot thus identify with victims.

Joelle Milquet, Minister of the Interior and Equal Opportunities in the Di Rupo government December 6<sup>th</sup>, 2011, opposes this framework that seems to appeal to towns, because the problems generated by trafficking are not resolved, and are rather moved behind closed doors (*L'Avenir*, October 1<sup>st</sup>, 2013).

In 2014, in Brussels, the Eros Center project inspired by the Antwerp model became a subject of debate (*RTBF Info*, June 26<sup>th</sup>, 2014). For Espace P, an advocacy group for the rights of

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<sup>12</sup> See chapter "France".

prostituted persons, this solution was not well received. Although the association wants a framework for prostitution, it does not favor building an Eros Center. The presence of foreign prostituted persons adds a dimension to the debate on the regulation and institutionalization of prostitution. 40% of victims of trafficking for sexual exploitation are foreign (*GRETA*, 2013). Foreign persons must have legal residence status to practice in these institutions. Many of them do not fulfill this condition. For the association, the measure will only reinforce the hiding of people plagued by social misery and serving the sex industry.

In Seraing, in the Walloon region, the construction of an Eros Center began at the beginning of 2015 and will be completed by the end of 2015. The revenue gathered will be managed by an associative organization (ASBL) (*La Meuse*, January 20<sup>th</sup>, 2015). The establishment is situated on the site of the *Cour des Miracles* and will house about 100 prostituted persons. Consequentially, prostitution in street salons on Marnix Street will be prohibited. For the deputy, Alain Mathot, this measure will improve hygiene conditions and will help to avoid procuring.

In this way, prostitution seems to represent a subject of disagreement between associations who want to regulate the activity, and magistrates who adopt security measures to reassure locals without worrying about victims of sexual exploitation.

The scourge of prostitution is approached solely considering political stakes. It is therefore poorly understood. In fact, to appeal to their electorate, magistrates adopt local laws which act to remove prostitution from public spaces. For the NGO Isatis (Social Initiative to Aid Independent Sex Workers), it is the sanitary conditions necessary to exercise the activity which take precedent over other concerns (*CEPESS(a)*, December 2011). Security is a major concern in the regulationist approach to prostitution. Isatis did not see the birth of the Eros Center in the heart of the city of Liège, that it had to manage to its expected opening in 2013/2014 (*Le Soir*, March 23<sup>rd</sup>, 2015). The project was in the works since 2009 and was abandoned. The Belgian feminist movement, Femmes Prévoyantes Socialistes (FPS) opposed it in 2011 at the emergence of the project, feeling that it reinforced inequality between men and women. The construction of places of prostitution contributes to the social marginalization of prostituted persons, and thus implies the promotion of prostitution. This is not an encouraging idea when it is already known that women are victims of masculine domination.

According to a study lead by the Institute for the equality of women and men, in reference to a survey carried out by the European Agency for Fundamental Rights in 2014, 36% of women are victims of sexual or physical violence. For this reason, the *FPS* campaigns to organize various educational actions for a more equal society.

Belgium is classified among the countries the most concerned about the problem of violence towards women.

For a more equal society that is concerned with the security of all individuals, the criticism on the part of magistrates must take into account the violence suffered by prostituted persons who sell their bodies to men. Putting into place local actions coordinated with important community leaders could manifest these criticisms.

## **A Society Losing Its Bearings: A Culture of Sexism and the Female Object**

In 2013, an international conference on the exploitation of prostitution was held, in the presence of the Queen of Belgium. Hypersexualization came up as a problem which worried authorities. This notion refers to behavior of a sexual nature, visible in the attitudes of adolescents. One study revealed that 50% of children in primary school have already seen pornographic scenes (*Sud Info Belgique*, September 28<sup>th</sup>, 2013). These findings go hand in hand with a society gripped by a culture of sexism and the objectification of women.

Since the 1990s, there has been an explosion in consumption of pornography, due to free access from new technologies and the market liberalization. Information flows through the sites and the vulnerable public imbibe this culture deemed detrimental to the cognitive development of children. The role of media is strongly correlated to the construction of masculine and feminine identities. The young public identify with images of naked bodies. In April of 2014, a couple practicing boxing was prosecuted for incitement to debauchery of prostitution (*La Dernière Heure*, April 22<sup>nd</sup>, 2014). He regularly taught the practice to young girls while they were topless or completely nude. The couple also had sexual relations with girls who were willing. He filmed the boxing scenes and sold them in Europe and the United States. Sexualization increasingly invades public spaces and the authorities should be alarmed, because it is a threat to the wellbeing of children.

It is clear that procuring is benefiting from increasing impunity. This impunity relies on weak enforcement of the Penal Code, which tolerates procuring within real estate, allowing for prostitution to be trivialized and for procurers to increase their profits significantly. If the articles of the Penal Code were strictly applied, the Eros Center and other places dedicated to prostitution would be closed. These places promote impunity, sufficient to cover the sex industry and exploit vulnerable prostituted persons. For a more egalitarian society concerned with the preservation of sexuality outside of markets and violence, the federal government should be alarmed by the tolerant measures applied by municipalities. The local governments are lacking in resources and use the skills at their disposal to address problems of sanitation and public tranquility. This can be explained by the absence of a firm federal policy on the matter of procuring, which must be developed.

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## Cambodia

- Population: 15.4 million
- GDP per capita (in US dollars): 1 094
- Constitutional Monarchy
- Human development index (HDI): 0.555 (143<sup>rd</sup> rank among 187 countries)
- Gender inequality index (GII): 0.477 (104<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 21 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the Association of Southeast Asian Nations since 1999.
  
- No national statistics on prostitution. Last estimate (2011): 80,000 - 100,000 victims of sexual slavery.
- Prostitution is illegal and subject to 1 to 6 days in prison, and a fine of 3,000-10,000 riels (0.70-2.83 US\$/0.65-2.1 €). Trafficking is punishable by 7 to 15 years in prison, or 15 to 20 years if the victim is a minor.
- At least 22 convictions of trafficking with the intent of sexual exploitation in 2014, as opposed to 10 in 2013. Sentences of 2 to 15 years in prison. 12 pedophilic sex tourists were arrested in 2014, out of whom 2 were convicted. 7 Cambodian citizens were convicted of purchasing sexual services involving a child.
- Major destination for sex tourism coming from other Asian countries, the United States, Australia, South Africa, and Europe.
- Increase in trafficking of brides to China.
- Origin, transit, and destination country for victims of trafficking in Southeast Asia
- Victims of trafficking for the purpose of sexual exploitation originate from rural areas of Cambodia and Vietnam
- Destination countries for trafficking victims: China, Malaysia, Thailand, Indonesia.

Cambodia today is still particularly affected by the phenomenon of sex commerce, at both the transnational and national level. Cambodia's difficult history has had a considerable impact on the development of sexual exploitation in the country that is quickly becoming comparative to that the Philippines and Thailand (*Fondation Scelles*, 2013).

With a population that is still very young (nearly a third under 18 years old) and 275,000 new workers each year, unemployment remains high (*UNODC*, 2014).

Poverty and inequality are still prevalent issues that have been largely impacted by the worldwide economic crisis of 2008. Cambodia is among the poorest countries in the world. Three-quarters of the population live near or below the poverty line. Due to a lack of professional opportunities, 73.48% of the Cambodian population migrates from one region to another, or to foreign countries, which increases their vulnerability (*UNODC*, 2012).

The situation in Cambodia regarding sexual exploitation has therefore grown enormously in recent decades. A 2011 report noted that 80,000 to 100,000 people were victims of sexual slavery, while in 2002 they were only 20,000, of whom 2,488 were potential trafficking victims.

### **The endemic corruption in Cambodia fuels forms of sexual exploitation**

A region at once of origin, transit, and destination of victims of sex commerce, Cambodia is a hub for trafficking networks.

Cambodian victims are mainly exploited in neighboring countries such as China. Bride trafficking is particularly developed. In recent years, there has been a record of a number of arrests of people taking Cambodian women to China to marry Chinese men, who are willing to pay. This commerce involves just as many grown women (*The Cambodia Daily*, January 22<sup>nd</sup>, 2015) as underage girls (*The Cambodia Daily*, May 26<sup>th</sup>, 2015) as confirmed by arrests of bride traffickers by Cambodian authorities.

Foreign victims exploited in Cambodia, or in transit to enter Thailand and Malaysia, are mostly women of Vietnamese origin. It is commonly accepted that Vietnamese constitute the largest ethnic minority in Cambodia (*Lainez*, June 2011).

A number of Cambodian and Vietnamese women and young girls coming from rural areas end up in brothels in Phnom Penh, Siem Riep, Sihanoukville, Koh Kong, Poipet and Battambang. They are more and more frequently present in “beer gardens”, massage parlors, karaoke, bars, and non-commercial venues. The majority may be subject to several forms of exploitation, simultaneously as well as successively (sexual exploitation, forced labor, forced marriage, domestic servitude...) (*Committee for the Rights of the Child*, February 26th, 2015).

Clients of prostituted Cambodians are mostly local Cambodians. Coming next are foreigners, and in particular, westerners. The proportion of western tourists having already been convicted of similar crimes in their home country is notable (*APLE Cambodia*, February 2014).

Child sex tourism in Cambodia has developed due to the reinforcement measures adopted by its neighbors, the Philippines and Thailand who have adopted these measures to fight child sex tourism. Children are the object of underground exploitation, by both individuals as well as organized groups, within leisure establishments (karaoke bars...).

The sale of the virginity of young girls coming from slums continues to grow in a very organized manner (*Fondation Scelles*, 2012). “Brokers” buy the virginity of children from their parents. They find wealthy Cambodian, Chinese, and Thai clients, who will occasionally even

demand a certificate of virginity. Cambodia struggles to suppress this phenomenon, as evidenced in the last report by the Committee for the Rights of the Child (CRC) in 2015. The Committee denounces a rise in sexual abuse on the part of tourists within orphanages that indeed are the very institutions intended to help children (NGOs...).

According to the Global Report on Human Trafficking by the Office of the United Nations Office on Drugs and Crime (UNODC), Pacific Asian traffickers are just as often men as they are women. The organized networks are national or regional (*UNODC*, 2014).

The development of these networks is facilitated by endemic corruption in Cambodia. Certain diplomatic agents and members of Cambodian police forces are involved in the transport of Vietnamese women to Thailand and Malaysia. The rare attempts made to suppress this have failed, making it impossible to envision an improvement in the fight against corruption. It is because of this that a former chief of the Department Against Trafficking and for the Protection of Minors of the municipal police of Phnom Penh, accused of infractions relating to trafficking, was acquitted in November of 2013 by the Supreme Court (*U.S. Department of State*, June 2014).

### **A Strong Normative Body of Law with an Imperfect Implementation**

Cambodia has adhered to numerous conventions and is equipped with laws to fight against human trafficking. The country has ratified the additional protocol to the Convention of the United Nations against transnational organized crime, aimed at foreseeing, repressing, and punishing human trafficking, in particular involving women and children. It instituted a law in 2008 on the suppression of sexual trafficking and exploitation thanks to 12 accusations covering all forms of trafficking.

Having ratified the majority of international instruments regarding the fight against sexual exploitation and trafficking by means of prostitution, the government put in place plans of action to effectively apply these legal texts (*Committee for the Rights of the Child*, February 26<sup>th</sup>, 2015).

The U.S. Department of State nevertheless estimates that government policy on the matter does not meet minimum international standards regarding the fight against trafficking, and in 2015 ranked Cambodia in the Tier 2 Watch List highlighting an evident decline in the effectiveness of the repression. If only 10 convictions of trafficking with the intention of sexual exploitation were recorded in 2013, the number, which rose to 22 in 2014, indicates that Cambodia has taken these observations into account (*U.S. Department of State*, June 2014).

Having observed an absence of progress, and more importantly, a substantial decrease in number of convictions of traffickers, has led to an assessment of impunity. Certain trafficking convictions impose extremely light penalties, demonstrated by the fact that 4 months of trafficking amounts to only 16 months in prison (*The Cambodia Daily*, January 29<sup>th</sup>, 2015): in other words, the penalty does not match the crime.

Regarding competence and investigations, the police are unable to carry out infiltrations in investigations concerning accusations of trafficking because, the law being unclear on this point,



judges consider proof acquired by infiltration to be inadmissible (*U.S. Department of State*, June 2014).

Moreover, identification of trafficking and sexual exploitation victims is particularly deficient and has been in decline in recent years, falling from 497 identified trafficking victims in 2011, to 297 in 2012 and to 76 in 2013 (*ILO*, 2015).

Prostitution is illegal in Cambodia. The *Law on Suppression of Human Trafficking and Sexual Exploitation* of 2008 provides for penalties of up to 1 to 6 days in jail and a fine of 3,000 to 10,000 riels (0.70 to 2.83 US\$/0.65 to 2.1 €). Prostituted persons are therefore arrested for prostitution, and disturbance of public order and security. Approximately 15% of prostituted persons in Phnom Penh report having been arrested at least once in the past twelve months (*National AIDS Authority*, April 7<sup>th</sup>, 2014).

Regarding child sex tourism, it is apparent that necessary measures are lacking. In effect it is reported that over 90% of accused sexual abusers of minors have already been convicted in their country of origin (*APLE Cambodia*, February 2014).

### **Twofold Vulnerability for Sexual Exploitation Victims: A Health System at the End of its Rope**

Approximately 14% of people infected with HIV/AIDS are prostituted persons.

In the 1990s, following thirty years of conflict, Cambodia was one of the countries most affected by the virus, with 60% of prostituted persons contracting HIV/AIDS (*Study in Gender and Sexuality*, 2014). The country has therefore put political focus on preventing HIV/AIDS and educating people about the risks for the past 20 years. In 1999, at the peak of the epidemic, the Prime Minister put in place a 100% condom use policy, which allowed brothels to have their own supply of condoms without fear of arrest or prosecution (*The Cambodia Daily*, June 26<sup>th</sup>, 2014). This decision has paid off, seeing that the rate of adults contracting HIV/AIDS diminished by more than 50% from 2001 to 2012 (*UNAIDS*, November 2013).

According to the UNAIDS, current Cambodian laws fighting human trafficking and sexual exploitation may be an obstacle to the prevention of HIV/AIDS.

Institutional Cambodian actors have debated this issue since 2011. As prostitution has gone from being organized in a clandestine fashion to being organized institutionally within massage parlors and karaoke bars, police have begun to consider the possession of condoms as proof of illegal sexual exploitation (*The Cambodia Daily*, June 26<sup>th</sup>, 2014).

The minister of justice published in 2013 an explanatory note clearly prescribing to police and judiciary institutions not to accord any probationary value to the possession of condoms (*Ministry of Justice of the Kingdom of Cambodia*, 2013). Nevertheless, this memo does not seem to have been applied by local authorities (*The Cambodia Daily*, June 26<sup>th</sup>, 2014). Thus, clients and prostituted persons prefer not to use condoms due to fear of arrest.

Also regrettably, prevention policies in their current form are not especially aimed at entertainment workers (*National AIDS Authority*, April 7<sup>th</sup>, 2014).

### **Between Public and Private Initiatives**

The CRC, in its February 2015 report, observed the insufficiency of measures put in place for the protection of children against crimes, endorsed by the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, particularly on the matter of pornography involving children.

The Committee called for a revision of the anti-trafficking law to clarify and better criminalize this infraction, and was endorsed by article 41 of the Law on suppression of human trafficking and sexual exploitation of 2008 (*The Cambodia Daily*, February 6<sup>th</sup>, 2015).

Created in 2009, the government committee against trafficking also adopted a new plan of action for the period of 2014-2018, announcing an increase in budget allotted to the committee and a broadening of their staff (*The Cambodia Daily*, February 11<sup>th</sup>, 2015). The government adopted a proposal, for a trial period in two provinces, whereby a proactive identification system would be used to identify victims in vulnerable groups. This program is extremely important for the numerous public and private institutions to allow the collection of information on victims of information, yet it has been inefficient (*UNODC*, 2012). The government is also trying to educate its various diplomatic agents and ties, by intensifying its anti-trafficking training.

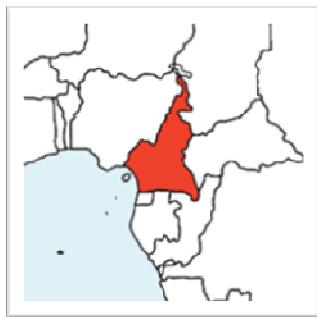
NGOs play an important role in the fight against sexual exploitation in Cambodia. End Child Prostitution, child pornography And Trafficking of children for sexual purposes (ECPAT), which fights against sexual and commercial exploitation of children is a privileged partner of official bodies (including the United Nations Inter-Agency Project on Human Trafficking - UNIAP) and is developing a collaboration with the government, especially on the matter of data collection (*UNODC*, 2012). All shelters and hospitality structures for victims, with one exception in the town of Poipet, are managed by NGOs registered to the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY). There are 35 shelters for victims of trafficking, and over 200 NGOs providing all kinds of support to victims sent to them by other associations or by the police.

However, no shelters accept adult male victims of trafficking, or transgender “lady boys.” They are supported very little by the NGOs, who still suffer from the persistent belief that only women and children are victims of trafficking.

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## Cameroon

- Population: 22.8 million
- GDP per capita (in US dollars): 1,407
- Republic
- Human development index (HDI): 0.512 (153<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.587 (132<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 27 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the African Union since 1963.
  
- No recent official national statistics on prostitution. In 2010, 18,000 people were prostituted and 4,000 minors between the ages of 11 and 17 were trafficked for prostitution. 40% of young girls between 9 to 20 years of age could be prostituted (*Fondation Scelles*, Prostitution by country).
- The Penal Code (articles 294 and 343) provides for sentences from 6 months to 5 years imprisonment and a fine of 20,000 to 500,000 CFA (33 to 825 US\$/30 to 760 €) for prostitution. Trafficking is punishable by 10 to 20 years in prison (15 to 20 years when the victim is 15 or younger) (*Ecovox*, July-December 2008).
- 8 convictions for child trafficking in 2014 against 1 in 2013. The sentences ranged from 1 to 15 years in prison.
- Domestic human trafficking is a recurrent issue.
- Country of origin, transit and destination for human trafficking with the purpose of sexual exploitation. Country of destination for sex tourism.
- Human trafficking victims come from Cameroon, Nigeria, Central African Republic and from Western Europe.

There are no current dependable statistics on victims of prostitution and trafficking with purposes of sexual exploitation in Cameroon. The data gathering is still sporadic and does not cover the whole territory, after the 2014 U.S. Department of State Report on Trafficking in Persons. However the government went on attempting to fight human trafficking. It also carried out the activities mentioned in the 2009 national plan intended to combat both trafficking and sexual exploitation but the support and protection issues are still causes of concern.

### **Gaps in the implementation of the legal device**

The law voted on April 5<sup>th</sup> 2011 related to the fight against human trafficking abrogated the law adopted on December 29<sup>th</sup> 2005 which only dealt with child trafficking; it highlights the significant attempts by the Cameroonian authorities since all forms of trafficking are then criminalized, whether they imply children or adults (*Fondation Scelles*, 2013). This law provides an imprisonment penalty of 10 up to 20 years. Nevertheless the government is facing a big difficulty for very few sentences are pronounced, even though 5 inquiries implying 2 convictions in 2011 and several cases of trafficking were reported to the authorities. For example, according on August 20<sup>th</sup> 2014, the Styl agency in Tokoto Street in Bonapriso, at the very core of the economic capital, Douala, which is very well known for its activities in the communication and event domains, started new activities in the trafficking with purposes of sexual exploitation (*Camer.be*, August 20<sup>th</sup>, 2014). This agency was created three years ago under the control of Marie-Christine Molu who promoted sexual services. She kept on offering so many different prostitution services that she failed her main missions. This market generates a high revenue which she does not want to see vanish. In order to extend this activity and receive bigger revenues, she demands a complete silence from the young hostesses who have been recruited. They are not more than 21 years old and are at the clients' entire disposal when she organizes special parties. The communication agency has been turned into a procuring venue the activities of which do not seem to draw policemen's attention. This outrage is apparently still little repressed.

The new 2011 law has led to the creation of an inter-ministry committee responsible for the enforcement of the law and of a national action plan against children's work and trafficking. The law was welcome and reflects the will to better coordinate the actions intended to fight against trafficking so as to combat this plague more efficiently. Several actions in relation with the issues of cooperation and coordination, prevention and protection should be noted. On a national level, according to the 2014 U.S. Department of State Report on Trafficking in Persons, an awareness campaign against children's trafficking was conducted by the Social Affairs Ministry of Cameroon (MINAS); the latter maintains its active fight against the recurrent "street children" phenomenon. The government has organized training sessions on human trafficking for its authorities and those of some NGO's in cooperation with international institutions. Help to vulnerable victims is also still provided. For instance, among the 19 victims who were identified by the government in 2014, 13 have been placed in NGO'S shelters. In spite of these concrete efforts, the government is still not able to protect victims from sexual exploitation. Actually, although the 2011 law has shown some progress, there are still gaps concerning victims' protection. No measure is provided by the country's legal system in order to protect victims in the frame of legal proceedings against the persons implied in their sexual exploitation. The protection of trafficking victims remains a concerning issue which is seriously lacking a solution. Children are the main victims of the trafficking in Cameroon. They are often trapped into

prostitution networks. Rather than protecting them, the government tends to convey repressive addresses, which only makes them more vulnerable. Moreover, according to the 2013 report on the combat against minors' sexual exploitation, 59.1% among the children arrested by the police are corruption victims. Therefore it is most important that authorities get worried about children's as well as adults' conditions of entrance into prostitution; they should help them have access to official protection.

### **Main forms of prostitution in Douala, the economic capital**

Two main forms of prostitution are deeply rooted in this country, particularly in the economic capital, Douala (*Pensée plurielle*, 2011). These forms have been multiplied in parallel with globalization; sedentary prostitution should be distinguished from the luxury one through prostituted persons' social origins.

Sedentary prostitution occurs in one single determined place and presents different characteristics: street prostitution takes place at night through the soliciting strategy between the women and the men who conclude together the market terms. Street prostitution or "pole" prostitution starts round 6 PM in the capital streets when women and children from the same district gather together. At dawn, these communities are still present on the pavements. "First floor prostitution" occurs at night in the back streets of buildings dedicated to bargaining and sexual intercourse. These exchanges take place as paid guardians are watching in collusion. Last of all, prostitution in bars, cafés and snack-bars is mostly practiced by young people from lower classes who have often immersed themselves in the western culture of the big metropolis. Many places of this type are to be found in precarious districts (New Bell, Bepanda, Mabanda-Bonabéri) and are visited by young people who go through social hardship.

"Luxury prostitution" is practiced by single women as well as married women (they are sometimes foreigners) and girls who often come from a relatively favored social class. These persons travel frequently and can be easily recognized by their clothes and cars. This kind of prostitution has two different forms: "midday prostitution" is operated in public and administrative buildings. Prostituted persons wear smart clothes and pace along corridors so as to meet clients and exchange sexual intercourse in a hotel room after sharing a meal. Prostitution in hotels and inns takes place in lots of accommodation places where it is easy to meet prostituted persons with the managers' complicity. Competition is very hard in snack-bars and inns-hotels which prostituted persons are particularly fond of. Prostitution tends to show a new face: it is no more practiced only at night far from indiscreet eyes but also in the day time, by young women aged between 20 and 30 who are called "call boxers", which means phone-credit salesgirls (*Koaci*, November 25<sup>th</sup>, 2014).

## Prostitution in globalization

Globalization has put an end to the frontiers between peoples and cultures. In Cameroon, the population generally shows more and more interest in new media and communication technologies. A study in 2014 on the frequency of the visits to meeting sites in West Africa, has found significant results (*Camer.be*, August 26<sup>th</sup>, 2014). Out of 600,000 site visitors, 189,000 are Cameroonian citizens, on average. The percentage of the presence on the sites is dispatched by region, Cameroon standing first with a frequency rate of 52.7%. These sites are used under cover of another activity. Advertisements often offer domestic jobs such as babysitting or house - working and varied kinds of jobs in agriculture and industry. Street prostitution is repressed and suppressed, but men and women of all ages, younger and younger, very often watch these sites individually in cyber-café, offices or at home. They are often looking for another living environment and wish to escape poverty, sometimes up to the point of disclosing their intimate side in front of a camera. According to Eric Mballa, a sociologist at Douala University, this attitude has to do with the lack of education. While these sites were intended to make people meet, they are more and more often used by traffickers as a means to organize the human trafficking with purposes of sexual exploitation. In parallel with this development of prostitution, another phenomenon seems to be flourishing. Sex tourism is expanding on the territory. Market liberalization has allowed mass tourism to soar particularly in Cameroon, even though this country is not a highly estimated touristic destination. As an example, the city of Kribi, some 124 miles south of Douala, the economic capital, welcomes thousands of tourists each year. At night fall, the city fuels sex tourism through restaurants, night-clubs and bars along the Atlantic coast. Each sexual intercourse costs 10,000 CFA (16.5 US\$/15.2 €) for a Kribi young girl and 60,000 CFA (99 US\$/91 €) for a minor in a hotel room with the hotel porters' complicity (*Slate Afrique*, June 6<sup>th</sup>, 2014).

In addition to sex tourism involving children and women, child pornography is in full swing. In 2006, about 33% of children have already watched adult prostitution (*ECPAT International*, 2013). Thus there are varied forms of sexual exploitation. Cameroonian authorities take pretext of the plague of prostitution not to face the issue of trafficking with purposes of sexual exploitation, even though they have adopted a charter in 2007 against sex tourism which was signed by the managers of touristic establishments. The authorities should take measures demanding that all pornographic sites and pictures of sexually abused children be discarded. As far as sexual exploitation is concerned, the priority actions intended for an efficient combat against sex tourism should target the reinforced monitoring of the actors in private tourism industry.

## Connections between prostitution and migrations

Prostitution in Cameroon is in relation with migration processes (*Sociétés*, 2008). Many women are trapped into prostitution networks as soon as they leave their country, town or region of origin in order to reach a destination place either inside or outside the continent.

Several causes should be identified concerning migrant paths. First of all, social and economic destitution feeds prostitution. Women and younger people leave rural areas to get an easier access to water and infrastructures in towns (*Pensée plurielle*, 2011). According to MINAS report, water was available to 89% of urban populations in 2014 versus to only 49% in rural areas. These women and children are often urged by their families to enter channels that make them believe they will enjoy higher living standards. Once they get to the destination place, women and children are ill-treated and forced into prostitution. They are thus prisoners of a mobile network. Moreover these populations are also obliged to achieve various domestic chores and become preys which can be easily recognized during the trip. They sometimes wish to climb up the social ladder and enter prostitution in order to pay back their debt to the intermediaries who helped them to leave their country of origin. They have no other choice but to prostitute themselves. Some of these women and teenagers will thus flee from the calamitous forced marriage, a tradition which is still deeply rooted in North Cameroon. They take the risk of leaving their town in a weak psychological position made even more fragile by the separation; that is how they are trapped into channels. Others seek to fly from their country of origin because of high tensions and of an unsteady political regime, which brings about wars and extreme violence. As an example, the Nigerian jihad group called Boko Haram waged aggressive actions in North Cameroon all the 2014 year long. It makes profit out of prostitution which represents an important source of income (between 500,000 and 2 million €/541,550 and 2,16 million US\$ per month). Several persons have been raped by this terrorist group; they are exploited sexually when they do not agree with prostituting themselves (*Challenges*, February 17<sup>th</sup>, 2015).

Inversely some women come into Cameroon through international channels. European and Asian prostituted persons who are used to travelling a lot have been present in the African capitals for some ten years, particularly in Cameroon which is one of the main places of origin, transit and destination for the trafficking with purposes of sexual exploitation in Africa (*Jeune Afrique*, October 13<sup>th</sup>, 2014). This new phenomenon of migration is increasing. Basile Ndjio, a social and cultural anthropologist, estimates that between 300 and 700 prostituted persons of Asian origin are working in Douala. Their prices are lower than those of prostituted Cameroonians and constitute a hard competition with the latter.

## Street children phenomenon

Prostitution has become a scourge that significantly affects minors (*Autrepart*, 2008).

According to the National Institute of Statistics and Economic Studies (INSEE), a study conducted together with ILO in 2010, found that about 4,000 children aged between 11 and 17



were victims of prostitution, among whom 98.6% were girls (*ECPAT International*, 2013). Moreover, some studies revealed by MINAS in 2014 point out such phenomenon as street children engaged in prostitution. Social links and family norms have significantly declined since the end of the 90's, which increased families' poverty and children's vulnerability. In 2010, the decision to assume orphans' and other vulnerable children's welfare let appear that a significant number of children under 18 were infected by the HIV/AIDS (as many as 25.3% of the orphans). According to some forecasts, these figures will rise in the next years. Parents' deaths, their infection by the virus and their moral destitution are factors which fuel the street children phenomenon in Cameroon. The number of drop-outs with a rate of 44% should not be ignored, nor the lack of information and education concerning sexual exploitation. Ignorant children are thus easy preys for the actors who organize the traffic with purposes of prostitution.

However it should be noted that, according to the 2014 U.S. Department of State Report on Trafficking in Persons, an awareness campaign produced positive effects in so far as parents are less and less ready to leave their children in intermediaries' hands. On the other hand, traffickers operate rapes more and more often. The Minas goes on with its work on the infamous phenomenon of street children, a social class which is particularly vulnerable to sexual exploitation. They have identified 504 new cases of street children in Yaoundé and Douala and offered them services of rehabilitation. To date associations such as "Pour les enfants du Cameroun" work at fund raising in order to help women with HIV/Aids who cannot educate their children and to take children away from streets.

Even though these efforts have been engaged, street children, who are as many victims of sexual exploitation, must be a greater concern for authorities. A more important social and economic support, which is necessary for their physical and psychological rehabilitation, must be implemented so as to facilitate their social reintegration.

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## Canada

- Population: 35.5 million
- GDP per capita (in US dollars): 50,235
- Constitutional monarchy with a bicameral parliamentary regime
- Human development index (HDI): 0.913 (9<sup>th</sup> rank among 187 countries)
- Gender Inequality Index (GII): 0.129 (25<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 83 on a scale from 0 (highly corrupt) to 100 (very clean)
  
- No official national statistics on prostitution.
- Country in transition to abolishment. Prostitution is not illegal in itself, but activities related to it are illegal. Soliciting is punishable by six months of imprisonment and/or a fine of up to 2,000 US\$ (1,846 €) (Article 213 of the Canadian Criminal Code). The purchase of sexual services is criminalized under the 2014 Bill C-36 with a maximum sentence of five years of imprisonment and fines, or 5 to 10 years if the prostituted person is a minor. The penalty for procuring is up to 14 years of imprisonment.
- Human trafficking is punishable by life in prison and a fine of 1 million € (1.08 million US\$). A law in December 2014 established a mandatory minimum sentence of four to five years of imprisonment.
- In 2014, 22 people were found guilty of trafficking for purposes of sexual exploitation and were punished with fines, community service, and 6.5 years in prison (compared to 25 convictions for trafficking in 2013, 15 of which were for the purpose of sexual exploitation).
- One of the principal countries of origin for sex tourists.
- Country of origin, transit, and destination for victims of trafficking for sexual exploitation.
- Origins of sexually exploited victims in Canada: Asia, Eastern Europe, indigenous peoples of Canada.

Article 279.01 of the Criminal Code prohibits all forms of trafficking and establishes prison sentences of up to 14 years or life in certain cases, such as abduction or sexual assault. According to the 2014 U.S. Department of State Report on Trafficking in Persons, the Canadian government condemned 25 trafficking offenders in 2013 compared to 30 in 2012. Of these 25 convictions, the government condemned 15 sex traffickers. In December 2013, the Supreme Court of Canada upheld an earlier decision of the Ontario Court of Appeals which had ruled that

certain federal laws on prostitution were unconstitutional. This decision favored a reform of the legislative system leading to a new approach to the issue of prostitution.

### **The Federal Law C-36: A Historic Legislative Change**

Law C-36 went into effect on December 6<sup>th</sup>, 2014 (*La Presse*, December 3<sup>rd</sup>, 2014). It followed the findings made in the Bedford judgment, which created the basis for the government's legislative response (*Ministère de la Justice Canada*, 2014). In the Bedford matter, several women took their case to court on December 20<sup>th</sup>, 2013, to contest the constitutionality of the criminalization of activities surrounding prostitution. In doing so, the Supreme Court challenged the criminalization of keeping a common bawdy house (brothel), of living off of prostitution earnings, and of public communication for purposes of prostitution under Article 7 of the Canadian Charter of Rights and Freedoms, which guarantees everyone the right to life, liberty, and security of person. The Criminal Code now addresses the issue of prostitution ambiguously as the act is not considered a criminal offense, unlike its associated activities. Canadian law does not punish prostitution directly, resulting in a certain level of tolerance. The new law has led to a change in legislative approach in 2014. For the first time, Bill C-36 makes prostitution illegal by criminalizing the purchase of sexual services while offering amnesty to prostituted persons. In this way, only clients and procurers (the targets of this law) will be prosecuted. The law restores the ban on soliciting for both clients and prostituted persons, the ban on this exercise near schools, parks, and other public places of children, and the ban on advertisements for sexual services. Bill C-36 also provides a budget of 20 million US\$ over five years to help support people trying to get out of prostitution (*Le Devoir*, December 10<sup>th</sup>, 2014). This is viewed as insufficient for dealing with the problems created by the scourge of prostitution. In addition, the Conservative majority government has a rather 'moral' vision of prostitution and puts more emphasis on resources dedicated to enforcement at the expense of supporting those attempting to free themselves from prostitution.

On February 17<sup>th</sup>, 2014, the Ministry of Justice set up a month-long public online survey on prostitution-related offenses in Canada (*Ministère de la Justice Canada*, 2014). The goal of this survey was to discover which issues the general population thought were important to guide the government's legislative response. The results of the survey revealed a high level of interest in public opinion and indicated that a large majority believed that the purchase of sexual services should be treated as a criminal offense (56% vs. 46%).

Positive effects of this legislation are noteworthy, because the law has changed the paradigm in which authorities understand prostitution. In this sense it represents a step forward. However, while Bill C-36 criminalizes clients and procurers, men and women continue to engage in prostitution. It is therefore crucial that the authorities are aware of the conditions of entry into prostitution for men, women, and children, who are often vulnerable to violence without limit from their traffickers, leading to their eventual death. The mortality rate of prostituted persons is 40 times the national average (*Ici Radio-Canada*, December 20<sup>th</sup>, 2013).

While new legislation has been adopted, Canadian authorities have continued to implement actions to fight against trafficking for prostitution in the four main provinces of Quebec, Ontario, British-Columbia, and Manitoba. For example, in Montreal, the second largest city in Canada and fertile ground for prostitution, the Director Plan of Action report for 2014-2016 focused on the fight against sexual exploitation for prevention, awareness, and training of civil servants (*SPVM*, January 14<sup>th</sup>, 2014). In addition, Canada is facing the emerging problem of street gangs taking advantage of the sex industry. To improve the efficiency of the fight against trafficking for sexual exploitation, the authorities need to intensify their efforts to investigate and prosecute traffickers. This requires better coordination and communication between federal, provincial, and territorial actors who sometimes display misunderstanding of the scourge of prostitution and find it hard to agree on their conception of the phenomenon (*U.S. Department of State*, 2014). This approach will strengthen the partnerships within civil society. It will also make care for victims of trafficking more effective.

### **Groups with Differing Positions and Challenges / a Strong Field of Contestation**

The government introduced Bill C-36, inspired by the Swedish Model, arguing for the safety of prostituted persons (*La Presse*, May 4<sup>th</sup>, 2014). However, many testimonies on this subject rattled the whole country, more particularly those who viewed prostituted persons as victims and those who considered prostitution a lifestyle choice. While the government sees prostitution as a crime, it seems to be sensitive to this distinction. The decision mobilized more than 60 groups of people campaigning for the abolition of prostitution and for gender equality, as well as groups advocating for the complete decriminalization of prostitution (*La Presse*, December 6<sup>th</sup>, 2014). There are two main groups that clash on this issue. First are the abolitionists who have many differing points of focus and positions (Council on the Status of Women, LaCLES...). The second includes groupings of sex workers (Stella) and their allies (associations for the defense of civil liberties and other organizations defending the same interest). The difficulty of agreeing on the nature and causes of prostitution provokes a passionate, nationwide debate (*Déviance et Société*, 2014). The dispute is strong and is a source of political orientation. For example, in 2003, Libby Davies, MP of the New Democratic Party, created a parliamentary committee to review solicitation laws. In this way the security of prostituted persons was broadcast across Canada in a dark context. In 2001, the Pickton serial killer case occurred, in which 46 prostituted persons were found murdered on a pig farm<sup>13</sup>. The sordid affair attracted national attention and helped pro-sex work representatives to assert their claims in a public fashion with their allies, creating equal footing with abolitionist groups which were supported by significant lobbying efforts. The consequences of this dark affair favored an alignment with regulationists, promoting a risk reduction strategy (reducing drug addiction, abuse, poverty,...) at the expense of support for helping people out of prostitution. Even though the criminalization of prostitution introduced

<sup>13</sup> See chapter « Canada », in: Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation - Prostitution and Organized Crime*, Economica Ed., 2012 ; in: Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation - A growing menace*, Economica Ed., 2013.

in Bill C-36 weakens the security of victims, it is prostitution itself which is undeniably responsible for the violence suffered by women subject to male domination as a result of their vulnerability.

The NGO La Concertation des Luttes Contre l'Exploitation Sexuelle (LaCLES) actually welcomed the law and is pleased with the recognition of prostitution as violence against individuals. This is the first step towards abolition, even if the work is lengthy. This association has strongly supported the government adopting this model and continues its actions of the past ten years, working against sexual exploitation and violence against women through various devices such as awareness and alternatives to prostitution. Its members participated in the Standing Committee on Justice and Human Rights, testifying on concrete cases of prostituted persons exposed to violence. They supported the Women's Coalition for the Abolition of Prostitution before the Ontario Court of Appeals and the Supreme Court of Canada for the Bedford decision<sup>14</sup>.

### **Domestic Trafficking for Sexual Exploitation**

Street prostitution represents 5-20% of prostitution in Canada, and the average age of entry is 14-15 years old (*Ici Radio-Canada*, December 20<sup>th</sup>, 2013). Article 213 of the Criminal Code prohibits soliciting and prescribes a maximum fine of 2,000 US\$ (1,846 €) and/or imprisonment for up to 6 months. This repressive approach to prostitution has prompted the organization of procuring networks in less visible public places (*GRC*, 2010). Thus, the main places of sexual exploitation are strip clubs, businesses for escort services, massage parlors, and brothels located in residential areas. To a certain extent, communities participate in the regulation of prostitution in these closed areas.

Montreal is a hub of sex tourism and generates revenues in millions of dollars. Americans from Los Angeles, New York, Boston, Maine, Chicago, and Texas travel to Montreal VIP, an entertainment agency, to sexually exploit 14 year old girls from Quebec or China. This agency has become a business specializing in bachelor parties. "It was a market demand. We thought it was a good niche to explore" said Jay Martin, director of the institution (*La Presse*, October 2<sup>nd</sup>, 2013). This city has a well recognized entertainment industry where prostitution activities thrive. LaCLES identified nearly 420 locations that offer sexual services. The sex industry seems to have changed its face with the proliferation of street gangs who are getting involved with trafficking for prostitution (*La Presse*, October 1<sup>st</sup>, 2013). Street gangs acquire and abandon narcotic drugs for the benefit of escort agencies. Dance clubs and bars, in turn, decline and give way to escort agencies and massage parlors that continue to multiply their activities related to sexual exploitation.

In addition to the traditional prostitution fronts, a concerning phenomenon seems to be gaining momentum. Increasingly, adolescents are involved in trafficking for prostitution. They

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<sup>14</sup> See chapter « Canada », in: Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation - Prostitution and Organized Crime*, Economica Ed., 2012 ; in: Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation - A growing menace*, Economica Ed., 2013.

are influenced by the culture of qualified procurers or the culture of “pimps”. For example, a 15 years old girl was sentenced to three years in prison for procuring (*Metro News Canada*, January 30<sup>th</sup>, 2014). She was arrested in Ottawa in 2012 for misleading two other teenagers through social networks in order to subject them to sexual exploitation. Deviant behavior is starting increasingly early and encouraging young people to engage in prostitution (*Les Cahiers Dynamiques*, 2011). This is a very significant trend.

### **The Link between Prostitution and Migration in the Context of Transnational Trafficking**

In Canada, international human trafficking is recognized regardless of the immigration status of victims. Victims of trafficking are identified as such when they cross a national border (*GRC*, 2010). Section 118 of the Immigration and Refugee Protection Act (IRPA) prohibits transnational human trafficking and provides for a maximum penalty of life imprisonment and a fine of up to 1 million € (1.08 million US\$). Canada is a country which attracts many foreigners. They see it as a place to free themselves from their current social conditions and obtain a better standard of living. Common targets of trafficking for sexual exploitation are racialized migrant women coming most often from Eastern Europe, Asia, and Africa (*Nouvelles Questions Féministes*, 2014). In 2013, the government allocated temporary resident permits (TRP) to 14 victims of trafficking. Nevertheless, the challenge in obtaining these permits is reflected in disagreements between administrative services. Delays put foreigners in a difficult position on the equipment and health plan, sometimes leading them to engage in the sex trafficking. Although the number of strip clubs and bars is declining, they remain the territory of procurers who take advantage of the arrival of immigrants in irregular situations and who are often willing to submit to prostitution. Procurers may even threaten to report immigrants to the authorities if they do not accept prostitution. The number of massage parlors, which appear to be the “new brothels,” is increasing (*La Presse*, October 2<sup>nd</sup>, 2013). There are more than 260 in Montreal. They are not subject to any police surveillance and licensing facilities favor the development of this activity while maintaining complete impunity.

Sociologists have theorized that the violence brought about by the sex industry generates asymmetric relations between men and women (*Nouvelles Questions Féministes*, 2014). The globalization of trafficking and “pimp” culture has intensified female migration. Men are taking advantage of this trend to increase their income by sexually exploiting women and children. For example, a prostitution network of more than 500 Asian women was dismantled by the federal police (*Le Devoir/AFP*, April 1<sup>st</sup>, 2015). This network was described by the authorities as an international criminal organization with bases in Montreal, Halifax, Ottawa, Toronto, Winnipeg, Calgary, Edmonton, and Vancouver. These young women illegally crossed the Canadian border with the help of procurers. For now, the police have arrested six traffickers who will be held accountable for their acts before a court.

### **A Culture of Body Trivialization: An Instrument for Societal Violence**

According to the Documentation Center for Adult Education and the Status of Women (CDEACF), the models of identity conveyed by mass media have consequences on juvenile behavior (child pornography, lack of self esteem, harassment, sexual violence...). Hypersexuality does not have a single definition because, according to the scientific community, it is expressed in many ways. "It is a social phenomenon in which teenagers and adolescents are adopting attitudes and sexual behaviors too early." Young audiences are considered to be highly vulnerable and receptive to messages referring to fashion, beauty, and violence. The culture of body trivialization is widespread in Canada, leading to risky behavior. It is the result of the vision of inequality between men and women. The phenomenon of hypersexualization remains a concern because it is not appropriate for the stage of cognitive development of young audiences. This is reflected in both their sexual behavior and deviant practices, recognizably affected by their environment. Therefore, forms of violence, including sexual exploitation, may originate from this culture. Criminal Organizations run by teenagers reflect this reality. They take advantage of the naivety of people their own age who are not always aware of the risks involved.

70-90% of all prostituted persons have been physically abused (*Ici Radio-Canada*, December 20<sup>th</sup>, 2013). Certain procurers do not hesitate to drug women in order to force them to submit to male domination. Young women who engage in prostitution have not all come from difficult social situations. This is even more worrying because many have ambitions and career plans. In August 2013, two prostituted persons were found dead in the same building in British Columbia (*La Presse*, August 27<sup>th</sup>, 2013). They had overdosed on alcohol and drugs under the control of their procurers. The Canadian Association of Sexual Assault Centres (ACCCACS) is working to eliminate poverty and violence against women to prevent atrocities like this from occurring.

### **Violence against Indigenous Women: A Societal Problem**

According to the report on missing and murdered indigenous women by the Royal Canadian Mounted Police (RCMP), indigenous women represent 16% of homicide victims and 11.3% of missing women (*La Presse*, May 16<sup>th</sup>, 2014). The report also counted 1,181 cases of missing and murdered indigenous women since 1980. This category of the population represents the main victims of trafficking, and these women are greatly overrepresented in homicide cases (*Nouvelles Questions Féministes*, 2014). The indigenous community, mostly composed of Inuit, has been exposed to violence and has been subject to a rejection policy in recent years. The 2009 Canadian statistics report revealed that indigenous women are three times more vulnerable than non-indigenous women (*Blogs Mediapart*, August 27<sup>th</sup>, 2014). They are twice as likely to become single mothers. According to UNICEF, the infant mortality and disease rates are 90 times the national average. In addition, gender inequality has a strong correlation with



discrimination. These women are subject to many forms of violence, ranging from sexual exploitation to abuse from police. There is no government policy for helping these women, reflecting their social exclusion. Indigenous women reported missing in connection to murders, rapes, and abductions are a societal problem that the authorities are not addressing because they do not comprehend the magnitude of the phenomenon. To a certain extent, this contributes to a climate of terror for victims and a sense of impunity for perpetrators. Although the majority of indigenous women are not sexually exploited, they are still more susceptible to difficult social conditions (poverty, drug abuse, loneliness, abandonment by public authorities...).

Indigenous people living in the districts are potential prey for traffickers. The Pickton case demonstrated this as several indigenous women were murdered. They were living in the Downtown Eastside neighborhood in Vancouver, an area with much poverty, unemployment, and prostitution. For a long time the Native Women's Association (NWAC) and other human rights activists have been calling for a national public inquiry into these murders and disappearances. The president of the NWAC, Michelle Audette, stressed the importance of recreating a link between the authorities and indigenous people who are highly marginalized. This request was rejected (*Huffington Post Quebec*, September 10<sup>th</sup>, 2014) by the Prime Minister Stephen Harper on the grounds that the study of this reality should not be conducted on a sociological angle. He added on August 21<sup>st</sup>, 2014: "I think that we should not see this as a sociological problem. We must consider it as a crime. It is a crime against innocent people and that is how we should address this issue". For now, the action plan published in September 2014 by the government is supposed to address the violence against indigenous women.

It is crucial that authorities make a serious effort to stop this problem at its root. The police approach alone is not enough to stop this scourge. More groups specializing in this issue should be integrated into solution plans.

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## China

- Population: 1.39 billion
  - GDP Per capita (in US dollars): 7.590 (Hong-Kong, SAR, China: 40.169)
  - Single party republic
  - Human development index (HDI): 0.727 (90<sup>th</sup> rank among 187 countries)
  - Gender inequality index (GII): 0.191 (40<sup>th</sup> rank among 147 countries)
  - Corruption Perceptions Index (CPI): Score of 37 on a scale from 0 (highly corrupt) to 100 (very clean)
- According to a figure given by the Communist Party of China, there are between 3 and 4 million prostituted persons in China (*Fondation Scelles*, 2013). The OMS, however, estimates between 4 to 6 million prostituted persons (*OMS*, 2010). A study conducted by Asia Catalyst in December 2013, estimated that there were 2.68 million prostituted persons for 26.5 million clients.
- No official statistics on Chinese nationals sexually exploited abroad.
  - Prohibitionist country (articles 66 and 67 of the Administrative Penalty Law, 2005). Prostitutes arrested by authorities are subject to be sent to surveillance and education centers where forced labor is practiced. Clients and procurers are also penalized.
  - In Hong Kong, prostitution in private apartments is legal, but soliciting and brothels are prohibited. In Macau, prostitution in private apartments is legal, but soliciting is prohibited. In Taiwan, prostitution in private apartments is permitted, soliciting is illegal, and brothels are legal.
  - Articles 240, 358, and 359 of the Penal Code criminalize human trafficking and sexual exploitation, which is punishable by up to life imprisonment or, in some circumstances, the death penalty.
  - There has been a substantial increase in large-scale police operations – in 2013, 5000 crime groups were dismantled and 40,000 people arrested. It is estimated that between 18,000 and 28,000 women arrested for prostitution each year are sent to surveillance and rehabilitation centers.
  - The national ratio of 117 men per 100 women generates a demand for foreign brides from neighboring countries (*U.S. Department of State*, 2015). Sold by their families or recruited

through coercion or deception, women frequently find themselves in situations of domestic and sexual slavery.

- A significant phenomenon of domestic trafficking exists, affecting 236 million people in rural exodus (*U.S. Department of State*, 2015).
- Country of origin and destination for victims of trafficking for sexual exploitation.
- Chinese victims are exploited both in Chinese urban centers as well as on all continents. These victims are particularly exploited in large cities, on construction sites, in the mining and forestry industry as well as in areas where there is a high concentration of Chinese diaspora.
- Foreign victims in China originate mainly from North Korea, Tibet, Mongolia, Burma, Laos, Cambodia and Vietnam, as well as other Central Asian Republics.

Sexual exploitation in China from 2013-2015 was marked by diverse forms of prostitution: in luxury hotels, massage parlors, karaoke bars, and occasionally, the domestic work field.

An examination of press reviews conducted by Fondation Scelles (*CRIDES, Fondation Scelles*, 2013) as well as several other reports show that China remains a country of origin, but is also a transit and destination country. The recent discovery of the “marcheuse” (the walker) phenomenon of Chinese prostitution in France demonstrates a steady increase in victims trafficked from poor areas of China (Dongbei, Jiangxi, and Shandong). These facts are reflected in the context of Chinese criminal networks. The Chinese criminal networks represent 17% of the networks dismantled by France in 2014, this number falling just behind that of the Central European networks (*Ministry of the Interior*, May 19<sup>th</sup>, 2015). The arrests of Chinese procurers made up 17% of all arrests in the matter behind those of Eastern Europe (*Ministry of the Interior*, April 24<sup>th</sup>, 2015). Wherever Chinese prostitution is present, this method of exploitation reproduces itself: the most vulnerable people, wishing to find a better life elsewhere, are exploited by local gangs. China is also a destination country for women from neighboring countries (North Korea, Burma, Mongolia) who are exploited in the fields of prostitution, forced marriage and work. In recent years, cross-border movement from neighboring countries to China has increased. Many migrants end up in factories in the provinces of Fujian, Guangdong, Jiangxi and Zhejiang, as well as in the southeast. The demand for foreign brides in China is also rising. The International Organization for Migration (IOM) noted that although there are many legitimate cross-border marriages, many women and girls in the Greater Mekong Sub-region continue to be duped by promises of a better life or employment. They are then forced to marry and live a life of domestic and sexual servitude.

### **Greater Visibility: the Increasing Number of Court Cases**

In February 2014, a spectacular operation, covered by the Chinese media, was conducted in Dongguan by 9,000 policemen and led to the arrest of nearly a thousand suspects and the closure of 200 places of prostitution within the 2000 raided establishments. Several police officers were questioned due to suspicions that they had made attempts to hide this activity. In August 2014, in

the province of Hubei, the Supreme Public Prosecutor reported the apprehension of a network that had been exploiting thirty underage prostituted persons. This case followed the abduction of a girl by a taxi driver that led to a public outcry. In June 2015, a network of procurers working in hotels in seven provinces and another network located in Wenzhou which operated in ten cities through WeChat<sup>15</sup> groups were both dismantled.

### **Legislation on Sexual Exploitation**

The majority of China remains prohibitionist, meaning that the act of prostitution is not tolerated. Only special autonomous administrative regions, such as Hong Kong and Macau, allow prostitution but criminalize procurers. The Penal Code renewed by Mainland China in 1997 in its Chapter IV denounces “crimes violating the rights of individuals and the democratic rights of the citizen,” which includes several offenses such as those relating to the trafficking of women and/or children (Article 240).

Chapter VI in a series of articles (358-662) explicitly criminalizes procuring, citing a prison sentence of 10 years to life. Article 360 also punishes clients of prostituted persons younger than 14 years of age. One of the lasting peculiarities of Chinese law regarding prostitution is the right of security officials to penalize prostituted persons and their clients with 6 months to two years worth of forced work. This is a result of the establishment of a “guardianship and education” policy created by the Administrative Directive in 1991 (the Administrative Directive lists education, participation in community service, and the control of sexually transmitted diseases as its main objectives). Consequently, even if the original system of re-education through labor in specialty camps were to be abolished, the system of administrative sanctions would nevertheless remain.

### **Statistical Estimate**

According to a 2010 study, the World Health Organization (WHO) estimates the number of prostituted persons in China to be between 4 to 6 million. A study conducted by *Asia Catalyst* in December 2013 indicates an estimate of 2.68 million female prostitutes and 26.5 million sex buyers. The *2014 Global Slavery* report places China immediately after India in its number of human trafficking victims, but in doing so notes the absence of precise figures. The 2014 U.S. Department of State Report on Trafficking in Persons by the reported that in 2013, 5,000 criminal groups involved in human trafficking were dismantled and 40,000 people were arrested.

Internet prostitution is subject to considerable growth throughout the development of the digital world in China, despite restrictions put in place. The press advocated against Internet prostitution in conjunction with several campaigns such as “clean the web 2014” or “Thunderball” that resulted in the banning of the popular dating site *Momo*, an online chat room for digital tablets, as well as the banning of *Jiayun*, a site with over 100 million users. In

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<sup>15</sup> First Asian social media network.

September 2014, the police focused on online bride services that aimed to kidnap and resell Vietnamese, Cambodian and Burmese women to Chinese customers. Finally, more than 1200 sites specializing in pornography and online chat rooms with prostituted persons were closed in 2014.

### **Significant Initiatives**

The national action plan against the trafficking of women and children was launched for 2013-2020 after having completed the previous plan spanning from 2008 to 2012. The new action plan affirms the magnitude of the challenges posed by the trafficking and exploitation of prostituted persons facing Chinese society by first prioritizing the protection of victims with the establishment of rehabilitation programs for women and children, and, secondly, the fight against traffickers. The campaign against corruption, supported by the UN Convention against Corruption (known as the Merida Convention), explicitly refers to the principles of the protocol to prevent, suppress and punish trafficking in persons, especially that of women and children, which supplements the United Nations Convention against transnational Organized Crime (as stated in the Palermo Protocol). Many observers note, however, that rehabilitation centers using labor (RTL Reeducation Through Labor) were largely replaced by approximately 200 monitoring and education centers (Custody & Education Centers) and may equally affect prostituted persons and customers. The *New York Times* estimated that 18,000 to 28,000 women are sent to Custody & Education Centers each year. As in previous years, the Ministry of Public Security has expanded police operations in areas known for prostitution, demonstrating its determination to fight against an activity that encompasses issues of crime and health. The training procedure for aides in the fight against sexual exploitation and other forms of trafficking underwent new developments in 2014, including increased involvement by the public prosecutor's department in a domain that previously had been reserved to security forces. Thus, exchanges of best practices with the *École de magistrature française* (French National School for the Judiciary) have been initiated as of 2013. In April 2014, the IOM and the Ministry of Public Security held a seminar in Beijing on the training of border officials.

### **Prostitution and Health**

Several studies report the incidence of HIV/AIDS in China in relation to prostitution. Health policies indicate an awareness of the extent to which HIV/AIDS is prevalent amongst prostituted persons. Officials continue to intensely debate the right of convicted prostituted persons to benefit from the 12<sup>th</sup> national plan to prevent HIV/AIDS, especially considering whether security concerns outweigh concerns over public health. *Asia Catalyst* estimates that the number of prostituted persons infected by HIV/AIDS increased from 0.02% in 1996 to 0.6% in 2011. The rate of customers failing to use condoms (60%) is undoubtedly contributing to this increase.

## The Key Points

The identified causes that most generally lead to the development of human trafficking, regardless of whether or not it is suppressed, are largely linked to the economic difficulties that promote internal migration within several regions of China, as well as immigration to wealthier countries. Additionally, the decline in the population of women due to the one child policy has similarly contributed to the prevalence of human trafficking. The logic of reforming the criminal procedure is largely linked to the desire to be compatible with international legal agencies. In this respect, China's Tier 2 ranking on the Watch List in the past two human trafficking reports (Tier 2 Watch List, 2014-2015) by the U.S. Department of State show that China still has a long way to go in terms of legislation.

## International Cooperation

Chinese authorities announced that they will continue to strengthen their efforts to prevent trafficking on bilateral, regional and international levels through the exchange of information and the coordination of legal procedures that prosecute traffickers from domestic regions as well as from other countries. On April 27<sup>th</sup>, 2015, the French parliament adopted the first extradition treaty between the Republic of China and France, which followed the adoption of a bilateral treaty of mutual assistance in 2007. These treaties offer real potential for progress in the fight against criminal networks and victim support, but still lack evaluation. The enhanced judicial management, illustrated by the criminal policy report, states that the "leniency and severity" established during the National People's Congress in March 2014, is an objective that could better ensure the legality of the measures taken against prostituted persons by reaffirming the roles of the Supreme People's Court and the Supreme Prosecutor's Court in the application of the legislation. As in most countries, assistance for victims of trafficking is faced with capacity problems, which are worsened by China's increasing desire to decentralize the management of funds at the regional level. A study published by the *South China Morning Post* in July 2014 highlighted the dire situation of minors in the human trafficking world, revealing high rates of sexually transmitted infections (STIs) and abortions among prostituted persons 15 to 20 years of age, 92% of whom said they had left school.

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## Colombia

- Population: 48.9 million
  - GDP per capita (in US dollars): 7,903
  - Presidential regime
  - Human development index (HDI): 0.720 (97<sup>th</sup> rank among 187 countries)
  - Gender inequality index (GII): 0.429 (92<sup>nd</sup> rank among 147 countries)
  - Corruption Perceptions Index (CPI): Score of 37 on a scale from 0 (highly corrupt) to 100 (very clean)
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- No official national statistics on prostitution.
  - Prostitution is admitted as long as there is consent and no minor is engaged. Procuring is punished with a 2 to 4 year sentence in prison and a fine ranging from 50 to 500 times higher than the minimum legal monthly salary (article 213). The sentence is from 14 to 25 years is accompanied by a fine 67 to 750 times higher than the minimum salary if the victim is a minor (article 213A). Sex tourism is sentenced to 4 to 8 years' imprisonment when children are involved (article 219).
  - The 188 Penal Code article punishes human trafficking with 13 to 23 years in prison and a fine up to 1,500 times higher than the minimum legal monthly salary. The 1719 law dated 2014 provides a specific conviction for exploiting somebody in the domestic war environment.
  - A total of 16 complaints for the human trafficking offence and 23 persons arrested were counted in 2014. For the same year, the U.S. Department of State mentions, 5 convictions of international sex traffickers and 2 convictions of sex traffickers operating within the country, with sentences ranging from 3 to 22 years in prison.
  - Sex tourism market exists that targets minors. This mainly occurs on the Atlantic coast, in Cartagena and Barranquilla, in Medellin or in the capital city of Bogota. Almost 35,000 minors are engaged in sexual exploitation in Colombia including 2,000 in Cartagena.
  - Every year, almost 35,000 Colombian women are probably victims of trafficking with purposes of sexual exploitation abroad (*Fondation Scelles*, 2013).
  - The economic crisis in Venezuela encourages an increasing number of Venezuelans to cross the Colombian border in order to prostitute themselves (*The Wall Street Journal*, August 28<sup>th</sup> 2015).

- Colombia is mainly a country of origin for the victims of trafficking for sexual exploitation, but on a smaller scale, it is also a destination country. Colombian victims are mostly exploited within the country but are also sent to other Latin-American countries, the Caribbean, and Asia.

### **Sexual Violence and the Colombian War**

In the 3<sup>rd</sup> Global Report on sexual exploitation, the Fondation Scelles pointed out the link between the Colombian war and the young Colombians' vulnerability to exploitation and sexual violence. In terms of sexual violence, Colombia has recently defined a common plan of action, through which authorities dealing with sexual offences operate as "inter-committees". These inter-committees,

- fight against human trafficking (985 law dated 2005),
- fight against children and teenagers' sexual exploitation (1336 law dated 2009),
- work towards the prevention and care of victims of sexual violence (1146 law dated 2007),
- fight against violence towards women (1257 law dated 2008),
- Additionally, the 0552 decree of 2002 prevents sexual violence, utilization, and the recruiting of children and teenagers by criminal gangs and groups infiltrating the Colombian war (such as *Bandas Criminales – BACRIM* in Colombia as a paramilitary structure).

For three years, the Colombian government has been involved in a peace process with the illegal armed group of the Revolutionary Armed Forces of Colombia (FARC). Sexual violence in this war is a recurring issue in negotiations, as it is a violation of human rights and a breach of international humanitarian law. Different forms of sexual abuses are used directly and indirectly by the guerilla fighters (prostitution, human trafficking, children and teenagers pornography and sexual exploitation for commercial purposes).

One of the most notable improvements since 2013 is the 1719 law of 2014 regarding the access to justice for the victims of sexual violence in the war environment because it brings about a change of the Penal Code. This law makes the national legislation compatible with the international treaties related to human rights, humanitarian law, and sexual violence (which were ratified by Colombia). This law aims to:

- Create mechanisms in order to lessen impunity, provide affirmative actions and protection measures in favor of victims through a human rights approach.
- Identify the cases in which sexual violence is comparable to a war crime. According to the national law, these war crimes can be denounced, be subject to investigation and judged at any moment as long as it is a customary practice which is operated on a large basis, in a systematic, generalized and invisible way.

Likewise, the law calls into question the use of violence and takes into account other elements such as coercive environments of offences induced through threats or abuse of power. It also provides penalties for those who practice forced pregnancy, sterilization and nakedness; behaviors associated with sexual violence and are products of armed conflicts.

It should be noted that a bill on prostitution was presented before Congress, allowing the authorities to establish a better-organized welfare system in favor of prostituted persons and to ensure adults (aged 18 in Colombia) individual and social rights. The bill did not pass due to opposing views on the subject.

### **Human Trafficking – Prevention, Assistance to Victims and Legal Proceedings**

In the face of human trafficking, the Colombian State approved the 1069 Decree dated June 12<sup>th</sup> 2014; it regulates the measures, which organizations in charge of the implementation of the assistance and protection for trafficking victims must follow. Simultaneously, the 2014-2018 Decree of national strategy concerning the fight against human trafficking is being adopted; it is the result of a participative process and collaboration between the government, civil organizations, victims of trafficking and international cooperation organizations. This policy aims to fight human trafficking and to ensure victims' rights through measures and mechanisms dealing with prevention, protection, assistance, legal proceedings and legal penalties. According to the Ministry of Interior, during 2014, 41 victims of external trafficking and 3 victims of domestic trafficking were assisted, among whom 33 were women and 15 victims of sexual exploitation. In 2013, out of the 62 assisted victims of domestic trafficking, 47 were women and 35 were sexually exploited victims.

### **Inquiries and Legal Action for Human Trafficking**

In 2014, 4 operations were conducted by the Colombian national Police and INTERPOL. They resulted in the dismantling of criminal networks involved in human trafficking:

- “Alianza 16” dismantled a transnational criminal network that smuggled individuals from the city of Pereira to Panama and the Bahamas,
- “Patria 10” dismantled a criminal trafficking operation that took part in armed conflict,
- “Patria 12” dismantled an domestic trafficking organization,
- “Allianza 115” arrested a member of a trafficking criminal organization from Pereira as an origin city with Singapore as a destination.

In 2014, according to the Dirección de Investigación Criminal e Interpol (DIJIN), there were 16 complaints for human trafficking offences and 23 arrested individuals. According to the United Nations Office on Drugs and Crime (UNODC) in Colombia, 317 inquiries have been initiated these last years in relation with human trafficking, and 53 sentences have been pronounced against the perpetrators. The National report on human rights in Colombia (for the Ministry of Interior), from January 2013 to January 2014, highlights the collaboration work between the State institutions and international bodies. This was also highlighted in the 2014 U.S. Department of State Report on Trafficking in Persons.

In order to prevent the occurrence of offences, Colombia created prevention campaigns such as “Con la Trata de Personas, no hay Trato” (There is no possible negotiation with human

trafficking), the play “5 Mujeres, un mismo Trato” (5 women, an only treatment) with the main actors being victims of trafficking, as well as a hotline (Línea Gratuita Nacional contra la Trata de Personas) with the following phone number at the national level: 01 8000 52 2020 and at the international level: (57)+1 6001035. This hotline works 24 hours a day, on a daily basis. It is important to note that they are supported by the Centro Operativo Anti Trata de Personas (COAT), which is an organization that is in charge of helping trafficking victims and coordinating the authorities’ efforts to question and proceed trafficking networks. According to the Colombian Ministry of Interior, in 2014 the COAT assisted 72 victims of trafficking, including 63 victims of domestic trafficking and 9 victims of external trafficking.

In recent years, there has been a dismantling of domestic sex trafficking organizations; one of them concerned a woman coming from Anserma (Caldas). She was locked up in a bar where she was sexually exploited and suffered psychological and physical abuse. Finally she escaped from the bar and informed authorities that there were other women who were also unwillingly locked up. Three men were arrested on the charge of human trafficking.

### **Minors as Main Victims of Sex Tourism**

Websites that are available only from outside the country offer “drug tourism” and “clandestine sexual services”. Internet users have no access to them from Colombia, as their IP address is blocked. Local authorities have identified 3,000 websites, 20 of which offered prostituted minors. That being said, word-of-mouth can still allow tourists to choose Medellín, for example, as a destination for drug consumption and sexual services (*Semana*, 2013).

An UNODC Colombia study reports that most of the “narco-tourism” amateurs are from North-American, Israel, Italy and Germany. Israelis often go to Medellín to spend their sabbatical year that is awarded to them after their military service. The tourists are between 19 and 25 years old and their favorite cities are Bogotá, Medellín and Cartagena.

In October 2014, in the USA, the specialized police questioned a person visiting Medellín to have and film sexual relations with minors. These minors were recruited by a taxi driver who offered sexual services to tourists visiting the city. This person was in charge of transporting foreigners to clandestine places where minors, between the ages of 15 and 17, were prostituted. These inquiries determined that the teenagers were given 2C-B, a psychedelic and hallucinogenic drug (*Fiscalía General de la Nación*, October 14<sup>th</sup> 2014).

During a session of the Senate human rights Commission, a “sex tourism warning” was launched at the beginning of 2015 before the high tourist season and foreigners’ arrival in the city. Almost 35,000 minors are confronted with sexual exploitation in Colombia, including 2,000 in Cartagena according to the UNICEF (*Vice News*, December 27<sup>th</sup> 2014).

## **Pornography Involving Minors**

In April 2015, after a two year police inquiry, members of a criminal organization were arrested in the city of Barranquilla. They specialized in pedopornographic recording (erotic dances and pornographic scenes) on a video “chat”, which implicated minors between the ages of 13 and 17. These pictures were then marketed on official websites for adults. The gang registered the minors with identity documents of others. It operated with local clients who had sexual relations with minors ranging from 100,000 up to 150,000 COP (30 to 45 US\$). Then the videos were offered to clients, who were mostly foreigners, through the private “chat” (*Fiscalía General de la Nación*, April 27<sup>th</sup> 2015).

## **Child and Teenage Commercial Sexual Exploitation**

Children and teenage commercial sexual exploitation occurs in different forms (prostitution, pornography, trafficking with sexual purposes, sexual exploitation in tourism, travelling and mining exploitation domains). Even if these situations are acknowledged by government organizations and civil society, they are difficult to identify because of the lack of attention given to the issue, confusing sexual exploitation with other types of violence (such as sexual abuses), as well as myths and cultural practices that perpetuate violence against children in some regions.

A February 2015 report by experts chosen by the government and the FARC denounced sexual abuses in Melgar and Giraldot, near Tolomaidá, the most important military base in Colombia (*Vega Cantor*, 2015). In these two cities, while the “Colombia plan” was being implemented between 2003 and 2007, 53 minors are believed to have been abused by soldiers and North American mercenaries who were sent to the Colombian territory. Some of them have even filmed these acts and resold the videos. The following text which was written by Renán Vega Cantor, a national educational University teacher, maintains: “they contribute to the population’s unsafety in the war zones but also in other zones where lots of them are in contact with civilians” (*Vega Cantor*, 2015).

## **NGO Contribution**

The Renacer Foundation, a private NGO, has been working for over 28 years for the prevention and suppression of children and teenage commercial sexual exploitation. They develop intervention policy plans intended to help and take care of victims or potential victims. It also launches campaigns for preventing and denouncing trafficking on a national scale.

From 2013 up to now, 990 children have been identified as victims of sexual commercial exploitation in the cities of Bogota and Cartagena. 65% of them have taken measures to receive compensations for the life long discrimination that were caused by these offences.

In collaboration with the State, the Renacer Foundation hosts 200 children in Bogota and 75 children in Cartagena, on a daily basis. 390 complaints from children who were victims of

commercial sexual exploitation have been pursued in Cartagena and Bogota. Sentences were pronounced (8 in Cartagena and 11 in Bogota). Thus, according to the Renacer Foundation, 32 people in Cartagena and 35 people in Bogota have been punished with exemplary sentences ranging from 17 to nearly 33 years in prison.

In recent years, private tourism companies have decided that all their employees and collaborators should adopt behaviors favoring children's protection in the face of commercial sexual exploitation. The Renacer Foundation, as a local partner of the NGO ECPAT International, works and accompanies 234 private tourism companies (hotels, travel agencies) who have promised to build shelters in order to protect children from the commercial sexual exploitation in the cities of Bogota, Cartagena, Barranquilla, Bucaramanga, Medellin, Leticia, Santa Marta and Girardot. They have been developing norms of corporative social responsibility and of co-responsibility that are certified by "the Code" (the only international certification of children's protection in the face of children and teenage commercial sexual exploitation associated with traveling and tourism). Finally, recent studies by the Renacer Foundation have revealed that criminal groups offer children and teenage for commercial sexual exploitation on mining and/or quarrying sites.

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## Cuba

- Population: 11.3 million
- GDP per capita (in US dollars): unknown in 2014 – 6,789 (2013)
- Socialist government with a single party
- Human development index (HDI) : 0.769 (67<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.356 (68<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 47 on a scale from 0 (highly corrupt) to 100 (very clean)
- No official national statistics on prostitution. There are around 20,000 prostituted women on the streets of Havana
- Prostitution and procuring have been illegal since 1959, punished by up to 20 years in prison. Sexual exploitation of minors of less than 14 years of age carries a punishment of up to 30 years in prison or even death penalty. Ambiguous legal standing on human trafficking.
- In 2014 there were 13 sentences related to sexual exploitation, with an average sentence of 7 years in prison imposed
- Legal majority is 16 years of age, meaning people from age 16 to 18 are rarely identified as victims of human trafficking
- A country of destination for sex tourism. The tourists are mainly Canadian, European or Mexican.
- Country of origin and destination for trafficked people
- Domestic trafficking: Cuban nationals are victims

The richest and most attractive of Caribbean countries, Cuba eradicated legal prostitution in 1959 after the revolution, criminalized procuring and initiated a campaign of “re-education and rehabilitation” of prostituted persons. Thereafter prostitution was considered non-existent, until the collapse of the Soviet Union in 1991, Cuba’s biggest economic partner and the source of billions of dollars’ worth of annual subsidies. Without compensation from the former USSR to make up for the impact of American-led commercial embargos, Cuba became dependent on tourism and foreign currency to survive. With the subsequent opening of Cuba’s borders and the return of mass tourism, prostitution and sex tourism have surreptitiously reappeared. The Cubans call them “*jinetas*” or “*pingueros*”: young Cuban men and women roam the streets searching



for rich tourists. The sexual satisfaction of Canadian, German, or even Spanish tourists attracted by the sunny beaches, rum and salsa dancing appears to these Cubans to be the only way out of poverty. The most necessary productions such as medicine, construction materials, oil or coffee are difficult to find through official channels. Thus Cubans frequently have two jobs: an official day job and a hidden night job.

In deciding to open their borders to foreign visitors, Cuba has become one of the biggest destinations for sex tourism.

1999 was not the first time Cuba encountered mass prostitution on the streets of Havana. This late recognition has further complicated the battle against this type of tourism. Furthermore, in the 2014 U.S. Department of State Report on Trafficking in Persons has once again put Cuba on the list of countries most concerned by and implicated in human trafficking. It is estimated that the Cuban government no longer fills the minimum standards required to eliminate human trafficking, and is not producing the necessary efforts to achieve reduction. Nevertheless, Washington recognizes the lack of reliability of its sources and that its report is contradicted by a number of international institutions.

## **Cuban Prostitution: a Secret Sex Market**

### ***An Insignificant Legal Framework***

The absence of a global legal framework that criminalizes all forms of human trafficking is a problem that has been raised by the 2014 U.S. Department of State Report on Trafficking in Persons. Essentially, the definition of human trafficking for purposes of sexual exploitation seems to confuse trafficking with prostitution and procuring: article 302 of the Cuban Penal Code criminalizes procuring and trafficking. The legislation criminalizes the trafficking of adults for prostitution by force, coercion, the abuse of power or of a vulnerable situation, although the use of these means is considered an aggravating situation and not as constituting a crime itself. The law also does not provide explicitly the criminalization of recruiting, transporting and hosting people towards the end of human trafficking.

However, the Cuban government has affirmed its intention to amend the Penal Code to conform to the requirements of the additional UN Protocol of the Palermo Convention, aimed at preventing and punishing the acts of human trafficking, in particular trafficking concerning women and children, which Cuba adhered to on 20 June 2013, which it signed on June 20<sup>th</sup> in 2013. For the first time, the government announced concrete measures aimed at fighting sexual trafficking and to put in place services to aid victims. Moreover, it launched a media campaign aimed at making the Cuban public aware of the problem of trafficking.

### ***The Jineteras: Prostituted Women in Secret***

While the authorities might officially condemn prostitution, it is omnipresent on the streets of Havana. Cuban monthly salaries are on average just 8,66 US\$ (8 €), and the possibility of earning this several times over continues to attract enough Cubans, so much so that it has

become common practice. It is difficult to quantify the problem, due to a lack of official statistics for the reason that prostitution is still officially not recognized. However, according to a ten-year long independent study, authored by the journalist Amir Valle, there are 20,000 *jineteras* in Havana alone (Valle, 2010). Today, prostituted persons are often considered successful because they can afford a decent lifestyle in the midst of the economic catastrophe gripping the country. In general, Cubans don't condemn prostituted persons outright, as they are simply seen as people fighting for survival.

Many types of *jineteras* exist. Some survive solely through full time sex work. Most of the full time workers have a procurer who protects them from the police, find them clients and give them use of a private space in which to work. The prostituted person is answerable to her procurer, who is often her husband. Other prostituted persons are more integrated into normal society, they could be doctors, teachers or nurses - they don't live exclusively on their earnings from sex work but use this type of activity from time to time to supplement their income.

For example: Julietta is a doctor by day, but from time to time she resorts to sex work during the night to make her end-of-month bill payments. She doesn't earn enough at the hospital (19 CUC/19 US\$/17,4 €) per month, which barely covers her monthly rent payments) even though her position comes with a high level of responsibility. She would prefer to work more hours at the hospital, doing night-shift hours for example, but is unable to as she has to look after her son who is 8 years old and was born with a heart defect. Julietta doesn't see herself leaving Cuba, because the medical care for her son is free. Like her, at least 70% of Cubans are sex workers for reasons of economic necessity.

Besides, there is a type of hierarchy within the world of prostitution. At the bottom of the ladder are the "scavengers" – prostituted persons with little education, poor and neglected looking. To present an attractive image to potential clients, these sex workers offer their services for extremely low costs. Just above the scavengers are the *jineteras* "in trainers" then those "in sandals," who are prostituted by small procurers and generally possess at least a secondary level of education. Next are the "street walkers in high heels": refined, beautiful, generally with degree level education, sometimes multi-lingual who work in close partnership with procurers. They have contacts in places frequented by diplomats and foreign businessmen whom they often aim to marry in order to get a ticket out of Cuba. Finally, at the top, there are the "queens" and "courtesans" who become procurers in their turn when the constraints of age force them to give up being prostituted persons.

Today, prostitution in Cuba is taking on new forms: ads placed on Facebook are more and more common, thus moving away from the exclusive role of the foreign client and opening up the human trafficking to local clients. Because of their high numbers, *jineteras* have drastically lowered their prices and include locals in their clientele. The new *jineteras* acts like a real girlfriend or during dinners and parties with friends. She performs this service around 10 -12 times a month, and sometimes with the same clients. For these *jineteras*, being frequented by the same clients is the ideal situation – as there is often a relation of empathy that is created. Not all

of them are considered to be prostituted persons, but rather women who are simply with different men at the same time.

However, a pretty young girl can't walk in the street in Havana holding hands with a foreign man without the police stopping them and asking for the man's papers and for further information. Negotiations between sex workers and clients, and even procurers, are done everywhere but discretely. Elsewhere, taxi drivers and hotel workers are bribed to allow entry with no questions asked. To respond to client's demands, clandestine establishments entitled "casa particular" rent out rooms to tourists for around 10 US\$ (9,23 €) a night.

### *The Clients*

Foreign clients of Cuban prostituted persons are mostly of European origin, with the most common nationalities being Spanish and Canadian. They come to Cuba specifically to use prostituted persons' services, and not only with adult prostituted persons. Closer and less expensive than other sex-consumer destinations like Thailand or Cambodia, Cuba remains popular with sex tourists because of the relatively low infection rates of HIV/AIDS compared to most other countries (the infection rate is 3% - the lowest in the world).

## **Cuban Children: Victims of Their Vulnerability**

### *The legal framework: the corruption of minors*

While Cuban law does criminalize the corruption of minors, the definition of minors is only for those under the age of 16 and does not correspond to the United Nation's definition of minor as anyone under the age of 18. This means that minors from 16 – 18 who are being prostituted for the profit of a third party (i.e. a procurer) are not necessarily identified as victims of trafficking. At the same time, this third party cannot be prosecuted for human trafficking under Cuban law.

Nevertheless, forced prostitution is still illegal no matter what the age of the victim and Cuban law stipulates very severe punishments for those who sexually exploit children under the age of 14 years old. However, the government has to decide to pursue charges. The accused then faces up to 30 years imprisonment or even the death penalty by firing squad if aggravating circumstance exists, such as the use of drugs or violence. In recent years children under the age of 18 have been generally identified as victims of human trafficking by the government, and traffickers have been sentenced more severely when the victims are less than 16 years old. Havana has also been working closely with Interpol to deny entry into Cuba to pedophiles that are on the sexual offenders register.

However, minors who are engaging in prostitution are sometimes treated as criminals themselves and sent into youth camps aimed at rehabilitation, detention centers for minors or to labor camps. Foreigners found in their company are rarely arrested. It has also been alleged that some police officers accept bribes from prostituted persons and procurers to turn a blind eye to their activities.

### ***Alarming Levels of Child Prostitution***

The 2014 U.S. Department of State Report on Trafficking in Persons noted the existence of child prostitution and sex tourism involving children in Cuba. The reality of Cuban child prostitution is cruel: it has been known to affect children as young as four years old. Due to the normalization of the phenomenon in Cuba, many high school students aged 11 – 15 have no problems with the concept of prostituting themselves to tourists. Many of them are children of second or third generation prostituted persons who followed in the footsteps of their parents to earn money for their families, who were complicit in this exploitation by agreeing to allow their children to do this act. Parents who introduce their children into the sex trafficking are not motivated only by money, food, or gifts. The real goal is the possibility of marriage with a rich foreigner. This dream ends, in the huge majority of cases, with exploitation and tragedy.

Hotels refuse entry to prostituted children, who operate instead from their parent's houses or in *casas particulares*. The average price for a night with a prostituted child is around 30 US\$ (27,7 €). The sex tourists, who come to Cuba specifically to take advantage of the available prostituted children, are typically of Canadian origin.

In July 2013, one case of child prostitution in particular shook public opinion. Jame McTurk committed many sexual crimes against children on multiple children during his many trips to Cuba (30 in 4 years). A 78 year old Canadian had already been convicted twice in Canada for possessing child pornography. He was the first Canadian to be convicted in Canada for sexual crimes involving children in Cuba. All of his victims were young, and some were as young as 4. Despite being registered on the Canadian sexual offence register, he was able to travel freely to a destination where it was possible to buy sexual services, even from children.

In Canada, sex offenders do not need to notify the authorities when they leave Canada for under a week. When they are obliged to alert the authorities that they are leaving the country, they don't need to tell them the destination. This oversight of the Canadian authorities poses serious problems. Boarder control authorities do not have access to the Canadian sex offender register and have limited access to the database containing Canadian criminal records. As for the Cuban government, it conceals the number of Canadians in Cuba who have been prosecuted for sex crimes.

The Cuban authorities deny the problem, and it seems almost impossible to cooperate with the police or other authorities without provoking fears of reprisals against the families of the victims, or the victims themselves. The number of arrests and prosecutions for child sexual exploitation is not made publicly available, and Cuba restricts the numbers of national or international NGOs present in the country. The death of a prostituted 12 year old girl in 2010 resulted in no national media coverage and only local media outlets reported the sentences of 20 – 25 years imprisonment that were given to three Italians for murder and the corruption of four minors during a sex party.

On several occasions, the 2015 U.S. Department of State Report on Trafficking in Persons has raised the issue of the lack of protection and assistance to child victims of prostitutions in Cuba, who are sometimes treated like criminals and sent to juvenile detention centers for their

rehabilitation. The Committee for the Elimination of Discrimination against Women (CEDAW) has also expressed concern at the measures of “re-education” aimed at women who are engaged in prostitution, which have been established without transparency, clear objectives, or procedural processes.

UNICEF does not agree completely with the 2014 U.S. Department of State Report on Trafficking in Persons strong condemnation concerning Cuba’s policy towards child prostitution. Instead the UN agency welcomes the relative progress that has been made in Cuba in improving children protection. According to their report, “*Cuba should be seen as an example of good child protection policy*” (Granma, April 12<sup>th</sup>, 2008). According to José Juan Ortiz, UNICEF representative in Havana, “*In Cuba, children are always a priority and that's why they do not suffer like the millions of children in Latin America who are exploited into child labor or prostitution*” (BBC, January 26<sup>th</sup>, 2010). The UNICEF report in fact highlights Cuba as a model of the defense and promotion of children’s rights, where children and adolescents are privileged compared to the rest of the world.

### **Government Denial and Corruption Allegations**

The Cuban government officially denies the problem of prostitution and sex tourism, which essentially puts them in the position of indirect complicity with the development of sex trafficking. The CEDAW is deeply troubled by the fact that Cuba refuses to recognize the problem. It is also concerned by the lack of official Cuban statistics on trafficking and sexual exploitation. Nothing has been done to put in place a policy to prevent widespread sexual exploitation and address its root causes. Finally, the organization has also raised the problem of the lack of protective measures and services for victims of sexual exploitation.

While there are strict punishments for those convicted of sexually exploiting others, there is not the political will to eradicate the conditions that foster the widespread sexual exploitation, or to end prostitution. So far the occasionally implemented governmental measures have had very little impact. In major Cuban cities, police corruption is such that even the Ministry of the Interior has had to acknowledge the problem. The entire hierarchy of Cuban authorities is affected by corruption: the police turn a blind eye to sexual exploitation in return for money given to senior officers, some of which themselves control large prostitution networks and are procurers themselves; immigration officers are in a position, in turn, to authorize or not the marriage of Cubans with foreign nationals.

### **Male Prostitution: *Les Pingueros***

*Malecón rosa* (an 8 kilometer long promenade in the north of Havana) has been the largest gay market in Havana since the 1990’s, when the high numbers of prostituted male drove out *jineteras*. Considered to be a disturbing reality for Cuban society, males prostitution was the subject of a recent well-selling book by González Pagés. Fifteen years of investigation allowed

him to collect a mass of information from his subjects, and he presented the results of his investigations to the general public. The book has not been received well in Cuba; its themes certainly make people uncomfortable, and it portrays prostituted male as being adherent to the social norm of the macho Cuban – a portrait that undermines cultural norms.

Contrary to female prostitution, male prostitution is a hidden phenomenon, barely acknowledged and surrounded by prejudice. This is mainly due to the fact that even though male prostitution is practiced in highly visible areas, the police have trouble identifying prostituted male: they rarely question groups of three or four young men on the streets. Male prostitution is caused by much the same set of circumstances that causes its female counterpart: poverty and educative failure. A prostituted male can earn up to 1,000 US\$ (923 €) a month – not even government ministers earn this much. However, another cause seems to have as much of an impact: sexual abuse. According to González Pagés 40% of prostituted males were abused as boys by people they knew.

Contrary to popular belief, prostituted males are much in demand, not only from tourists, but also from male Cuban customers, normally over 50 and looking for a young muscular companion. The most numerous foreign tourists who present as clients are from Spain, Mexico, Russian Federation or Italy.

Unlike prostituted females, prostituted males accept both male and female clients. Many prostituted males consider themselves to be firmly heterosexual and see homosexual behavior as foreign to their deepest desires and feelings. They see homosexuality more as a question of general identity and not as an exclusively sexual question. However, homosexuality is fundamental to their financial survival and usually affects a change in their thinking. Prostituted males are often from middle class families and frequently have a university degree.

An example: Alberto, a heterosexual, engages in prostitution with the support of his wife. At first she was very much against the idea, but the couple wanted a child and did not have enough money to raise the child in a decent environment. Alberto does not intend to work as a prostituted person for his whole life, just for a few more years – long enough to save enough money to allow him and his family to live decently.

Washington's trade embargo against Cuba and the severity of US visa laws have limited the number of US sex tourists coming to the Island. Despite this, American citizens represent 25% of sex tourists involved in using prostituted children in Cuba. The recent thaw in US – Cuban diplomatic relations and the easing of the embargo will most likely cause an influx of American sex tourists – and Cuba could easily become America's brothel.

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## Cyprus

- Population: 1.2 million
- GDP per capita (in US dollars): 27,194
- Presidential regime
- Human Development Index (HDI): 0.850 (32<sup>nd</sup> rank among 187 countries)
- Gender Inequality index (GII): 0,124 (22<sup>nd</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 61 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the Union European since 2004.
  
- No official national statistics on prostitution or sexual exploitation.
- Prostitution is legal. The Cyprus Penal Code, for reasons of public order and morality, prohibits brothels and procuring.
- 9 convicted traffickers in 2014 (2 in 2013). 24 cases involving 35 defendants suspected of trafficking were carried out in 2014 (compared to 15 cases with 33 suspects in 2013) (*U.S. Department of State*, 2015). During the first months of 2015, 64 people were arrested for trafficking (*SigmaLive*, June 25<sup>th</sup>, 2015).
- Between 2014 and 2015, Cyprus was removed from the Tier 2 Watch List in the U.S. Department of State Report on Trafficking in Persons.
- Country of transit and destination for trafficking for sexual exploitation. Transit country between Eastern and Western Europe and to a lesser extent, from Eastern Europe and the Gulf countries.
- Victims of trafficking for sexual exploitation are from Eastern Europe (Ukraine, Moldova, Russian Federation), Southeast Asia (Philippines, India, Vietnam), and sub-Saharan Africa (Nigeria).

### Ambiguous Legislation on Prostitution

While Cyprus government has recently taken measures to legislate on prostitution and sexual exploitation, this legal system remains very vague. The exchange of money for sexual services is not prohibited or regulated by law. This ‘transaction’ has not been recognized as immoral and is sometimes considered a gift. Sexual services must be issued voluntarily,



otherwise it is considered a crime of rape. A permit is necessary to practice prostitution. Prostituted persons are required to have regular medical examinations and can only work independently and not employ another person. Non-citizens are not allowed to obtain this license in Cyprus, though it is common knowledge that many foreign women are sexually exploited while acting as waitresses or dancers. Laws also prohibit and penalize procuring, brothels, and renting a house for prostitution activity. To prevent the opening of more brothels, activities of prostitution are not allowed to take place in the same building where a prostituted person lives.

The method that law enforcement uses to detect prostitution may seem strange. So as to arrest women practicing prostitution in apartments, they use traced banknotes and after completing a transaction, arrest the person for unlicensed prostitution. It is forbidden to obtain services from victims of trafficking (Law 60 (I)/2014). This law is a step towards criminalizing clients but it is difficult to apply. In March 2015, the debate about the legal uncertainty surrounding prostitution was revived by Rikkos Mappourides, a Conservative MP. At a conference on trafficking, he confessed to being a client of prostitution and called for regulation of prostitution, trivializing it as a 'profession'. However, he has taken care to condemn the use of services from a victim of trafficking. His statements caused uproar from NGOs and the leftist parties, emphasizing that 65% of trafficking victims are sexually exploited and 96% of them are women. The purchase of sexual services is not as faultless as R. Mappourides would like people to believe. The biggest challenge in Cyprus is changing the mentalities of deputies who act the spokespersons for this issue. Studies on the perceptions and behavior of men have shown that often view prostituted persons as objects, whether they are victims of trafficking or not. The purchase of sexual services is seen as a trivial offense and completely acceptable (*Cyprus Mail*, March 24<sup>th</sup>, 2015).

### **Positive Results for Cyprus in the Fight against Human Trafficking in 2014**

In 2014, the political community demonstrated a genuine commitment to the fight against trafficking in human beings. These efforts have not gone unnoticed by the U.S. Department of State, as Cyprus is no longer on the Watch List of its latest report on human trafficking (*U.S. Department of State*, 2015).

Although Cyprus signed the Convention of the Council of Europe on the Protection of Children Against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) in 2007, a sex scandal took place in 2014 which shook the country. This helped accelerate the ratification and implementation of national law. Two Cypriot businessmen were the first in the country's history to be sentenced to 10 and 12 years in prison for the sexual exploitation of minors in June 2014. Both men admitted to exploiting two young girls aged 14 and 15. This led to Cyprus ratifying the Lanzarote Convention on February 12 2015 (effective June 1<sup>st</sup>, 2015) so as to align the national legislation with the European standard.

Cyprus tightened and clarified its legislation on trafficking by passing on Law 60(I)/2014 on April 15<sup>th</sup>, 2014. This law revised the legal framework for the prevention, protection of victims,

and fight against trafficking and exploitation of persons. This replaced the law adopted in 2007 and provides for sentences of up to 10 years of imprisonment when the victim is an adult and 20 if the victim is a minor. It also penalizes the use of sexual services from a trafficked person.

The confiscation of identity documents is punishable by 5 years in prison and/or a fine of 18,412 US\$ (17,000 €). Bribing a public official is punishable by 5 years in prison and/or a fine of 21,662 US\$ (20,000 €). Corrupt officials are liable to the same penalty. Fines and other sanctions are applied to businesses that launder earnings from trafficking.

This law also provides for the appointment of a National Coordinator. The National Coordinator acts under the authority of the Ministry of the Interior to improve the quality of the dialogue and the cooperation between governmental bodies, NGOs, various other state actors involved in the fight against human trafficking, and governments of origin countries.

The Council of Ministers set up a National Action Plan for 2013-2015, reinforcing cooperation between the National Police, Europol, Eurojust, and Interpol. Additional police personnel were assigned to fight against trafficking. 86 policemen were trained to identify victims (*U.S. Department of State, 2015*). Social workers, medical personnel, and labor law professionals have also benefited from training. A school curriculum has been developed for high school students to increase awareness of this problem.

These legislative efforts and the effectiveness of the police work has impacted the number of identified victims and trafficking offenders. In 2014, 24 cases involving 35 suspects were carried out, resulting in nine convictions for trafficking with prison sentences ranging from three months to 12 years. In comparison, in 2013, 15 cases involving 33 suspected were investigated, with two convictions.

In August 2015, 13 people were sentenced to between nine months and three years of imprisonment for trafficking and sexual exploitation in connection to a case dating back to 2009 of forced prostitution in a cabaret.

In 2014, Cyprus identified 46 trafficking victims (25 in 2013). Of these 46, 19 were sexually exploited (16 women and 3 children), and 5 women were both sexually exploited and subject to forced labor.

Despite budgetary restrictions which have decreased funding for victims (327,167 US\$/302,066 € compared to 499,456 US\$/461,136 € in 2013), the government has extended its efforts to host victims in government homes and guarantee protection and legal assistance during trials (*U.S. Department of State, 2015*).

### **Further Efforts to Eliminate Trafficking are Necessary**

As noted by the U.S. Department of State Report on Trafficking in Persons, Cyprus still does not meet all criteria for eliminating human trafficking, despite its considerable efforts. These efforts are relatively new and still need time to bear results. Although prosecutions have increased, they are still very low in comparison to the magnitude of the phenomenon in Cyprus. Collaboration between the state and NGOs remains so inadequate that the lack of dialogue

between them is anti-productive. There is almost no cooperation with countries of origin and there is still much to be done to train officials more effectively to identify victims and apprehend their exploiters.

The state refuses to modify the system that allows for-profit independent agencies to organize the arrival, documentation, housing, and employment of migrants. These intermediaries charge immigration candidates between 3,250 € and 16,246 US\$ (3,000 € and 15,000 €), causing some to find themselves in debt before they even arrive (*KISA*, June 20<sup>th</sup>, 2013). The private economic actors are often criticized by NGOs for their involvement in trafficking networks. Some collaborate with traffickers from migrant communities in Cyprus or directly with individuals in the countries of origin.

Another challenge in Cyprus is police corruption and corrupt authorities in relation to immigration. Three senior officials, including one in retirement, were prosecuted in 2015 for soliciting sex from trafficking victims. This case was dismissed because the Court judged the testimony from the victim as unreliable. Another case created public outrage at the corruption and laxity of law enforcement: a senior police assigned to the immigration service who was prosecuted for his involvement in a trafficking network was later acquitted in 2012. According to NGOs, he benefitted from friends in high places and was reassigned as the head of the immigration service of an airport.

### **The Gradual Disappearance of the Cabaret System as a Place for Sexual Exploitation**

There are many places of prostitution in Cyprus: hotels, apartments, streets, bars, nightclubs, and cabarets. The landscape for prostitution and sexual exploitation in Cyprus has completely changed since 2009 with the implementation of the law regulating “artist” visas. Previously, a loophole allowed cabaret employers to import women with these visas without any proven qualifications in the arts. Many trafficked women arrived on the island to become sex slaves in these facilities. The government remedied this problem in 2009 by requiring the “artist” visa to be backed up by a diploma or professional experience, to the great displeasure of the managers of these establishments who even demonstrated in front of the Ministry of the Interior. Consequently, 400 women are still employed in 20 cabarets in Cyprus in 2014, compared to 6,000 women in 108 establishments in 2007 (*Cyprus Mail*, April 10<sup>th</sup>, 2015).

### **Domestic Workers are Highly Vulnerable to Sexual Violence**

For women exposed to both sexual exploitation and forced labor, there are many cases (most undocumented) of violence from the men that employ them. There are approximately 30,000 employees, of which the vast majority are women, who work in slave-like conditions with wages averaging only 314 € (340 US\$) per month (*Cyprus Mail*, September 27<sup>th</sup>, 2014). They often become destitute, facing situations of abuse from employers.

In Cyprus, the Ministry of Labour issues visas for a period of four years, provided that the owner maintains the same job with the same employer for the entire time. A woman who leaves her job because of violence can lose her residence permit if she does not file a complaint with the authorities within 15 days of her depart. This results in a quasi-feudal situation: foreign workers depend on their employer. They are afraid to denounce them for fear of being deported without pay. If they decide to denounce them, they are not allowed to change employers during the investigation, under penalty of expulsion.

Furthermore, if the employer is a woman of the household, but the violence is inflicted by the husband or another male family member, the Ministry of Labour will not intervene or consider a request for change of employer. Finally, NGOs have reported that authorities tend to consider complaints of forced labor and abuse as mere employer/employee conflicts and not crimes.

If sexual violence against domestic workers is not considered sexual exploitation, it closely resembles it, as the victims are often in such a vulnerable position that they cannot stop it.

Paradoxically, because of the massive use of domestic workers from Southeast Asia, Cypriot women have been able to gradually gain access to the labor market over the last 20 years. In a patriarchal society where domestic work is strictly attributed to the woman of a household, the social structures dedicated to young children, the elderly, disabled, and ill have become insufficient. Their care is now entrusted to domestic workers, allowing Cypriot women to work outside the home. However this emancipation is at the expense of others.

### **Cyprus, complicit in trafficking through its activity as a tax haven?**

Through its complacent attitude towards questionable accounts in the banking system, Cyprus acts as an accomplice to trafficking and sexual exploitation taking place outside its territory. Even though it is impossible to quantify this problem, it is undeniable. For example, Interpol, Europol, and the Greek police dismantled a large mafia network in 2008 thanks to the “White Bread” operation. 23 people were arrested for trafficking in human beings and sexual exploitation of women from Eastern European countries. This organization was working in Greece, laundering money from its activities through a chain string of bakeries attached to an offshore front company based in Cyprus. This allowed the operation to avoid attracting the attention of local authorities (*Ekathimerimi*, March 30<sup>th</sup>, 2015). 273,000 companies are listed on the Register of Cypriot enterprises, while the country has a population of 839,000 (*The New York Times*, February 17<sup>th</sup>, 2014). Tax haven activity is one of the main sources of income on the island, along with selling of flags of convenience and tourism. Banking secrecy is well protected in Cyprus and no information on legal persons can be given to the fiscal authorities. About 31 billion US\$ (28,6 billion €) in Cypriot banks belong to Russian nationals (*BBC News*, March 18<sup>th</sup>, 2014). A large Russian community lives in luxury in Cyprus, closed off from the harsh reality of Cypriots whose unemployment rate among young people is 40%. The financial crisis, which hit the island in 2012-2013, did not hamper this phenomenon since, only in January 2014,

1,454 new companies were registered in Cyprus. The vast majority of these are front companies whose only goal is to shelter capital (*The New York Times*, February 17<sup>th</sup>, 2014).

Following a leak concerning one of the largest Cypriot banks, international media revealed that 60% of clients were strongly suspected of laundering money through these accounts. One third of the cases concerning customers involve errors and inconsistencies (*EUobserver*, May 20<sup>th</sup>, 2013).

### **The Turkish Republic of Northern Cyprus, a Zone of Impunity for Sexual Exploitation**

The Turkish Republic of Northern Cyprus, declared in 1983, is not recognized by the international community. Sexual exploitation is one the main sources of income for this small territory which suffers from an international embargo. The U.S. Department of State Report on Trafficking in Persons has asserted that this state, if it was recognized as such, would be in the lowest ranking, alongside Zimbabwe, North Korea, and Thailand because of its lack of efforts to fight against human trafficking. This stems from the decision made by Turkey in 1998 to prohibit casinos, but to encourage them to relocate in this new territory to boost tourism. These establishments thus settled on the island, surrounded by nightclubs which quickly became covers for prostitution activity. This is illegal in theory, punishable by two years in prison and a 500 US\$ (462 €) fine.

Trips to this region are organized in Turkey, making up 65% of the tourists. Clients from hotels and casinos are found in nightclubs where they are complicit in sexual exploitation of women by renting women for between 150 and 300 US\$ (138 and 277 €) (*Al-Monitor*, October 9<sup>th</sup>, 2013). The majority of these women come from Eastern Europe (Moldova, Ukraine, Romania), but an increasing number is coming from Africa and the Central Asian Republics. Though some arrive knowing that they will be prostituted persons, most believe they have come to be waitresses, babysitters, or dancers. Upon arrival, police retain the passports from women working with a “konsomatris” (hostess) visa. This is supposed to protect them from abuse from their employers, but in practice it prevents them from moving to the Greek part of the island, ensuring their inability to claim their rights.

These women are often abused or raped by their employers to whom they are indebted for paying for their travel expenses and visas. Accommodation can cost 150 US\$ (138 €) a week, and added to all other charges this makes them dependent. In theory, the law prohibits clubs from hosting their employees on site, but between April 2014 and January 2015, the authorities issued more than 1,168 hostess visas and most were forced to stay with their employer (*Le Point/AFP*, August 23<sup>rd</sup>, 2015).

In 2014, the authorities deported 395 women after terminating their contracts, regardless of whether or not they were victims of sexual exploitation. Nightclub owners pay between 8 and 12 million US\$ (7.38 and 11 million €) in taxes to the Administration, along with about 2,000 US\$ (1,846 €) for each woman employed at the establishment (*U.S. Department of State*, 2015).

There is other obvious evidence of the duplicity of the authorities in this territory: women employed as “hostesses” are required to visit the hospital twice a month to get tested for sexually transmitted infections. This shows that although prostitution is illegal in theory, it has been legitimized through the constraint of the public authorities. Prostituted persons are often accompanied by bodyguards in nightclubs, to ensure that they do not attempt to ask for help. According to a former social services official, the authorities in this territory serve as “intermediaries and henchmen” for clients in cabarets. Prostitution is an important source of income for this part of the island and financially supports a number of corrupt local politicians.

Dogus Derya, a feminist MP, took advantage of the reform of the Turkish Cypriot Penal Code that was voted on in January 2014 under pressure from the European Court of Human Rights. This included a series of amendments to make sex trafficking a crime. Forcing someone into prostitution is now punishable by seven years in prison. But in practice, when police have raided nightclubs, they arrest foreign victims of exploitation and prosecute them for prostitution. These cases often end with a court agreement - the victim of sexual exploitation withdraws her complaint against the owner of the establishment and, in exchange, has the charges against her dropped. The conclusion is rather pessimistic because international pressure has had very little impact on the unrecognized state, as it is not party to any international treaty on human rights.

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## Denmark

- Population: 5.6 million
- GDP per capita (in US dollars): 60,707
- Constitutional monarchy
- Human development index (HDI): 0.923 (4<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.048 (4<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 91 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the European Union since 1973.
  
- Danish social services estimate that there were at least 2,908 prostituted persons in Denmark in the period of 2013 to 2014.
- Regulationist country. In 1999, Denmark decriminalized prostitution: Danish law authorizes legal residents in Denmark over the age of 18 to prostitute themselves under the status of 'independent contractors'.
- Procurement or owning a brothel is a criminal offense with a maximum sentence of 4 years imprisonment. Paying for sex is illegal. Human trafficking leading to sexual exploitation is punishable by law, with a maximum sentence of 10 years imprisonment (or more in cases involving aggravated circumstances).
- In 2014, the government pursued 15 cases of persons accused of human trafficking leading to sexual exploitation. Of these cases, 9 people were found guilty and condemned to prison sentences between 18 and 36 months.
- Denmark is a destination country for victims of human trafficking. These victims primarily come from Sub-Saharan Africa (Nigeria) as well as from Eastern Europe (Romania).

Unlike in surrounding Scandinavian countries, prostitution is decriminalized in Denmark, while procuring or owning a brothel is illegal. There are no penalties in place for the clients of prostituted persons. If we look at Danish public opinion regarding the legalization of prostitution, about 50% of Danes polled in 2014 do not support a ban, while some 25% believe that prostitution should be illegal. More women than men favor the ban, while 20% of those polled said they did not believe a ban would reduce the presence of prostitution (*The Copenhagen Post*, May 12<sup>th</sup>, 2012). This attitude is reflected in the various opinion pieces found in Danish



newspapers, which often tend to portray the ‘right’ to legal prostitution as being a matter of a women’s right to do what she will with her own body (*The Copenhagen Post*, January 10<sup>th</sup> 2013, February 17<sup>th</sup> 2013, November 7<sup>th</sup> 2014 ; *Science Nordic*, March 14<sup>th</sup> 2014). Despite the fact that prostitution is decriminalized, prostituted persons often face violence and exposure to disease.

Denmark is primarily a destination and transit point for prostitution through human trafficking. Although it is difficult to get a clear picture of the real extent of trafficked prostituted persons, it is clear that the numbers of identified cases has increased each year. This increase may simply be due to the fact of an improved identification process. Information from recorded cases of human trafficking in Denmark show that whilst many of the trafficked are physically free to go where they wish, and that many of them understand know the nature of the activity in which they would be engaging, they remain dependent on the traffickers. Moreover, some traffickers take their passports and lend them money they cannot repay so that prostituted persons remain dependent and controlled by threats and violence.

### **Overview of legislation in place**

Since Bill 141 was passed in 1999, engaging in prostitution is not a criminal offense for anyone over the age of 18 in Denmark. Buying services from a prostituted person is also not a crime. However, buying services from anyone under the age of 18 carries a sentence of up to 2 years imprisonment. Procuring or owning a brothel remain illegal activities with penalties of up to 4 years imprisonment (Section 228 of the Danish Penal Code). It is also illegal to knowingly rent a room or apartment for the purpose of prostitution, and to do so can result in a fine or imprisonment of up to 1 year (Section 229 of the Danish Penal Code). Prostituted persons are expected to register as independent contractors and pay taxes on their economic activities. Should these prostituted persons become unemployed they do not qualify for unemployment benefits. Moreover, it is illegal to engage in prostitution without a valid residency permit, and to do so can result in arrest and deportation.

Human trafficking for the purpose of prostitution is illegal. Perpetrators can face a maximum sentence of 10 years, and other sentences for crimes such as rape or assault can be added. Victims of human trafficking, who do not possess legal residency, are classified by the Danish Immigration Service using information from the Danish Centre Against Human Trafficking (CMM). Once victims are identified, those without residence permits in Denmark are offered aid for a given period of 120 days to prepare them for the return to their country of origin. This support includes access to protected housing, legal assistance, counseling, and socio-educational assistance. A contact person is assigned to each victim to help them create a personal action plan. The International Organization for Migration (IOM) has managed the program of assisted voluntary return and reintegration for minors since 2008. This program offers further support for up to 6 months to victims who have returned to their countries of origin. In March 2012, Bill 275 was passed – which aligned Danish criminal legislation with EU directive 2011/36/EU. This legislation raised the maximum penalty for human trafficking from 8 years imprisonment to 10.

The Aliens Act was also amended in May 2013 to extend the maximum consideration period from a total of 100 days to 120. Denmark has no particular legal basis to grant residence permits to victims of human trafficking, as demanded by Article 14(1) of the Council of Europe Convention on Action against Trafficking in Human Beings. This is due to Denmark's particular status in the European union. The country is not in fact bound by this directive, although it is strongly recommended for all signees of the Convention. In place of this, victims must instead apply for residence based humanitarian grounds or under temporary circumstances. Article 9(b)(1) of the Aliens Act allows residence permits to be granted on the basis of humanitarian grounds, however the qualifying conditions for these permits are quite stringent and are not geared towards the particular problems surrounding victims of human trafficking, but rather any illegal alien residing in Denmark who upon return would risk torture, the death penalty...

Permanent residence permits are not offered to victims who are aiding the police with criminal proceedings against traffickers, which consequently does not motivate victims to aid the police in their prosecution. Residence permits valid for the duration of an investigation are sometimes offered, though they are rarely accepted by victims. Victims can receive legal advice from the CMM, in collaboration with Pro Vest and the Danish Prostitution Centre.

### **Relevant figures**

It is extremely difficult to gather accurate estimates of the numbers of prostituted persons operating in Denmark, despite prostitution's legal status. Copenhagen's red light district represents a small portion of the sex trafficking that goes on in the country, the majority of which takes in private residences, massage parlors or on the internet. NGO's and government organizations in charge of gathering statistics emphasize that their facts and figures are limited to observational data only. Danish Social Services provides yearly estimated counts of prostituted persons. From the period 2013 – 2014 there was at least 2,908 active prostituted persons in Denmark. They estimate that the number of underground prostituted persons as well as the number of foreign prostituted persons is increasing. The greatest number of prostituted persons work in massage parlors (961) followed by street prostituted persons (400), then private prostituted persons (368). A significant number of identified prostituted persons did not disclose the locations of their prostitution activities (785). Of the prostituted persons contacted for this survey, 18 were men, 108 were transgender and the remaining 2,782 were women (*Social Styrelsen* September 21<sup>st</sup>, 2015).

The main actors responsible for collecting data on human trafficking are the Department for Gender Equality, the Inter-Ministerial Working Group on Human Trafficking, the CMM, the Danish National Police and the Danish Immigration Service. There has been a steady increase in the number of victims identified by the authorities, with most victims being identified specifically by the police (67% in 2014). In 2014, 71 victims of human trafficking were identified, down from 76 in 2013, but up from 66 in 2012. Of these 76 victims in 2013, 57 were women sold into prostitution. The victims were predominantly from Nigeria (54%), Romania

and Uganda (both 7%), Ghana and Kenya (both 4.2%) (*Centre mod Menneskehandel*, July 2015). In 2014, 9 people were convicted of human trafficking with an average penalty of 2 years and 3 months of imprisonment (*GRETA*, February 11<sup>th</sup>, 2015).

A recent poll from YouGov estimates that around 1 in 6 Danish men have paid for sex at least once in their lives – which corresponds to between 260,000 and 280,000, the predicted number of sex customers. On average, clients visit their first prostituted person before the age of 25, with 35% saying they have visited just once and 9% saying they have visited over 50 times (*The Copenhagen Post*, May 12<sup>th</sup>, 2014).

### **Health and prostitution**

The main objective of NGOs in Denmark regarding prostitution and healthcare is to limit the spread of sexually transmitted diseases by offering free sexual health clinics and educating prostituted persons about the existence of these clinics. NGOs point out the fact that while it is relatively easy to contact street prostituted persons, to give out free condoms and inform them of clinic opening hours, it is harder to get in contact with the majority of prostituted persons who operate behind closed doors. In December 2014, the NGO Reden International publicized its concerns regarding the effects of market pressures on the prostituted persons – who in the face of fierce competition and lower demand than usual, were resorting to offering customers the option of not using a condom to make extra money (*The Copenhagen Post*, December 2<sup>nd</sup>, 2014). There is also a problem of violence against prostituted persons – 18% of prostituted persons polled reported encountering violence in the last year (*The Copenhagen Post*, May 12<sup>th</sup>, 2014).

### **Initiatives put in place to fight against prostitution**

Denmark is currently implementing their fourth National Action Plan (NAP) to fight Human Trafficking. This plan is being supervised and implemented by the Department for Gender Equality. There has been a steady increase of funding with each successive plan: 40 million DKK (5.36 million €/5.8 million US\$) for the First NAP (2003-2006), 80 million DKK (10.72 million €/11.6 million US\$) for the Second NAP (2007 to 2010), 85.6 million DKK (11.47 million €/12.42 million US\$) for the Third NAP (2011 to 2014), 88 million DKK (11.79 million €/12.77 million US\$) for the Fourth NAP (2015-2018)

The most recently completed third National Action Plan of 2011 to 2014 had a 5 point approach: identification of victims; offering optimum support for victims; reducing the demand for services; preventing human trafficking; identifying and punishing traffickers.

Much of the work focused on educating the various actors involved in identifying or caring for victims: ensuring that the police were well informed of the signs of forced prostitution, that they had the appropriate on site support after a police raid to process potential victims, educating the public on how to report suspicious behavior, outreach work involving young people, and education and awareness campaigns designed to reduce the demand for services. There was also

29.5 million DKK (3.95 million €/4.28 million US\$) dedicated to the Neighborhood Program, which works to combat human trafficking in Eastern Europe, as part of an effort to combat the problem of human trafficking at the root.

There is also significant amounts of funding allocated to various NGOs who are crucial to the successful implementation of the NAPs and work in the field providing support, shelter and reintegration to victims of human trafficking or prostituted persons in general. 18.5 million DKK (2.71 million US\$/2.48 million €) is earmarked each year from the state budget for contracts with NGOs such as Hope Now, The Nest International, Pro Vest and the Danish Red Cross. While these NGOs form an invaluable part of the fight against human trafficking and prostitution in general there are no formalized networks or agreements with the Government. NGOs also form the backbone of EXIT programs for prostituted persons who are looking to enter into labor market. There is significant funding available to prostituted persons and such programs are overseen by the local authorities (*Friis, et al.*, June 2011).

### **Recent developments and recommendations**

In their most recent reports both the Group of Experts on Action Against Human Trafficking (GRETA) and the U.S. Department of State advised that Denmark make serious efforts to change the default treatment of victims of human trafficking as illegal aliens in need of repatriation. While residency permits exist for victims on humanitarian grounds, of the 200 victims of human trafficking identified over the last three years only four permits have been granted, and while a 2013 amendment to the Aliens Act allows for a delay of deportation to be granted in order for a victim to aid investigations, it has never been used. Furthermore, a large number of victims do not choose to enter into the program of assisted return, often because they see it as merely an incarceration period to be undertaken before being deported, and because the victims' debt bondage to traffickers serves as a deterrent to accepting the return. This period of prepared return does not correspond to the minimum 30 day period of reflection and recovery recommended by the Council of Europe. Denmark needs to focus on implementing a more victim-centered approach, giving the victims alternatives to returning to a country where they may face retribution from traffickers or hardship due to their loss of income and their social status as ex-prostituted persons.

The minimum estimated number of prostituted persons is the lowest it has been since records began in 2002, while this is good news, more needs to be done to ensure that prostituted persons who wish to enter into professions are supported – as it is impossible to receive unemployment benefits, prostituted persons who fear losing their source of income find it difficult to leave the activity (85% of prostituted persons polled in 2014 said that they engaged in their activity because of economic reasons) (*The Copenhagen Post*, May 12<sup>th</sup>, 2014).

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## Egypt

- Population: 83.4 million
- GDP per capita (in US dollars): 3,198
- Presidential regime
- Human development index (HDI): 0.690 (108<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.573 (131<sup>st</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 36 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the African Union since 1963.
  
- No official national statistics on prostitution.
- Prostitution is illegal, both for the client and the victim. Victims of prostitution are often imprisoned.
- Under new 2014 law, sexual harassment is illegal and punishable by prison or fines.
- Temporary or summer marriages of young girls in exchange for payment are still common.
- Source, transit, and destination country for human trafficking, despite 2010 Law No. 64's prohibition of human trafficking.
- Eritrea is a major source country for victims of trafficking and torture in Egypt, including sexual assault.
- Egypt has taken steps to follow two National Plans of Action against Human Trafficking for the years 2011-2015.

Egypt is a source, transit, and destination country for victims of human trafficking and sexual exploitation. Egypt has an estimated population of street children ranging from 200,000-1 million, a group that is particularly at risk of being trafficked, and this number is on the rise due to Egypt's economic instability. In addition to street children, refugees are another vulnerable group that often fall victim to prostitution and sexual exploitation in Egypt (*U.S. Department of State, 2014*).

Egypt has several laws that directly and indirectly relate to sexual exploitation. Law No. 126 of 2008, a relatively recent addition to Egyptian sexual exploitation law, raised the legal age of marriage for girls to 18. Two years later, in 2010, the passage of Law No. 64 specifically forbade the trafficking of persons for all types of exploitation, including sexual and labor-based

trafficking. This law demonstrates Egypt's resolve to uphold the Palermo Protocol, a United Nations Protocol that aims to combat human trafficking. However, despite Law 64's alignment with the Palermo Protocol<sup>16</sup>, obstacles remain. Joy Ngozi Ezeilo, the UN Special Reporter on human trafficking, especially of women and children, noted in her 2011 report that Egyptian prostitution law does not match the Protocol's standards. Egypt's Law No. 68 from 1951 and its amendment through Law No. 10 in 1961 make it illegal to "incite," "entice" or "facilitate" "debauchery or prostitution." Although the law punishes procurers and traffickers, it also encourages the prosecution of victims. The Palermo Protocol's definition of trafficking specifies that even if an individual consents to being prostituted, they are still considered a victim of exploitation if they were coerced into the decision (*Ngozi Ezeilo*, 2011). Therefore, in considering victims culpable for their actions and not acknowledging that they have been exploited, current Egyptian prostitution law contradicts the Palermo Protocol.

### **Temporary Child Marriage**

Despite Law No. 126's prohibition of marriage for girls under the age of 18, temporary marriage of children continues to be a significant problem in Egypt. Generally, the practice takes the form of summer marriages, in which wealthy tourists from Gulf States travel to Egypt and pay parents to marry their daughters as a form of disguised prostitution (*U.S. Department of State*, 2014). Temporary marriage provides buyers with means to avoid restrictions that stem from Islamic religious law on pre-marital sex, such as many hotels' refusal to rent rooms to unmarried couples. Because of Law No. 126's restriction of girls' marriage age, many temporary marriages are arranged through marriage "brokers" who are able to forge birth certificates and the other necessary documents to circumvent the law. In the wake of recent economic turmoil accompanying Egypt's changing government, many families have turned to temporary marriage as an added source of income. According to a survey conducted by the *National Council for Childhood and Motherhood* (NCCM), families can earn "dowry" money for temporary marriages anywhere from 115 US\$ (106 €) for a day to 2,800 US\$- 10,000 US\$ for seasonal/summer marriages. Typically the girls are between 11 and 18 years old, and a marriage can be as short as a few days or as long as several months or years. For longer marriages, girls are sometimes expected to go home with their purchaser and work domestically. Even when they return to their families, girls are often resold into more marriages. As a result of these temporary marriages, many victims suffer long-term psychological effects (*Inter Press Service*, August 5<sup>th</sup>, 2013). In a positive development, Egypt's new 2014 Constitution contains a provision that increases the level of mandatory education to secondary school (*Egyptian Centre for Women's Rights*, 2014). Hopefully, this new requirement will delay the marriage of some young girls by prolonging their education.

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<sup>16</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, 15 November 2000.

## Sexual Violence Against Female Activists

In recent years Egypt's tumultuous political climate has led to a high number of sexual assaults at protests. Upon Muhammad Hosni El Sayed Mubarak's fall from power in 2011, many women became victims of sexual brutality at the hands of security forces. When Mohamed Morsi became president, women's security remained inadequate. According to the International Federation for Human Rights (FIDH), from late 2012 to mid 2013 there were more than 250 instances of mob violence against women in the Tahrir Square area. Generally, these attacks took the form of groups of young men surrounding individual women, often removing their clothes, groping them, and pulling them in multiple directions at once.

As political change continued and M. Morsi was ousted from power in 2013, police presence was increased in Tahrir Square but assaults continued, especially those targeting women protesting in support of M. Morsi. In fact, in the wake of the military takeover in July 2013, reports of sexual harassment and violence against women by security officers increased (*Booth & El Hussein, 2014*). Women wearing the *niqab* or *khimar* were often assumed to be supporting Islamism and were thus targeted by military and law enforcement. Once taken into custody, the probability of sexual assault for women was "extremely high". Body searches and inspections were often used as opportunities for guards to humiliate and grope female detainees. As one anonymous member of an Egyptian human rights organization commented to FIDH, "*Sexual violence practised by law enforcement officers in Egypt has never stopped, it has never been condemned. What has changed is the scale of the arrests, which increases the number of cases of sexual assault*" (*Booth & El Hussein, 2014*).

Indeed, police brutality against women in Egypt is not a new phenomenon. During the 2011 revolution there was a public outcry against virginity tests performed on detained female protestors. Although virginity tests were declared illegal in Egypt in December 2011, women have recently reported that they are being used again. In the winter of 2014, four women who had been arrested for protesting against the military rule came forward to say that the police had forced them to undergo virginity tests (*CNN, February 21<sup>th</sup>, 2014*). The apparent return of virginity tests signals how much more progress remains to be made to protect women from sexual violence in Egypt.

The fight against sexual violence has been hindered by the fact that women are often discouraged from pursuing legal complaints against their attackers, and that adequate data is often not collected when they do so (*Booth & El Hussein, 2014*). One cause of the low rate of reported assaults is due to the little amount of protection given to survivors who file complaints. For example, a child detainee told FIDH that she filed a complaint against attackers who raped and injured her while in custody. While still recovering from the incident, her rapists came to the hospital and raped her again as a means of pressuring her to withdraw her complaint. She later reflected on the experience: "*If I had known that filing a complaint would have these consequences I would never have done it*" (*FIDH, 2015*).



Sometimes women are discouraged from filing complaints by their own lawyers, as was the case with one woman who was beaten and raped by a police officer in December 2013. According to FIDH, her lawyer eventually admitted that he “advised her not to file a complaint for fear of scandal”. That same woman was later criticised by the deputy minister for human rights in the Ministry of the Interior, Major Abu Bakr Abdel Karim, who claimed that she was “irrational” and trying “to turn public opinion against the police” (FIDH, 2015). If government officials publicly shame victims of sexual violence and if law enforcement officers are often responsible for these crimes, victims have virtually no way of safely pursuing justice.

Recent developments indicate that there is hope for the fight against violence towards female detainees and activists in Egypt. In May 2015, the National Council for Women (NCW), in cooperation with the Ministries of Interior Justice, United Nations Development Programme (UNDP), UN Women, United Nations Population Fund (UNFPA), and NGOs, began a national initiative to fight violence against women (UNDP, 2015). Concurrently, the Egyptian Police launched a new strategy also designed to reduce gender-based violence. As part of the police initiative, there will be a more rapid police response to reports of violence against women, and the number of female physicians has been increased to care for female victims of assault. Furthermore, the Egyptian Police Academy’s curriculum will feature a new section specifically focused on human rights and violence against women (*Egyptian Streets*, May 10<sup>th</sup>, 2015).

Although the NCW has been criticized in the past for failing to prioritize women’s rights over its own organizational allegiance to the government, this initiative is an encouraging step towards reducing police brutality (Booth & El Hussein, 2014). It remains to be seen in the coming years whether or not sexual and other violence against women actually decrease as a result of the new national strategy.

Another hopeful development for female activists and for all women in Egypt was the passage of a new sexual harassment law in June 2014. The law criminalizes sexual harassment and makes it punishable under Egyptian law for the first time. Just a few days following the passage of the sexual harassment law, seven men were taken into custody when their group assault of a woman in Tahrir Square was caught on video (*Al Jazeera*, June 12<sup>th</sup>, 2014). In July 2014, the men were sentenced to life in prison (25 years). At the same time, two other men were sentenced to 20 years in prison for assaults committed in January 2013 (*Middle East Eye*, July 16<sup>th</sup>, 2014).

Punishing perpetrators for the common crime of mob sexual assault in Tahrir Square will perhaps dissuade others from participating in similar crimes, and is the first step towards making public spaces in Egypt safer for women. The sexual harassment law is also important because it aids not only female activists, but all Egyptians in their daily lives. According to a 2013 survey conducted by *UN Women* in Egypt, 99.3% of female respondents said that they had been the target of some form of harassment. Of those women, 49.2% said that they are harassed on a daily basis (*UN Women*, 2013). With such a frequent and nearly universal rate of harassment, the new sexual harassment law has the potential to impact a large portion of Egypt’s population if it is enforced.

## Human Trafficking & Torture

In addition to Egyptians, individuals of other nationalities are also victims of sexual exploitation in Egypt. In recent years a large number of Eritreans have been kidnapped and brought to the Sinai in Egypt where they are tortured in order to extort money from their friends and family at home. According to a Human Rights Watch (HRW) report in February 2014, since mid-2010 many Eritrean refugees in eastern Sudan have been kidnapped, sold to Egyptian traffickers, and then tortured. Often the torture occurs while the victims are on the phone with their relatives, and the traffickers then demand a hefty ransom for each victim's release.

One 23-year old Eritrean male victim described his experience in Egypt to HRW: *"The first group of kidnappers said I had to pay \$3500...They threatened to remove our organs if we didn't pay. Even though my family paid, they didn't release me but instead sold me to a second group. The second kidnappers said we had to pay them \$33000 because they had bought us from the first group... They beat me with a metal rod. They dripped molten plastic onto my back... One person died after they hung him from the ceiling for 24 hours. We watched him die. Whenever I called my relatives to ask them to pay, they burnt me with a hot rod so I would scream on the phone. We could not protect the women in our room: they just took them out, raped them, and brought them back"* (HRW, 2014).

For female victims, rape and sexual assault seem to be a common occurrence. UNHCR staff who interviewed Eritrean trafficking survivors told HRW: *"11 of the 15 women that were interviewed claimed that they had been sexually assaulted. The abuse included insertion of objects, oral sex, and rape. A number of women and men described how women were also assaulted by Eritrean men held captive, who were forced to sexually abuse the women"* (HRW, 2014).

Eritrean survivors told HRW in 2012 that both Sudanese and Egyptian security forces cooperate with traffickers throughout the process. Furthermore, when Eritreans and other victims of trafficking manage to escape and run towards the border of Israel, they are often shot or imprisoned by Egyptian border police and denied the opportunity to claim refugee status since Egypt refuses to grant the UNHCR access to the Sinai. Instead of being treated as trafficking victims, Eritreans are often charged with offences related to illegal migration and detained for long periods of time in the Sinai without access to proper medical care (HRW, 2014).

## Government Action Against Sexual Exploitation

Over the past four years, Egypt has taken active steps to combat sexual exploitation and human trafficking in particular. In 2011, Egypt adopted a National Plan of Action against Human Trafficking, developed by the National Coordinating Committee for Combating and Preventing Human Trafficking (NCCPHT). The plan laid out goals and action steps for Egypt's fight against human trafficking for the years 2011-2013, and many of the plan's targets were

met. For example, 70 impoverished families received micro-finance loans as part of the plan, a step that was taken with the goal of reducing the financial need for temporary marriage (*NCCPHT, 2012*).

The NCCPHT also led training sessions on human trafficking for 250 preparatory and secondary teachers and 18 hospital workers. Upon conclusion of the first National Plan of Action, a second plan was developed for the years 2013-2015 with similar goals and steps to reduce trafficking and sexual exploitation (*NCCPHT, 2012*).

As part of the Second National Plan of Action, in 2013, the NCCM wrote a guidebook on trafficking used to train judges and prosecutors. Additionally, in collaboration with NGOs and other government committees, the NCCM continued work on the government's trafficking victim identification and referral mechanism, an initiative that began in 2012. According to the 2014 U.S. Department of State Report on Trafficking in Persons, in 2013 the NCCM successfully identified and helped 173 victims of trafficking - a significant number, but still far fewer than the 277 victims they were able to help in 2012. The task of aiding victims in finding shelter and protection was made difficult by a shortage of staff within the NCCM. In coordination with the International Organization for Migration (IOM), the NCCM ran a shelter that assisted 17 female trafficking victims of a variety of nationalities. However, many NGOs claim that such government facilities for women and children in Egypt are severely lacking and in need of more funding. Similarly, the NCCM's telephone hotline for victims of trafficking has been unable to accommodate numerous calls due to poor staffing (*U.S. Department of State, 2014*).

Despite Egypt's recent progress in combating sexual exploitation and harassment, the country has significant room for improvement. For example, the government still does not have a strong system of collecting and managing data about sexual exploitation and human trafficking (*U.S. Department of State, 2014*). Improving data collection is one of the continued goals of the National Coordinating Committee's Second National Action Plan, but due to shifts in government, it appears that the NCCPHT may have been replaced by a new committee established in 2014, the National Coordinating Committee for Combating and Preventing Illegal Migration (NCCPIM). This new committee's main objective is to develop legislation about illegal migration, and it is unclear whether or not they are continuing to follow the Second National Plan of Action about Human Trafficking (*IOM, 2014*). If the plan has indeed been abandoned, it would be a major step back in Egypt's fight against sexual exploitation. Perhaps the most grave issue in current Egyptian policy surrounding sexual exploitation, however, is that in 2013 the Egyptian government did not attempt to identify any women detained for prostitution as victims of trafficking. Therefore, victims of prostitution are still regarded as criminals and punished by the Egyptian government (*U.S. Department of State, 2014*). One can only hope that Egypt's expansion of women's education in the 2014 Constitution and its passage of the 2014 Sexual Harassment Law are signs that it will continue to progress in the fight against sexual exploitation.

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## France

- Population: 64.6 million
- GDP per capita (in US dollars): 42,732
- Bicameral presidential regime
- Human Development Index (HDI): 0,888 (22<sup>nd</sup> rank among 187 countries)
- Gender Inequality Index (GII):0,088 (13<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 70 on a scale from 0 (highly corrupt) to 100 (very clean)
- Founding Member of the European Union since 1952.
  
- 37,000 prostituted persons (between 30,000 and 44,000) (*Mouvement du Nid, Psytel, May 2015*).
- Prostitution generates a net income estimated at 1.25 billion US\$ (1.15 billion €) of which 575 million US\$ (530 million €) go to criminal organizations (*La Revue du GRASCO, January 2016*). A study by ProstCost mentions a net income of 3.47 billion US\$ (3.2 billion €)
- Article 1 of the Resolution unanimously adopted by the deputies on December 6<sup>th</sup>, 2011 stipulates, “the National Assembly reaffirms the abolitionist position of France, where the objective is a society without prostitution”.
- Article 225-5 to 225-12 of the Penal Code prohibits all forms of procuring.
- In 2014, 590 people were questioned for procuring and 50 international networks were dismantled (*OCRTEH, April 2015*). Out of these 50 networks, only 19 were condemned for human trafficking. 384 victims of procuring were identified in 2014.
- Since the establishment of the International Security Act in March 2003, article 225-4-1 addresses specifically the infractions for human trafficking and punishes traffickers with 7 years in prison and a 162,870 US\$ (150,000 €) fine. This was reinforced by article 225-4-2 in 2013 which increases the penalty to 10 years imprisonment and a 1.63 million US\$ [1.5 million €] fine.
- The January 3<sup>rd</sup> 2013 ordinance created the Interministerial mission for the protection of women against violence and for combating human trafficking (MIPROF)
- France remains a transit and destination country for victims of sexual exploitation.

- Victims most often originate from Eastern Europe (Romania, Bulgaria, Albania), West Africa (Nigeria, Cameroon, Equatorial Guinea, Asia (China), Central and South America (Peru, Colombia, Brazil, as well as the Maghreb (Algeria, Morocco).

While France has managed to limit the development of prostitution compared to its Spanish and German neighbors, sex trafficking and prostitution nevertheless remains a lucrative industry in France where networks continue to invest. Physical and psychological violence remains a way for prostituted persons to generate more profit. The proportion of foreign individuals working in prostitution as well as the increasing level of dismantled networks each year demonstrate that very few individuals prostitute themselves independently. Prostitution is the most brutal form of monetary domination. The expansion and normalization of prostitution is a result of an increase in supply and demand, where prostituted persons are instruments that are devoted to male satisfaction (99% of clients are male). This scourge endangers the wellbeing of prostituted persons and eats away at human dignity.

### **An Still Alarming Level of Prostitution**

In a 2013 report of the Group of Experts on Action against Trafficking in Human Beings (GRETA), France was reprimanded by the European Council for insufficient protection of sex trafficking victims (GRETA, December 2<sup>nd</sup> 2015). France was asked to reinforce its social actions against trafficking by having more people dedicated to the protection of victims. At that time, several associations were mobilized and implemented operations to fight against the causes and consequences of prostitution. They worked tirelessly to prevent and help prostituted persons find alternative economic work. In 2015, the number of prostituted persons in France was estimated at 37,000 (*Mouvement du Nid, Psytel*, May 2015).

While French law does not prohibit prostitution, it nevertheless condemns exploitation by regulating its penalties in relation to the circumstances, with a series of laws pertaining to procuring (225-5 to 225-12). Article 225-4-1 of the Penal Code defines human trafficking and punishes the perpetrators with 7 years imprisonment and a fine of 162,465 US\$ (150,000 €). Prostitution of minors is prohibited and severely punished. That being said, according to the 2015 U.S. Department of State Report on Trafficking in Persons, France still remains a transit and destination country for victims of sex trafficking. More than one thousand individuals were arrested by the police for offering their services in public, which is three times less than in 2004.

This decreasing figure is not a reflection of a decrease in prostituted persons offering their services publicly, but is rather a reflection of a decrease in police arrests. Out of these arrested prostituted persons, 96% are women and 93% are non-French (*OCRTEH*, April 2015).

Prostitution remains above all a gender phenomenon, where the vast majority of prostituted persons are women and 99% of clients are men. 50 international prostitution networks were dismantled on French soil in 2014 (*DCPJ*, May 2015). Amongst them, 25 were originally from Eastern Europe, 9 were from China, 8 from Nigeria, and 5 from Latin American countries, which

still represent the four main regions of origin for prostituted persons in France. Out of these 50 networks, 19 investigations were pursued against procurers due to having violated laws prohibiting human trafficking; this was the first time a series of prosecutions had been executed since the law of 2003. While the majority of individuals accused of procuring are male (203 out of 294), the role of women in prostitution network organizations is growing. Of the 91 women arrested, 82 were accused of aggravated procuring (*OCRTEH*, April 2015).

### Active Eastern Networks

A majority of dismantled networks come from countries in the East, such as Romania and Bulgaria. In March 2014, 7 people were put in a holding cell after having forced Romanians to prostitute themselves at Porte de la Villette in Paris. The head of this network was a 58-year-old Romanian woman who had been helped by her son and two grandsons. The 20 or so victims were recruited in Romania, and were threatened with retaliation by the Network once they would arrive in France (*LeFigaro/AFP*, March 22<sup>nd</sup>, 2014). In April 2014, a coordinated intervention of French and Romanian police forces led to the dismantling of a prostitution network in Caen that was based in Bucharest. 6 people were arrested at the same time in two countries, and among them, four were locked away. Out of these four, two were procurers and two were intermediaries (*France 3 Normandie*, June 11<sup>th</sup> 2014). The network's structure resembled that of an enlarged family or clan rather than a veritable criminal international organization.

### Ever-Adapting Chinese Prostitution Networks

In Paris, the “Marcheuse<sup>17</sup>” of Dongbei and Jiangxi are no longer standing alone on their street corners. According to *Médecins du Monde* (MDM), the number of prostituted Chinese on the streets of Belleville and of Strasbourg-St-Denis is rising. MDM has noted an increase in police pressure in these neighborhoods (*Le Point/AFP*, June 10<sup>th</sup>, 2015). These women are between 40 and 50 years of age and do not work for anyone or any networks. That being said, when considering the range of cases related to the dismantling of the Chinese prostitution networks in France over the past two years, it is clearly a case of exploitation where women remain the first victims.

“Dismantling of a Network Operating in all of France” ( <i>Le Monde/AFP</i> , April 23 <sup>rd</sup> 2014)	3 people that were suspected of being the head of the network were arrested	452,000 US\$ (417,000 €) were taken from the head of the network in Paris
“Dismantling of the Chinese Prostitution Network in Paris” ( <i>Le Parisien</i> , June 21 <sup>st</sup> 2014)	7 people were convicted, 4 people were put on trial, complaints of “torture” were	Network linked to a clandestine immigration sector where the profits are

<sup>17</sup> “Marcheuse”, which translates to “walker” or “wanderer” makes reference to Chinese prostitutes that wander or walk the streets of Paris.

	lodged by a prostituted person	repatriated to China (in connection with an illegal immigration channel).
“Paris: A Chinese Procuring Network Dismantled” ( <i>20 minutes</i> , February 18 <sup>th</sup> 2015)	One woman at the head of a network and three of her accomplices were arrested. She was managing 3 massage parlors in Paris and in les Hauts-de-Seine	The sales revenues are estimated to be 68,235 US\$ (63,000 €) each month with an average of 5 prostituted persons per salon
“Aggravated Procuring: A Dismantled Chinese Network since Angers” ( <i>Ouest France</i> , December 2 <sup>nd</sup> 2015)	4 people presume procurers were convicted. The network used <i>Vivastreet</i> , control call centre, and apartments they rented for a month.	97,479 US\$ (90,000 €) taken.
“Lyon : a Dismantled Chinese Prostitution Network” (RTL/AFP, December 20 <sup>th</sup> 2015)	A Chinese restaurateur couple was questioned for aggravated procuring.	81,232 US\$ (75,000 €) per month, 7 to 8 young women in all of France, websites, ads.

While Chinese prostitution is clearly visible in some neighborhoods of Paris, the networks have also developed elsewhere in recent years. These networks seek out Chinese clients and the prostitution takes place in Karaoke/restaurant bars. The Chinese networks have spread to the suburbs and the cities in provinces. The entire territory is affected. As in at least 23 urban areas, prostitution was observed in streets, in apartments and in massage parlors. The Direction Centrale de la Police Judiciaire (DCPJ) mentions several cases of illegal confinement and violence towards prostituted persons by procurers, both men and women, as well as violence occurring during the settling of scores between competing networks (*DCPJ*, April 2015). The networks largely use advertisement websites and disguised prostituted persons, by sometimes even making them look Japanese.

### **Nigerian Prostitution: Reaping the Benefits**

Nigerian prostitution, which is very present in the Paris region, has followed the same tendencies as other prostitution groups through spreading to the “province”, including small towns which up until now, had not been touched by this phenomenon. The *modus operandi* of these networks has not changed. Recruited by the Nigerian prostitution networks in their country of origins, these women are subject to a spell (the “juju”) that links them to a procurer, who takes the form of a mama, who is older and is often an ancient prostituted person. Bought from their families, these women must then reimburse a debt (travel, passport,...) that always increases once the women have arrived at the destination (interest, rent,...). The mamas are responsible for



watching over and housing the prostituted persons under their control. In April 2015, the police dismantled a Nigerian prostitution network in Nice. A clergyman, his accomplice, and three mamas were arrested and put in a holding cell (*Nice Matin*, April 24<sup>th</sup> 2015). The money made by the network was sent to Nigeria via the Hawala, which is an alternative form for transferring funds.

### **A Peri-Urban Prostitution, and the Edge of National Roads**

In this never-ending battle between traffickers and police authorities, prostitution and prostitution networks, are constantly adapting to police techniques, to national legislations, and to social risks in order to achieve their one and only goal: to make money. Municipal anti-prostitution arrests, resident hostility, police pressure, and market saturation have pushed prostitution out of city streets and into peri-urban zones that are less occupied and therefore less likely to be surveyed. Residents frequently complain about prostituted persons. This results in a repressive response from the mayors who often choose to arrest prostituted persons in order to prohibit prostitution in commercial zones and/or in areas frequented by the public.

### **Mobility and “Sex-Tours”**

That being said, prostitution has swarmed to smaller towns, whether that is on the streets, in massage parlors, or in hotels or apartments. The Internet and social networks play a big role in the emergence of these new forms of prostitution: advertisement websites, websites organizing “sex-tours”, as well as the organizing of meetings by pre-established methods allow for mobility and a reinforced discretion. Prostituted persons are more quickly moved from one town to another, or even from one country to another. For Yves Charpenel, the president of the Fondation Scelles, the “sex-tour” phenomenon has been developing for 4 to 5 years and is starting to be present throughout France” (*Nouvel Obs/AFP*, May 23<sup>rd</sup>, 2014). This extremely mobilized cyber prostitution takes place in hotels and apartments. In May 2015, the French and Romanian police arrested 30 people suspected of organizing “sex-tours” with young Romanian prostituted persons in many of the larger cities in France (*LeFigaro/AFP*, May 19<sup>th</sup> 2015). 27 suspects were arrested in Romania and 3 were arrested in France. The young women generated a profit averaging at 8,664 US\$ (8,000 €) per month for their procurers, many of whom were violent to the women. The point is for networks to occupy the territories where new prostitution markets still exist while limiting the risks of police surveillance. The more mobile networks are, the more difficult it is for the authorities to put in place a surveillance system.

### **The Development of a Precarious and Survival Prostitution**

The OCRTEH maintains that the development of precarious or survival prostitution affects mainly students or single mothers with young children (*French National Assembly*, November 19<sup>th</sup> 2013). The increase in recent years of student prostitution is alarming. It is a concerning phenomenon as it affects all social groups and not only students who find themselves in vulnerable economic situations. Behind the legal façade of massage parlors or bar hostess ads, we find students who are recruited via advertisements on websites. These advertisements hide prostitution. With the Internet, students prostitute themselves under the name of “escorts” without always being aware of the potential risks. The phenomenon of student prostitution reveals new forms of prostitution such as the exchange of sexual services for free or discounted housing (*L’Obs/Rue* 89, October 30<sup>th</sup>, 2013). In education establishments, an increasing number of young people exchange sex for gifts or objects (*French National Assembly*, September 17<sup>th</sup>, 2013). While this is a form of prostitution, these students sometimes do not recognize it as such. In 2014, police authorities arrested 29 minors, 27 of whom were French and 2 of whom were Romanian, for acts of soliciting in Lille (*OCRTEH*, April 2015). Another circumstance concerning the Lille municipality was the arrest of 2 young men aged 16 and 20 for procuring in November 2014. These boys had coerced 9 teenagers between the ages of 12 and 17 to prostitute themselves: “they put pressure on them, hit them, threatened their families and kept them under the influence of alcohol or drugs” (*L’Indépendant*, November 28<sup>th</sup>, 2014). These examples show teenagers from unstable social circumstances who come from vulnerable familial and socio-economic situations.

### **The Growth of Massage Parlors**

The Agence Parisienne d’Urbanisme (APUR) counted 579 massage parlors in 2014 compared to 100 in 2009. The Brigade de Répression du Proxénétisme (BRP) estimates that 300 of these parlors are likely to be conducting prostitution activities. Two petitions were launched regarding these practices. Residents and merchants of the ninth arrondissement in Paris who were unhappy about the rise of these parlors launched one of the petitions. Paris counselor, Nathalie Kosciusko-Morizet, who believed it was necessary to fight against these new areas of “façade” prostitution, launched another petition. She asserted that it was as if brothels had never really left the capital. “Do not look away from these establishments who are no way more acceptable than the bois du Boulogne! They mainly exploit young women that no one can protect as they are wage-earning employees from enterprises that appear legal! “ (*Fondation Scelles*, July 2<sup>nd</sup>, 2015).

## **The Exploitation of Young Victims by City Networks**

The DCPJ mentions the rising phenomenon of the sexual exploitation of teenagers by delinquents from cities (*DCPJ*, December 2015). It affects young, dissocialized minors between the ages of 13 and 17 with little education and who lack a sense of direction. Local troublemakers already known for their delinquencies start procuring in the “city”, and this “diversification” of their activity is supposed to be a means of increasing their revenues at a lesser risk.

## **A Most Controversial Political Question**

In 2011, the French deputies voted, ignoring sectarian quarrels, on a resolution that reinforces France abolitionist position following new information on prostitution brought forward by two French Deputies, Danielle Bousquet and Guy Geoffroy (*French National Assembly*, April 13<sup>th</sup> 2011). This vote, which has not yet become a law, demonstrates the position of parliament members on this issue; they refuse to view prostitution as a job but rather as an exploitation that should be abolished. The National Assembly reaffirms France’s commitment to the 1949 Convention on the trafficking of human beings and the prostitution of others. The report produced by this mission has without a doubt changed the way we view the prostitution phenomenon and has led to the parliamentary members’ awareness. The recommendations made in its conclusion have been put into action through proposed legislation by French Deputy Maud Olivier in the name of the Delegation on Women’s Rights in September 2013. Finally, the bill against the prostitution system was brought in on October 9<sup>th</sup>, 2013 and was based on 4 major pillars: the reinforcement in the fight against procuring, the implementation of programs to help victims get out of prostitution, the prevention and the development of policies that promote education about equality, as well as the penalization of the purchase of sexual acts. As a result, the parliamentary process was launched. On December 4<sup>th</sup> 2013, the deputies voted, with a large majority, in favor of the bill, and confirmed this vote in a second lecture on June 12<sup>th</sup> 2015. With an opposing viewpoint, on March 30<sup>th</sup> 2015, the Senate had, in the interim, removed the penalization of clients of prostitution and re-established laws penalizing prostituted persons for soliciting in the streets. Some senators believed that the penalization of prostituted persons for soliciting was the only effective way to dismantle the networks. As the two chambers are still opposed on the prohibiting the purchase of sexual services, they have not yet reached an agreement. That being said, the Senate finally revoked the bill penalizing prostituted persons, following its second assessment. All the members of the association recognized this abrogation.

The penalization of soliciting did not prove to be helpful in the fight against networks, but increased the risks for prostituted persons. The philosophy behind this bill was to protect the victims, not to criminalize them. Penalizing soliciting conferred on prostituted persons a “delinquent” status, which contradicted the accompanying measures.

The abolitionist movement defends the penalization of clients as they are fighting against the soliciting of sexual services. This abolitionist movement includes 60 associations who are regrouped under the collective Abolition 2012. According to Grégoire Théry, the general secretary of the Mouvement du Nid, this measure is envisioned to “reduce procuring and deter procurers from working in France.” This measure also seeks to make clients accountable, as they participate and perpetuate this organized criminal activity. This penalization, however, is put in question by other organizations such as Strass (Syndicat du travail du sexuel), les Amis du Bus des Femmes, Médecins du Monde, and Act Up. These two conflicting visions remain a subject of debate in parliament. On one hand, prostitution is seen as violence committed against women and the result of an inequality between men and women. On the other hand, criminalizing prostitution is seen as a way of further endangering and isolating prostituted persons.

The legislative response to violence caused by the normalization of violence by the prostitution system must be to criminalize the purchase of sexual services and to develop the prevention system. Finally, the response must be to help prostituted persons find alternative economic work so what it allows them to successfully get out of prostitution. The pillars of the proposed bill are thus important as they represent advancement in protection and reinsertion into society. For the first time, the legislative approach envisions helping individuals get out of prostitution by helping them find financial security and by penalizing clients. The adoption of this proposed bill would create obstacles for these networks and would improve the situation of victims. In 2016, the parliamentary process should result in the publication in the *Journal Officiel*, of a total bill with a philosophy that more or less corresponds with the original abolitionist project.

### **The Prostitution System: A Criminal Economy with Unthinkable Violence**

The bill of August 5<sup>th</sup>, 2013 redefined domestic law and the definition of human trafficking (*U.S. Department of State*, June 2014). Thus, article 225-4-1 of the Penal Code defines human trafficking as being the act of “recruiting people, transporting them, transferring them, and lodging them with the purpose of exploitation” and provides for a prison sentence of 7 years and a fine of 162,465 US\$ (150,000 €) fine. A study from the Centre des Hautes Etudes du Ministère de l’Intérieur (CHEMI) reveals that, in 2012, prostitution made a net profit of around 1.24 billion US\$ (1.15 billion) with a profit of 530 million for the criminals (*OCRTEH*, April 2015). This activity allows networks well established in the territory to profit by exploiting vulnerable women under the influence of procurers and subject to violence from the clients. According to an OCRTEH report, few women and men prostitute themselves independently, even if the evolution of the phenomenon in France includes students choosing to prostitute themselves independently due to economic difficulties.

Claire Quidet, a spokesperson of the Mouvement du Nid, declared at the hearing of the Special Commission of the Senate, “the reality associated with prostitution is incompatible with the alleged liberty of using one’s body.” To affirm this idea, Quidet relied on associations who

meet with prostituted persons. After these encounters, the senators Chantal Jouanno and Jean-Pierre Godefroy confirmed that prostitution is a destructive violence (*Sénat*, June 5<sup>th</sup> 2014) -- the damages are collateral. Violence cannot be disassociated from prostitution, as it exists under many different forms; psychological trauma, barbaric acts of torture, submissive training, drug dependence, physical violence, murder and rape. The report also mentions testimonies from survivors interviewed by the special commission. The survivors unanimously agreed that there is a link between prostitution and sexual abuse.

Prostituted persons are 12 times more likely to commit suicide than the general population (*Mouvement du Nid, Psytel*, May 2015). The social consequences of these suicides amount to 331.5 million US\$ (306 million €), among which 247 million US\$ (close to 228 million €) cover the cost of the deaths linked to prostitution. By providing testimony of the abuses she suffered when she was a prostituted person, Rosen Hicher, a 57-year-old survivor of prostitution declared that she wished to see the adoption of a bill that penalized clients (*Le Monde*, October 10<sup>th</sup> 2014). After a 800 km walk, Rosen Hicher testified that prostitution is inherently violent and client ought to be punished. The violent nature of prostitution was further demonstrated by the finding of the body of a female, Albanian prostitute in the waters of the Canal du Lunel in Montpellier (*Le Parisien*, September 6<sup>th</sup> 2014). After this incidence, an investigation was opened. These acts of violence, that are in part related to the low-cost practices because of the increasing number of prostituted persons, force them to accept the demands of their clients.

The former director of the International Monetary Fund (FMI) Dominique Strauss Kahn, was questioned along with his other accomplices on March 12<sup>th</sup>, 2012 in Lille for aggravated procuring. This brought to light testimonies from women who were involved in Strauss Kahn's parties (*Libération*, February 11<sup>th</sup> 2015). These testimonies demonstrate the violence of the ancient IMF director, who forced these women to do acts that went against their dignity and had nothing to do with the "bicontiousness" asserted by the defendants (*L'Express*, February 18<sup>th</sup> 2015).

In January 2013, the Inter ministerial mission for the protection of women against violence and for combating human trafficking (MIPROF) was created and had as its objective to implement a national action plan, which was adopted in June 2014 by the Cabinet (*OCRTEH*, April 2015). This action plan aims to fight against the prostitution system and sexual trafficking by making it a national priority. There are obstacles to overcome, such as online prostitution which has allowed networks to prosper and maintain their power via the Internet. The development of these networks online hinders action on the ground. France is cooperating with other countries, but it is crucial that partnerships are reinforced at the local and international level in order to effectively fight against this phenomenon. This cooperation must be in close collaboration with all relevant parties.

## The Links Between Trivialization of Sexuality and Adolescent Prostitution

Dress codes, images of beauty, fashion, reality television, and the behaviors demonstrated in pornography and in cinema are increasingly present in the public sphere. This oversaturation of media images influences the perception of the most vulnerable audiences, among whom teenagers (*Réseaux*, 1999). Teenagers identify with certain practices that they feel are part of a model of society that they wish to take part in. The former escort-girl Zahia Dehar became famous after a prostitution affair in April 2009 that involved football players, Sidney Govou, Franck Ribéry and Karim Benzema (*Fondation Scelles*, 2012). The court acquitted these players in 2014, which put an end to “The Zahia Affair”. Although she was a minor at the time of this incident, media sources largely made Zahia an “icon” through documentary films showing her social ascent. The apology of this young woman who is now 23 is worrisome, as it reflects a trivialization of sex culture, and of commoditized body. This is dangerous for younger generation, not only students, who turn to prostitution without being aware of the risks incurred within the industry.

The increasing awareness of the intrinsic violent nature of prostitution, of which women and girls remain the primary victims, has led to an undeniable abolitionist momentum in France. This movement has not only been brought forward by the political classes. It has also been supported by civil society who has mobilized people to fight against this exploitation. 2016 will likely see the adoption of laws that reinforce the fight against the view on the prostitution system and help prostituted persons. Penalizing clients of prostituted persons is a complete change in the accusation and should hamper money to force into a sexual act. The trafficking networks, that are aware of this decreasing market, will be forced to turn their attention to other countries. Victor Hugo once said, “we say that slavery has disappeared from our European civilization. This is an error. It still exists, but affects only women. It is called prostitution.” This law will only be effective if it is applied fully, thanks to the necessary means, as otherwise, things will not change.

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## Germany

- Population: 82.7 million
  - GDP per capita (in US dollars): 47,821
  - Federal Republic
  - Human Development Index (HDI): 0,916 (6<sup>th</sup> rank among 187 countries)
  - Gender Inequality Index (GII): 0,041 (3<sup>rd</sup> rank among 147 countries)
  - Corruption Perceptions Index (CPI): Score of 81 on a scale from 0 (highly corrupt) to 100 (very clean)
  - Founding Member of the European Union since 1952.
- No official national statistics on prostitution. A survey conducted by the daily paper *Die Welt* in November 2013 shows that there are between 100,000 and 200,000 prostituted persons in Germany.
- Between 3,000 and 3,500 prostitution establishments in the country, which generated 5.93 billion US\$ (5.475 billion €) in 2013. The same year, the sex industry as a whole has generated 15.8 billion US\$ (14.6 billion €) (*Die Welt*, November 3<sup>rd</sup>, 2013).
  - Around 1.2 and 1.5 million men buy sexual services from a prostituted person per day.
  - Regulationist country: the law of 2002 established prostitution as a job, and as a result made prostituted persons taxable. The management of brothels and the purchase of sexual services are allowed.
  - A disputed bill has been presented in February 2015 and should enter into force in 2016. The aim is to improve the protection of prostituted persons by creating a mandatory framework and address the shortcomings of the 2002 Act.
  - Trafficking for sexual exploitation is criminalized in section 232 of the Penal Code and is punishable with up to 6 months to 10 years imprisonment.
  - Decreasing number of investigations and convictions for human trafficking. 77 convictions in 2013 (only 17 prison sentences). It is difficult to prosecute traffickers because the testimony of the victim is required to begin an investigation for exploitation.
  - An abolitionist current has emerged opposite the excesses generated by the regulationist system.
  - Country of origin, transit and destination of human trafficking.

- 85% of trafficking victims are of foreign origins, 75% of them come from European countries, mainly Romania and Bulgaria.

In May 2013, the magazine *Der Spiegel* headlined “Bordell Deutschland – Wie der Staat Frauenhandel und Prostitution fördert” (How the government encourages trafficking in women and prostitution). A few weeks later, the ARD program broadcast “Sex – Made in Germany”, a documentary directed by Tina Soliman and Sonia Kennebeck, which was the result of two years of investigation. Ten years after the law on ProstG (*Fondation Scelles*, 2014), prostitution was organized, which would have better protected prostituted persons and made prostitution a “job like any other”, their studies highlighted a grim picture: the explosion of prostitution, the commodification of women’s bodies, the increase in trafficking, and Germany as a destination for sex tourism. In addition to this assessment, these investigations have had a significant impact in German as well as international media (*Der Spiegel* investigation was broadcast in English) and opened the debate by asking: Is Germany the brothel of Europe?

### **Current evaluation**

There are no official statistics on prostitution in Germany. Figures usually range from 400,000 prostituted persons (estimate from Hydra union) to 200,000 prostituted persons.

#### ***From 100,000 to 200,000 Prostituted Persons***

In November 2013, the daily paper *Die Welt* wanted to address the lack of statistics and conducted a survey of the 80 largest cities in Germany. A questionnaire was sent out to the police and, in some cases, to municipal services. In response, investigators received different types of information: precise figures, estimates, extrapolations, or nothing at all. A quarter of these 80 cities had a vague idea of the importance of the phenomenon. Based on the data, the paper suggests between 100,000 and 200,000 prostituted persons in Germany depending on the calculation methods: either using the data collected for the 60 most important cities of the country, either using the most precise data provided by the city of Augsburg (244 prostituted persons per 100,000 inhabitants and projecting them to the whole country (*Die Welt*, November 4<sup>th</sup>, 2013).

#### ***Better Control of Trafficking?***

According to statistics from the Bundeskriminalamt – BKA (Office of the Federal Criminal Police), the figures for human trafficking for purposes of sexual exploitation are declining. The final report mentions 557 identified victims in 2014 (compared to 542 in 2013, 612 in 2012, and 640 in 2011). These figures can be interpreted in different ways. For some, this is a sign of better control of the situation and a real decrease in the cases of trafficking for sexual exploitation. For others, this decrease is offset by a greater attention to cases of forced labor (*U.S. Department of State*, 2015). For others, these figures are particularly worrying: they can be attributed to a

decreasing number of investigations (and perhaps the resources devoted to this cause) and reflect the difficulties of the police forces accessing brothels. The retired Commissioner, Manfred Paulus, commented about the BKA reports: “for me, it is not a ‘report’, but rather an illustration of policy failure!”

### ***European Victims***

According to BKA, nearly 85% of victims are of foreign origin and 75% of them come from other European countries, mainly from Romania and Bulgaria (if German victims are added, nearly 90% of victims of sex trafficking are of European origin). Romania is the leading country of origin for victims in Germany: 211 Romanian victims were identified, accounting for 37.9% of the victims (compared to 125, or 23.1%, in 2013). Followed by Bulgaria: 89 victims, or 16% of the victims (compared to 143 victims in 2013, or 26.4%). Most of the women are from Roma or Turkish minority groups from Romania and Bulgaria. They speak little to no German, and most cannot read or write and sometimes have poor use of their own native language. In third place is German individuals: 15.8% of victims identified in 2014 were German, 16.6% in 2013, and 20.8% in 2012. African prostitution accounted for only 5.7% of identified victims (3.2% from Nigerian origin) and Asian prostitution for 1.3%.

### ***Ever Younger Victims***

The 2014 report from the BKA states that 48% of identified victims were under the age of 21 (51% in 2013). The proportion is even higher for German victims, 62% of whom were minors; two victims under the age of 14 were identified. A number of these victims, mostly young German girls, are victims of ‘loverboys’, who seduce them before forcing them into prostitution.

### **A Paradise for Procurers**

Almost half of the victims identified by the BKA in 2014 were exploited in brothels and bars (244 in apartments, 210 in brothels and bars, 56 in the street, 35 in hotels). Germany has between 3,000 and 3,500 establishments for prostitution according to *Erotik Gewerbe Deutschland* (UEGD). All cities are implicated: there are 500 brothels in Berlin, but also 70 in the small town of Osnabrück in Lower Saxony (population of about 163,000) (2013 estimate/*Spiegel Online*). Approximately 1.5 million men visit prostituted persons in Germany on a daily basis (*Journeyman Pictures*, 2014), 1.2 million men according to the Ver.di Union (Vereinte Dienstleistungsgewerkschaft).

### ***The Explosion of Sex Supermarkets***

In recent years, Freie Körper Kultur (FKK), or sauna-clubs have become more popular. These are usually huge, luxurious brothels, under the disguise of wellness and natural facilities, offering men various services: food, pool, sauna, prostitution.... The principle of these

institutions: customers pay a flat rate from 75 to 108 US\$ (70 to 100 €), allowing them to consume unlimited food, drink, and sex. The women pay the same entry fee, plus taxes and rent for a room as most of them have no home and travel from one city to another, choosing to have a brothel room. At the Pacha in Cologne for example, the prostituted persons must pay 216 US\$ (200 €) per day (entry fee + room rental + tax + cleaning fee) to the owner, while the average price of the trick is 54 US\$ (50 €). So prostituted persons must have at least four clients to pay their debt to the owner. Another rule is that men wear a bathrobe, while women must be virtually naked. In recent months, new establishments of this type have been opened, each time displaying a questionable bidding. In May 2014, the FKK van Goch was opened in North Germany near the Dutch border as the largest sauna club in North Rhine-Westphalia. In October 2014, FKK Ocean's opened in Dusseldorf, twice as large as the Pascha in Cologne (up to 120 prostituted persons and around 1,000 sex buyers per day). In July 2014, the Paradise chain opened a facility in the outskirts of Saarbrücken, making it the largest brothel in Europe!

### *Unlimited Commodification*

The rapid development of this market has deeply permeated society. "Prostitution is now accepted in much of the civil society, visiting prostitutes and purchasing women is considered 'cool'," explained Helmut Sporer, Commissioner General of the Criminal Police of Augsburg in October 2013. Men visiting brothels in groups has become a normal custom and the clients are uninhibited. "There is a new type of prostitution client. He is assertive and confident. Thus is clearly visible when brothels are being supervised. Before, customers were embarrassed to be seen in these establishments. If their names were written down they began to sweat and panic" commented Commissioner Sporer. The commodification of the woman's body has no limit. The press revels in the constant "innovations" in this field: recruiting "a brothel tester" at a site of sex workers to record the hygienic qualities and safety of brothels in Berlin. An application for paying meetings has been created to link prostituted persons and clients. In a country where prostitution is a "job like any other," nothing prevents it from being advertised. On city walls, posters for local brothels have taken over those for car brands. This often arouses discussion and demonstrations. Some municipalities have managed to counter this problem, but many have not. In Oberhausen in June 2014, the campaign touting the "Flatrate Sensation for 45 €" was prohibited and the brothel incriminated was ordered to remove their posters at their expense (*ShortNews*, November 17<sup>th</sup>, 2013). However in Leverkusen in June 2015, a complaint from a resident calling for the ban of a poster promoting a brothel in the name of the protection of children was not completed. Because the city had a law from 2001 calling prostitution legal, they deemed it not immoral (*Leverkusener Anzeiger*, June 10<sup>th</sup>, 2015).

The sex industry even has its own television program. For seven years, RTL 2 has been saving brothels in crisis in the show "*Pimp my Puff*" ("support my brothel"), which follows a similar model to "*Kitchen Nightmares*", two "sex industry" experts come in to take control of the failed brothel and help restart it.

### ***The Opposite of “Paradise”***

The owners of these establishments present themselves only as intermediaries. Michael Beretin, marketing manager for the Paradise chain said “it is the women who contact us, because they want to work with us”. According to Beretin they set their own rate and choose their clients (*Worldcrunch*, July 6<sup>th</sup>, 2014).

However the reality tells a different story. “In every brothel in Germany, there are victims of trafficking” declared Leonie von Braun, a prosecutor from Berlin, “I cannot say whether or not the exploiters know.” The former Commissioner of Police of Ulm, Manfred Paulus, explained further that “today we have luxury brothels, decorated with marble and stainless steel. This does not mean that procurers are not hiding behind this façade, backed by a mysterious company called ‘GmbH & Co.KG’. If we look into the mailbox of this company, we could find Albanian clans, the Russian mafia, or even ‘Hell’s Angels’” (*Emma*, September/October 2014). Violence is omnipresent: there have been nearly 40 murders or attempted murders of prostituted persons since 2010 (*SexIndustrykills.de*, December 14<sup>th</sup>, 2015), some of which were committed within establishments (and this is only including numbers reported by the press). Even *Paradise* is not the paradise it claims to be. Michael Beretin was arrested in November 2014 along with five others, for human trafficking, procuring and swindling during a major police operation conducted in Germany, Austria, Bosnia and Romania (900 German police officers visited places of prostitution, like brothels, apartments, cars... in Bavaria, Baden-Württemberg, Hesse, Westphalia, Saarland, Saxony).

### **Germany Facing this Phenomenon**

#### ***Weaker Results***

Faced with this phenomenon, Germany is seeming increasingly powerless. Year after year, the number of prosecutions, trials, and convictions for trafficking for sexual exploitation have been decreasing (*U.S Department of State*, 2015):

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Investigations</b>	482	491	425	No data
<b>Proceedings</b>	139	142	118	No data
<b>Convictions</b>	117	115	77	No data

The penalties imposed have also been decreasing: out of the 77 convictions in 2013, only 17 people received sentences ranging from 2 to 10 years of imprisonment. The trend has similarly followed to the number of suspects: from 689 in 2012 to 625 in 2013, and 507 in 2014. Note that among these decreasing numbers, 24% of them are German (compared to 31% in 2012). Some think these figures show the situation is under control.

In fact, these numbers show the powerlessness of Germany and the 2002 law which was intended to combat sexual exploitation. The 2002 law opened up a gap in the legislation,

blocking any sort of action. Heike Rudat, of the Berlin criminal police, suggested that “because promoting prostitution is no longer illegal, it is much more difficult to prosecute procurers. To begin an investigation of exploitation, now we need victims to testify, and they never do” (*Le Journal International*, January 2<sup>nd</sup>, 2014).

### ***German policy under scrutiny***

In February 2014, the Group of Experts on Action against Human Trafficking of the Council of Europe (GRETA) began their assessment work of the implementation of the European Convention on Action against human trafficking. Germany did not ratify the 2005 Council of Europe until December 2012, for a theoretical entrance in April 2013. However, on this date, the European transcript into the German national law was delayed (the Member States had to achieve this transcription into the domestic law before April 6<sup>th</sup>, 2013). This slowness was criticized by German NGOs. In January 2013, UNICEF and ECPAT united to denounce the German attitude and ineffectiveness in the protection of victims of trafficking, particularly of minors.

In their conclusions published in June 2015, European experts emphasized several weaknesses:

- A lack of a comprehensive action plan to standardize the measures of identification and assistance throughout the 16 federal states. Even though the federal court has jurisdiction to enact laws for the protection of victims, the implementation of these laws rests with the Länders. In the absence of a national coordinating body and referral mechanism, GRETA explains that “there are differences among the Länders regarding the cooperation between the relevant actors, the identification of victims, and assistance to victims. GRETA urges German authorities to devise a strategy, or a national action plan, to combat trafficking.”
- The ineffectiveness of the victim protection policy. Assistance to victims depends on the latter’s will to provide a testimony. Victims are given a reflection period of at least 30 days to decide whether or not to testify and are allowed to live and work in Germany during the trial. However, these women are repatriated to their country of origin, even if they choose to testify (except when they are victims of threats and violence). One of GRETA’s demands is for Germany to suppress this conditional clause and to allow victims to receive an unlimited residence permit and financial and psychological protection through a better implementation of the principle of non-punishment of trafficking victims who are involved in illegal activities while under duress.
- The lack of specialized assistance centers;
- Information of victims: they are not always aware of their rights, GRETA requires that victims be properly informed about the possibility of requesting a reflection period and their right to compensation;
- The absence of any measure to reduce demand;
- The sporadic feature of awareness campaigns.

### ***Local Initiatives***

Faced with the ineffectiveness of the central government, regions and municipalities are trying to take initiatives in their own territory. The 2002 law allows them to define zones of exclusion (a village, a neighborhood, a street), or working hours where prostitution or meeting with clients is illegal. A growing number of cities have been requesting and looking for alternatives to better regulate prostitution (*Fondation Scelles*, 2013). Ausburg in particular, which acts as a model, and Stuttgart following, have introduced the obligation for people involved in prostitution to declare themselves whereas the federal law does not allow such methods. The goal is to try and take control of an out of control situation. Some cities have also introduced a local tax to make a profit while also deterring street prostitution. In Saarland and its capital Saarbrücken, there are between 1,500 and 1,700 prostituted persons for 1 million inhabitants. Because France is considering banning the purchase of sexual services, this region is facing an influx of prostituted persons and clients (*Le Monde*, May 25<sup>th</sup>, 2015). In 2013, the Saarland adopted a series of measures to limit prostitution: a change in the law to facilitate police control, mandatory use of condoms for priced relations, a limitation confining street prostitution in Saarbrücken to a 2 km zone between 8PM (10PM in the summer) and 6AM. However, despite these efforts, the city has failed to prevent the establishment of a Paradise chain brothel in the outskirts of Saarbrücken (the Femen fighters made a protest against it). Even by exploiting the legal framework, it is difficult to find applicable measures. Every time a law is introduced, there is a counter-attack from the sex industry to invalidate the decision of a court or of the town. The city of Dortmund declared street prostitution illegal to limit prostitution of Bulgarian and Roma women. However a German prostitute responded by filing a complaint against the municipality because this law “prevented her from freely exercising her profession.” The city was then forced to create a zone reserved for street prostitution. At least, for some time, since in 2015, the municipality put the question in its agenda again as the appeals by the prostituted persons had been dismissed.

### **Germany in Debate: the Abolitionists Speak**

Since 2013 and the federal elections, the Spiegel survey and ARD documentary have been opening up the debate on the place of prostitution in Germany, and for the first time we are hearing abolitionist voices. The NGO Solwodi Solidarity with Women in Distress called on the federal government even before the 2013 elections with their petition “Mach den Schluss-STRICH! Keine Frauensklaverei in Deutschland!”.

In autumn 2013, Alice Schwarzer, a symbolic figure of feminism in Germany, published a book called *Prostitution: ein deutscher Skandal* and, in the process, launched an "Appeal against prostitution" through the magazine *Emma*: “Germany has become the hub of Europe’s traffickers and a paradise for sex tourists from the neighboring countries. A path taken only by Germany (...). The prostitution system is both an exploitation and a continuation of the traditionally evolved inequality between men and women (and countries/continents). The prostitution system

degrades women to a gender for sale and overshadows sexual equality (...). That is why we are calling for: – A change of legislation, putting a stop to the deregulation of trafficking in women and prostitution as quickly as possible and protecting women and the minority of male prostitutes”.

The Appeal by Emma has experienced rapid media success. More than 12,000 people have signed it: women and men, of any political trend, including public figures, actors, intellectuals, artists, politicians... Following Emma, other abolitionist initiatives were publicized. For example:

- the “Call of Karlsruhe for a world without prostitution”, launched by Ulrike Maier and Ingeborg Kraus (November 2013);

- the creation of a movement *Zeromacho Germany*, "Männer gegen Sexkauf" (Men against the purchase of sex);

- the Appeal of ‘Trauma and Prostitution – Scientists for a world without prostitution’, launched by Dr Ingeborg Kraus (September 2014): “Prostitution is in no way a job like any other”. “In Berlin, politicians are currently seeking advice. Not only as to how prostitution should be legally regulated, they will also decide how our society should stand in regard to it: Whether prostitution should continue to be “a job like any other” — or whether prostitution goes against human dignity and destroys human beings. The signatory therapists hope that the politicians don’t just consign even more traumatized people to them, but finally take the side of prevention.”

- creating a collective of organizations, including SOLWODI, Terre de Femmes, Zeromacho Germany, Emma... to call for the abolition of prostitution: "Stop Sexkauf!" (Spring 2015).

Thus, an abolitionist front has been set up with clearly identified individuals involved in the media, such as Alice Schwarzer, Sister Lea Ackermann, founder of the NGO SOLWODI Manfred Paulus, former Commissioner of Ulm, Helmut Sporer, of Augsburg police, Huschke Mau survivor of prostitution and founder of the NGO Sisters...

The constitution of an abolitionist movement is a new phenomenon in a country marked by regulationist ideology. But it faces a powerful lobby which is very well structured. The sex industry is an important market: 15.8 billion US\$ (14.6 billion €) in 2013, of which 5.475 billion € from brothels, 2.965 billion US\$ (2.738 billion €) from street prostitution, 3.65 billion € from escorting and 2.965 billion US\$ (2.738 billion €) from other forms of prostitution (*Die Welt*, November 3<sup>rd</sup>, 2013). The sex industry has strong support from the media and the political world. On June 12th, 2014, at the time of the hearing of experts organized by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, no association for the abolition of the prostitution was consulted. On the other hand, groups related to the sex industry, i.e. the brothel owners, expressed themselves as “entrepreneurs of prostitution and erotic industry”, but also on behalf of “sex workers” represented by the *Unternehmerverband Erotik Gewerbe Deutschland eV-UEGD* (Professional association of erotic industry in Germany) and the *Bundesverband Sexuelle Dienstleistungen eV-BSD* (federal association of sexual services) and the *Berufsverband erotische und Sexuelle Dienstleistungen eV-BesD* (organization of erotic and professional sexual services). The BESD, created in the fall of 2013 following the abolitionist Appeal of the magazine Emma, does not even represent 1% of prostituted persons...



## **2013-2015: Reforming the law on prostitution**

### ***Stakes and agreements***

The media pressure raised by the abolitionist actions and the electoral context have forced political parties to take a position. "We will completely rework the prostitution law" had pledged the new coalition government (SPD, CDU, CSU) in November 2013 with goals of better protection for victims of sexual trafficking and prostitution, and more harshness against criminals who exploit these people and control places of prostitution. This is not the first time that Germany wants to amend in 2002 law. In 2007, Ursula von der Leyen, the Minister of Family Affairs, tried to strengthen the government control on brothels by introducing a licensing system. In 2009, female politicians from different political trends from Baden-Württemberg launched an initiative against the flatrate packages in Parliament. All these attempts have failed. Indeed, it is difficult to find common ground on this issue. In 2013-2015, despite the coalition government's agreement, some dissenting opinions were expressed within the political parties. On the side of the CDU, it is estimated that the rules on legal prostitution must be strengthened. But the SPD is more reserved: "Freely exercised prostitution (must not fall) into illegality." The Greens are even more reserved: "All the people who work in the sex industry are not forced into prostitution. (Some of them) work in the sex industry voluntarily. Viewing them all as victims and comparing them with slaves is not justice to women and it is to ignore reality" (*Le Monde*, November 8<sup>th</sup>, 2013).

### ***Prostituted Persons Protection Act (Prostituiertenschutzgesetz - ProstSchG)***

However, in February 2015, after months of discussion, CDU and SPD have found a common ground. In March, Manuela Schwesig, Federal Minister of Family Affairs, Senior Citizens, Women and Youth, presented the draft bill, stating on that occasion: "For the first time, there will be clear rules for legal prostitution in Germany, which will help to protect women." This bill, which should come into force in January 2016, provides:

- The registration of all prostituted persons (whether regular or occasional) with the municipal authorities; after an interview, prostituted persons receive a licence, renewable every two years, with the police or the municipal administration. "If it seems that during the registration process the person does not have the discernment required capabilities for its own protection or is exploited by a third party, the competent authorities shall take the necessary measures to ensure the protection of the person" . This license must be shown in case of control by the authorities.
- A mandatory medical check: to receive licensure, prostituted persons must also undergo an annual medical check-up from a doctor working in a public institution. Brothel managers have to verify the evidence of this consultation.
- Special checks for prostituted persons under 21: yearly renewal of the licence and medical checks every six months.
- A stricter control of brothel operators: the exploitation of prostitution venues will be submitted to an authorization granted after an interview and various checks (site security, criminal record

especially for persons convicted for procuring, illegal labor, sexual violence... ), renewable every three years.

- The ban on flatrate (packages) and on other degrading forms, as well as practices that offend human dignity (gang bang, gang rape ...).
- The compulsory use of condoms and the prohibition of unprotected sex: in case of unprotected sex, the client and the owner of the establishment will be punished, not the prostituted person.
- Police and health authorities will have more rights, in particular the possibility to enter brothels at any time.

### *An unsatisfying law for all...*

On the side of sex-workers associations and their supporters, the law raises anger. Demonstrations, supported by the Piratenpartei (Pirate Party) and Die Linke (radical left party), were held in several German cities to require the abandon of the bill. The whole text is widely criticized, but the measure calling for the registration of prostituted persons is the main target of the protest. "If your ID card says that you are a sex worker, your right to keep your sex life private is not respected," said Undine Rivière, spokesperson for the BesD union (*Le Point*, February 5<sup>th</sup>, 2015). For Juanita Rosa Henning, of the association Doña Carmen, "it means stigmatizing a whole profession. Sex-workers are treated as simple minds" (*Slate*, June 16<sup>th</sup>, 2015). The fact that occasional prostituted persons are subjected to the same obligations is also a cause for concern: the women dread losing their anonymity and being obliged to a forced coming-out. The issue of the condom use is also criticized. For Cornelia Möhring, Die Linke, "making condom use mandatory is a purely symbolic political decision and totally unverifiable. This is like preventing people from urinating in a pool" (*Le Point*, February 5<sup>th</sup>, 2015). As for the ban on flatrate packages and practices as gang-bangs, it is considered by some sex-workers associations as purely moralistic and with no effect on the fight against human trafficking. The pro-sex work associations are not the only ones to contest this law. The healthcare professionals, represented by the federation *Bundesverband der Ärztinnen und Ärzte des Öffentlichen Gesundheitsdienstes e.V.* (BVÖGD) challenged the requirements of a medical examination: these consultations must be anonymous and not compulsory. Others worry about the threats of this legislation on fundamental rights. Isn't the possibility for the police and authorities, of health for example, to enter brothels at any time against the inviolable right of private space provided by German law? Isn't the obligation of registration and medical checks against the law on personal data protection? Abolitionists who expected much of this legislative change, the first since 2002, are very disappointed. The rejection of fundamental measures, such as the penalization of the client of prostitution, or raising to 21 years the minimum legal age for prostitution, a proposal supported by the CDU, was deeply frustrating.

As early as August 2014, Lea Ackermann, of the NGO Solwodi, expressed her concerns on the law in preparation; she noted that the improvements to the 2002 law would be limited to the strict minimum of the requirements made by human rights organizations (*Neue Osnabrücker Zeitung*, August 16<sup>th</sup>, 2014). For Huschke Mau, of the NGO Sisters, the adopted law is marked

by the sex industry lobby (*Emma*, September 28<sup>th</sup>, 2015). Others prefer to be more optimistic and see the glass half full. "Everything is better than the current law," says philosophically Leni Breymaier, SPD MP of Bad-Württemberg. "We're going in the right direction. But on the 100 meters we still have in front of us, we passed 5 meters!" (*Die Welt*, September 28<sup>th</sup>, 2015). And, in July 2015, *Emma* magazine's headline was: "A half-victory!". In the end, brothel operators, all in all, are the least dissatisfied. Indeed, the checks required by the law look like more to the distribution of a State label than to restrictive measures...

The law, supposed to come into force in 2016, will probably not bring real changes. However, the debate that it provoked have changed the perception of prostitution: "Emma's campaign may have been a tipping point. Other opinions can be expressed more easily now," declared in June 2014 Chantal Louis and Susan Krause, journalists of *Emma* "You start to see another treatment of prostitution in the media. There was a paradigm shift. We realize that Germany has created a market and people are becoming aware of the importance of the phenomenon" (*Fondation Scelles Infos*, no.29, July 2014).

A Forsa poll, conducted in August 2015 for *Stern* magazine, confirms this trend. 78% of German respondents were against prostitution (19% of them are for a total ban on prostitution), while only 15% voted for a general legalization of prostitution (*Stern*, August 19<sup>th</sup>, 2015). The debate on prostitution in Germany is not over!

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## Greece

- Population: 11.1 million
- GDP per capita (in US dollars): 21,498
- Parliamentary regime
- Human development index (HDI): 0.865 (29<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.146 (29<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 46 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the European Union since 1981.
  
- No official national statistics on prostitution. There were between 17,000 and 20,000 persons prostituted in Greece of whom less than 1,000 were declared. There were 187 closures of illegal brothels in Athens in 2013. Of these brothels, 167 have already been closed multiple times by the authorities (*The Times of Change*, March 28<sup>th</sup>, 2014).
- Prostitution generates 704 million US\$ (650 million €) annually in this country.
- In the last four years, prostitution rates have risen by 150% (*The Telegraph*, November 13<sup>th</sup>, 2015).
- In the last four years, cases of HIV/AIDS have risen by 200%.
- Legislation: regulationist country. All brothels must have a valid license from the local authorities. Male prostitution is illegal. Prostituted women must be single, have a residence permit, have neither STDs nor an addiction to drugs, and have a clean criminal record. The activity of prostituted persons is not considered a profession and labor law does not grant them protection.
- Convictions: 11 convictions of trafficking for purposes of sexual exploitation in 2014 versus 24 in 2013.
- Country of transit and destination for sexual exploitation. Country of origin to a very limited extent. The victims of trafficking originate mainly from Eastern Europe (Albania, Romania, Bulgaria, Moldova, Ukraine, Belarus, and Russian Federation) and West Africa.

## Impoverishment and the Explosion of Prostitution

The economic crisis which began in 2009 is still raging in Greece. The unemployment rate is at 25%, double the average of the Euro Zone countries. For people under the age of 25 the unemployment is as high as 60%. 40% of Greek children are living below the poverty line. The female unemployment rate is higher than that of men at 29.3% versus 23% (*Trends/LeVif*, February, 12<sup>th</sup>, 2015). The average salary has dropped by 600 € (60 US\$) per month. As a direct result of this economic catastrophe, the prostitution rate has increased by 150% since the beginning of the crisis. Women who normally had a salary sufficient enough for a family to survive have had to turn to this activity in order to live. These women may be qualified and have a side job. The profile of the prostituted women has been shattered by the crisis. Now 35-40% of prostituted persons are of Greek nationality (*Efsyn*, May 4<sup>th</sup>, 2015). If these women are married, they must exercise their activity illegally with all the risks that this may entail, as brothels are not authorized to incorporate them because prostituted persons must be single by law.

There has also been a huge increase of prostitution among students. Greek law provides for up to two years of imprisonment and a fine for any prostituted person without a license or medical examination.

The average price of sexual services has fallen to just 15 € (16,25 US\$) as a consequence of the decrease in financial resources of clients as well as the increase in the number of women in prostitution. In some cases, women may only make 2 € (2,17 US\$).

The summer tourist season marks the culmination of prostitution activities, both because of the demand from Greeks on vacation as well as foreign tourists.

The places of prostitution are numerous. They number about 6,500 in Athens alone (*Efsyn*, May 4<sup>th</sup>, 2015). The number of brothels or “studios”, of which the vast majority operate illegally, has been multiplying rapidly in the city center of Athens. The authorities are completely powerless to regulate them because most of the brothels they close re-open on the same day. Many have been closed more than a dozen times. Even though it is illegal, a large number of these institutions are located in ‘historic’ neighborhoods, which degrades the quality of life for existing residents.

Many centers for “health” and “massage,” as well as bars, are fronts for prostitution activity. Prostitution is also prevalent in casinos, night clubs, and hotels. The activity of prostitution related to tourism is also widely practiced, involving niche markets such as minors and men.

Finally, a major form of prostitution takes place in the streets and squares, or “piazzas”. With each street, there are different concentrations of ethnicities and specialties (minors, transsexuals, men...) (*Greek Reporter*, May 5<sup>th</sup>, 2012). The internet is also playing a growing role in this market through specialized sites and social networks. For example, a Greek police officer was arrested in May 2014 for organizing a prostitution network which he ran from a website and Twitter account. He was able to use this technology to force his Russian wife and ten other Greek and foreign women into prostitution (*Greek Reporter*, May 9<sup>th</sup>, 2012).

This case is not unique. In 2013, two police officers were arrested for the same reason and for disclosing confidential police information to the accomplices of traffickers. As another example, 18 elected members belonging to the Neo-Nazi party Golden Dawn were charged with plotting murder, organized assault militia training camps, arms trafficking, and running a prostitution ring. The wife of one of these members was an owner of a brothel in the center of Athens (*France 24*, October 4<sup>th</sup>, 2013). This trial is still ongoing today.

Among the Greek male population, about a quarter (1.2 million) are regular or occasional clients of prostitution (*To Vima*, July 27<sup>th</sup>, 2014). The trivialization of this subject remains deeply rooted in their mentality that the activity is a way of asserting masculinity. Efforts are being made to change these attitudes, particularly in schools, thanks to the joint efforts of the Ministry of Education and the Ministry of Culture.

### **Economic, Social, and Health Crises**

Another tragic consequence of the increase in prostitution has been the doubling of HIV/AIDS infections in Greece over the last four years. The desperation of prostituted persons encourages them to accept unprotected sex in exchange for a higher payment (*The Telegraph*, January 26<sup>th</sup>, 2015). This problem becomes worse as more than 40% of Greeks no longer have health insurance. 2014 saw the reemergence of syphilis for the same reasons, even though this disease had once been eradicated.

Drug addicts as prostituted persons form a group of their own. Since before the crisis, heroin consumption has been an important problem in Greece. Among prostituted persons, heroin addicts are the most vulnerable outside of migrant women who are victim to sexual exploitation.

According to a study by KETHEA, six out of ten women said they would resort to prostitution to finance their addiction (*The Guardian*, May 16<sup>th</sup>, 2013). These prostituted persons cannot demand high rates and are willing to accept high risks. The condemnation of HIV-positive prostituted persons in the media in 2012 had an opposite effect than expected. For fear of being displayed publicly, many clients and prostituted persons became reluctant to get tested. The law allowing forced testing has since been withdrawn by the Syriza government which came to power in 2015.

It is important to remember that the issues of prostitution and drugs form a vicious cycle. Those dependent on drugs turn to prostitution to finance their addiction, while sex workers turn to drugs to support their mental and physical state.

The Greek Organization against drugs, OKANA, suffered extreme budget cuts, rendering it virtually powerless to combat the drug problem in Greece. New, more affordable and destructive drugs have appeared on the market. “Sisa”, or the “cocaine of the poor”, is 2 € (2,17 US\$) per dosage. Made of electric battery acid, gasoline, and even shampoo, its severity leaves almost no hope of survival, but its consumers are willing to commit the most desperate acts to get their hands on it.



There appears to be more and more unwanted pregnancies of drug-addicted prostituted persons. In 2013, two women gave birth on the sidewalk (*The Guardian*, May 16<sup>th</sup>, 2013).

### **A Decrease in Cases of Trafficking for Purposes of Sexual Exploitation**

Greece is a country of transit and destination for the trafficking of women and children for purposes of sexual exploitation and forced labor. The traditional flow from Balkan and Eastern European countries to Western Europe is now supplemented by that of Central Asian, Middle Eastern, and African countries. Women are trafficked to Greece from Eastern Europe (Moldova, Ukraine, Russian Federation, Belarus, and Georgia), the Balkans (Romania and Bulgaria), the Middle East, China, Nigeria, and various other African countries. The main crossing points are the Aegean islands as well as the Greek-Turkish border across the Evros River. The victims, or migrants who subsequently become victims of sexual exploitation, are transported to Greek cities or across borders into Italy or other European countries.

The appearance of traffickers from Syria, following the war which has ravaged the country for the past three years, has resulted in an influx of refugees to Greece.

There are between 13,000 and 14,000 victims of trafficking for sexual exploitation in Greece, of whom the vast majority are women. This trafficking generates around 80 billion € (86.64 billion US\$) per year in Europe (*To Vima*, July 27<sup>th</sup>, 2014).

The proportion of trafficking in human beings for purposes of sexual exploitation compared to forced labor (agricultural or domestic) is difficult to assess and greatly differs according to various sources. However, traffickers often mix these activities so it is not easy to distinguish between them. In 2013, among the 26 convicted traffickers, 23 mixed both activities (*U.S. Department of State*, 2014).

While it is easy to say that the economic crisis devastating the country caused the increase in prostitution in Greece, it is difficult to quantify the phenomenon and even more difficult to quantify the evolution of human trafficking.

Looking at the number of victims identified and the number of people prosecuted for this crime, the figures seem to be disproportionate to the scale of the phenomenon. This can be attributed to the effectiveness of law enforcement and the strategies of traffickers. Moreover, these data differ greatly among sources, especially because not all information from the Greek courts is available. Despite these discrepancies, it is evident that the number of victims and perpetrators identified by the police has been decreasing each year since 2010. According to the 2014 U.S. Department of State Report on Trafficking in Persons, police investigated 36 trafficking cases (compared to 37 in 2013 and 46 in 2012) and 31 out of 125 suspects prosecuted for crimes related to human trafficking were convicted (compared to 46 out of 142 in 2013). Of the 125 suspects in 2014, 108 were prosecuted for sexual exploitation and 17 for forced labor. NGOs reported that the sentences ranged from 15 to 32 years of imprisonment with fines.

This decrease in human trafficking shows that the law has been applied properly. It provides sentences of up to 10 years of imprisonment and fines from 14,000 to 17,000 US\$ (13 000 to 15

694 €). However, the penalty for procuring is less severe than that for trafficking. Many defendants are adopting the strategy of pleading guilty for procuring rather than facing charges for human trafficking.

Several trends can explain this decrease. First, the number of police specialized in the fight against human trafficking has continued to decline as a result of drastic budget cuts. It has also been suggested that traffickers are using different routes through Greece and have adopted new, more discreet means of exploitation which make their operations more difficult to counter and detect. Typically this would mean recruiting poor women with little education by promising them a job as a waitress or maid. The recruiter often poses as a “boyfriend” who is travelling with her to Greece. In most cases, procurers operate alone. In 2012, out of 37 cases of sexual exploitation, 10 were the work of organized crime units compared to only one in 2014.

The trend of involving victims or former victims of recruitment in the exploitation of other victims continues and complicates the work of the police. This is a way for the organization to gain a favor from them while guaranteeing their silence. To ensure that victims remain on Greek soil, traffickers use fake documents or marriages with Greek citizens.

### **Legislative developments and their Limited Range**

In recent years, Greece has optimized its legislative arsenal, demonstrating a real political will to arm itself against the scourge of human trafficking. Since 2010, the country has ratified three fundamental legal instruments against the trafficking of human beings:

- The United Nations Convention against Transnational Organized Crime to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children and its protocols described in the “Palermo Protocol” by the Law 3875/2010 (158/A/2010)
- The Council of Europe Convention on Action against Trafficking in Human Beings, which was implemented with the Law 4216/2013 (266/A/2013)
- The implementation of the European Directive 2011/36/EU by the Law 4198/2013 (215/A/2013)

Under these Acts, the Minister of Foreign Affairs, in partnership with eight other ministries, formally established the Office of the National Reporter (NR). This informal, but widely recognized term activated the Coordination Mechanism, which had already been in operation in the Ministry of Foreign Affairs since 2007. Iraklis Moskof is at the head of this institution charged with fighting against human trafficking and assuring a systematic cooperation with its European counterpart. The principal missions of the Office of the National Reporter are:

- The creation of a national mechanism to identify victims
- The creation of a national database which updates automatically
- The training of state actors concerned with this issue
- Closer cooperation with NGOs in this field as well as the International Organization for Migration (IOM)
- Public awareness on the topic of human trafficking

The leading measure of this movement is the non-binding resolution by the European Parliament of February 26<sup>th</sup>, 2014 regarding sexual exploitation and prostitution and its impact on gender equality. This recommends the criminalization of the use of services of trafficked persons.

To further its mission, in November 2014 the Office of the National Rapporteur launched a systematic and permanent coordination as well as a regular consultation forum between NGOs, private sector organizations (both cultural and educational), the local government, and the Frontex agency (which coordinate operational cooperation between Member States on the border of the European Union in the fight against illegal immigration). Similarly, in 2013 the Office of the National Reporter, IOM Greece, and the United States Embassy in Greece organized training sessions for judges, prosecutors, and police officers to instill in them a proper attitude for observing, investigating, and proceeding on cases concerning human trafficking. In 2014, judges and prosecutors were trained to identify and adopt an approach more focused on the victim.

As for public awareness of human trafficking, an open symposium on the topic of sexual exploitation was organized in November 2014 by the NR in partnership with the French government.

Emphasis on two issues was added to new provisions included in law 4198/2013:

- The responsibility for acts related to human trafficking extends to corporations when one or more person has committed a crime or offense for profit. This allows the pursuing of front companies which hide the profits of criminal organizations involved in the trafficking of human beings.
- Tools to protect victims cooperating with the police such as audiovisual recording of evidence, the presence of a psychologist to support the victim during his or her testimony, the possibility to testify without the presence of the alleged perpetrators of human trafficking, and the right for victims to submit an application to the State for compensation.

Despite these efforts, with lack of technical means or information of professionals accompany victims, these devices are rarely implemented.

Even if Greece had a legislative arsenal perfectly suited to fight against human trafficking, the greatest obstacle to its operation is adequate financing. The various NGOs working in this field lack funds to carry out their mission in an optimal fashion. There are not nearly enough homes for accommodating the victims of human trafficking and they can usually only provide care in the short term. In addition, only victims with a residence permit or European citizenship are permitted to stay in these homes. In 2014, no victims received temporary residence permits. Only 32 victims identified in previous years were able to renew their residence permit (compared to 42 in 2013) (*U.S. Department of State*, 2014). Consequently, victims have not been able to stay in a residence for the duration of their trial which can last for years, complicating the work of the prosecution.

In its recommendations, the U.S. Department of State emphasizes the importance of identifying victims and ensuring their physical, medical, and legal assistance during the

conviction of their traffickers. NGOs have reported cases in which the police have arrested victims of sexual exploitation for prostitution offenses without attempting to detect trafficking.

Although these initiatives have been hampered by budget cuts of the economic crisis, we must acknowledge the efforts for coordination of various actors fighting against sexual exploitation in Greece as well as the political will to address this issue. This action would have been unthinkable just ten years ago in a country with a conservative and patriarchal reputation.

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## India

- Population: 1.26 billion
- GDP per capita (in US dollars): 1,581
- Federal regime
- Human development index (HDI): 0.609 (130<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.563 (130<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 38 on a scale from 0 (highly corrupt) to 100 (very clean)
  
- No official national statistics on prostitution.
- In 2012, there were over 500,000 victims of sexual exploitation in Mumbai, 40% of which were children (*IBNLive*, March 14<sup>th</sup> 2012).
- According to UNICEF, 1.2 million were trafficked in India.
- The Immoral Traffic Prevention Act penalizes “visible” prostitution (soliciting and prostitution in public places). Prostitution is tolerated as long as the prostituted person is older than 18 and acts “voluntarily” and away from the public.
- Section 370 of the Indian Penal Code provides for penalties of seven years to life imprisonment for sexual exploitation.
- The Indian government does not report the statistics on the number of trafficking convictions.
- 2014 was a year of debate on the legislation of prostitution.
- A serious problem of corruption exists.
- There are difficulties in eradicating the Devadasi system (sacred prostitutions), which has been illegal since 1988.
- Country of origin, transit, and destination for victims of sex trafficking.
- Indian victims are often children of ethnic and religious minorities, Dalits (untouchables), or from poor areas especially in eastern Bengal.
- Foreign victims in India are mostly from Nepal, Bangladesh, and Afghanistan.

Prostitution is legal in India under certain conditions. The Immoral Traffic Prevention Act (ITPA) of 1986 penalizes procuring, running a brothel, forcing a person into prostitution, soliciting and prostitution in public places. Prostitution is tolerated in private places.

According to the 2015 U.S. Department of State Report on Trafficking in Persons, several million women and children are victims of sex trafficking in India. Women are mostly young girls from Nepal, Afghanistan, and Bangladesh. Destinations for this traffic are Calcutta, Mumbai, Delhi, and Gujarat. Sex trafficking of children in hotels and vehicles is expanding, rather than in traditional red light districts.

The Indian government continues to fund housing and rehabilitation services for victims of trafficking. However, NGOs working with trafficked persons consider government action to be unproportional to the amount of trafficking taking place in India.

In order to help female victims of sex trafficking, the government funds the Ujjwala program. However, according to NGOs, the funds allocated to this program have been decreasing. They note that access to health care service is inconsistent and insufficient with the number of shelters being too low. The latter, run by the government or NGOs, face a lack of resources and trained personnel. NGOs are primarily funded by donations, though some receive government subsidies, which are slow to arrive. The government has not put specific measures in place to fight against sex tourism involving children.

Corruption remains a major problem in the fight against sexual exploitation. Some police officers actually warn brothel owners of raids in advance, preventing rescue missions from succeeding. Procurers are informed of police raids in advance and if they are arrested, they are usually released quickly. In May 2014, a prostitution ring involving children was dismantled, with several police officers arrested in Pondicherry for complicity.

### **Child and Teenage Prostitution**

It is illegal in India to pay a minor for sex, encourage them into prostitution, or sell or buy a minor for purposes of sexual exploitation. The penalty is up to 10 years in prison with a fine. Still, 1.2 million children are trafficked according to UNICEF. Sex tourism involving children is particularly important.

NGOs report the presence of children in “red light districts” of major cities, but trafficking occurs in both rural and urban areas alike. According to the July 2015 report from the United Nations Office against Drugs and Crime (UNODC), trafficking of children for sexual exploitation is increasing, although no official statistics are available.

Prostituted children are sometimes abducted in neighboring countries or sold by their parents. The high amount of poverty in India, along with the lack of education and economic opportunity, leads parents to view their children as a source of income. A number of children are also born in red light districts. Trapped in deplorable conditions, children are encouraged to take drugs, which cause adverse effects on their physical and mental development. Kamathipura, the prostitution district of Mumbai, is one of the largest in the country. From the outset of British forces in India in 1947, thousands of children became victims of trafficking for purposes of prostitution in this district. These children, who are as young as six years old, are imprisoned in brothels and cages in secret rooms behind trapdoors or false walls. A child’s rights advocacy

group estimated that 40% of the country's prostituted persons are of school age. These children suffer torture, violence, and humiliation and are likely to be affected by HIV/AIDS.

Following the earthquake of May 2015 in Nepal, many children were abducted, sold, or taken to India to be sexually exploited. Despite the prominence of teenage prostitution becoming a major social problem in India, the subject remains taboo and is rarely addressed by the media.

### **Sexual Exploitation Justified by Religion**

In 2014, the Indian Supreme Court, seized by the association SL Foundation, condemned a temple in southern India for operating Devadasi, a form of traditional prostitution that was allowed until 1988. The Supreme Court found that despite its illegality, this system continues, mainly in remote rural areas. The Supreme Court ordered the government and the National Commission for Women to take effective action to stop these practices.

This practice is similar to human sacrifice. Girls are "dedicated" to the temple, considered "married" to the deity. They are sent to the temple at the age of five and become sex slaves when they reach puberty. The Devadasi (literally translating to "servants of god") are sold to rich men or priests. They often end up in brothels.

Each year, girls from poor families are condemned to be sexually exploited for the rest of their lives after being forced to "marry" to a deity. Their life expectancy is very low compared to the national average.

Dalit women (untouchables) are traditionally most vulnerable to trafficking justified by religion. Poverty and religious superstitions explain the persistence of such practices. For many parents, think that giving their child to a deity will bring luck and prosperity to their families and their villages.

### **Male Prostitution**

Male prostitution in India is very diverse: gigolos, masseurs, escorts... While many poorly educated masseurs are trafficked, escorts are generally from the region where they practice prostitution and are more educated. Some of them prostitute themselves to wealthy women. Saunas, massage parlors, and spas have become well known places for prostitution.

Indian traditions play a large role in the prevalence of male prostitution. In the states of Bihar and Uttar Pradesh, Laundas dancers are part of traditional ceremonies. These are young effeminate men aged 15 to 25 and transvestite women. In the past, they were hired to dance at weddings by families that could not afford more expensive dancers. Hiring Laundas dancers are now widespread in all social classes. Coming from poor families, often from West Bengal, these men go to the states of Bihar and Uttar Pradesh during the wedding season to work in local orchestras for several months. This tradition has become synonymous with sexual exploitation. During ceremonies, Laundas are often victims of sexual assault and can risk losing their lives by

defending themselves. Because of their mobility and the high amount of partners and unprotected sex, they have an increased risk of being infected by HIV/AIDS.

In Indian society, young effeminate boys are marginalized and mistreated, making them particularly vulnerable to prostitution as a means to survive.

Male prostitution is considered invisible in Indian society. While a prostituted child and female can benefit from government programs, there are no policies to help rehabilitate prostituted males and there does not appear to be any government interest in helping.

### **The Debate on the Legalization of Prostitution**

The year of 2014 was marked by a debate on the legalization of prostitution in India.

Some feminist organizations advocate the establishment of a regulationist system. They argue that banning prostitution will not stop its existence and that legalizing prostitution would more effectively combat human trafficking and procuring. Their arguments favor a regulationist system in which prostituted persons would be protected by labor law; the legalization of prostitution would help stop the spread of HIV/AIDS and other STIs and would ensure better living conditions for prostituted persons and their children. Brothels would be regulated and prostituted persons could file complaints against violent clients. The number of rapes would decrease. Proponents of a regulationist system defend the idea that such a system would have a positive impact on public health, crime, and poverty.

In September 2014, a group of Indian intellectuals – writers, and Dalit activists – sent a petition to the Chief Minister of the State of Karnataka defending the legalization of prostitution to curb sexual atrocities suffered by prostituted persons.

The Indian Supreme Court established a panel to examine the existing legislation on prostitution and its implementation. In November 2014, the National Women's Commission made recommendations on changing the ITPA. This was a proposal for legalizing prostitution.

Associations advocating for the rehabilitation of prostituted persons expressed their opposition for this proposal. The activist Pravin Patkar, whose NGO *Prerana* works with prostituted persons, published an article against the proposal. She stressed that the current law punishes exploiters and suggested that legalizing the sex trafficking would decriminalize trafficking, brothels, and procuring. She also talked about the plight of children (40% of prostituted persons), persons living with HIV/AIDS, and illegal immigrants in the context of legal prostitution. Would they be allowed to practice prostitution? Or would they continue to practice illegally? If the government wants to rehabilitate victims, Pakar thinks that they should already be working actively to do so.

The NGO *Apne Aap* also opposes legalization, arguing that it would lead to an increase in the demand for sexual services, encouraging trafficking. *Apne Aap* leads a campaign called “*Cool men don't buy sex*”, which aims to reduce demand for sexual services. However it is unlikely that prostitution will be legalized any time soon, as there are no politicians defending this position.



## Governmental and Community Initiatives

In 2013, the Government of West Bengal announced the creation of rehabilitation centers in Calcutta for older prostituted persons and abandoned children of prostituted persons. This initiative is part of the plan of the West Bengal government to reintegrate older prostituted persons in Calcutta. Many former prostituted persons live in poverty after giving up prostitution because of their age. This program includes housing, a medical care, and food at low prices. These centers should be able to accommodate 200 people of the 750 identified as in need of assistance by the local authorities. However, the completion of such initiatives is not without difficulty. A similar project had to be abandoned in another city, following the opposition of the local population.

Prerana, founded in 1986 by Patkar, is an example of a humanitarian initiative to rehabilitate prostituted children. Prerana runs several shelters in the prostitution quarter of Mumbai and has helped 10,000 children between 1986 and 2014. The main objective of this NGO is the security and development of these children. The four night centers welcome 250 children every night, organize activities, enroll children in schools, and provide medical care for those in need.

*Apne Aap* is present in many red light districts. It offers classes in community centers for daughters of prostituted persons and helps integrate them into school. This NGO also organizes income-generating activities for prostituted persons. It is associated with the jewelry designer Rosena Sammi to create a line of accessories called “Who’s sari now?”, manufactured by prostituted persons in these centers.

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## Ireland

- Population: 4.6 million
- GPA per capita (US dollars): 54,374
- Parliamentary regime
- Human development index (HDI): 0.916 (6<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.113 (21<sup>st</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 75 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the European Union since 1973.
  
- According to official statistics from the Ireland Police, on average 800 women practice prostitution each day in Ireland and, in 2014, 32 people were victims of trafficking for prostitution. NGOs estimate that this number should be 202, 30% of which being children.
- Each day in Ireland, at least 800 prostituted persons are the object of advertisements. Of these women, more than 70% are foreigners and trafficking victims.
- Prostitution is not illegal, however soliciting, procuring, and owning brothels are all prohibited (Criminal Law – Sexual Offences Act of 1993), as well as prostitution advertisements (Public Order Act of 1994).
- Human trafficking is defined by the 2008 Human Trafficking Act and can be punished by life imprisonment. Knowingly purchasing sexual services from a trafficked person is punishable by a fine of 5,000 € (5,416 US\$) and/or imprisonment.
- In September 2015, a statute prohibiting the purchase of sexual services was published.
- Since June 1<sup>st</sup>, 2015, Northern Ireland criminalized the purchase of sexual services. Clients are liable to a maximum penalty of six months in prison and/or fines.
- In 2014, 79 cases of trafficking were investigated, but no sentences were announced (compared to 56 investigations and two sentences in 2013).
- Great progress has been made in prevention and public education, producing such positive results such that research shows that 88% of Irish men have never resorted to prostitution.
- A country of origin, transit, and destination for victims of sexual exploitation.
- Foreign victims are mainly from Africa (Nigeria), Eastern Europe, Asia, the Middle East, and Brazil.

Since 2010, Ireland has been classified as Tier 1 in the U.S. Department of State Report on Trafficking in Persons. This signifies that it meets the minimum standards for the prevention and fight against human trafficking. However, Ireland is still a country of origin, transit, and destination for trafficked persons (*U.S. Department of State, 2014*). In the first quarter of 2014, the economic growth rate of Ireland increased dramatically to 2.7%. This renewed growth is due to good performance in foreign trade and also a change in the GDP calculation method. Ireland now accounts for prostitution and drugs as producers of wealth, which has boosted the country's growth. On May 23<sup>th</sup> 2015, Ireland became the 20<sup>th</sup> country to allow same-sex marriage, and the first country to do so with a public referendum with a record turnout of 60% in favor.

### **Prostitution in Ireland**

According to the Irish Legislative Assembly, prostitution has become a common practice in Ireland. It has been a feature of Irish society for centuries. Most prostituted persons are not Irish, which can be explained by the development of the telephone and Internet, facilitating international trafficking. The overwhelming majority of escort advertisements for Irish customers are not for Irish women (only 3%) (*Houses of the Oireachtas, June 2013*).

According to a February 2015 report provided by the European Commission of three Irish NGOs (Doras Luiní, Ruhama, and Immigrant Council of Ireland), 202 people were victims of trafficking for prostitution in Ireland and 30% of them were children. The number of people who illegally entered the country for prostitution increased by 17% in 2013. However the official figures from the Irish Police (An Garda Síochána) report that 32 people were victims of trafficking for prostitution in 2014. These numbers do not reflect the reality of the problem because they only account for the number of victims identified by police services or associations.

Victims of trafficking for sexual exploitation are usually from Nigeria, Cameroon, Zimbabwe, the Democratic Republic of Congo, South Africa, the Philippines, Pakistan, Poland, Lithuania, Brazil, or Kuwait (*U.S. Department of State, 2014*). According to the Superintendent Fergus Healy, Ireland has become a destination of choice for prostituted persons because the economic growth allows them to earn as much as three times as they would in other European countries. The police estimate that there is an average of 800 women prostituting themselves each day in Ireland.

According to the NGO Ruhama, prostituted persons are often subject to violence, including punches to the face, being kicked down stairs, bites, and other physical violence. Since the economic crisis, this type of violence has increased due to more women turning to prostitution. Prostitution is very common among women seeking asylum in Ireland. If receiving 21 US\$ (19 €) in state social benefits, they are not allowed to work. In many cases, clients are aware of this policy and wait in their cars in front of the victim homes to take advantage of their financial vulnerability to obtain sexual services. These women hide from fear that the government might discover their activity and put an end to their aid. Even though prostitution is still an issue, only

one in 15 men have purchased sexual services in Ireland, which is considered very low in comparison to other countries like Spain (1 in 3 men) (*Village Magazine*, March 6<sup>th</sup>, 2015).

### **The Legislative Framework for Prostitution**

Prostitution is not illegal in Ireland. Buying and selling sexual services is legal because Irish law protects transactions as consenting activity between two adults. However, some activities related to prostitution are criminalized because of their character as a public order offense. This is the case for curb crawling (or kerb crawling)<sup>18</sup>, procuring, management of brothels, soliciting sexual services in public places, living on the income of prostitution, or promoting prostitution. These offenses are aimed mainly at prostituted persons. In 2008, trafficking was officially recognized as a crime and the purchase of sexual services from a victim of trafficking was criminalized (Human Trafficking Act). Under article 5 of the law on human trafficking, anyone who knowingly solicits sexual services from a victim of trafficking is guilty of an offense. However, that same provision provides for the defense if the client can prove that they were unaware that the victim was subject to trafficking. Clients can be subject to fines of up to 5,000 € (5,416 US\$) and/or imprisonment. Article 7 of the law establishes the extraterritorial application of the law for any Irish citizen who commits a trafficking offense outside of Ireland and to any person who commits an offense against an Irish citizen. On November 27<sup>th</sup>, 2014, the Minister of Justice, Frances Fitzgerald, published the General Plan for the criminal law project (sexual offenses). This provides guidelines for the criminalization of the purchase of sexual services in titles 10 and 11.

### **Changing Legislation for the Transformation of Prostitution**

#### ***Reasons Why Legislative Change is Necessary***

In 2013, the Minister of Justice, Alan Shatter, announced that amendments needed to be made to the law in order to combat the changes in prostitution. Most agreements for prostitution no longer take place in the streets, but over the Internet or in private apartments, enabling a significant increase in prostitution. Shatter also explained how a review of the law would allow for a reevaluation of the prostitution problem so the government could better address it. This served as a reminder to protect the health and safety of victims, as well as detect, prosecute, and convict traffickers. Even though printed advertisements for prostitution are illegal, this is counteracted by online advertisements. Street prostitution has almost disappeared in Ireland because trafficking networks now conduct their work almost exclusively online. Sarah Benson, responsible for the NGO Ruhama, said that she was surprised by the changes in the sex trafficking industry in Ireland, especially by the size of criminal organizations and their adaptation to technical developments. Ruhama is an Irish organization that assists prostituted

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<sup>18</sup> A kerb crawler (or curb crawler) is a person who drives around areas known for street prostitution soliciting prostituted persons for sexual activity.

persons and victims of other forms of sexual exploitation through practical and psychological support, legal advice, emergency housing, and employment, housing, and health assistance. This organization does important work throughout the country by conducting awareness campaigns and advocating for judicial changes to improve protection for victims. Escort websites reveal detailed profiles of prostituted persons, indicating when and where they are available, the services that they provide, and a phone number where they can be reached. According to the Kelleher Report, at least 800 prostituted persons are promoted each day by Internet advertisements (*Houses of the Oireachtas*, June 2013). These sites specify that these women are not only available all over Ireland, but are also available internationally (40%). This suggests that their numbers are even larger than presumed. The Immigration Council of Ireland stated that independent audits from websites showed that in 2011 and 2012, 1,052 and 1,124 prostituted women were advertised respectively. About 70% of these prostituted persons are not Irish and were victims of trafficking from poorer countries in Eastern Europe, Africa, and Asia (*Irish Daily Star*, March 10<sup>th</sup>, 2013).

Ruhama denounced these sites, claiming that they further increase the pressure on prostituted persons. Because customers can leave their comments after each sexual encounter, traffickers can use them to punish prostituted persons or push them to do more next time.

### ***The Criminalization of the Client and the Protection of the Prostituted Person***

The draft of the law (Titles 10 and 11) provided for the criminalization of the purchase of sexual services in general, particularly those from victims of trafficking. The purchase of sexual services will be punished in all cases, whether the person has been exploited or not. The penalty is a fine of 500 € (541 US\$) for the first conviction and 1,000 € (1,083 US\$) for the second. This new law would not further punish prostituted persons, allowing them to easily denounce their violent customers to the police (The Gardai). Thus, the new provisions exclusively target demand. This shows an initiative to protect the vulnerable, because no one should risk being condemned for being exploited. This law also introduces measures to strengthen surveillance and control sex offenders on parole. This draft has been published (101 pages) and will most likely undergo many changes before it is finally adopted as a law. This legislative text was published by the Department of Justice and Equality on September 23<sup>rd</sup>, 2015. We must now await the outcome of a parliamentary debate to determine the final version and the date of when this text will become law.

Despite advances in political and legislative debates, research published by the Department of Justice of Northern Ireland (the purchase of sexual services in Northern Ireland has been criminalized since June 1<sup>st</sup>, 2015) and led by the Queen's University Belfast on prostitution found that 98% of prostituted persons oppose the client's penalty (*Huschke, Shirlow, Schubotz et al.*, October 2014). According to a survey, almost two-thirds of prostituted persons think that the client's penalty would worsen their situation and 85% said that it would not reduce sexual exploitation. They explained that they would be put in further danger by trying to protect clients from being penalized, isolating them even more. However, Denise Charlton, the CEO of the

Immigrant Council of Ireland, expressed doubts about the reliability of surveys from prostituted persons. She explained that the majority of those who testify want to leave prostitution and are exploited. Once under pressure, blackmail and fear of procurers brings them to claim that they exercise their own decision and are fulfilled by their activity. Also, some survivors of prostitution are huge supporters of this reform. For example, Rachel Moran was a prostituted person for seven years and strongly opposed the liberalization of prostitution, stating that being bought and sold is extremely destructive itself, even in the absence of violence because prostitution itself is violent.

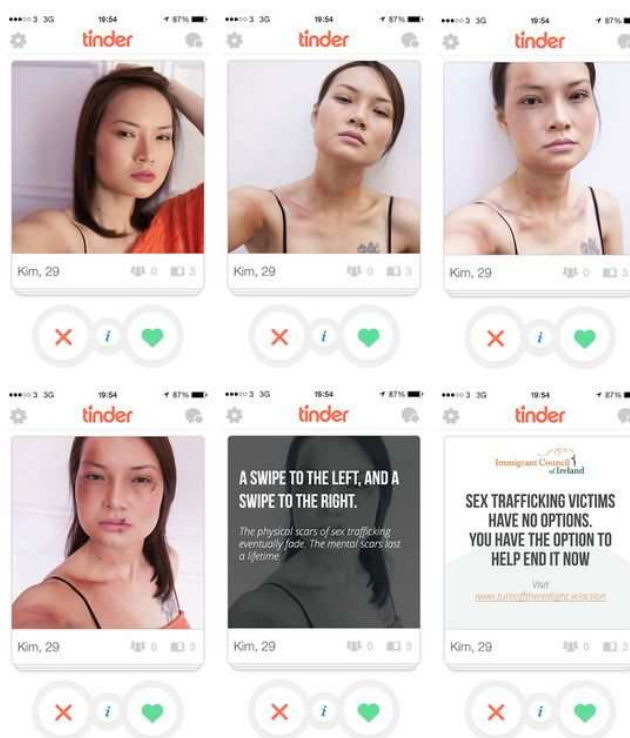
### **Notable Prevention and Awareness Campaigns**

According to the 2014 U.S. Department of State Report on Trafficking in Persons, Ireland has made significant efforts for the prevention of human trafficking. The Irish government published a manual for professionals as well as victims that explains their rights and the services available to them. It has also conducted awareness campaigns for students, and in coordination with NGOs, launched an awareness project focusing on zero tolerance towards human trafficking and violence against women and girls. In the summer of 2014, the Immigrant Council of Ireland launched a campaign in pubs and hotels throughout the country, illustrating the reality of prostitution and trafficking. Emergency addresses for accusations of trafficking were printed on each coaster. This campaign was particularly aimed at young men and used the true story of a 15 year old girl who was sold into a prostitution network for 3,000 € (3,249 US\$) and forced to sell herself to 15 men a day. The campaign encouraged young drinkers to reject exploitation through the sex trafficking. The Immigration Council of Ireland was pleased with the cooperation from bar owners. This campaign is just one of several initiatives taken by the Immigrant Council of Ireland as part of the “Stop Trafficking” project funded by the European Commission to explain the role clients play in the crime and abuse of trafficking victims.

The “Prostitution, we don’t buy it” campaign is the first of its kind to be carried out through all of Ireland by reaching out to men and boys to take a stand against prostitution and sexual exploitation (*Ruhama, Press Release, April 22<sup>nd</sup>, 2015*). Launched in early 2015, it revolved around the statements: “we do not buy sex and we do not buy the lies that allow prostitution to persist”. The survey portion of this campaign is different from others because it shows the opinions of all types of people from all parts of society, not just clients. It reported that 88% of Irish men have never used prostitution. Only 8% said that they have used it irregularly and 4% did not respond. This campaign aims to show the important role of education and awareness in reducing the demand for sexual services from exploited victims. “We Don’t Buy It” is part of the REACH project, co-funded by the European Commission. This project also aims to raise awareness for women and girls in situations of exploitation in Ireland so that they know that free, secure, and confidential assistance is available to them. Many women with experience in the sex trafficking have recommended that messages be posted in buses, at railway stations, and immigration and health institutions to help inform women in need. The awareness campaign

addresses men to promote a message of zero intolerance of human trafficking and violence against women. It also aims to discourage them from resorting to purchasing sexual services from exploited or vulnerable women and make them aware of the harm in these solicitations.

Another notable prevention campaign was established at the end of 2014 to fight against trafficking and sexual exploitation. An Irish advertising agency used the Tinder dating application to create three fake profiles. For the first photo, they posted a photo of an actress, resembling any other profile picture of an attractive woman. This followed with a series of photos of the woman appearing with more injuries and finished with an image of her looking battered and terrified. These photos followed with messages such as: “A swipe to the left, and a swipe to the right. The physical scars of sex trafficking eventually fade. The mental scars last a lifetime” or “Your options are left or right. Women forced into prostitution in Ireland have none.”



Source: Frenzen C., “A group that wants to ban all sex work in Ireland is making fake Tinder profiles”, *The Verge*, November 7<sup>th</sup>, 2014.

The Immigrant Council of Ireland was responsible for a campaign denouncing the existing sex trafficking phenomenon in Ireland and calling for a total ban on all forms of sexual exploitation in the country by advertising links to the “Turn off the Red Light” online project<sup>19</sup>. Co-directed by a range of organizations in civil society, NGOs, and individuals, this campaign

<sup>19</sup> See chapter « Canada », in: Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation – A growing menace*, Economica Ed., 2013.



helps to raise awareness of the dangers of prostitution and sexual exploitation. They have lobbied government representatives to create legislation that criminalizes clients. Finally, Irish airlines have been encouraged by the state to use the online training resource developed by the Department of Justice to identify potential victims of trafficking. However, these numerous information, awareness, and prevention campaigns have not led to a significant improvement in the identification of victims of trafficking (*Doras Luimní, Immigrant Council of Ireland and Ruhama*, February 27<sup>th</sup>, 2015). This can be explained by a lack of police training.

### **Inadequacies in Protection of Victims**

Authorities are required to inform victims of trafficking who have been rejected for asylum that they may be granted a temporary residence permit. The Council of Legal Aid provides assistance and legal advice to potential and alleged victims starting from their first contact with the police. Victims then have several options: seek provided assistance in regards to immigration for the protection of victims of human trafficking; seek asylum; seek compensation through the legislation on employment protection; request information on how to regulate their stay in the country; institute a criminal trial; and obtain reparations.

In Dublin, a welfare service for female victims of prostitution and sexual exploitation has been instituted. It offers free sexual health services, including complete testing for HIV/AIDS and hepatitis along with providing treatment and contraceptives. It also acts as a safe space for women to share their stories and receive information and advice on leaving prostitution and finding a job.

In its 2013 report on Ireland, the Group of Experts on Action against Trafficking in Human Beings (GRETA) stressed the importance of establishing the rights of victims of trafficking for their support and protection. They urge the Irish authorities to review the housing policy for alleged victims, including asylum seekers, and to consider establishing specialized shelters for victims of trafficking with assistance from NGOs. Despite the existence of legal provisions providing compensation and the possibility to receive free legal aid, victims of trafficking in Ireland do not have effective access to this compensation. The Committee of Human Rights is concerned that victims of trafficking exercising their right to apply for asylum do not have “period for recovery and reflection” or a temporary residence permit and are instead retained in support centers. They also expressed their concern about the inadequacy of legal assistance services provided to victims and the lack of legislation to protect their rights.

Finally, as a submission to the European Commission, the three aforementioned Irish organizations were invited to give their perspectives and review the measures in place to combat trafficking (*Doras Luimní, Immigrant Council of Ireland, Ruhama*, March 16<sup>th</sup>, 2015). They discussed the problems with identification and support of victims and called upon the Irish authorities to appoint an independent National Rapporteur for this issue to evaluate the effectiveness of support for victims and prosecution of traffickers. Victims should be provided protection and not be treated as criminals or be at risk of deportation as long as they cooperate

with the judicial authorities. In early 2014, the Irish government promised to create a new national action plan to prevent and combat human trafficking.

### **The Worrisome Situation of Children**

In Ireland, citizens are considered to have reached sexual maturity at the age of 17; any sexual relations with a minor under the age of 17 is punishable by law. However, case law provides that admission of ignorance of the minority of a victim can be used as a defense. The Child Care Acts of 1991 and 2007, the Child Trafficking and Pornography Act of 1988, and the Children First National Guidelines for the Protection and Welfare of Children of 2011 concern the protection of minors from sexual exploitation. The maximum penalty for these offenses is life imprisonment.

With the increase in the number of child victims of sexual exploitation in Ireland, it is imperative that the government responds to this issue. The outline of the bill published November 27<sup>th</sup>, 2014 proposed new measures to further protect children. This introduced new offenses such as sexual grooming, including online participation in sexual activity in the presence of a child, or forcing a child to watch sexual relations.

In general, the use of electronic communication (telephone or internet) to acquire prostitution from a minor is punishable. These new provisions provide for stricter penalties for the use of prostitution from a minor and give judges the ability to prohibit sex offenders from working with children and vulnerable people for a certain period of time. Penalties for these new offenses can be as long as 14 years in prison.

The bill also concerns the issue of child pornography which included new incriminations, such as the recruitment of children in order to take part in a child pornography production. Penalties for distribution and possession have also been worsened. In order to minimize the trauma for victims of sexual crimes, the Department of Justice suggested allowing victims the option to testify virtually. If this bill is adopted, it will implement the European Directive on the fight against sexual abuse, sexual exploitation of children and child pornography. This would pave the way for the Ireland's ratification of the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse (*European Union*, February 17<sup>th</sup>, 2011). Along with these significant advances, on September 24<sup>th</sup>, 2014, Ireland also accepted individual complaints and the investigation regarding the Optional Protocol for the Convention on the Rights of the Child. However, they still have not ratified this protocol. The awareness campaign, "Real Men Don't Buy Girls", launched by the Immigrant Council of Ireland, aims to raise awareness among young people about the reality of human trafficking and its consequences for victims. Several Irish celebrities, such as Bernard O'Shea and Eric Lalor, have supported this cause. After the recent criminalization of clients in Northern Ireland, Irish organizations fear the rise of North Irish sex tourists going to Ireland if the new bill does not pass, even though they expect that this bill should pass in the coming months. It is also important

to note that abortion is still criminalized in Ireland and a woman who has an abortion can face up to 14 years in prison, even in cases of rape, incest, or a severe/a fatal fetal malformation.

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## Lebanon

- Population: 5 million
- GDP per capita (in US dollars): 10,057
- Parliamentary regime
- Human development index (HDI): 0.769 (67<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.385 (78<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 28 on a scale from 0 (highly corrupt) to 100 (very clean)
- No official national statistics on prostitution. However, in 2013, 11,465 women received “artist visas” to work in Lebanon’s Super Nightclubs
- All current prostitution activities in Lebanon are illegal, and both prostituted persons and procurers are prosecuted. Clients do not face legal consequences.
- Law 164, passed in 2011, made human trafficking illegal in Lebanon
- In 2014, out of 89 people prosecuted for trafficking (trafficking for forced labour and for sexual purposes), 72 of them were convicted. In 2013, there were 14 prosecutions and no convictions
- Sexual exploitation and sex tourism are prevalent at Lebanon’s Super Nightclubs.
- Syrian refugees are a vulnerable population in Lebanon; there has been a recent rise in child marriages among these refugees.
- Lebanon is a source, transit, and destination country for sexual exploitation.
- Victims of sexual exploitation are Lebanese or come from Eastern Europe (Russian Federation, Ukraine, Belarus, Moldova), Africa (Morocco, Tunisia, Ethiopia) and Asia (Sri Lanka, Philippines)

In Lebanon, sexual exploitation is rampant despite the recent efforts of the government and NGOs to address the problem. Sexually exploited women in Lebanon originate from a wide variety of countries. Many migrant domestic workers come from Sri Lanka, the Philippines, and Ethiopia, among other African and Asian countries. Eastern European countries such as the Russian Federation, Ukraine, Belarus and Moldova, are major source countries for prostitution at Lebanon’s Super Nightclubs, as are Morocco and Tunisia. The recent influx of Syrian refugees has led to increasing reports of them being prostituted and sexually abused in Lebanon (*U.S. Department of State*, 2014).

## Complex Illegality of Prostitution & Trafficking

Laws on prostitution in Lebanon are dated and convoluted, and law enforcement efforts today are not often based upon these regulations. Technically, prostitution is legal in Lebanon according to a law from 1931, but only in licensed brothels carefully monitored by the government. The government completely stopped granting these licenses in the 1970s, and the existing brothels closed over time. Since Article 523 of the Lebanese Penal Code outlaws “clandestine prostitution,” the prostitution currently taking place in Lebanon is illegal (Kafa, Jabbour, 2014).

Likewise, Law 164 adopted in 2011, after the ratification of the Palermo Protocole, has made human trafficking illegal and punishable. Fundamentally, this law offers a definition of trafficking that is similar to that of NGOs and provides the government with more power to enforce current regulations. Having a common definition of trafficking legitimizes victim identification and facilitates the process of victim referral between organizations (ICMPD, 2013). Identifying victims is particularly important in Lebanon since women involved in prostitution can be punished if they are not expressly labelled as victims of trafficking. For example, in April of 2015, Lebanese Internal Security Forces arrested three Jordanians, two women and a man, accused of running a prostitution ring in Beirut. The two women acknowledged that they were being prostituted, and one of them said that her husband had forced her into the practice. That woman was not charged because she was “deemed to be a victim of human trafficking,” but the other woman was detained for prostitution (*The Daily Star Lebanon*, April 18<sup>th</sup>, 2015). Similarly, in March 2014, two Syrian women were arrested for prostitution after being brought to Lebanon under the guise of marriage to a Lebanese man. Col. Elias Asmar, who apprehended the women, acknowledged that bringing women to Lebanon was a “career” for certain men in Lebanon who brought them there, and that many girls are “brought in directly from Syria and are immediately forced to engage in prostitution”. Accordingly, one of the women was released on bail because she was considered a victim of trafficking. However, the other woman was charged with prostitution simply because she had a previous criminal record, and thus, in the words of Col. Asmar, “she knew very well what she came here to do” (*The Daily Star Lebanon*, March 11<sup>th</sup>, 2014). These examples unfortunately highlight the counterproductive anti-trafficking efforts in Lebanon may result in more victims of prostitution being prosecuted. Because of this trend of law enforcement officers somewhat arbitrarily distinguishing between “victims” and “perpetrators” of trafficking, more women may avoid coming forward for fear of being punished. Victims are further discouraged from coming forward because they risk being deported if they do so; as of 2013, Lebanon had not granted residency to any identified victims (ICMPD, 2013).

## Vulnerability of Syrian Refugees

As Lebanon is unequipped to adequately care for the massive amount of Syrian refugees that have entered the country in recent years, these refugees are particularly vulnerable. As of 2015, Lebanon is host to over 1.1 million registered Syrian refugees (in addition to many non-registered refugees). Lebanon does not want official refugee camps, so refugees are spread between Lebanese towns and some large, unofficial tented communities. The large number of refugees has had a heavy impact on the Lebanese economy: infrastructure costs total about 3 million US\$ (2,77 million €) so far, and many Lebanese citizens believe that Syrians are taking Lebanese jobs. Most of the Lebanese neighborhoods where refugees live were already impoverished, so the influx of refugees has increased the strain on these vulnerable communities (*International Alert*, 2015).

The large economic toll of refugees has recently led Lebanon to adopt much stricter policies on refugees' admittance to the country. In January 2015, new regulations came into effect requiring Syrians to obtain a visa before entering Lebanon. Moreover, refugees already in Syria must now follow new procedures in order to stay in the country. For example, refugees must either be sponsored by a Lebanese company, or they must sign a contract agreeing not to work in Lebanon and provide a rental agreement signed by their landlord. In addition, they must pay an incredibly high 200 US\$ (185 €) "residency renewal fee". For many refugees, these standards are impossible to meet. Poorer refugees who live in tented settlements do not have a landlord to sign their agreement, and those who do have a landlord are often forced to pay extra bribes before the landlord will sign the housing agreement. As a result of these difficult regulations, the number of refugees living illegally in Lebanon is increasing. According to lawyer Diala Chehade, Deputy Director of the *Center for Defending Civil Rights and Liberties*, many of her Syrian clients "try not to go out at night... Others stay indoors for days to avoid the police" (*Reuters*, April 17<sup>th</sup>, 2015). Having to avoid Lebanese authorities due to immigration concerns makes refugees more vulnerable because they cannot seek security assistance from the police. Furthermore, increased economic strain caused by the new regulations may result in more refugees turning to child marriage or prostitution as means of supporting themselves.

The United Nations Refugees Agency (UNHCR) provides aid to Syrian refugees, but its relief efforts have been limited by lack of funding. In November 2013, the UNHCR was forced to stop providing refugees with vouchers for necessary items such as food and hygiene products and to instead provide cash assistance to only the most vulnerable 75% of the refugees (*Amnesty International*, 2015). In 2014, in Bekka and Northern Lebanon, the areas with the highest concentration of Syrian refugees, 5-10% of children under the age of 5 faced acute malnutrition. Additionally, 27% of all registered Syrian refugees in Lebanon did not have sufficient access to clean drinking water (*Amnesty International*, 2015). The UNHCR typically funds healthcare for refugees, but in May 2013, the UNHCR was forced to "limit its funding to primary health care and to narrowly-defined emergency treatment" due to inadequate funds. Consequently, refugees suffering from non-life-threatening, but nonetheless severe conditions including burns and bullet

wounds, as well as those with long-term illnesses such as cancer, are no longer eligible for subsidized healthcare through the UNHCR (*Amnesty International*, 2015). In such desperate health and living conditions, refugees are especially at risk of exploitation.

One prevalent type of exploitation in Lebanon is sexual harassment and abuse of female refugees at the hands of aid workers or employers. Since most of the women are struggling financially, they are often heavily dependent on the income that they receive from aid workers or their employers and thus are not in a position to easily refuse unwanted sexual contact from these individuals (*UNPFA*, 2014). For example, Hala, a 53 year old woman with four children, worked cleaning houses just outside of Beirut. She told Human Rights Watch (HRW) that, in 9 of the 10 houses she cleaned, her male employers touched her inappropriately and tried to get both her and her sixteen-year-old daughter to have sex with them. Hala recalls them telling her, “we will give you more money if you perform a sexual favor or give us your daughter” (*Human Rights Watch*, November 27<sup>th</sup>, 2013). A young woman working in agriculture said that if girls are not responsive to their employers’ advances, they “are not allowed a break or not given water to drink while working.” In large refugee settlements, representatives of aid organizations, such as faith-based or international organizations, sometimes use their positions of power to abuse women, especially those who are divorced or widowed. In April 2014, Human Rights Watch reported the story of Youmna, a “young married woman with two children [whose] husband is missing.” One of the men in charge of her tented settlement pressured her to begin a sexual relationship with him, telling her that if she refused her living conditions would become worse. Having no independent source of income, Youmna eventually gave into the man’s wishes and subsequently began to receive “significantly more aid” (*UNPFA*, 2014). In each of these examples, men used their control of resources to exploit refugee women’s need for financial security.

Syrian refugees’ precarious financial and security positions have also recently led to an increase in child marriages. Maria Semaan, program coordinator of the Child Protection Program for the NGO KAFA (Enough) Violence and Exploitation, has said that although child marriage does have some cultural significance, for Syrian refugees it is more often the result of economic pressure. Parents with too many mouths to feed can view marrying off a daughter as a means of providing for her while also receiving dowry money themselves. Most early marriages are legal in Lebanon since personal status laws are determined based on each person’s religious faith. Islam is the majority religion, and in Lebanon the usual minimum marriage age for Muslim girls is 17. However, with parental consent girls as young as 13 are allowed to be married (*Middle East Eye*, April 2<sup>nd</sup>, 2015). A UN survey of Syrian refugee youth in Lebanon found that many girls are not opposed to getting married young as a means of achieving financial security. According to the survey responses, since many girls could not continue their education in Lebanon nor find work, they often view marriage as a chance “to have their own space or to escape and stressful living conditions” (*UNPFA*, 2014). Child marriage may also be perceived as a way to protect girls from the sexual harassment and violence that is prevalent in refugee settlements. Maya, a 14-year-old Syrian refugee, engaged to a 45-year-old man, says that she is

“disgusted” by her future husband; but “He is the one who feeds us and protects us, and I’d rather be violated by one man than every man in town” (*The Atlantic*, May 28<sup>th</sup>, 2013).

### **Super Nightclubs**

The economic vulnerability of Syrian refugees and women from a variety of countries is also a driving force in the continued existence of prostitution in Lebanon. “Super Nightclubs” have been a prominent way of prostituting women for years, and they continue to have a significant presence in Lebanon. These nightclubs provide both a way for procurers to circumvent the illegality of prostitution and an unofficial way for the government to contain large portions of the country’s prostitution to specific areas. Super Nightclubs are essentially strip clubs with the addition of thinly veiled prostitution, and they are mainly located in the suburbs of Beirut. Customers can come to the clubs and buy a bottle of champagne for around 80 US\$ (74 €) in order to spend an hour with one of the “dancers”. During this initial hour, no sexual activity other than kissing is allowed, but men may set up a “date” with the woman for sometime the next day or later in the week. These dates typically consist of sex at a nearby hotel, for an added cost. Super Nightclubs can earn over 23 million US\$ (21,25 million €) each year through champagne and other legal sales, but they actually make far more when one factors in the money paid under-the-table for sex with the dancers (*Foreign Policy*, February 9<sup>th</sup>, 2012).

Despite the technical illegality of prostitution in Lebanon, very little is done to combat the practice in Super Nightclubs because the government itself benefits financially from the clubs. One large source of revenue for the government is taxation of every bottle of champagne sold by Super Nightclubs at 10% (*Foreign Policy*, February 9<sup>th</sup>, 2012). Furthermore, General Security, the government department in charge of regulating the Super Nightclubs and the visas of foreign girls employed there, often collects “tips” from nightclub owners in exchange for ignoring rules violations. One General Security Officer acknowledged to the Sunday Herald of Scotland that “the business of tourism depends in part on prostitution. Right now it benefits everyone to keep it going... If we wanted to stop it we would stop it” (*The Herald Scotland*, October 4<sup>th</sup>, 2009).

Not only does the Lebanese government not combat prostitution in Super Nightclubs, but it encourages the continued existence of the Super Nightclub system. The government issues a special category of visa, “artist visas,” specifically to women coming to Lebanon to work as “dancers” at Super Nightclubs. The visas last three months, but can be renewed once. According to the U.S. Department of State, over the course of 2013, 11,465 women were granted this visa, almost twice as many as in 2012. This increase indicates that sexual exploitation at Super Nightclubs is indeed an ongoing problem (*U.S. Department of State*, 2014). The artist visas are harmful to women not just because they lead to prostitution, but also because their strict regulations essentially imprison women during their stay in Lebanon. According to “The Female Artist’s Work Regulations” listed on the General Security website, all recipients of artist visas are required to stay in their rooms whenever they are not working at the clubs, except for between 1:00 and 8:00 PM when they are allowed to leave accompanied by an escort



(presumably the male client taking them out on a sex “date”) . As one male client told Foreign Policy, “those girls basically live in a prison. They’re locked in their hotels for most of the time, and they don’t leave unless they have a customer. All the girls I meet at clubs are completely depressed” (*Foreign Policy*, February 9<sup>th</sup>, 2012).

Women from many different Eastern European countries, Morocco, and Tunisia come to Lebanon using artist visas, and recently some Syrian refugees have been turning to prostitution at Super Nightclubs as well. In a 2014 interview with Vice News, a Syrian refugee named Farah explained how she began working at a Super Nightclub. When she first arrived in Lebanon after fleeing Syria, she attempted to survive and support her family by working at a small store, but when that did not provide enough money she began working at a nightclub. She admitted that she does not enjoy her job, but feels stuck because she does not have an alternative source of income, and her procurer is holding her passport (*Vice News*, June 11<sup>th</sup>, 2014). It remains unclear how many Syrian refugees are actually turning to prostitution as means of survival in Lebanon. Although several media outlets have reported that it is a large trend, a UN survey of Syrian refugee youth concluded that many such media reports have been exaggerated (*UNPFA*, 2014).

### **Male Prostitution**

Outside of Super Nightclubs, male prostitution is a growing issue in Lebanon. In 2014, Al Jazeera interviewed some young male prostitutes in Beirut, who came from places such as Iraq and Syria, looking to find work and to escape different types of oppression in their home countries. One 27-year-old man from Iraq was forced to flee his home when his family discovered that he was gay because they would have killed him. Another man came to Lebanon in order to avoid joining the military. According to Al Jazeera, Syrian male prostitutes generally charge much less than prostituted males of other nationalities, largely because they are often drawn into prostitution by desperate economic circumstances (*Al Jazeera*, February 14<sup>th</sup>, 2014).

Male prostitution plays a large role in sex tourism in Lebanon because homosexuality tends to be more accepted in Lebanon than in most other Middle Eastern countries. Many purchasers come from nearby Gulf and North African states, as well as Turkey. Homosexuality is, in fact, illegal in Lebanon, but the police are bribed not to shut down the bathhouses and nightclubs where it is commonly practiced. Furthermore, new technology and social media services including Grindr and Manjam specifically targeting the homosexual community allow prostituted men and their clients to meet more easily and discretely (*Al Jazeera*, February 14<sup>th</sup>, 2014). With ever-increasing technology, it is likely that male prostitution will continue to grow in Lebanon.

### **Sexual Abuse of Migrant Domestic Workers**

Syrian refugee women are not the only women in Lebanon subject to sexual harassment and abuse at the hands of their employers. Migrant domestic workers, mainly immigrating to Lebanon from Africa and Asia, also frequently suffer sexual exploitation. In order to enter and

remain in Lebanon, such domestic workers must be “sponsored” by their employer. This requirement means that the workers immediately become illegal residents if they stop working for their employer, and they cannot switch jobs without their original employer’s permission (Kafa, 2014). Any attempts by workers to leave Lebanon are further complicated by the fact that most employers seize workers’ documents and passports. In a 2014 survey of female migrant domestic workers in Lebanon, conducted by the NGO Kafa, 96% of the women who responded said that their passport was being held by their employer. The sponsorship relationship thus leads to employers having a huge degree of power over migrant domestic workers. 8% of respondents to the survey reported that they had been the victim of sexual violence by their employer. Kafa noted that the real percentage is most likely higher, but many women found the topic difficult to discuss. In theory, workers do have the right to end their contract if their employer breaks a law, assaults or harasses them, or otherwise does not follow the agreed-upon work conditions. However, in order to use this right, workers must make official reports and provide evidence of their employer’s misconduct, a procedure that is often very difficult (Kafa, 2014). As a result, many workers are trapped in positions of exploitation and abuse.

### Client Perspective

When considering how to reduce sexual exploitation and prostitution in Lebanon, one must consider the demand for prostitution. Kafa recently conducted a study of 55 men who have purchased sex in Lebanon, and asked them their views on a variety of related topics. The majority of men interviewed were Lebanese and fairly young with most in their 20s (Kafa, Jabbour, 2014). During the study, the men gave a number of reasons and justifications for buying sex. One large encouraging factor is that prostitution clients rarely face any legal consequences in Lebanon, despite the fact that prostituted women are often arrested. In fact, the majority of the buyers in Kafa’s study believed that prostitution was legal in Lebanon (Kafa, Jabbour, 2014). Another common justification men gave for purchasing sex was that women in prostitution are essentially the equivalent of any other item for sale. As one man described: *“They are just commodities... With the price you pay you buy her, meaning you negotiate with her as if you are buying a pair of pants or a jacket...She is a product to satisfy sexual desires”*. Another man expressed similar sentiments: *“The only thing that the woman who works in prostitution does is sex, nothing except this, she does not think of anything else...All she does is take care of the client she is with”* (Kafa, Jabbour, 2014). Both of these remarks highlight clients’ highly simplified and objectified view of prostituted women as existing only to fulfill men’s desires. Some male clients even used their objectification of women as justification for ignoring clear signs of physical abuse on prostituted women. When discussing having sex with a woman with many visible bruises, one man told Kafa, *“If somebody broke the pinball or poker machine the day before, it wouldn’t stop you from playing poker again.”* A second man put it even more bluntly: *“I don’t care if she was beaten, I just care about my pleasure”* (Kafa,

*Jabbour*, 2014). 40% of the men surveyed said that they knew that prostituted women were “unhappy” with their work, and several of the men even expressed understanding that many women are forced into prostitution and live under the control of a procurer. Thus, even awareness of the hardships faced by victims of prostitution does not seem to be enough to deter clients. When asked what would stop them from buying sex, most of the men responded that the threat of being jailed or having their family and friends find out that they bought sex would be the punishments most likely to discourage them (*KAFA, Jabbour*, 2014).

### **Government Progress**

In recent years, the Lebanese government has a mixed record of dealing with issues of sexual exploitation. The last major change of legislation was the passage of the anti-human trafficking Law 164 in 2011, and even that law has been criticized due to its failure to protect prostituted women from prosecution. However, the government has made some progress in identifying victims of trafficking. In the fall of 2014, the Lebanese government, the U.S. Department of State, and the Beirut Bar Association collaborated to produce a “Trafficking in Persons Indicators Handbook” in order to help law enforcement and other individuals learn how to identify victims and respond to situations of trafficking (*US Embassy Lebanon*, 2014). Furthermore, through the Directorate of General Security, the Government led media campaigns to raise human trafficking awareness, and in 2013 created a hotline to receive reports on trafficking incidents. Slight legal progress also occurred in 2013, as 14 alleged traffickers were prosecuted and two were convicted, whereas in the previous year no convictions were made. According to the U.S. Department of State, Lebanon has also recently adopted a written action plan to combat human trafficking.

Despite these advances, the government still does not supply adequate care and shelter to victims of trafficking, and deports many victims, including those who come to Lebanon with artist visas or as migrant domestic workers (*U.S. Department of State*, 2014). Looking forward, the Lebanese government especially needs to focus on tackling issues of sexual exploitation amongst its refugee population. Finally, if Lebanon hopes to truly address the problem of sexual exploitation within its borders, it must develop legislation that protects all prostituted persons, rather than only those who have been identified as victims of trafficking.

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## Mexico

- Population: 123.8 million
  - GDP per capita (in US dollars): 10,325
  - Presidential regime with a federal organization
  - Human development index (HDI): 0.756 (74<sup>th</sup> rank among 187 countries)
  - Gender inequality index (GII): 0.373 (74<sup>th</sup> rank among 147 countries)
  - Corruption Perceptions Index (CPI): Score of 35 on a scale from 0 (highly corrupt) to 100 (very clean)
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- It is estimated there are between 450,000 and 500,000 prostituted persons in Mexico (*Fondation Scelles*, 2013)
  - Human trafficking generates approximately 22.6 billion US\$ (20.87 billion €) annually in Mexico
  - Prohibitionist regime, but certain jurisdictions (13 of the 31 Mexican States) have regulationist policies. Some cities, mainly those that attract tourists, have created special zones where prostitution is tolerated.
  - The Federal Penal Code condemns procuring with 2 to 9 years in prison in addition to fines (section 206), and with 8 to 15 years in prison when the victim is a minor or disabled (section 204).
  - The law of 2012, reformed in 2014, defines and punishes human trafficking by sentences ranging from 5 to 30 years' imprisonment.
  - 78 convictions for sex trafficking in 2014 (*U.S. Department of State*, 2015). The conviction rate for trafficking is only 2%.
  - High rate of corruption. The government has not reported convicting a complicit official since 2010 (*U.S. Department of State*, 2015).
  - Mexico is ranked second in the world for the prostitution of under-age individuals. 70% of girls found in situations of forced prostitution were younger than 18 years old. An estimated 16,000 children are trafficked each year. There are 25,000 child prostitutes according to the authorities, but according to witnesses this number should be doubled or indeed tripled (*Fondation Scelles*, 2013). Child sex tourists tend to come from the United States, Canada, and Western Europe.
  - 70% of sex trafficking cases involve Mexican drug cartels.

- Recent explosion of violence due to organized crime. The number of kidnappings increased by 31% in 2013.
- Country of origin, transit and destination for human trafficking.
- Foreign victims of trafficking are from Central and South America (Salvador, Honduras, Nicaragua, Ecuador, Brazil, Colombia, via the Dominican Republic and Cuba). The number of victims from Africa and China (often headed for Canada) and even India is also more growing.
- Domestic and external trafficking of women and girls mostly comes from poor areas.

Prostitution, drug cartels, and immigration are all heavily entwined in Mexico. In recent years, the government of Mexico has heightened their prosecution of sexual trafficking through legislation and social awareness. However, the high rate of corruption within the government, heavy involvement of violent cartels in the trafficking, and an intensely patriarchal society prevent any fundamental change. A large portion of the victims of prostitution and sexual enslavement are migrants deceived into accepting false job offers and a promise of a new life in the United States. This trend of economic migration is a necessity for both men and women alike in many poverty-stricken areas of Mexico and Central America; however, their experiences can vary greatly. During necessity-driven migration, women are often times exploited sexually. They are promised various jobs in the United States by “coyotes” vowing to take them across the border, and then the victims held in debt bondage to “pay off” the smugglers through forced prostitution.

Human trafficking generates approximately 22.6 billion US\$ (20.87 billion €) annually in Mexico (*UNICEF*, 2014). Sex tourism has also become an exceptionally popular trend in Mexico. Once procured, the girls are sent to popular tourist destinations throughout Mexico such as Acapulco, Puerto Vallarta, and Cancun and other northern border cities such as Tijuana (*U.S. Department of State*, 2014). Tijuana in particular has become known as the 'Bangkok' of the Americas. Most women trafficked to the United States either come from or go through Mexico. Accordingly, Mexico has become the second most prominent country of origin for victims trafficked to the United States after Thailand, according to the National Humans Rights Commission (CNDH) (*InSight Crime*, February 12<sup>th</sup>, 2014). Be that as it may, a lack of further meaningful data creates difficulties in reporting the extent of what is truly occurring in the country at present.

### **Gender Inequality within a Strictly Patriarchal Society**

40 percent of the entire Mexican population lives in poverty, a leading contributor to the inability of women to change their circumstances, and consequently combat systematic oppression. When they are not being abused or coerced into the sex industry, women are often forced in by economic necessity.

In order to further understand sex trafficking in Mexico, it is imperative to comprehend the 'machismo' culture which dominates the country and the widespread repression of women that accompanies it. Machismo within Mexican culture distinctly defines the gender roles of women and men. It places a high value on 'manliness' and independent and dominant traits in a man; while it expects women to be submissive and dependent.

Women are not considered as equals within the society as a whole due to the ever-present machismo culture. The biggest victims of this culture are trafficked women. Research on prostitution in Mexico has found that "pimps and traffickers take advantage of the subordinate status of women and girls in both the United States and Mexico by exploiting sexist and racist stereotypes of women as property, commodities, servants and sexual objects". (*Journal of Trauma Practice*, 2003). Procurers and traffickers use many forms of abuse and control, including starvation, beatings and much more. Minister of Social Development Rosario Robles stated that "in Mexico in the 21<sup>st</sup> century, the worst expression of discrimination against women is violence. In this modern Mexico, there are still states where the punishment is greater for stealing a cow than stealing a woman" (*The Guardian*, February 8<sup>th</sup>, 2014). The legal system currently does very little in its protection of women, particularly girls and women who are stolen from their own villages.

### **Child and Homosexual Sex Tourism**

Currently, Mexico is ranked second in the world for the prostitution of under-age persons. An estimated 16,000 children are trafficked in Mexico each year (*Journal of Trauma Practice*, 2003). Often times, these children are young girls between the ages of 12-14 who have been abducted from their own villages. They are kept in debt bondage by those who abduct, trick or coerce them into the trafficking. In many other cases, the children are runaways from abusive homes. A recent study of sex workers in Mexico discovered that nearly 70 percent of girls found in situations of forced prostitution were younger than 18 years old.

The organized prostitution and sale of under-aged girls is generally concentrated in tourist cities. Sex tourists tend to come from the United States, Canada, and Western Europe. A report by UNICEF and "Infancia Robada" (Stolen Children) stated that in the city of Juarez, Mexico (merely 10 miles south of El Paso, Texas), there were on average 800 children being used in the commercial sex industry (*El Paso Times*, June 25<sup>th</sup>, 2014). The average price for a child was about 5 US\$ (approx. 4,7 €). They are routinely forced to have sex with approximately 20-25 men daily. After these girls are used and abused by the traffickers for several years, they are thrown back out onto the streets.

The southwestern city of Puerto Vallarta is an active hub for gay sex tourism. More than 35% of the existing hotel capacity is dedicated to this sector of tourism. It is also the second most visited vacation destination in the world for homosexual US males. However, within this gay tourism culture exists the darker side of prostitution of men and under aged boys. It is very common to find prostituted boys in Puerto Vallarta.

## Legal Protection

Mexico currently has the proper legal framework in place for the protection of sex trafficking victims; however the enforcement of these laws is weak or altogether non-existent in many states. Mexico is presently considered a Tier 2 country by the human rights standards outlined by the United States. A Tier 2 country is defined as a country “whose government does not fully comply with the Trafficking Victims Protection Act TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.” In 2012, the federal government passed the *General Law to Prevent, Sanction, and Eradicate Human Trafficking and for the Protection and Assistance of Victims*. The law was intended to clearly outline the role of each branch of the government in the prosecution of procurers and clients alike. It was then reformed in 2014 to specify certain portions. The reform added increased severity of punishments for traffickers, including up to 30 years of imprisonment, and widened the scope of crimes considered to be human trafficking. For example, the sale of anyone under the age of 18 for sexual purposes is now automatically classified as trafficking (*Time*, July 21<sup>st</sup>, 2013). In September 2013, the government issued the law's “implementing regulations”. Nonetheless, in the years following its implementation, only the police forces of large cities have attempted to enforce the law.

In the year following the law's passage, federal and state authorities reported convicting at least 52 trafficking offenders. In 2014, the federal government reported “increased trafficking convictions and sentences in comparison to the previous year”. There have also been increases in raids on hotels, bars and massage parlors in major urban areas such as Mexico City. Unfortunately, the rate of convictions of the few charged was only 2 out of every 100 traffickers arrested. The fact that a 2% conviction rate is reported as an 'increase' by the Mexican government reflects the dire situation at hand. Low rates of convictions demonstrate how ill-equipped the Mexican legal system is for implementing and executing the law. Most of the traffickers who are arrested go free due to “procedural errors during the legal process.

There are still many who critique the law's ability to make any meaningful impact. The law and its contents are well-intentioned, but there are virtually no means of enforcement. In other words, the program is greatly inhibited by a lack of sufficient funding and general willingness to enforce it. Many civil society groups worry that “the law lacks precise language and is too complex to be consistently applied by the necessary authorities.” Additionally, “NGO's, members of the government, and other observers continued to report that trafficking-related corruption among public officials, especially local law enforcement, judicial and immigration officials presents a significant concern”. Corruption within the Mexican government and police forces has been a persistent issue that has perpetuated and exacerbated major problems such as sex trafficking and forced prostitution. In 2013, two law enforcement officers in Tijuana were charged with extorting a sex worker. The extortion of prostituted persons and trafficked women can range from seeking bribes in the form of sexual services to coercing women away from reporting crimes committed against them.



### **Need for Rehabilitation Programs**

Approximately 70% of women freed from trafficking eventually return to prostitution due to a lack of job opportunities and harsh social stigma. There is a severe deficiency of adequate rehabilitation programs and resources currently available to survivors of trafficking. It is necessary to provide culturally appropriate rehabilitation programs as well - ones in which girls can use their native language in an environment that fits their cultural standards.

Currently, various programs exist through NGOs and small government organizations that work to help identify victims and place them into transitional programs. The transitional programs attempt to aid girls psychologically and prepare them for reentry into normal society. Unfortunately, these programs are sparse and inconsistent. Often times, shelters for migrants or domestic abuse victims are reluctant to take in sex trafficking victims out of fear of retribution from violent cartels.

### **Involvement of Violent Drug Cartels**

In 2013, a study by CATW-LAC found that 70% of sex trafficking cases involved Mexican drug cartels. In 2013 alone, organized criminal gangs made 10 billion US\$ (9,24 billion €) from the enforced sexual enslavement of thousands of women and young girls. After the drug and arms trade, human trafficking is the third most lucrative enterprise for organized crime. Cartel violence is rampant and often times uncontrollable. Increasingly, the trafficking networks are now forced to make pacts and payments to the cartels depending on the territory in which trafficking takes place. It is common for the cartels of Mexico -who essentially have more power than the Mexican military- to kidnap, manipulate and entrap girls at a very young age and sell them into the sex trafficking. They are subsequently beaten and forced to have sex with dozens of men per day. It is also typical for the cartels to kidnap young girls and keep them as personal sexual slaves. One of the most prominent cartels, "los Zetas", has reportedly been the most heavily involved in the human trafficking industry in recent years. In 2013, the Mexican government reported that the number of kidnappings increased by 31%, a distressing indication of the heightened violence within the country.

### **Health**

Traffickers use a number of methods to force women and girls into submission, most of which can be severely detrimental to the health of the women. Tactics range from physical violence to forced drugging. An extremely frequent tactic involves injecting victims with highly addictive drugs such as heroin or methamphetamine. Often times, the girls are drugged daily until they are so addicted that they will obey and be completely submissive. By addicting the girls and women to drugs early on, procurers and traffickers easily control them. Another

common means of coercion includes throwing chili powder into the woman's eyes and vagina at any sign of defiance.

The victims are usually in situations that make it difficult to negotiate condom use when they face the risk of violence from a client or procurer. As a consequence of exposure to hard drugs and unprotected sex, trafficked women are also at high risk of HIV/AIDS infection and other STIs, including Hepatitis B.

The violence against trafficked women has increased correspondingly with the heightened violence of the Drug Wars amongst cartels. The Mexican government has been taking small steps towards improving their legal structure, but is severely lacking in legitimate enforcement. Human trafficking in Mexico today is complicated as traffickers and cartel members alike continue to operate with almost complete impunity. The current state of prostitution and trafficking in Mexico is stagnant -- if not worsening with time. In order for improvements to occur, the government must also begin systematically combating violent organized crime.

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## Moldova

- Population: 3.5 million
  - GDP per capita (in US dollars): 2,238
  - Parliamentary regime
  - Human development index (HDI): 0.693 (107<sup>th</sup> rank among 187 countries)
  - Gender inequality index (GII): 0.248 (50<sup>th</sup> rank among 147 countries)
  - Corruption Perceptions Index (CPI): Score of 33 on a scale from 0 (highly corrupt) to 100 (very clean)
- 
- No official national statistics on prostitution.
  - The practice of prostitution is illegal in Moldova. Procuring is punishable by 2 to 5 years of imprisonment (4 to 7 under aggravating circumstances) and fines according to Article 220 of the Penal Code. Human trafficking is punishable by 5 to 20 years in prison (Articles 165 and 206).
  - 38 cases of trafficking for sexual exploitation recorded in the first six months of 2015. In 2014, 49 trafficking suspects were prosecuted (compared to 155 in 2013), of which 43 were convicted (compared to 25 in 2013). 37 prison sentences ranging from five to 13 years were imposed, including 26 for trafficking for sexual exploitation of women, and 6 for children. A corrupt official was sentenced to three years of imprisonment in 2014.
  - Recurring problem of corruption.
  - Since April 28<sup>th</sup> 2014, Moldovan citizens no longer need a visa to travel within the European Union for up to 90 days per 6 months.
  - Country of origin for victims of trafficking for sexual exploitation. The population from the secessionist region of Transnistria is particularly vulnerable to trafficking.
  - Principal destination countries: Moldova, Russian Federation, Ukraine, Turkey, United Arab Emirates, Greece and Cyprus.

According to the Prosecutor General of the Republic of Moldova, 164 crimes of human trafficking were reported during the first six month of 2015 (compared to 169 in the same period of 2014) along with 38 cases of procuring. The Moldovan Mission to the International Organization for Migration (IOM) estimated that 70% of procurers in Moldova are women (IOM, 2013). This can be explained by the fact that most of those who have been accused are already involved in prostitution abroad. For example, a woman between the ages of 20 and 23 who was first a victim of trafficking or a prostituted person, may subsequently become a

procurer by the age of 26. The same study provided information on prostituted female witnesses, but there are no statistics on the number of Moldovan nationals practicing prostitution within or outside of the country (*Bulletin of the Supreme Court of Justice of the Republic of Moldova*, 2005). No other study or source to date provides comprehensive data on prostitution in Moldova. The question is whether this lack of data is due to a low rate of prostitution or Moldovan authorities ignoring many cases.

However, Moldova remains classified as Tier 2 in the 2014 U.S. Department of State Report on Trafficking in Persons, signifying that the country is still facing serious problems regarding the sex trafficking of women and children. Representatives of the Moldovan authorities and civil society define prostitution as a “sin”, therefore prostitutes are presented as “women without morals.” This belief takes root in the ideals set by the Church, the government and the society. This way of thinking is actually the main opponent to legalizing prostitution.

### **Prostitution and Easy Money**

According to Moldovan psychologists, girls who are involved in the sex trafficking industry have incurred trauma related to sexual abuse. They argue that 40% of these young women were once victims of incest or rape at an early age (*Ziarul de Garda*, February 7<sup>th</sup>, 2013). These traumas induce serious personality disorders, leading women to agree to have sex for “easy money”.

However, over the last few decades, the Moldovan society has evolved enough in the field of prostitution to see its practices diverse considerably. The economic emergence of those practices occurred rapidly in an uncontrolled environment, making easy money the main driving force of economic, cultural and social activities. With this in mind, it’s quite apparent to state that the popularity of prostitution increased overtime. Making money quickly and “effortlessly”, even if it involves illegal and immoral activities, has become a normal way of life for a significant number of young Moldovans, not only those from vulnerable families and the margins of society. This attitude of abandoning traditional values in exchange for a life of quickly acquired comfort has generated a new phenomenon: the practice of prostitution in public locations. “Library girls” began to appear in the Moldovan press circa 2015 and immediately attracted the public’s attention both locally and beyond the Moldovan borders (*Realitatea*, January 7<sup>th</sup>, 2015). For several years, an alarming number of libraries have been hosting the prostitution of young girls via video conference. This behavior cannot only be explained by economic reasons. In most cases, these girls do not come from very poor families who practice this activity to support themselves. Most of them are actually studying or have another job, but wish to ensure an above-average lifestyle. This shows a clear mutation in the collective mentality of the Moldovan society. Any means are considered acceptable to achieve financial success, resulting from traditional values of work and morality giving way to material values.

In a similar context, there are many cases of Moldovan women and girls looking for rich husbands abroad to get a better life. Sometimes voluntarily and consciously, these girls choose to

practice sexual services abroad where there are better financial conditions (*Jail Crunch*, 2014). A new form of prostitution known as “luxury prostitution” or “modeling prostitution” has become a successful industry, run by modeling agencies funded and managed by Moldovan oligarchs. A well-known example of this is the director of Fashion TV Moldova, Corneliu Vidrascu, who was accused of human trafficking and procuring in January 2015. Vidrascu worked for almost five years at the Ministry of the Interior, within the General Directorate for the Fight against Organized Crime and acted as one of the leaders in the Center against Trafficking in Human Beings (*Promotime*, January 3<sup>rd</sup>, 2015).

Newspapers advertisements play particular a role in attracting clients, with hidden announcements for sexual services or connections with Moldovan or foreign procurers. A study done by the International Center “La Strada” demonstrated that the most words used for attracting customers or future victims of sexual exploitation are either related to job search abroad (“assistance in preparing jobs,” “visas for abroad,” “employment contracts abroad”) or under cover matrimonial advertisements (“mothers who want a good future for their daughters, contact us, we are in contact with wealthy husbands abroad”). To attract clients, women providing sexual services usually post their ads in the “erotic massage services” section. Erotic massage is not illegal in Moldova, which encourages a number of “providers” to conceal their activity in this way, regardless of where the encounters occur (massage salons, night clubs, personal residences...) (*ProTV Moldova*, July 8<sup>th</sup>, 2015). The recruitment of girls is also done through coded language, with advertisements for “girl dancers”, “erotic masseuses” or through other online job offers (*MoldovaNews*, May 8<sup>th</sup>, 2015).

### **New Environment – New Challenges**

Since the accession of the pro-European government in 2009, the Republic of Moldova has made significant progress in its rapprochement to the European Union. In 2009, Moldova also joined the Eastern Partnership, measure of the EU neighborhood policy to sign an Association Agreements between the EU and each of the six former Soviet republics. By demonstrating its insight and consistency, the Republic of Moldova was able to obtain a free movement regime within the EU so there is no visa required for travel within the EU for up to 90 days every six months. However, Moldovan citizens are not allowed to work in EU member countries without a visa. The visa-free regime came into force on April 28<sup>th</sup>, 2014, making Moldova the first country in the Eastern Partnership to benefit from this. After four years of intense negotiations, the Association Agreement (including an economic and political component) between Moldova and the EU was ratified by the Moldovan parliament in July 2014. Despite fears expressed by some associations and political parties opposing the pro-European government, the cancellation of visas did not cause a visible effect of any mass exodus of the population. Migration dynamics remain unchanged, and emigration figures have remained stable since 2014. As for forced emigration for sexual exploitation in other EU countries, the situation is still unclear. It is evident that the liberalization of movement to the European Union has facilitated access to the European

space to those were not eligible for visas before. This is particularly true for vulnerable unemployed young people living in rural areas – the target population for procurers. Meanwhile, in May 2015, the Moldovan authorities declared that trafficking decreased following the implementation of the visa-free regime (*Moldpres*, May 11<sup>th</sup>, 2015).

There are currently no quantitative studies establishing a causal link between the visa liberalization and the flow of trafficking victims from Moldova to the EU. Though one must still consider two aspects: visa liberalization facilitates the departure of victims of trafficking, but it also decreases the number of potential trafficking victims wanting to join family members or work in an EU country. The quantitative value of this effect has yet to be evaluated. In 2013, before the introduction of the visa-free regime, a number of information and communication actions were undertaken by the Moldovan authorities on issues related to the prevention and fight against human trafficking (*Council of Europe*, June 12<sup>th</sup>, 2014). The new context allows the Moldovan border police to be more effective in identifying and investigating transnational criminal networks.

### **Civil Society: a Mobilization against Prostitution and Human Trafficking**

The issue of human trafficking has become increasingly present in the Moldovan society. Recently, topics related to sexual exploitation have appeared more than ever in political discourse. Two legislative initiatives reflect this new recognition: a 2012 bill aimed at criminalizing clients of prostitution, and a 2013 bill on chemical castration of those convicted of pedophilia. However, these two initiatives were not widely discussed in society. Parliamentary debates have been marked by a conflict between MPs from different political parties. The bill on the criminalization of clients has not been approved by the majority of parliamentary representatives (*Parlamentul Republicii Moldova*, June 5<sup>th</sup>, 2012), and the bill on the castration of pedophiles was initially adopted, but eventually rejected after a few months by the Constitutional Court (*TRM Moldova*, July 8<sup>th</sup>, 2013).

Even though the subject of prostitution has been present in the speeches and in the programs of Moldovan politicians, this phenomenon remains largely ignored by the upper-political class. Nonetheless, one important manifestation of civil society against human trafficking exists. More and more books and plays dealing with the subject of sexual exploitation have emerged in recent years. This new literature is meant to reflect reality and is largely based on real cases and people. Authors met with victims, listened to their stories and transcribed them in a documentary and poetic fashion to alert the public and authorities on the issues of sexual exploitation. One of the newest and most popular books on prostitution and sexual exploitation is *Bessarabian Nights* (2014, Ed. Aurochs, in English) written by Stela Brinzeanu, a Moldovan writer who immigrated to the United Kingdom. It demonstrates to its readers that sexual exploitation is a reality of migration from east to west that has a significant social, psychological, and emotional impact.

Today, civil society and non-governmental organizations in Moldova conduct various activities for the prevention of human trafficking and the protection of victims. With the help of

international and non-governmental organizations (the Moldovan Mission of the International Organization for Migration, the International Center “La Strada,” the OSCE Office in Moldova, “Médecins du Monde,” and the Switzerland Fund “Terre des Hommes”), several national and international seminars have been organized for professionals in the field (*Ministerul Muncii, Protectiei Sociale si Familie*, April 22<sup>nd</sup>, 2015). This training is complemented by the distribution of practical guides and methodical and educational materials.

In general, the cooperative relationship between the state and civil society is satisfactory. Yet, this relationship cannot be called a “total harmonization.” The 2014 U.S. Department of State Report on Trafficking in Persons and the report from the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe formulated recommendations on this subject. According to these reports, the authorities in Moldova must take greater actions to encourage the participation of NGOs and public institutions in the fight against trafficking. NGOs active in the field should be allowed to participate in the decision making. It is also necessary that they support research in this field and adopt practical measures to implement effective cooperation and communication between the police and NGOs at the local level, particularly in the fight against prostitution.

### **A “Diligent” Government and a Corrupt Legal System**

The fight against prostitution and sexual exploitation in Moldova began in the 1990s, when there was a lack of relevant legislation, an institutional mechanism with financial and organizational resources. Since then, the Moldovan government has made efforts in certain aspects of human trafficking, but it has also been negligent of others.

In 2013, the Inspector General of the Police (*Inspectoratul General de Politie*) was established as part of the institutional reform of the Ministry of Internal Affairs and within it, a Center against Trafficking in Human Beings was created. This unit has a multidisciplinary structure, composed of police officers, law enforcement officers, and professionals from the National Anti-Corruption Center, the Service of Intelligence, and the Customs Service and Border Police. In September 2013, the Permanent Secretariat of the National Committee to Prevent and Combat Human Trafficking, a government agency responsible for the coordination of anti-trafficking policy, developed a National Plan including 120 activities for the years to come (2014-2016). One of the most relevant activities is the arrangement of an annual national campaign for a “Week against Human Trafficking”, which was created in 2012. This awareness campaign consists of a wide range of anti-trafficking actions, including: public courses, round tables, information and awareness videos, film screenings, photography exhibitions, television programs, and more. At the same time, the Permanent Secretariat monitors these activities organized by the territorial commissions and includes this data in a National Report. This data is usually included in the annual U.S. Department of State Report on Trafficking in Persons where the efforts of these commissions of coordination of actions against human trafficking at the local level are appreciated. A communication strategy was developed by the Permanent Secretariat

and put into practice with the specialized website ([www.antitrafic.gov.md](http://www.antitrafic.gov.md)). According to the GRETA report for 2014 and 2015, Moldova has made considerable progress in information, in education, and in awareness of human trafficking (GRETA, March 4<sup>th</sup>, 2015). During the reference period, more than 1,100 events and 2,100 extracurricular activities focusing on the prevention and fight against human trafficking took place in schools in collaboration with the Ministry of Education. It is still necessary to continue to promote gender equality, the fight against domestic violence, and the de-stigmatization of trafficking victims. According to these same reports, in 2014, 4,229 specialists (judges, prosecutors, psychologists, teachers...) were trained. The most important aspect of this training is the identification of victims, particularly during investigations and judicial proceedings. The Moldovan government has made some improvements in this area, but there is still a lack of resources, not mentioning the deficiency of legal, psychological, and financial services for the victims. So far, there is no compensation system available for all victims. The National Report on the prevention and fight against trafficking human beings for 2014 identified 264 victims of which 116 were trafficked for sexual exploitation (*National Committee for Combating Trafficking in Human Beings, Permanent Secretariat*, 2015). Nevertheless, the government is investing more resources in 38 Health Centers (*Centre de Sanatate Prietenesti Tineretului*) located in all regions of Moldova. These centers were created in 2013 by the Ministry of Health, in collaboration with the United Nations and are free for those up to the age of 24. There are currently no statistics on the number of young women who have benefitted from these services. Considering the fact that trafficking can be explained by the socio-economic situation of a population, from 2012 to 2014, the Ministry of the Economy developed a series of economic programs through the Organization for Small and Medium Enterprises to prevent trafficking via small and medium investments.

A series of measures to strengthen the fight against prostitution have been included in several strategic documents adopted by the government in the framework of justice reforms (Justice Reform Strategy for 2011-2016, the National Strategy for the Prevention of Organized Crime for 2011-2016, and the Action Plan on Human Rights). Withal, the Moldovan government's efforts have been very minimal from a legal point of view. There are a number of ambiguities in the definitions of trafficking and prostitution in Moldovan legislation. For example, Article 89 of the Contraventions of the Republic of Moldova details the penalties for practicing prostitution (*Parlamentul, Republica Moldova*, January 16<sup>th</sup>, 2009), but the Moldovan Code doesn't contain a precise definition of prostitution (what it represents and which actions/inactions are considered illegal). Considering that the Moldovan justice system is very sensitive to corruption, judges "play" with terms, allowing different types of fines and penalties that are more or less stringent, making Moldova a true "paradise" for procurers marginalized by laws currently in effect in member States of the EU. Another major problem is the existence of proven complicity of some authorities, which has been reflected in suspended or acquitted criminal cases for no ostensible reason. More and more testimonies of people in prostitution highlight the existence of "collaboration" between themselves and the local police. This has given rise to a new phenomenon, making the fight against prostitution even more difficult. These



corrupt prosecutors are the image of a society devastated by the developments of recent decades, constantly in search of an identity and possessing fairly limited means to face social and economic ills (*Unimedia*, July 22<sup>nd</sup>, 2014).

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## Morocco

- Population: 33.5 million
- GDP per capita (in US dollars): 3,190
- Constitutional monarchy
- Human development index (HDI): 0.628 (126<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.525 (117<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 36 on a scale from 0 (highly corrupt) to 100 (very clean)
  
- No official national statistics on prostitution.
- Prostitution is illegal under articles 497-499 of the Moroccan Penal Code; prostituted persons can be prosecuted along with their procurer and clients.
- Trafficking in persons defined and criminalized under a new 2015 draft law
- A Moroccan representative was elected to the Committee on the Rights of the Child in 2014
- Morocco lacks a centralized data reporting system for sexual exploitation
- Sex tourism, pedophilia, and child marriages remain threats to Moroccan children; street children are especially at risk of exploitation.
- Recent rise in prostituted females entering “jihad marriages” with Islamic State fighters.
- Country of origin, transit, and destination for victims of trafficking; most foreign victims originate from Sub-Saharan Africa and some from South-East Asia.

As a key transit route for victims of trafficking, a destination for sex tourists, and the origin country of many women prostituted abroad, Morocco is currently mired with several types of sexual exploitation. International victims of trafficking in Morocco largely come from sub-Saharan African countries, though some are also brought from South-East Asia. Due to Morocco’s location, it is a major transit hub for people hoping to enter Spain and other European countries from Africa. Sexual exploitation is the main cause and purpose of trafficking of women and girls in Morocco (*Ngozi Ezeilo*, 2014). Additionally, a large number of Moroccan migrants are coerced or tricked into prostitution abroad, often having been previously promised different jobs. The United Nations Special Rapporteur on Trafficking in Persons, Joy Ngozi Ezeilo, reported that at least an estimated 2,500 Moroccan girls were brought to the Gulf States to be prostituted between the years 2002 and 2012. However, the Rapporteur also noted that this

number and other statistics related to sexual exploitation in Morocco are large underestimates because of a lack of data collection and victim identification in Morocco, as well as the taboo nature of the subject.

Morocco does however have laws in place to combat sexual exploitation, largely because it is party to a variety of international treaties and conventions about related issues. For example, Morocco has agreed to the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Convention on the Rights of the Child, among other agreements (Ngozi Ezeilo, 2014). Articles 497-499 of the Moroccan Penal Code criminalize prostitution, any involvement in the system of prostitution, and child prostitution. Therefore, the code allows for the punishment of victims of prostitution for their “debauchery,” along with their procurers and clients. In fact, the code even specifies that people who cannot provide justification for their income can be arrested for prostitution, as can anyone living with them. The code prescribes sentences of 1 to 5 years’ imprisonment and a fine for offenses related to the prostitution of adults. For offenses involving the prostitution of minors, both the specified prison sentence is increased, to 2 to 10 years, along with the minimum fine.

Despite its strict laws on prostitution, however, Morocco has not had any laws concerning human trafficking until very recently. In April 2015, a new draft section of the Moroccan Penal Code defines and criminalizes human trafficking. The new draft gives a definition of trafficking that matches that of the 2005 Convention of the Council of Europe and includes trafficking for the purpose of sexual exploitation. Under the new law, traffickers would be punished by 30 years’ imprisonment and heavy fines, with the fines doubling in cases of child victims (*Libération Maroc*, April 25<sup>th</sup>, 2015). Having a legally specified definition of trafficking should help Morocco identify and assist victims, and will also better align Morocco’s legal system with the terms of the Palermo protocol, which Morocco previously ratified (UNICEF, 2014).

### **Controversy over the film, “*Much Loved*”**

Currently, prostitution is at the core of a heated debate in Morocco. The film “*Much Loved*”, a drama about four Moroccan prostituted persons, debuted at Cannes film festival in May 2015. It was subsequently banned in Morocco amidst widespread anger about its subject matter as well as its crude content. Many Moroccans complained that the film portrayed the country in a negative light and exaggerated the existence of prostitution in Morocco, while others argued that such critics were just afraid of facing the harsh reality of sexual exploitation. When banning the film, the Moroccan Minister of Communication stated that it “undermines the moral values and dignity of Moroccan women as well as all the image of Morocco”. Some of the film’s negative reception could be a response to the fact that it furthers Morocco’s reputation as a country where sex tourism is commonplace (*BBC Trending*, June 6<sup>th</sup>, 2015).

## **Pedophilia and Sex Tourism**

Due to Morocco's accessibility to Europe, and the large number of impoverished children in Morocco, it has become a known destination of foreign pedophile sex tourists. Bhati Patel, CEO of anti-child-trafficking NGO ECPAT UK, reported in 2013 that Morocco is a choice destination for sex tourists because "poverty is high [in Morocco], inequality is high and [pedophiles] see that the government is not playing its part in protecting children [...] [pedophiles] look for regions where they know that they can get away with this action and there is easily available access to children" (*Vice News*, September 3<sup>rd</sup>, 2013). It is difficult to know the exact scope of child sexual exploitation in Morocco because there is inadequate data collection on the issue. There is no centralized national system of data collection, and there are no agreed upon definitions distinguishing different types of sexual violence against children (*UNICEF*, 2014). Reporting sex tourism is often inaccurate because it is too specific. For example, there are very few reported cases of sex tourism at hotels in Morocco; however, that low figure is largely underestimated because the practice has moved to other locations that are less frequently monitored than hotels. As Najat Anwar, founding president of the NGO *Touche Pas à Mon Enfant* explained, "official statistics on pedo-tourism are basically non-existent...we can only count the declared cases of pedophilia, which remain an insignificantly small proportion of the total" (*UNICEF*, 2014).

According to the findings of a 2014 study by UNICEF, one of the main factors influencing whether or not children are sexually exploited is their home environment. Children from impoverished families or whose families did not play an active role in their lives and education were found to be more at risk of sexual exploitation. Street children are a particularly vulnerable group; according to a report by Morocco's General Directorate for National Security in 2012, 67% of sexual violence against children in Morocco occurs in the streets (*UNICEF*, 2014). Furthermore, a 2003 study done by the NGOs ECPAT International and Bayti found that out of a group of 530 North African children living in difficult situations (especially on the street), 46.5% had been subject to sexual violence (*UNICEF*, 2014).

Morocco has several laws pertaining to protecting children (those under 18 years old) from sexual violence. In addition to prohibiting child prostitution, Morocco has also outlawed child pornography, the sale of children, and sexual assault of children. Penalties are the harshest for offenders who take the virginity of a child (*UNICEF*, 2014). However, in spite of these laws, sexual exploitation of children and pedophilia remain prevalent in Morocco. Furthermore, the laws fail to protect child victims of prostitution from prosecution, and therefore prostituted minors can be judged guilty and legally punished (*UNICEF*, 2014).

The Moroccan government has made some efforts to combat sex tourism and the sexual exploitation of children. For example, the "Moroccan Committee of Responsible Tourism" was established in 2007, and a guide to responsible tourism is handed out at foreign embassies and Moroccan points of entry, such as airports. The guide emphasizes that sex tourism is a human rights abuse that is illegal in Morocco, and states the punishments for such crimes (*UNICEF*,

2014). Additionally, Law no. 37-10 passed in 2011, focuses on providing victims of sexual violence and their families with protection as well as legal and medical assistance. Despite these efforts, Morocco lacks a strong and unified strategy against child sexual violence and exploitation (*UNICEF*, 2014).

One major change to Morocco's policy on pedophilia came in late 2012 following a large political controversy. In July 2012 King Juan Carlos of Spain visited Morocco, and, to mark the occasion, the Moroccan king pardoned some Spanish citizens including Daniel Galvan Vina, a convicted child rapist. Just six days later, the King withdrew his pardon in response to public outrage, and a government decree in November specified that rapists and pedophiles could no longer be pardoned in Morocco (*U.S. Department of State, Bureau of Democracy, Human Rights and Labor*, 2014).

### **Child Marriage**

Child marriage also remains a significant form of child sexual exploitation in Morocco, and it has increased in recent years. In 2013, 35,152 child marriages were reported, whereas in 2004 only 18,341 cases were reported (*UNICEF*, 2014). Although the legal marriage age is 18 for both girls and boys, judges have the right to authorize underage marriages if the family consents and if the marriage is deemed to be in the best interest of the child. Although these underage marriages are meant to be exceptions, they have become commonplace since they are easily achieved. In 2010, 92.2% of requests for underage marriages were granted, and in most of these cases, the girl was the minor (*UNICEF*, 2014). Many girls who are married young are soon abandoned by their husbands, and they are often forced to turn to prostitution to support themselves as a result. According to a 2014 study by UNICEF, 80% of girls married under the age of 11 are abandoned by their husbands after the wedding night, and 40% of abandoned women turn to prostitution.

Child marriages are the result of several different factors, such as the family's economic situation, but one of the main purposes of child marriages in Morocco is to protect the family and child's honor. For example, child marriages are often viewed as the preferable option in cases of unplanned pregnancies or rape (*UNICEF*, 2014). In fact, until 2014, child rapists in Morocco could legally avoid prosecution by marrying their victims. Controversy broke out in 2012 because a 16-year-old girl committed suicide seven months after being forced to marry her 23-year-old rapist in order to "protect the family honor." In wake of the tragedy, the Moroccan parliament unanimously passed an amendment to the Penal Code to ensure that marriage would no longer exempt rapists from prosecution. This new law is an important development in reducing child marriage and rape in Morocco, but many people believe that more legal changes related to child marriages need to be made, starting with the elimination of the legal "exception" which allows for underage marriages with a judge's permission. Furthermore, rape within marriage remains legal in Morocco, and girls in underage marriages are particularly vulnerable (*Al Jazeera*, January 23<sup>th</sup>, 2014).

## **HIV/AIDS Among Vulnerable Populations**

In Morocco, sexually exploited persons are especially at risk of contracting HIV/AIDS. In general, Morocco has low levels of HIV and AIDS infections. However, according to a 2015 report by the Moroccan government in conjunction with UNAIDS, the large majority of current and new cases occur among a few small groups of the population: prostituted persons, men having sex with other men, and users of drugs by injection. In the city of Agadir, 5% of people in prostitution are living with HIV (*Ministry of Health, 2014*).

However, under a strategic national plan for the years of 2012 to 2016, the Moroccan government has taken steps to combat HIV/AIDS and has invested more funds in the effort. The number of young people and women in Morocco with preventing education on HIV/AIDS and sexually transmitted infections (STIs) increased to over 700,000 in 2013-2014, a jump of almost 150,000 from 2012 (*Ministry of Health, 2014*). This increase in awareness is largely thanks to collaborative efforts of health and sports clubs, government agencies, and NGOs such as Association de Lutte Contre le Sida and the Pan-African Organization to Fight Against AIDS (OPALS). Similarly, 172,259 members of vulnerable population groups (including prostituted persons) have been trained in HIV/AIDS prevention as of 2014, an increase of 20,000 since 2013 (*Ministry of Health, 2014*). As part of its fight against HIV/AIDS since 2012, the government issued a guide on “norms and standards of prevention” amongst prostituted persons and homosexuals, conducted a study on the health and protection habits of clients of prostitution, and made HIV/AIDS testing more widely accessible (*Ministry of Health, 2014*). In light of these recent efforts, Morocco’s response to HIV/AIDS seems promising.

## **ISIS Brides**

Another current danger to Morocco’s sexually exploited population, in particular to prostituted women, is recruitment by the Islamic State as “jihad brides.” Mohamed Benhammou, who directs the Moroccan Center for Strategic Studies, has recently brought the issue to light. M. Benhammou has stated that ISIS is using monetary bribes as well as moral manipulation to convince Moroccan women in prostitution to go to Syria to marry jihadi fighters. M. Benhammou explains that women are told they will be forgiven for their sins of prostitution if they repent by pleasuring ISIS members. Often these new sexual relationships are not in the form of traditional marriages, and instead consist of one woman having to sexually service multiple men (*Shafaq News, February 9<sup>th</sup>, 2015*). Some Moroccan women who are not bribed into going to Syria still end up tricked into the system. M. Benhammou reports that some North African women en route to Europe are taken hostage in Turkey by international prostitution networks. These networks can then sell the women to Islamic State fighters (*AllAfrica/Magharebia, February 6<sup>th</sup>, 2015*). With the recent rise in power of the Islamic State, its exploitation of prostituted Moroccan women is an issue that needs to be addressed.

## Necessary Next Steps

There is also a great need for more protection and care for victims of sexual exploitation and trafficking in Morocco. The UN Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo stated in her 2013 report on Morocco that it is imperative for more shelters to be specifically equipped and staffed to deal with child victims of trafficking. Moreover, she emphasized that there is a lack of resources for adult male victims of trafficking and sexual exploitation in Morocco since most existing shelters only aid women and children. Finally, the Rapporteur pointed out that in order for victims to benefit from the protection services offered, they must first be properly identified as victims. According to the 2014 U.S. Department of State Report on Trafficking in Persons, Morocco has not yet made significant efforts to identify victims of trafficking, and has not reported the number of identified victims. Furthermore, many victims of trafficking have been deported as undocumented migrants, a practice that makes it highly probable for them to be trafficked again (*U.S. Department of State*, 2014). However, with the addition of Morocco's new trafficking law, victim identification may improve.

Beyond providing services to victims of sexual exploitation, Morocco needs to ensure that they are not prosecuted for their actions. Not only are women and children in prostitution able to be punished under current Moroccan law, but there are actually government efforts specifically aimed at arresting victims. At nightfall in Marrakech, an all-female plainclothes police brigade has been tasked with roaming the streets to look for women in prostitution. As part of their search, the police scrutinize all women walking late at night, and are especially suspicious of women wearing a large amount of makeup or clothing deemed to be promiscuous. The police policy has been greatly criticized for violating Moroccan women's freedom of movement, and even worse, the policy's specific purpose is to punish women who are themselves victims of prostitution (*Afriqinfos*, May 26<sup>th</sup>, 2014).

Prostituted men in Morocco are also very vulnerable to prosecution. Homosexuality is illegal under article 489 of the Moroccan Penal Code, and violators are subject to imprisonment. As such, in May 2014, six men in Morocco were condemned for 1 to 3 years in jail for "homosexuality, inciting to prostitution, and drunkenness in public" (*Le Monde/AFP*, May 15<sup>th</sup>, 2014). This law and its enforcement disproportionately target men in prostitution, and as such, inflict further harm upon victims of sexual exploitation.

## Recent Progress and Hope Looking Forward

Despite setbacks and changes that still need to be made, Morocco is making progress in its fight against sexual exploitation. In July 2015, Belgium approved a draft piece of legislation formalizing its commitment to cooperate with Morocco to fight terrorism and organized crime. The two countries made the agreement in the winter of 2014, and it includes a provision for the nations to work together in the fight against human trafficking (*La Vie Eco*, July 3<sup>rd</sup>, 2015). The



collaboration is still developing, and Belgium's formal approval signifies another hopeful step towards a partnership that may improve both country's treatment of trafficking.

Morocco also has several relatively new government committees whose tasks involve countering sexual exploitation. In 2011, Morocco created the Inter-Ministerial Delegation for Human Rights in order to craft and promote human rights policies. Soon following its establishment, the Delegation founded the Inter-Ministerial Commission on Human Trafficking in order to specifically monitor issues of trafficking in Morocco. Furthermore, Morocco's Directorate of Migration and Border Surveillance of the Ministry of the Interior, established in 2005, continues to work with other countries such as Spain to monitor Morocco's borders in the hopes of reducing human trafficking (*Ngozi Ezeilo*, 2014). The Ministry of Youth and Sport operate 20 "child protection centers" in Morocco, some of which are female-only, and are able to care for 2,075 teenagers. The shelters aim to assist minors who are living on the street, have legal problems, or who have been sexually exploited or trafficked (*Ngozi Ezeilo*, 2014). In addition to these government bodies, there are many local and international private organizations working to lessen sexual exploitation in Morocco, particularly the sexual exploitation of children. For example, Bayti Association works to shelter and provide for street children, many of whom have been victims of forced labor or who have been sexually exploited (*Ngozi Ezeilo*, 2014). Other organizations, such as Touche Pas à Mon Enfant are working specifically to fight pedophilia in Morocco (*Vice News*, September 3<sup>rd</sup>, 2013). Finally, the U.S. Department of State reports that NGOs in Morocco continue to play a significant role in identifying and caring for victims of trafficking (*U.S. Department of State*, 2014).

With the combined work of the Moroccan government and NGOs and recent changes in Morocco's policy and legal action, the fight against sexual exploitation in Morocco seems poised to improve. In 2014, a representative of Morocco was elected to the UN Committee on the Rights of the Child (*Morocco World News*, June 26<sup>th</sup>, 2014). As a member of the committee, Morocco should take special care to ensure that it sets a good example by working to improve its own treatment of the rights of children and all vulnerable people.

Morocco has the potential to positively influence the human rights policies of other nations, but, in order to do so, it must continue to take action against sexual exploitation.

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# Netherlands (the)

- Population: 16.8 million
  - GDP per capita (in US dollars): 52,172
  - Constitutional monarchy with a parliamentary system
  - Human Development Index (HDI): 0.922 (5<sup>th</sup> rank among 187 countries)
  - Gender Inequality Index (GII): 0.062 (7<sup>th</sup> rank among 147 countries)
  - Corruption Perceptions Index (CPI): Score of 87 on a scale from 0 (highly corrupt) to 100 (very clean)
  - Founding member of the European Member since 1952.
- No official national statistics on prostitution that gauge the prevalence of prostitution in the country. The Netherlands would count between 20,000 to 30,000 prostituted persons working full-time (*Fondation Scelles*, 2013). There are between 4,000 and 7,000 prostituted persons in Amsterdam. 674 licensed brothels as of 2014, including 15 of which in Amsterdam.
- National regulatory approach since 2000. According to Article 273F of the Criminal Code, persons who choose to prostitute themselves have the same rights as others workers, while those who coerce or exploit prostituted persons should be severely penalized (up to 18 years in prison). Municipalities are primarily responsible for regulating sex trafficking within their borders. In the vast majority of these communities, prostitution is regulated through brothel permits. The purchase of sexual services is not punished unless the prostituted person is a minor.
  - Since 2009, a bill designed to address the shortcomings of the 2000 law has been continuously postponed. In October 2015, the government submitted a bill to the Lower House, which is awaiting approval by the Senate.
  - Since reforms of the regulatory approach system have yet to be implemented, municipalities, particularly Amsterdam, have taken the initiative to put additional measures in place to combat exploitation.
  - During the spring of 2015, the city of Amsterdam began the process of closing a number of licensed establishments windows in the red light district, resulting in the development of a prostitution window self-management model.
  - In 2014, 294 police investigations on human trafficking resulted in 151 convictions (compared to 2013, with 253 investigations yet only 170 convictions (*U.S. Department of State*, July 2015).
  - Country of origin, transit and destination for victims of sexual trafficking.

- The majority of victims are of Dutch nationality (30% in 2014) with most other identified victims being of Romanian, Bulgarian, Polish or Hungarian nationality.

In early 2015, in a television survey on prostitution (broadcasted NPO3), the representative of the Dutch public prosecutors acknowledged the failure of the legalization and claimed 70% of prostituted persons in the window were under duress. In 2012, the police estimated this figure to be 55% (*Bottenberg, 2012*). In the same television survey, the reporter claimed that 80% of prostituted persons were under duress. These figures immediately provoked controversy and debate. A petition signed by “sex workers” was even launched by the prostituted blogger Felicia Anna.

### **A Shortage of Data to Understand the Phenomenon**

While the Netherlands legalized prostitution in 2000 in order to better manage it, there are no precise figures that allow us to understand the extent of this phenomenon; as no figures exist on the number of victims in trafficking, illegal establishments, nor victims within the legal institutions. According to a survey of Dutch municipalities by Wetenschappelijk Onderzoek in Documentatiecentrum (WODC - Research and documentation center to access public policies of the Ministry of Security and Justice), in all sectors of prostitution<sup>20</sup> in 2014, only 15% of municipalities were able to present an accurate estimate of the phenomenon. Additionally, 23% of municipalities have no policy in this area and therefore, no quantitative understanding of the phenomenon.

#### ***Prostitution: less legal and less visible***

The same survey shows that the number of licensed establishments fell by nearly 50% in recent years: with 674 establishments in 2014 down from 1,127 in 2006. Within this category, prostitution windows are the most affected: 195 in 2014 down from 507 in 2006. However, there is an increase in less visible forms of prostitution -- escorting agencies, for example, rose from 81 in 2006 to 125 in 2014.

In an attempt to acquire a more precise understanding of this domain, more than 28,000 Internet advertisements for prostitution services were analyzed but have yet to produce a reliable estimate. They do show, however, that these 28,000 ads are connected to nearly 9,000 unique phone numbers, which could correspond to a smaller number of prostituted persons, about 20% engaged in both the legal and illegal sector of prostitution.

This insidious development is largely related to the development of the Internet, as well as the reinforcement of police supervision in licensed establishments and the emergence of new regulations introduced by municipalities (registration of prostituted persons, closing of

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<sup>20</sup> The prostitution sector includes licensed establishments, legal establishments without licenses located in communities that are governed by a licensing system, and illegal prostitution.

windows...). The emergence of unlicensed prostitution also reveals the law's inability to completely supervise and control prostitution.

### ***Innumerable Victims of Trafficking***

According to the report of Coördinatie Mensenhandel (CoMenshae - National Coordination of action against human trafficking), the number of identified potential victims has risen to 1561 in 2014 (including all forms of trafficking). This clear increase (9%) following the sharp decline in 2013, registers 1,437 victims compared to 1,711 victims in 2012. Is this a result of new developments in prostitution or of an improved identification policy? According to the National Rapporteur Corinne Dettmeijer-Vermeulen, "the increase in number of registered potential victims says nothing about the global scale of the human trafficking phenomenon in the Netherlands. For example, it is possible that the identification agencies have become more skilled in identifying victims and registering cases of trafficking" (*National Rapporteur on Human Trafficking and Sexual Violence against Children*, June 16<sup>th</sup>, 2015).

As in previous years, the large majority of victims are women, (out of 1,315, 85% are women), 77% of which have been exploited in the sex industry. Additionally, as in previous years, the majority of victims are Dutch nationals: 30% in 2014 (32% in 2013), making the Netherlands the leading country of the five origin countries, followed by Romania, Bulgaria, Poland, and Hungary. The 2014 figures also show a decrease in number of African victims. Contrary to previous years, Nigeria is no longer one of the top five countries of origins of victims. It is hard to know, however, if this is a sign of a true decrease or rather an increased shift to illegal activity.

### ***Increasingly Young Victims***

In 2014, 216 victims of loverboys<sup>21</sup> were registered. This represents an increase from the previous year (196 identified victims in 2013), but all signs indicate that this figure continues to be largely under-estimated. The majority of victims are minors or young adults: 31 had been between the ages of 21 and 23, 59 between the ages of 18 and 21, 78 between the ages of 15 and 17, and 14 under 14 years old. Over the course of the past five years, 432 minors between 16 and 17 years of age were identified as victims of sex trafficking, and 169 children under the age of 16 (the youngest being 11).

## **The Exploitation of Minors: A Recurring Crisis**

Beyond these alarming assessments, many recent reports by the Dutch authorities have emphasized the young people's vulnerability to this violence and exploitation. A report by the Ombudsman<sup>22</sup> of Children states that 1 in 5 young people were victims of sexual violence in

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<sup>21</sup> A term that refers to procurers that seduce young girls, take them away from their homes in order to then prostitute them.

<sup>22</sup> Agent with the responsibility to defend the rights of citizens from public authorities in Scandinavian countries (equivalent of mediators in France).

2013 (*NL Times*, December 16, 2014). Every year, around 62,000 minors in the Netherlands (underage 18) are victims of sexual violence, reports C. Dettmeijer-Vermeulen. However, only 1 in 10 cases were reported to the authorities. According to the National Rapporteur, 32% of minors will experience some form of sexual violence, with girls being at a higher risk: 4 in 10 girls are assaulted versus 2 in 10 boys.

### ***Mobilizing Justice***

Since 2013, both investigations and processes related to cases of sexual exploitation of minors have been executed. Many loverboys trials revealed consistent patterns: young Dutch girls between the ages of 15 and 17 are seduced, frequently drugged and given alcohol and prostituted via the Internet and escorting websites in the suburbs of Amsterdam, Rotterdam, Limburg,... Additionally, many clients of underage victims were taken to trial in 2015. While the criminal code penalizes clients of underage prostituted persons with up to 4 years in prison and a fine of 4<sup>th</sup> category crime for clients of minors between the ages of 16 and 17, only 87 individuals were prosecuted between 2000 and 2014 while 90 men were indicted in 2015.

This is in part due to the strong impact of the Valkenburg affair, judged by the Maastricht tribunal during June and July 2015. The story began in October 2014 with the police finding a 16-year-old girl (a run away) in a hotel bathroom in Limburg where she had been prostituted by her presumed *loverboy*. Locked in this room for 10 days, the young girl had been prostituted to eight men a day. Of all the clients, only one of those men was concerned by her age and requested to see her passport. After this request was refused, the client left the premises but failed to notify the authorities. By the analysing the loverboy's cellphones, the 80 men were identified. The parents of the victim said, "clients of minors would think twice, if they were aware that they can be prosecuted for having sex with a minor and that they could have to pay fines" (*NL Times*, July 1<sup>st</sup>, 2015). The prosecutor, determined to not let these acts go unpunished, announced to journalists during the investigation that the police would search for the suspects at their homes.

The suicide of two presumed clients (in February and March 2015) followed interrogations and brought attention back to the story. Consequently, the manner in which the interrogations were held their exposure was called into question. The clients had been assigned a psychologist to help them cope with the "pressure" of the investigations, however, of the 80 presumed clients, only 29 were examined. At the end of trial, the prosecutor apologized for remarks made to the clients, infuriating parents of the victim: "you have compassion for the perverts who deliberately go looking for young girls. Where is that compassion for us and our daughter?" (*NL Times*, August 7<sup>th</sup> 2015).

Moreover, the severities of the punishments are not always as strict as mandated by the law. In other words, the law is not always fully enforced. The loverboy was found guilty of trafficking humans and sentenced to only 2 years in prison. For the clients, the court considered that while the suspects had certainly had relations with the victim (most clients admitted to having had sex with the victim), they did not explicitly seek to have sexual relations with a minor. Three

suspects were sentenced to 4 to 6 months in prison with three months of probation and others were sentenced to one day in prison and community service hours. These punishments were very moderate, especially considering the penalties stated in the law.

### ***Mobilizing Government***

The National Rapporteur was outraged by the leniency of these penalties and the sympathy shown to the clients. She stated in a November 2015 report that it is urgent to “implicate the client” (*National Rapporteur*, 2015). 432 minors between ages of 16 and 17 and 169 children under the age of 16 were identified as victims. Assuming that each of these children had at least one paid sexual relation with an adult, just under 600 individuals should have been arrested. However, since 2000, only 61 convictions have been made. That being said, the rapporteur explains that traffickers of minors are just as responsible as the clients of minors. She therefore demanded that the court be more strict in its judgments and apply sanctions to reflect the gravity of the crime (the penalties range up to 4 years in prison).

The National Rapporteur’s reaction is even more critical because, for several years, the fight against the sexual exploitation of children, especially that of young girls by loverboys, has been a concern of the Dutch government. C. Vermeulen-Dettmeijer called for improvements in the identification and protection of victims in September 2014: “Victims of loverboys are victims of human trafficking and should be treated as such” (*Rapporteur on Trafficking in Human Beings and Sexual Violence Against Children*, September 2014). In 2015, the global action plan to combat sex trafficking for the period of 2011-2014 was renewed. It provides three lines of action: 1) educate girls about sexual exploitation and promote their independence; 2) improve the overall approach to the fight against loverboys; 3) improve the support and protection of victims. A committee, chaired by Deputy Naima Azough, was also established to develop assistance programs tailored to victims of loverboys and traffickers, particularly young vulnerable girls placed in institutions and homes. Additionally, the committee has prepared an action plan in conjunction with the National Orientation Mechanism and government plan: “*Hun verleden is niet hun toekomst*” (Their past is not their future).

### **The Unresolved Reform**

Since 2009, a bill addressing the regulation of prostitution and the fight against abuses in the sex industry (Wet regulerend prostitutie en bestrijding misstanden seksbranche - WRP) has been going back and forth between the two houses<sup>23</sup>. Adopted by the Lower House (Tweede Kamer) of Parliament in 2011, it has been repeatedly rejected by the Senate/Upper House (Eerste Kamer). The dispute concerns the registration of prostituted persons, which is considered an

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<sup>23</sup> See chapters “Netherlands (The)”, in Fondation Scelles, Charpenel Y. (under the direction of), *Rapport mondial sur l’exploitation sexuelle - La prostitution au cœur du crime organisé*, Economica Ed., 2011; in Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation - Prostitution and Organized Crime*, Economica Ed., 2012; in: Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation – A growing menace*, Economica Ed., 2013.

invasion of privacy and the client's responsibility, which would violate Dutch law. This gridlock was finally broken in May 2013 when the Senate adopted a motion presented by Senator Strik, and sent part of the proposed law to the government for the amendment process (that being the demand to remove the clause enforcing the registration of prostituted persons and the obligation of clients to verify the registration of the prostituted person). The Minister of Security and Justice announced that the amended bill was almost ready and hoped that it would be put into effect on July 1<sup>st</sup>, 2014.

### ***Strength and Weaknesses: Supporters and Opponents***

Meanwhile, lobbying has not stopped. Repeated appeals for reform of the law have been sent to the parliament. In February 2013, the mayor of Amsterdam, Eberhard van der Laan, expressed his support for the bill in a letter to the Minister of Security, Justice Ivo Opstelten (*Dutch News*, February 21<sup>st</sup>, 2013). In his 2015 presentation before parliament on the WODC report, the Minister of Security and Justice, Ard van der Steur, reiterated the need to unify the regulations at the national level to improve supervision and control of illegal prostitution.

Some parliamentary members, however, have attempted to impose a program to penalize clients of prostituted persons, with or without coerced conditions. In February 2013, two deputies (Myrthe Hilkens of Partij van de Arbeid - PVDA and Gert-Jan Segers of Christen Unie) went to Sweden to study the effects of the prohibition of the purchase of sexual services and the Swedish model. In October 2014, deputies of PVDA, Socialistische Partij and Christen Unie, proposed a law that aimed to penalize clients of coerced prostituted persons (up to 4 years in prison or a 20,000 €/21,662 US\$ fine). The objective, explained G.-J. Segers, one of the deputies behind of this initiative, "is not to fill prisons with clients of prostituted persons, but to encourage them to be more cautious. A woman covered in bruises offering her services for 10 €... that shows that something isn't right" (*Ecpm.info*, October 18<sup>th</sup>, 2014).

### ***From One Proposed Law to Another***

In March 2014, the government proposed a new proposed law to parliament. It proposed:

- The establishment of a unique, national licensing system for all establishments and all forms of prostitution (independent prostituted persons, escorts, prostitution in the home...). The objective being to remove of the disparities that exist between regions and municipalities, as well as to improve the visibility and regulation of prostitution;
- The implementation of national standards for brothel operators;
- Obligation of clients to verify that the prostituted persons they encounter are more than 21 years of age; sanctions (up to one year of imprisonment or 20,000 €/ 21,662 US\$ fine) are expected for clients of prostituted persons under 21. This measure replaces the clause that sought to raise the minimum legal age for prostituted persons from 18 to 21 in the previous bill. Similarly, brothel operators will be subject to penalties if they employ prostituted persons less than 21 years of age.



- The bill was brought before the lower chamber in October 2015 and is currently waiting to be included in the agenda in the upper Chamber.

### ***A Little Help from the Court of Justice of the European Union***

The judgment of the Court of Justice of the European Union (CJEU) in October 2015 could potentially accelerate the course of the parliamentary process. The Dutch Council of State summoned the CJEU to resolve a dispute between the city of Amsterdam and a brothel operator. In short, the Amsterdam mayor denied a brothel operator permission to open two new brothels. This refusal was based on several police reports stating that the Hungarian and Bulgarian prostituted persons renting rooms near this brothel operator, “*could not communicate in a language understood during the preliminary interview process*” by the said operator. “*The management of the existing prostitute windows could thus not be organized in such a way to prevent abuse. For this reason, it is hard to believe that M.H. could ensure that no criminal offences would be committed against prostituted persons in these new prostitute windows (...)*” (*Official Journal of the European Union*, November 16<sup>th</sup> 2015).

On October 1<sup>st</sup>, 2015, the CJEU decided on this matter: an owner who rents out windows to prostituted persons must be able to speak with its tenants in a common language (Dutch, English, Spanish, German) in order to prevent abuse. This judgment not only supports the municipal policy on prostitution in Amsterdam, but, in a way, puts pressure on the Dutch Parliament to strengthen its laws on prostitution.

### **Cities Anticipate Legal Changes**

As the Parliament was slow to endorse the reform, several cities took the initiative to implement some of the measure included in the first bill to better combat exploitation and strengthen the position of prostituted persons. Alkmaar, for instance, has already increased the legal minimum age for engaging in prostitution from 18 years of age to 19. Since 2011, Utrecht has registered window prostitutes maintenance and medical checks every 2 years and, as of December 2013, set the minimum age of entry into prostitution as 21 (*National Rapporteur*, 2013). Amsterdam has also strengthened the regulations for obtaining licenses. As of 2016, Groningen has implemented a new regulation: obligatory records on prostituted persons, minimum age set at 21 years of legal age, penalizing the patrons of illegal prostitution...

### ***Utrecht Reconsiders its Red-Light District***

Some cities have taken more drastic measures: the municipality of Utrecht closed the last of the licensed establishments in the Zandpad district in July 2013. This included closing 162 floating windows (on barges), which were largely owned by the operating company Wegra (which was stripped of its licensing deals due to suspicions of human trafficking). Many criticized the brutality of this decision. The closing of windows brought people to the streets, as nearly 300 prostituted persons were now in danger of falling into the illegal sector. As a result, in

2013, the police tallied 14 illegal establishments after the closure of the Zandpad district as opposed to the three they tallied in 2012. Consequently, in December 2013, the city launched the possibility of a new prostitution district: 162 new settlements (to match the exact number of windows closed in 2013), equipped with surveillance cameras and proper lighting, in order to ensure the safest conditions for prostituted persons. After several delays due to conditions imposed by the municipality, the Council finally adopted the creation of the “Nieuwe Zandpad” in September 2015. The opening is projected for 2017, at the earliest. Additionally, in April 2015, a call for collaboration with prostituted persons, operators of prostitution establishments, residents and investors was introduced.

### *Amsterdam: Stepping Back*

In 2014, Amsterdam reported 15 official prostitute establishments (clubs and private spaces), 12 escorting agencies, and 402 windows (*Gemeente Amsterdam(b)*, 2015). For the mayor Eberhard van der Laan, “according to precise estimates, 10% of prostituted persons came here through human trafficking. There are between 4,000 and 7,000 prostituted persons in Amsterdam. This signifies that we are responsible for the rape of 400 people each night” (*Reformatorisch Dagblad*, November 13<sup>th</sup> 2013). Since 2007, the municipality has been renovating windows in the famous Red Light District (within the framework of Project 1012). The goal is to transition from 482 to 290 windows. In 2014, 80 windows had been closed however with numerous objections. In 2013, the owners and operators of several brothels filed an appeal against the municipal policy and the new land use plan. In July 2013, however, the municipality obtained reason and the State Council rejected the appeals. In April 2015, hundreds of prostituted persons took to the streets to protest against the closures of their windows, shouting “Stop closing our windows!” “Don’t save us, save our windows!” “You are stealing our job!” A few weeks later, activists of the movement PROUD (Dutch Union for Sex Workers) occupied three windows of the Red Light District in protest. The purpose was to protest against the closure of three facilities that were closed due to maladministration (their licenses were also suspended and with the new controls, it takes 2 to 6 months to obtain a new one). Following the protest, the city of Amsterdam expanded the Project 102 and reduced the number of planned closures. In the end, the Red Light District should count 351 windows (instead of 290); 46 windows remain open, which will include 15 windows managed by the prostituted persons themselves (*Iamsterdam.com*, November 20<sup>th</sup> 2015).

### *The Self-Management Model: A Valid Standard?*

The idea of self-directed brothels has indeed been central to the debate on prostitution in the Netherlands. The first cooperative of prostituted persons was established in Utrecht in August 2013, a few weeks after the closure of the floating windows in the Zandpad district. This organization, named Macha’s, after the word “macho,” consisted of a dozen prostituted persons, defending a model of independence with hopes of reopening self-managed brothels. This project ultimately failed.

In spring 2015, Amsterdam initiated a self-management project in prostitution windows. Within a few months, a study to test the project's potential feasibility was conducted in collaboration with prostituted persons and the humanitarian organization HVO—Querido, giving rise to the Eigen Raam Project (Project Own Window). The project envisions the creation of 15 prostitution windows, and 4 buildings in the Red Light District, accommodating anywhere from 40 to 50 prostituted persons. Spaces will be owned by an independent foundation in which the managing board will consist mainly of prostituted persons. The city will have no involvement in the operation of the business or management areas.

The goal of the project is to allow prostituted persons to avoid intermediaries, to improve their security, to modernize the sex industry and to reduce the stigmatization that is associated with prostitution. Since the project was announced, it has been accepted by the Ministry of Security and of Justice. That being said, there are some who are opposed to the plan, many of whom participate in the industry itself. "Only 15 prostituted persons are interested in Project Own Window," commented the prostituted blogger, Felicia Anna. However, the study conducted to evaluate the project's feasibility claims that it has received support from a number of prostituted persons. The opening of the first establishment is scheduled for mid-2016.

The Netherlands will be the leader in the fight against modern slavery; at least this is the assertion made in the 2014 report by the Walk Free Foundation (The Global Slavery Index), which ranked the country first, worldwide in this field. In fact, the Netherlands has taken real action to protect victims and prevent trafficking. The number of police investigations increases each year (294 in 2014 up from 253 in 2013). Protection programs for victims, especially child victims, have developed. Campaigns are conducted among the general public as well as to clients of prostituted persons to help them recognize the characteristics or signs of human trafficking. In 2014, nearly 13 million US\$ were to be allocated over 4 years to create a national network of assistance and rehabilitation programs for prostituted persons (*Dutch News*, October 13<sup>th</sup>, 2014). All actors involved have noted the ineffectiveness of the 2000 bill. After years of discussion and debate, however, this text continues to go unreformed and reforming bills continue to be passed back and forth between the Chambers and the government. It is thus left to the municipalities to find solutions to their problems concerning prostitution and criminal activity. That being said, the changes in Amsterdam's politics, a leading city in the debate on prostitution, and their experimentation with self-managed prostitution could mark an important step. However, are these measures enough to fight back against sexual exploitation?

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## New Zealand

- Population: 4.6 million
- GDP per capita (in US dollars): N/A in 2014 - 37,896 (in 2011)
- Parliamentary monarchy
- Human development index (HDI): 0.913 (9<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.157 (32<sup>nd</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 88 on a scale from 0 (highly corrupt) to 100 (very clean)
- No national official statistics on prostitution for 8 years. NGOs estimate a total of about 3,000 prostituted persons.
- Maoris over-represented in prostitution, particularly street prostitution.
- Minors belonging to the native communities are vulnerable to prostitution for survival
- Sex industry supposedly brings in 800 million NZ\$ (519.44 million US\$) per year in the country
- Regulationist country. The Prostitution Reform Act dated 2003 decriminalizes prostitution, the purchase of sexual services, soliciting and brothel managing
- New Zealand passed an anti-trafficking law (Crime Act) as early as 1961. The Dealing in Slaves Act and the Prostitution Reform Act (2003) more specifically criminalize sexual exploitation, carrying heavy sentences up to a 14-year imprisonment
- Two convictions for sexual exploitation of minors in 2014: 200 hours of community service and 10 months of imprisonment
- In New Zealand, most trafficking cases are related to forced labor
- According to NGOs there has been a significant increase in street prostitution these last years, particularly in Auckland, abuses in Christchurch in relation with street prostitution
- Country of destination for victims of trafficking with purposes of sexual exploitation.
- Most victims are from China, Hong Kong, Taiwan, South Korea, Thailand and Vietnam.

### Laws, estimates, evolutions

The 2003 Prostitution Reform Act (PRA) provided the legislative basis for the decriminalization of prostitution and its organization as a “commercial activity.” Prostitution,

brothels, soliciting and revenue sharing are allowed as long as there is no forced prostitution. Prostituting minors is forbidden and human trafficking is repressed. In 2013, the law on human trafficking was enacted in order to suppress virtual cases of trafficking even when the victim did not cross any borders (human trafficking within the country).

The latest official estimate delivered in 2007 by the Prostitution Law Review Committee estimated the existence of 2,332 prostituted persons compared to 2,396 in 2006 (*Ministry of Justice NZ*, 2008). This demonstrated some stability and enabled the government to claim that the PRA had only a limited influence on the sex industry. However, some NGOs mention estimates above 3,000 prostituted persons (*Fondation Scelles*, 2015). Among these 2,332 persons, a little more than half of them are supposedly in Auckland, 17% are supposedly involved in street prostitution and 52% are supposedly in brothels or work as escorts. However, a significant increase in street prostitution has occurred, particularly in Auckland, between 2006 and 2007 (+56%). Several residents of Christchurch have also noted that, as of the date of publication, street prostitution also takes place in the daytime (*Feminist Current*, November 24<sup>th</sup>, 2014). Streetreach is an NGO which helps street prostituted persons in Auckland and in Manukau City; they too have noticed a significant increase in visible prostitution. There has been no official estimate on prostitution for 8 years, so it is difficult to conceive the prominence of the prostitution phenomenon only using available testimonies from NGOs, academic studies and newspapers.

Very little information exists on the number of certificates granted to operators of brothels with a minimum of 5 prostituted persons. Although they must obtain a certificate from the Ministry of Justice, the latter communicates no data on this issue, except to the police. Do all establishments really have a certificate? Are they all registered? This could be doubted.

In Blenheim, in spite of suspicion and an advertisement published in a local paper by a prostituted person describing “large, luxury and appropriate rooms in the Gentlemen’s Club” (*The Marlborough Express*, April 22<sup>nd</sup>, 2015), the concerned District Council claimed they had validated no registration application from any establishment. These certificates are not necessary for the Small Owner-Operator Brothels (SOOBs) which are run by less than 5 people who share the “profits.” Many have adopted these structures because of the constraints on registered brothels (costs, operating hours) and the lack of clients. To date it is difficult to estimate the number of brothels as local councils may adjust the legislation to limit their number on a geographical level. The sex industry supposedly brings in 800 million NZ\$ (519,44 million US\$) per year in New Zealand (*Stuff.co.nz*, October, 27<sup>th</sup>, 2014).

### **Prostitution is not the presumed success story**

In June 2014 the Minister of Immigration, Michael Woodhouse, asserted that all the allegations concerning trafficking cases had been examined but none of them were justified (*Stuff.co.nz*, June 21<sup>st</sup>, 2014). According to the 2015 U.S. Department of State Report on Trafficking in Persons, there are probably very few actual cases of sex trafficking in New

Zealand. Only “risks of forced prostitution” are mentioned, concerning persons from China, Hong Kong, Taiwan, South Korea, Thailand and Vietnam. The document also points out that a few girls and boys involved in street prostitution are probably often of maori origin and exploited by other girls or gangs, even by members of their family. How much of this is the truth? Maori population represents less than 15% of all New Zealanders. As early as 2008, in a post-decriminalization survey, one third of the 772 questioned persons were maoris. Among the latter, 70% prostituted themselves in the street (NZPC, 2013).

Two traffickers were convicted in 2014 for child sex trafficking. One received a sentence of 14 months’ imprisonment and the other 200 hours’ of community service, whereas the maximum sentence for this offence is 7 years. These verdicts do not seem severe enough for perpetrators of child sexual exploitation.

In April 2015, a New Zealand woman born in Thailand was also sentenced to 27 months’ imprisonment for recruiting Thai girls whom she intended to prostitute illegally in Auckland. However, the PRA does not permit prostitution for temporary visa owners. After several visits to brothels and massage parlors between April 2014 and April 2015, (see the table below), the immigration services identified, no less than 42 women of foreign origin with temporary visas, practicing prostitution (*New Zealand Herald*, April 15<sup>th</sup>, 2015). Even without proof of any coercion, it is difficult not to consider a *modus operandi* which at least resembles “migratory plans” in order to practice a prostitional activity.

Nationalities of the 42 women identified	Temporary Visa Types
18 from China, 14 from Hongkong, 3 from Taiwan, 1 from Malaysia, 1 from Thailand, 1 from Fiji Island, 1 from France, 1 from South Korea, 1 from Japan, 1 from Brazil	25 visiting visas 8 student visas 7 work visas 2 expired visas

Source : Immigration New-Zealand

At first, one could trust the present, majority discourse that was easily exported and made this country the world leader in terms of “sex workers” rights, says Catherine Healy, the national coordinator of the New Zealand Prostitutes’ Collective (NZPC) (*20 Minutes Suisse/ATS*, March 1<sup>st</sup>, 2015). Decriminalization is an approach that is also widely supported by academics. On the one hand, the complete decriminalization of prostituted persons, clients, and brothels owners is supposed to make prostituted persons safer. According to Gillian Abel, Head of Department of Public Health and General Practice at the University of Otago in Christchurch, since decriminalization, prostituted persons are, “able to govern their own work, collaborating with their peers or electing to use third party management, such as a brothel operator. Sex workers can now request police assistance if they are exposed to violence, and report crimes without fear of being held accountable for involvement in the illegal acts themselves” (*The New York Times*, August 26<sup>th</sup>, 2015). For Sandra Ka Hon Chu, “studies show high levels of condom



use and a very low rate of HIV/AIDS among New Zealand's prostituted persons" (*Ottawa Citizen*, March 26<sup>th</sup>, 2014).

In March 2014, a prostituted person won her trial for sexual harassment against a brothel manager who was ordered to pay her a compensation of 16,454 US\$; this was viewed as a major first in the national press. The police applauded the verdict whose public impact should "serve to free the speech and encourage prostituted victims of violence to report assaults" (*Stuff.co.nz*, April 24<sup>th</sup>, 2015).

On the other hand, a study conducted by Dr Laura Meriluoto with a survey involving 724 prostituted persons shows that violence still occurs. "About 23 percent of all those surveyed had had money stolen or a client refuse to pay, 20 percent had been threatened with violence or received an abusive text message and 16 percent had been subject to physical violence, rape or been held somewhere against their will." The study clearly identifies that drug or alcohol addicted prostituted persons are more likely than others to be abused, particularly those who work on the street.

Besides, while the 2003 law was supposed to urge street prostituted persons to turn to brothels, it had the opposite effect, since prostituted persons have to bear some costs such as the room rent, the purchase of condoms, when in a brothel. Dr Meriluoto considers that "there are things that pull them to the street. Flexible work hours, they get to keep the money they make, it is anonymous and good if you need quick money for drugs" (*The Press*, April 22<sup>nd</sup>, 2015).

In February 2014, Anna Reed, the regional coordinator for the NZPC, reported incidents in Christchurch of migrants treating prostituted persons rudely, trying to get more for less, being abusive or stealing money afterwards" (*The Press*, February 10<sup>th</sup>, 2014). In Christchurch, the police declare that cases of violence and abuse against prostituted persons are reported at least once a month. "Most violent acts are not even reported by the victims," detective Sweeney adds, although the police and the NZPC repeatedly encourage prostituted persons to do so. In March 2014, two prostituted persons were attacked in Christchurch on the same night (*The Press*, June 26<sup>th</sup>, 2014). It is "ridiculous" to say that New Zealand is "good for sex workers" (*Family First NZ*, May 25<sup>th</sup>, 2015). As early as 2012, the Prime Minister John Key claimed that legalization had failed to protect prostituted persons and put an end to the prostitution of minors. A series of striking testimonies from women describing their professional life and their view of prostitution on Manchester Street (Christchurch) leaves no doubt about the hard reality of the environment, which is far from the ideal image supporters of the legalization of prostitution would want others to believe (*The Press*, 4 April 4<sup>th</sup>, 2015). Their words are strong and make reference to the indescribable violence they experience: "yes, it's hard (...) I just hate myself (...) It's not nice, it's never so (...) this son of a bitch of street." Their futures have been ruined, their parents have abandoned them or sold them in the street, or in brothels when they were very young and they have often been victims of sexual abuse in their childhood. "I've been to over 200 brothels, my father gave me up to a gang." The following testimony expresses even more violence: the Streetreach NGO met with a prostituted person, she told them she operated in massage parlors between the ages of 14 and 17 and had to receive up to 20 clients each night in shipping

containers. During this she dreamt of one thing: getting out of it all. “I can honestly say getting out of prostitution was the best move I ever made” (*Malaysia Chronicles*, July 22<sup>nd</sup>, 2014).

### **Are minors present or not?**

There are opposing versions as to whether or not the prostitution of minors exists. The PRA of 2003 prohibits prostitution for people under 18 particularly in sections 20, 21 and 22. Georgina Beyer, a former prostituted child and today a member of Parliament, says “she has found no evidence to support claims of underage sex workers prowling the streets of Otara in South Auckland (...) I went out on the streets last night (...) and was escorted around. Unfortunately, nothing much was happening” (*Sunday Star Times*, April 7<sup>th</sup>, 2013). On the contrary, the Maori Wardens consider this prostitution exists. Gordon Wright, Head of the Maori Wardens believes that “police weren't looking in the right places” (*Sunday Star Times*, April 7<sup>th</sup>, 2013). The girls arrange appointments with their clients in places that are not usually supervised. The Head of the West Manukau County police emphasizes: “a taskforce had been set up, but no evidence of child prostitution was found.” According member of Parliament Assenati Lole-Taylor, however, there are most likely girls between the ages of 13 and 15 who prostitute themselves in Otara neighborhoods. Most of them are supposedly Maories “but there are also Samoan, there are a few Tongan, a huge number of Cook Island Māori and there are a number of Chinese girls” (*Pacific Scoop*, April 6<sup>th</sup>, 2013). A 2004 post-decriminalization study already showed an over-representation of the Maoris in survival prostitution, up to 40% (*ECPAT NZ*, 2004).

Three kinds of prostitution can be clearly distinguished: survival prostitution, prostitution under a third person's constraint, and prostitution without “visible” constraint. According to ECPAT New Zealand, even if procuring does occur, a certain number of these girls act on their own. One can still wonder whether minors are capable of giving their consent to a sexual act when they have not yet acquired the social and emotional maturity or the perspective necessary to make important decisions. Survival prostitution is the most common form of prostitution practiced by minors. How many of them? It is difficult to give a precise estimate. In 2014, Susan Glazebrook, a Supreme Court judge, estimated that 200 minors were illegally involved in prostitution (*Waikato Times*, 9 juin 2014). ECPAT New Zealand estimated the number to be at 195 in 2001, 145 among whom were under 16 (*Aotearova New Zealand Social Work*, 2014). The hidden feature of this prostitution makes it difficult to assess. The financial transaction must be proved. Once the minor is in the car, only presumptions are possible. The legal definition of the facts remains uncertain even if most observers agree on the final nature of the practice. Lynn Brown is a Maori Warden who claims that some girls are forced into prostitution by their family: “It's fast money for them. Some of them are my nieces, my cousins, pretty much family...” (*Manukau Courier*, 5 avril 2013). This prostitution is thought to exist both in urban areas and rural environment (*Aotearova New Zealand Social Work*, 2014).

Tina Herewini, another Maori Warden, states that there are probably around thirty of them in Otara downtown. “I don't know which ones are prostituted persons but there is also a line of cars leading up the lane into the parking lot. You see the girls talk with the drivers and then hop in the cars and drive a few more meters into the parking lot...” (*New Zealand Herald*, March 27<sup>th</sup>, 2013). According to Debbie Baker, a member of Streetreach, this form of prostitution is constantly and quickly changing. While walking in the streets it is possible to notice no hints of it one day and encounter many the day after.

She adds: “Yes, there is a problem of minors’ prostitution.” Some are prostituted by gangs, sometimes exploited in exchange for a mere cigarette pack. “The youngest that I’ve seen is 14” (*Radio Australia*, September 13<sup>th</sup>, 2012).

Natalie Thornburn has interviewed about 10 prostituted children in Auckland streets who are now between 16 and 20 years old. Her study shows the harsh realities of this prostitution (*Thornburn*, 2014). “All of the girls I interviewed had been raped or sexually abused” (*NZCatholic Newspaper*, August 5<sup>th</sup>, 2015). Their portraits are very much the same: chaotic lifetime, family structures shattered, if not missing, despair, addictions... Thornburn expresses her astonishment: “Some of the teens would don school uniform and attend classes, having been out all the previous night as prostituted persons. I ask myself how someone can go to school everyday under the influence of meth without anyone realizing. One girl, for example, spoke about being repeatedly punched in the breast by a client who paid 50 NZ\$ [32,5 US\$] for this privilege” (*NZCatholic Newspaper*, August 5<sup>th</sup>, 2015). Sexual violence seems trivial and almost normal when these young people are speaking about it. Furthermore, three prostituted children claimed they were sexually abused by the very people who were supposed to help them (social services, police) (*Radio New Zealand*, June 20<sup>th</sup>, 2015). They have no trust in the system or the authorities anymore. They won’t lodge a complaint because they just want to forget.

As for child prostitution in relation to gangs, the Ministry of Justice website mentions that there are probably links between both, it might imply girls dating groups of young men possibly organized as gangs, rather than stories of “procuring or coercion” (*Ministry of Justice NZ*, 2008). However, this does imply a form of domination and exploitation. The process and its characteristics have been known for a long time: emotional grooming, isolation from their family, threats cleverly interwoven with affection. The New Zealand Police Association has confirmed that some girls are under male gangs’ control, but also sometimes under their own family’s control. Others probably ask their friends to find clients and organize appointments for them (*Police News*, May 2013).

This brings about the question of whether legislation like the PRA can be properly adjusted to suit the needs of prostituted children and combat child prostitution. For these victims there is no plan that is sufficiently adapted to their needs. One can inquire about the silence and lack of action surrounding the survival prostitution of young people; The decriminalizing legislation is widely supported by the “sex work pros” but it eludes reality in spite of numerous testimonies. In 2015, the government passed a new law which authorizes the creation of a database to record the names of child sex offenders, providing they were of age (18 or above) when the act was

perpetrated. The accused will remain in the database for 8 to 15 years depending on the gravity of the crime. It aims to allow the specialized police units to prevent subsequent crimes and to promote the protection of children (*New Zealand Herald*, August 13<sup>th</sup>, 2015).

### **Failed attempts to modify the law**

While the Parliament was relatively divided in 2003 concerning the PRA, which was finally adopted with 60 votes for, 59 against, and 1 abstention, the latest attempts to modify the law have been rejected by the New Zealand Parliament with a strong majority. In May 2013, Elizabeth Subritzky, the director of Freedom from Sexual Exploitation, and presented Parliament with a petition signed by nearly 3,000 people, demanding a national action plan intended to fight against street prostitution and the penalization of the purchase of sexual services (*House of New Zealand Representatives*, 2013). Subritzky thinks the PRA “not only encouraged more men to buy sex, but transformed prostitution into an acceptable, even attractive job for young, poor women (...)” (*Stuff.co.nz*, November 22<sup>nd</sup>, 2013). She was accompanied by survivors of prostitution who gave edifying testimonies about their lives. They suffered abuse, addictions and had a strong desire to leave the violent spiral. She emphasized that the enforced legislation failed to stop this horrible cycle of circumstances and caused prostituted persons to find themselves in similar situations. The Parliament Committee was touched by these testimonies and immediately declared its intention to examine the petition. However, the latter was rejected in November 2014 on the grounds that no jurisdiction this far, had been able to eradicate could ever stop street prostitution. The Committee also justified their decision by arguing that prohibiting street prostitution would have negative consequences on prostituted persons’ safety and health because it made the activity more clandestine. C. Healy thinks such a moderation in the legislation (penalization of the clients) would represent a move back “to those dreadful days” when the prostituted persons “had to duck and hide” (*3NewsNZ*, February 13<sup>th</sup>, 2014). The police had the same point of view, as they think a change in line with the petition would make the identification of trafficking cases more difficult.

A draft law in Manukau Council was rejected by an even greater number at a second hearing, where it lost by 109 votes (versus 11 in February 2015); after a 4-year long dispute between opposing sides. Historically opposed to the 2003 reform, the Manukau Council already protest through its 197-1 proposition for the limitation of prostitution within specific areas in order to separate it from “residential areas, schools and churches” (*Fondation Scelles*, 2013). This proposition was supported by Family First NZ and by A. Lole-Taylor but it faced a strong opposition from the Green Party and the NZPC. After a series of failures in 2005 (73 votes versus 46) and in 2010 (82 votes versus 36), the supporters of the suppression of prostitution now find it very hard to continue to support their position. According to Bob McCoskrie, the director of Family First NZ: “How can we be serious about reducing sexual violence against women when the state legitimizes the sexual abuse and exploitation of vulnerable people” (*Family First NZ*, May 25<sup>th</sup>, 2015). The cohabitation of prostitution activities with public areas or

residential neighborhoods remains a difficult issue. Local councils have little support from the legislation, however, Parliament is convinced that it has adopted the best solution and follows the PRA line engaged in 2003, and remains unwilling to change its direction.

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## Nigeria

- Population: 178.5 million
- GDP per capita (in US dollars): 3,203
- Federal regime
- Human development index (HDI): 0.514 (152<sup>nd</sup> rank among 187 countries)
- Gender inequality index (GII): NA
- Corruption Perceptions Index (CPI): Score of 26 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the African Union since 1963.
  
- No official national statistics on prostitution.
- In Nigeria, 50,000 young women between 9 and 17 years of age are victims of sex-trafficking. Over 50,000 undocumented immigrant Nigerian girls engage in prostitution in Europe and Asia (10,000 in Italy). At least 20,000 Nigerian women are victims of exploitation in Mali (*Fondation Scelles*, Prostitution by country). There is an estimated male prostitute population of 865 in Lagos, 642 in Kano, and 358 in Port Harcourt.
- Prohibitionist regime. Prostitution is illegal, as well as all forms of organization (procuring, prostitution establishments) and incentive (incentive constraint). The purchase of sexual services is not punished. The 2003 Trafficking in Persons Law Enforcement and Administration Act, amended in March 2015, condemns trafficking for sexual purposes with minimum 5 years' imprisonment (7 years when the victim is a minor) and 5,470 US\$ (5,054 €) fine.
- 30 convictions for human trafficking in 2014, against 42 in 2013 (*U.S. Department of State*, 2014). Sentences involving Nigerian sex trafficking had been pronounced in all the regions of the world where they are active.
- A third of the prostituted population could be HIV-positive. The Anti-Gay Bill, passed in November 2011, condemns homosexuality up to 14 years' imprisonment, which makes male prostitutes more precarious.
- Boko Haram plays a major role in Northern Nigeria, abducting women and girls for the purpose of sex slavery. In April 2014, 276 schoolgirls were abducted in Chibok. This raised international mobilization around the #Bring back our girls campaign.
- Significant domestic trafficking. The victims are often from rural areas and are prostituted in brothels in major cities, especially in Lagos and Edo State.

- Origin, transit, and destination country for sex trafficking.
- Victims are sent to Western Europe (especially Italy, Belgium and Netherlands), the Gulf countries, the neighboring Western African countries (especially Mali), Malaysia, Morocco, Libya and Turkey.

According to the 2014 U.S. Department of State Report on Trafficking in Persons, Nigeria is a origin, transit, and destination country for human trafficking with the purpose of sexual exploitation. International destinations include Italy (60-80% of girls trafficked abroad), the Czech Republic, Denmark, Finland, France, Germany, Ireland, Malaysia, Norway, Saudi Arabia, UK (Scotland in particular), Slovakia, Spain, Sweden, Switzerland, Turkey, as well as the Middle East and Central Asia (*Review of European Studies*, 2014). Belgium and the Netherlands are experiencing an upsurge in arrivals of Nigerian victims of sex trafficking. National and regional destinations include Lagos, Port Harcourt, Libya, Mali, Morocco, and the “AIDS corridor” that spans the oil-producing areas of Nigeria, Cameroon, and Chad.

Although the Nigerian economy has seen high economic growth rates, at 5.4% GDP growth in 2013, the entire population has not enjoyed the benefits of this growth. The vast majority of foreign direct investment, mostly by transnational corporations, is in primary commodity production and mineral-extracting industries. This commodity-driven economic growth doesn't create jobs, meaning that the formal sector is creating a larger gap between capital owners and individuals who can no longer find steady employment. Unemployment and job insecurity have increased while real wages have deteriorated, especially among the poorest income group. Nigeria's Structural Adjustment Program has arguably worsened this trend due to a significant decrease in public benefits, employment embargos, currency devaluation, and the preference for a “corporate development model” that suppresses workers' rights (*Third World Quarterly*, 2013). Additionally, the Nigerian government provides no compensation to unemployed persons, forcing many to accept precarious poverty jobs in the increasingly large informal sector. Commercial sexual exploitation and other forms of trafficking play a major role in the informal market. The majority of brothel-based female prostitutes in Kaduna Metropolis are literate (80% Junior high school have finished at least), meaning that they are employable but cannot find other jobs (*Research on Humanities and Social Sciences*, 2013). A prostituted man explained that the government does not offer a conducive environment for him and others to thrive as graduates. While these studies do not represent the entire demographic of prostituted persons in Nigeria, they show that many educated people have not been sheltered from the violence of sexual exploitation.

On an individual level, the main motive of a person accepting an offer from a sex trafficker is better financial opportunities for themselves or her/his family. With an adult literacy rate of 51.1% and a female adult literacy rate of 41.4% in 2008 according to the World Bank, low literacy, high unemployment, gender inequality, and poor living standards leave people with few choices. This literacy gap is illustrative of prevailing gender inequality: women have less access to education and economic opportunities. Although little stigma exists against divorced men,



divorced women are urged to remarry, with one of the few alternative options being prostitution, especially in cases where the woman in question must care for her children (*Transition*, 2014). In the case of child trafficking, many families consent out of financial necessity, and are ignorant to the harsh realities awaiting the trafficked girl.

The increase in commercial sex migration from Nigeria to parts of Europe has actually lessened the impact of unemployment. Remittances from commercial sex migrants have helped their families escape poverty, and contributed to the larger goal of alleviating extreme poverty in Nigeria (*Journal of International Women's Studies*, July 2013). It is important to note, however, that prostituted persons are not free agents; they are stuck in a stratified social system where their only hope to escape poverty is through prostitution.

### **Sex Trafficking Networks**

The relatively small risk in human trafficking for sexual exploitation makes it more attractive than illegal drug or arms trafficking. Organized crime with both local and international networks often recruit young women with promises of material benefits and travel. According to a study of prosecution files on criminal Nigerian syndicates in Belgium, Nigerian sex traffickers generally have no long term vision and no intention to create legal structures to hide their activities, which is much more common among eastern European networks (*International Journal of Criminology and Sociology*, 2013). Defendants were mostly Nigerian between the ages of 30 and 40 and in each case a Madam played a key role. Nine of the files had ten or more defendants, meaning there are criminal organizations at work in Belgium, the Netherlands, Italy, and Germany. These mafia-like organizations and cartels with well-connected networks are difficult and risky to infiltrate. They usually operate internationally through corruption while remaining in contact with their pyramid structural network in Nigeria. These networks primarily traffic women for the purpose of prostitution, but also take part in smuggling and forced marriages. Coercion methods include debt bondage (typically ranging from 25,000 US\$ to 50,000 US\$ / 23,100 € to 46,195 €), physical violence, voodoo spells, confiscation of travel documents and the threat of reprisal attacks against family in Nigeria. Consequently, victims usually refuse to testify against traffickers in court.

In the case of child trafficking, traffickers coerce boys and girls into trades that do not exist in order to be exploited for prostitution and other forms of trafficking. Traffickers frequently fake advantage of the extended family system - including aunts, uncles, and distant cousins - to reach victims. In the past, children were engaged in domestic services through direct agreement between the child's parents and the employers, sometimes including an arrangement to receive an education or vocational training. This connection to the child's parents has been eroded as middlemen increasingly procure children from poor rural families to work in urban households, but many of them are then sold into prostitution without ever reaching their promised household.

When the main objective is sexual exploitation, the routes traffickers commonly take travel through the West Coast of Nigeria, Mali, Morocco, and then by boat to Spain; or through the

West Coast of Nigeria, Libya, and Saudi Arabia. 90% of traffickers travel by road across the Sahara Desert; others through airports, seaports, and scrublands (*Review of European Studies*, 2014). Victims travel together accompanied by constantly changing traffickers, and are subjected to rape while traveling from Nigeria to Cotonou, Ghana, Mali, and Morocco. If they fall ill they are abandoned along the way.

The increasing power of non-state actors, including trafficking networks and terrorist organizations, reduces the state's capacity to combat sex trafficking (*Falola*, 2013). The terrorist organization Boko Haram, although not focused primarily on sex trafficking, has played a major role in northern Nigeria. They have abducted women and girls in northern Nigeria, some destined for sex slavery through forced marriages to its militants. Due to the nature of their terrorist organization, little data exist on their precise role in human trafficking and prostitution, but it is clear that they are exacerbating gender inequality under the guise of Islam and Sharia Law.

Madams, intermediaries of Nigerian origin, have close control over the victims. Usually a former prostituted person who has bought her liberty, she is the leader of the prostituted women and keeps order within the rooms and between clients and women. Her involvement allows businessmen to stay further from the criminal activity. The success of Madams also attracts victims to sex trafficking. Madams have become an integral part of the network by recruiting and training girls, and in exchange they often become wealthy and move home, where they have enough money to build one or several houses.

### **Conditions of prostituted Nigerians**

There are over 50,000 undocumented immigrant Nigerian girls engaged in prostitution in Europe and Asia, with about 10,000 Nigerian prostituted girls in Italy alone (*Journal of International Women's Studies*, July 2013). Approximately 92% of Nigerians trafficked to Europe for the purpose of sexual exploitation are from Edo State, mostly from the population group known as *Binis*, from Benin City (*International Journal of Criminology and Sociology*, 2013). In most countries where Nigerian girls are taken, they cannot access medical care, are subject to risky sexual behavior and forced to have sex with sometimes as many as 30 men a day (*Review of European Studies*, 2014). This trafficking within and from Nigeria leads to loss of lives, increased prevalence of STDs and HIV/AIDS, increased violence, poor national image, massive deportation of Nigerian women, and in the case of child victims, an increased school dropout rate and impaired child development. Young girls and women trafficked to foreign countries often send remittances, and are seen as economic liberators for their families and communities at home.

Brothel-based commercial sexual exploitation is acknowledged as a booming business in North and Central Nigeria, and Edo State, in the south, is considered Nigeria's hub for sex trafficking (*Global Journal of Human Social Science*, 2013). Nigerian brothels have a strict hierarchical structure, with the owners rarely appearing since they function through managers

and Madams. Prices vary according to specific sex styles, rules, the level of involvement and engagement, cultural norms and values and the client's socio-economic affluence. The prevalence of this activity does not however increase societal acceptance of prostituted individuals, who are often disowned and rejected by their relatives and friends.

Additionally, prostituted individuals in Nigeria are vulnerable to being used for moneymaking rituals, referred to as "blood money." These rituals require body parts, which are taken to witch doctors, traditional medicine practitioners, and juju priests. To create instant wealth, ritual murderers use sacrifices of "genital hair, sex organs, semen, vaginal fluid and breast tissue, among others" (*Culture, Health & Sexuality: An International Journal for Research, Intervention and Care*, 2013). Similarly, some victims have been forced to lick wounds of certain clients because the latter have been led to believe it will bring them wealth. Clients who abuse others for ritual practices are often older men who are ready to pay large and suspicious amounts of money for sex, and usually the prostituted person dies within days following the activity.

Because prostitution is legal in many nearby countries, traffickers bring Nigerians to or through these countries where they are able to operate more easily. Nigerian authorities cannot persecute international networks that span these countries due to the legality of their operations in some of these countries. Traffickers bring girls to Mali under the pretext of taking them to Europe, but instead abandon victims to brothel owners after crossing the porous international border. These traffickers demand as much as 10,000 US\$ (9,239 €) from victims for transportation costs. Because prostitution is legal in Mali, the brothels are usually secure and can contain as many as 1,000 Nigerian girls. Victims are denied outside contact until they pay their debts, and there is little chance for escape. Some die and are buried within the brothels' premises (*Review of European Studies*, 2014). Prostitution is also legal in neighboring Benin and Burkina Faso, so traffickers are more secure as soon as they cross into these countries.

Young girls trafficked to Europe for the purpose of sexual exploitation are forced into unwanted sexual activity, and then abandoned when they are no longer profitable or if they become too hostile. In Belgian prosecution cases of Nigerian trafficking networks, 26 of 27 involved female victims of sex work, ten of which involved minors (*International Journal of Criminology and Sociology*, 2013). Most cases involved around ten Nigerian victims.

### **Men and same-sex relations**

After the Nigerian government passed the Anti-Gay Bill into law in November 2011, the Nigerian Criminal Code Act and Sharia Penal Code in Northern Nigeria condemn homosexual activities with fourteen years imprisonment. Regardless, there is an estimated prostituted male population of 865 in Lagos, 642 in Kano, and 358 in Port Harcourt, and a large proportion of gay men report either selling or purchasing sex from other men. According to a survey conducted among English-speaking urban prostituted men in Nigeria, having a friend as a prostituted male

was imperative to being introduced to the industry (*Culture, Health & Sexuality: An International Journal for Research, Intervention and Care*, 2013).

Prostituted men face abuse from clients, police, and other members of society and cannot seek justice. They face discrimination, especially in the realm of healthcare, where they are often refused services. As a result they resort to self-medication or visiting traditional healers who don't discriminate. Some report being forced to have unprotected sex with policemen, who refuse to pay the agreed-upon price after sex, and threaten to expose them. All respondents have learned to avoid policemen because of the threat of extortion, blackmail, and arbitrary arrest. Many men are unable to negotiate condom use because of their economic dependency on clients, which puts them at risk of further exploitation and increases HIV/AIDS susceptibility. Victims surveyed also reported threats, physical abuse, powerlessness and insecurity. Cross-generational sex was commonly reported. The client's coercive power is increased when the meet-up takes place in a client's home, which happens often due to the illegality of both same-sex activity and prostitution. A 22-year-old victim recounted being forced to have unprotected sex in a client's home because he didn't have transport fare, and later tested positive for HIV/AIDS. Much like in other cases of prostitution, the prevailing opinion among clients is that they had paid for these men's bodies so they could do whatever they wanted with them.

### **Government Efforts, Rates of Success, and Recommendations**

The Nigerian government is making significant efforts to eliminate trafficking, but does not currently comply with global minimum standards, according to the 2014 Trafficking in Persons Report. Sex work is criminalized in the Nigerian Criminal Code under the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act of 2003. It prescribes penalties of ten to fifteen years of imprisonment, a fine equivalent to 1,250 US\$ (1,150 €) (*U.S. Department of State*, 2013), or a combination of the two. In the case of fines, both Nigerian officials and the international community believe the law does not go far enough. A bill passed by Senate in March 2014 creates stiffer penalties, the minimum including 5 years' imprisonment and a fine equivalent to 500 US\$ (462 €) (*Premium Times*, March 19<sup>th</sup>, 2014). While this act is a step forward, legislation needs to give prosecutors more authority and further restrict judges' ability to substitute fines for sentences. Additionally, despite the comprehensive protection that the Child Rights Act of 2003 is supposed to provide, many children are trafficked for the purpose of sexual exploitation due to the weak enforcement of the law coupled with lack of prevailing knowledge that child trafficking is a violation of human rights.

The government should continue aggressively pursuing trafficking investigations and ensuring adequate sentencing of convicted traffickers, as well as continuing their training programs on identifying trafficking victims for police and immigration officials. It needs to increase investigations of corrupt government officials complicit in trafficking offenses and better involve traditional leaders and members of the public in the fight to eradicate sex trafficking. This task is not easy, as government anti-trafficking campaigners travel with armed

police escorts due to hostility from both women and men, but involving opinion leaders in the process will advance their goals.

Nigeria has a cooperation agreement to fight child trafficking with the Republic of Benin, and has discussed new bilateral agreements with Niger and Cameroon. The government has also assisted in trafficking investigations involving Nigerians in Ivory Coast, Belgium, Czech Republic, Finland, France, Germany, the Netherlands, Norway, Taiwan, and the United Kingdom (*Premium Times*, March 19<sup>th</sup>, 2014). However, cooperation does not go far enough, as is evident in a study on Belgian trials complicated by the inability to prosecute certain accomplices remaining in Nigeria, and therefore outside of jurisdiction. Additionally, the government has not implemented a formal procedure to facilitate the return and reintegration of Nigerian victims, depriving many of affordable and adequate care upon their return (*International Journal of Criminology and Sociology*, 2013).

The National Agency for Prohibition of Traffic in Persons and Other related Matters (NAPTIP) has made huge strides against trafficking in Nigeria, but still faces major challenges. Insufficient budgetary allocations restricts its ability to fight human trafficking and provide victim rehabilitation. Inadequate statistics on trafficked persons make research and planning difficult. NAPTIP specifically recommends aggressive campaigns, adding information of the dangers of trafficking to school curriculum, fighting gender inequality, international cooperation in persecution, increased border security, poverty and unemployment alleviation programs, and increasing NAPTIP capacity, which would increase prevention and rehabilitation capabilities (*Anuforum*, October 2014).

Its shelter capacity, which houses and provides reintegration services on a short-term basis, increased to 313 victims in 2014. In July 2014, NAPTIP and the Nigerian Educational Research and Development Council (NERDC) signed a Memorandum of understanding (MOU) to add anti-trafficking curriculum to primary and secondary schools, which will increase awareness and prevention efforts (*NAPTIP Press Release*, July 24<sup>th</sup>, 2014).

Due to prostituted persons' economic dependency on clients, recent government educational campaigns to decrease the spread of HIV/AIDS have had little success. As many as one third of prostituted person in Nigeria are estimated to be HIV positive (*Research on Humanities and Social Sciences*, 2013). High HIV/AIDS prevalence in the region is attributed to structural factors such as poverty, prostitution, concurrent sex partnerships, and migration. A study conducted in Asaba, Port Harcourt, and Uyo looked at brothel based, street based, and nightclub based female prostituted persons in the region. It found that 90% of respondents used condoms with clients, but that about half would be willing sex without a condom if the client paid more. Only 10% of respondents reported a willingness to quit their activity because of the high risk of HIV/AIDS (*Research on Humanities and Social Sciences*, 2013). Although misconceptions do exist among prostituted people on the mode of transmission of HIV/AIDS, the largest inhibitor to decreasing HIV/AIDS prevalence is poverty, which not only forces people into prostitution as a survival tactic, but also forces them to comply with client wishes despite future consequences for themselves and society as a whole.

Various campaigns in the Nigerian media aim to increase HIV/AIDS awareness and condom use. They aim to lower HIV/AIDS prevalence in society through education about transmission and safe behaviors to avoid the disease. Officials have argued that these campaigns should be restructured to better target young people, for instance by using social media. But these campaigns do not change the aforementioned structural issues that force people into prostitution, and prostituted persons still engage in high-risk activity because their economic survival depends on it.

The most significant way to reduce prostitution and sex trafficking in Nigeria would be through poverty reduction plans. The government must create an environment that provides employment opportunities for poor Nigerians. Additionally the tradition of rich households employing children to work as housemaids should be discouraged, as it allows traffickers to manipulate poor families with the promise of this type of employment. Legislation with more enforceable and severe penalties against sex trafficking and its patronage would also combat this phenomenon.

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## Norway

- Population: 5.1 million
- GDP per capita (in US dollars): 97,307
- Constitutional monarchy with a parliamentary system
- Human Development Index (HDI): 0.944 (1<sup>st</sup> rank among 187 countries)
- Gender Inequality Index (GII): 0.067 (9<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 87 on a scale from 0 (highly corrupt) to 100 (very clean)
- No official national statistics on prostitution. Unofficial sources estimate that there are 1,500 'indoor' prostituted persons and 1,200 outdoor prostituted persons in the four principal Norwegian cities (*Fondation Scelles*, 2013).
- Abolitionist regime. The purchase of sexual services, considered a criminal offense since the law of December 12<sup>th</sup>, 2008, is punishable by a fine as well as a possible prison sentence of up to six months or a year. Procuring is punishable by up to five years of imprisonment.
- Trafficking in human beings is punishable by imprisonment for five years or 10-15 in aggravating circumstances (Article 224 of the Criminal Code).
- In 2014, 36 cases of trafficking for prostitution were reported, two of which were subject to trial.
- Overall, since the promulgation of the law criminalizing clients, prostitution has decreased by 20-25%.
- Country of destination for victims of trafficking for sexual exploitation.
- Principal origin countries: Eastern Europe (Bulgaria, Romania, Albania, Lithuania), Africa (particularly Nigeria), Brazil, Philippines, and increasingly, Syria.

Norway is one of two Scandinavian countries that are not a part of the European Union (the other being Iceland). Twice, in 1972 and 1994, the Norwegian people refused the country's accession to the European Union in a referendum. However, Norway is founding member of the Council of Europe, which it joined on May 5, 1949. According to a 2013 report by the Council of Europe Expert Group on Action against Human Trafficking (GRETA), Norway is primarily a country of destination for victims of human trafficking. The U.S. Department of State Report on Trafficking in Persons also supports this claim. Most of the victims identified are probably



foreign nationals. Norway is ranked as Tier 1 by the U.S. Department of State as one of the countries that fulfills the minimum standards for preventing and fighting against human trafficking.

### **Alarming current estimation: increasing number of identified victims**

The financial crisis, which affected most European countries, made Norway an attractive target country for traffickers. Thus, the Norwegian police have been tracking more and more cases of trafficking victims. In 2012, 349 victims were investigated, 27% more than in previous years (*KOM*, 2012). In 2013, the Norwegian government identified and provided assistance to 350 victims of trafficking (227 women, 35 men, and 88 children) (*U.S. Department of State*, 2014). That same year, the Norwegian authorities investigated more trafficking cases than all previous years (30 investigations), although the number of actual convictions declined. In April 2014, the Norwegian police dismantled a large international trafficking network for prostitution in Bergen, the second largest city in Norway. The traffickers were students and workers of Nigerian origin, legally residing in Norway, which facilitate the exploitation of a dozen women for many years. Victims of trafficking for prostitution in Norway are mostly from Eastern Europe (Bulgaria and Romania), Africa (Cameroon, Democratic Republic of Congo, Eritrea, Ghana, Kenya, Niger, and Nigeria), Brazil, and the Philippines. The number of foreign prostituted persons in Norway has increased in recent years according to some Norwegian associations. The Church's City Mission (Kirkens Bymisjon), a center for prostituted persons, helped 987 people from 53 different countries in 2013 compared to 41 countries in 2012 (*NewsinEnglish.no*, July 24<sup>th</sup>, 2014). Only 70 of those who received aid were Norwegian. There was a significant increase in people originating from Bulgaria and Albania. This may be a result of Norway's severe rules on labor and migration.

### **Legislative Reform in 2008: The Criminalization of Clients**

Human trafficking is criminalized in Article 224 of the Norwegian Penal Code, providing for imprisonment of up to five years. In its 2013 report, GRETA considered this penalty to be too light. A law amending the Penal Code was adopted in 2005, providing for an increase in the length of imprisonment to six years, but it has not yet been put into force. Various aggravating circumstances are listed in the Penal Code, so the term for imprisonment can be extended to 10 or even 15 years. The knowing use of services from a trafficked person is also punishable. Although the sale of sexual services is tolerated, buying has been a criminal offense since the law of December 12, 2008 (Article 202a of the Penal Code), which came into force on January 1, 2009. The penalty for the purchase of sexual services is a fine, which can be accompanied by imprisonment for up to six months or one year depending on the circumstances. By outlawing the purchase of sexual services, the Norwegian government aimed to change public attitudes, reducing the size of the market by constraining supply and demand, prevent prostitution and,

therefore, sexual exploitation. The law also aims to protect prostituted persons and help them escape this activity. It is also applied extraterritorially; so Norwegian citizens or people living in Norway who buy sexual services in Norway or abroad can also be convicted. This legal activity has thus become increasingly rare in Norway. Finally, procuring is also illegal (maximum five years imprisonment) as well as advertisements for prostitution and public announcements of offers, arrangements, and applications of sexual services (maximum six month imprisonment). In early January 2014, the Oslo court sentenced an 80-year-old Norwegian to a fine of 2,400 € (2,600 US\$) for soliciting the services of a prostituted person. He is likely the oldest man to have been convicted under this law. If he refuses to pay the fine, he will be required to serve 15 days in jail. According to a survey by Sentio for the Klassekampen newspaper, 65% of Norwegians are in favor of criminalizing the purchase of sexual services.

### **A Law Still Criticized Today**

Some claim this ban on the purchase of sexual services drives prostituted persons to operate secretly, consequentially making them more vulnerable and exposed to violence. Norwegian organizations that help prostituted persons, such as Prostitueres Interesseorganisasjon i Norge (PION), and research institutes such as Fafo, are also opposed to the penalization of the client.

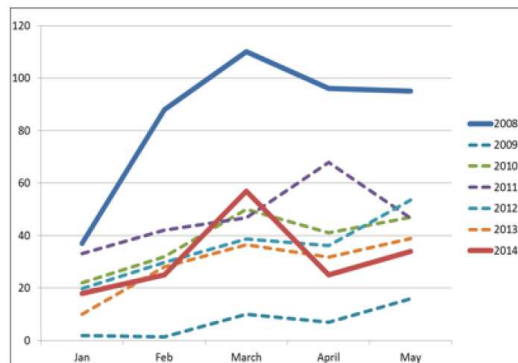
On the other hand, the Norwegian police rule out the possible danger of this law; the National Rapporteur of Human Trafficking, Kajsa Wahlberg, said, “the fewer women in prostitution, the less violence”. *Pro Sentret*, a field association of Oslo, plays a major role in the criticism of this law. It has published studies (*Fair Game* in 2008 and *Dangerous Liaisons* in 2012) designed to prove its danger and has claimed that violence against prostituted persons has only increased since the criminalization of clients. However, these studies should not be immediately trusted. The sample sizes are too small to be representative and they were not analyzed in the same durations. Also, all violent occurrences are combined and their frequency is not taken into account. *Pro Sentret* does recognize that there has been a decline in the number of prostituted persons and clients. However, it is important to recognize that this secrecy enables clients to demand anything they want from prostituted persons.

### **A Positive Assessment of the Law**

Five years after the adoption of the law criminalizing the purchase of sexual services, the Norwegian government now wants to evaluate its results. This prohibition has been greatly debated in Norway because of the moral and ethical questions that it raises. A report on this evaluation was commissioned in the 2013 Fall by the Norwegian Ministry of Justice and Public Security. Published August 11, 2014, this evaluation was conducted independently by *Vista Analysis* from January to June 2014 (*Rasmussen*, 2014). The report is nearly 200 pages long based on interviews with prostituted persons, the police, and support organizations. The main contribution of this evaluation is that the ban on sexual services has led to a reduction in the

demand because the clients are afraid of being prosecuted. In fact, more than 1,500 people have been fined since the adoption of this law. The drop in demand has caused a decrease in rates, creating a problem for prostituted persons who are often from poor countries and have no other alternatives to survive. Immediately following the implementation of the law, the prostitution market, stabilized to a lower level than that of before 2009. The most significant change concerns street prostitution (outdoor prostitution) in Oslo. Fieldwork consistently shows that the size of the prostitution market has now stabilized to a level of 40-65% of the market prior to the law.

### Number of Street Prostituted Persons in Oslo from 2008-2014



Source: Rasmussen I., Strom S., Sverdrup S. et al., *Evaluation of Norwegian legislation criminalising the buying of sexual services (Summary)*, Ministry of Justice (Norway), Vista Analyse, no.2014/30, July 2014.

Similar observations have been made for other major Norwegian cities such as Bergen and Stavanger. As for indoor prostitution, the report estimates that it has decreased by 10-20% since 2008, although this assessment comes with a degree of uncertainty given the difficulty in evaluating this market. Overall, prostitution in Norway has decreased by 20-25% since the enactment of the law. Due to the financial crisis, Norway has become particularly attractive because of its effective economic policy and good condition of its finances. The report estimated, still with a high degree of uncertainty, that without the law, the Norwegian prostitution market would have been 15% larger than in 2008 and 45% larger than the current market. In addition, the penalization of clients has decreased demand, as Norway has become a less attractive market for human trafficking for prostitution. The activity and earnings of procurers are declining. Finally, the law has helped change the opinion of young men who are now speaking out against the purchase of sexual services. As for the violence experienced by prostituted persons since the application of the law, the report found no evidence of an increase, contrary to the claims of Pro Sentret. On the contrary, the act has actually strengthened the rights of prostituted persons by providing them with a tool to protect themselves from violent customers as they can report them to the police. Similar to the law, this report has been subject to criticism by prostituted persons and pro-prostitution organizations. They believe that the decline in prostitution numbers is due to the fact that it is now practiced more on the Internet. In addition, they noted that the evaluation was not exhaustive and that it was not possible to know global prostitution statistics.

### **An Abrogation of the penalization of Clients ?**

In power since October 2012, the coalition between the Conservative Party (Høyre) and the Progressive Party (Fremskrittspartiet) has opposed the law passed in 2008 criminalizing clients and wishes to abolish it. Due to the report published by *Pro Sentret* revealing worrying figures about an increase in violence against prostituted persons, some Norwegian politicians have begun to doubt the law (*Bjørndahl, 2012*). They have presented the afore mentioned criticisms and the fact that *Pro Sentret*'s interviews with prostituted persons claim they feel more in danger than ever before. This report has even been used in other countries, such as France, by critics of the client's penalization. Given the positive results of the August 2014 evaluation, the Conservative Party seems to have changed its mind and wants to keep the law, especially as the Norwegian population seems in favor of maintaining it (*Matlary, 2015*). However, the Progressive Party still wishes to abolish it. With both parties forming the majority, nothing is gained even though some are betting on a continuation of the law. A prostitution survivor, Tanja Rahm, published a blog post, questioning the wide public support of the parties wanting to remove the penalizing law. She was a prostituted person for three years and, addressing her former clients, explains that she never wanted to spend time with them, even though she pretended the opposite, and that the use of prostitution is not a choice but an obligation for survival. She says that banning the purchase of sexual services will allow a decrease in demand from clients, and that men who are willing to pay for sex will have to build healthy and normal relationships (*Aftenposten*). Tanja Rahm's statements have given way to continuous debates about the policy on prostitution in Norway. Therefore, because of the positive conclusive evaluation, the Norwegian law criminalizing clients seems to be politically secure, as it has produced the desired effects.

### **Insufficient Protection for Victims in Irregular Situations**

According to the U.S. Department of State Report on Trafficking in Persons, the Norwegian government has adopted a victim-centered approach by offering many different services to victims through specialized NGOs and local government. Norwegian municipalities are legally required to house victims of trafficking in help centers, regardless of their immigration status. However, no government agency has primary responsibility for the identification of trafficking victims (*GRETA, 2013*). This increases the risk of varying levels among treatment among victims. In principle, all agencies, organizations or individuals (social workers, police, teachers, medical personnel...), who have a reason to believe that a person may have been trafficked, have a legal duty to identify that person as a possible victim and direct her to the appropriate authorities and aid programs. Victims of human trafficking may also report themselves to the authorities or NGOs. In other words, it is not necessary to have formal identification as a victim of trafficking to be eligible for assistance and protection. An alleged victim of trafficking is

entitled to a six-month period of reflection with the Norwegian Directorate of Immigration (UDI), a time in which he or she can receive assistance and choose whether or not to help the Norwegian authorities to prosecute traffickers. In 2013, 30 victims benefited from this period of reflection. A temporary residence permit limited to 12 months can be granted to victims that file a complaint with the police against their trafficker so that they can be available during the investigation and a possible trial. This status allows them to receive protection and accommodation, to work in Norway, and to have access to public services. However, this protection is only temporary. To obtain refugee status, the trafficking victim must prove that a return to their country of origin would be a serious danger (*European Commission* 2014). In order to identify potential victims of trafficking, Norway uses a list of standard indicators. Once signs of trafficking have been detected, the authorities in charge of asylum conduct a thorough investigation to determine victimization. Thus aid is given only to victims who represent extreme cases. In 2013, the Norwegian authorities issued 38 temporary residence permits and granted refugee status to 19 people. However GRETA, in its 2013 report, suggested that the Norwegian authorities should intensify their efforts to strengthen cooperation with origin countries. This would help find a solution to the problem of trafficking victims who are unable to get residence permit in Norway without identity papers.

In addition, many prostituted persons are afraid to file a complaint with the police when they are victim to violence or abuse because they fear being sent back to their country due to their illegal situation. Instead of investigating potential aggressors, police often only investigate the women. In March 2014, this was the case for three Algerian mothers who were beaten and stabbed in a motel (*Live Leak*, April 6<sup>th</sup>, 2014). They had obtained permanent residence permits in Italy so they were allowed to travel freely in Norway for up to three months. However, the Norwegian police took their passports and forced them to return to Italy, only giving back their passports two weeks after their attack. Although they needed help and care, they were imprisoned, put in a transit center, and returned to Italy before their injuries could heal. This example is one of many cases that illustrate the discrimination suffered by many victims of trafficking from the Norwegian police because of their nationality. As police investigate cases, they tend to examine residence status, finding a way to return victims from Norway, instead of focusing on abusers.

According to Rosa, an association for helping prostituted persons, sex trafficking networks organized with Norway as the destination are rarely identified or prosecuted so traffickers often see their activity as a safe trade. Only 36 cases of trafficking for prostitution were reported in Norway in 2014, two of which were subject to trial. This can be explained by a lack of police resources which discourages victims from reporting cases of trafficking, especially for illegal immigrants who run the risk of being deported. Victims of trafficking are often sent back to Italy under the Dublin Regulation of the European Union because it is the country in which they were first registered as asylum seekers. Once there, they are punished by traffickers and forced into prostitution to offset the loss in revenue.

The August 2014 evaluation of the law stressed the need to continue to develop social policies and provide more options for those wanting to leave prostitution (language courses, internships, work opportunities...). In addition, a mandate was given to the Coordination Unit for Victims of Human Trafficking (KOM) to assist central, regional, and municipal authorities and other organizations to identify victims of trafficking and provide them with assistance and protection.

### **Specific Protection for Child Victims of Trafficking**

Child victims of sexual exploitation are the subject of special attention from the Norwegian authorities. The Child Welfare Act was amended in 2012 to strengthen the protection and care of minors victims of trafficking for prostitution. In order to take their immediate need for protection into account, minors can be placed in a specialized institution for child protection or a foster family for up to six months without their consent. On April 21<sup>st</sup>, 2015, Børge Brende, the Minister of Foreign Affairs, announced that Norway would produce up to 50 million Norwegian Kroner (5.32 million €/5.76 million US\$) to finance measures helping refugees and migrants in transit in African countries so as to prevent the risk of dangerous crossings of the Mediterranean. Norway is also actively combatting trafficking in regions in crisis, in conflict, or affected by natural disasters.

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## Pakistan

- Population: 185.1 million
- GDP per capita (in US dollars): 1,316
- Multiparty federal republic
- Human development index (HDI): 0.538 (147<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.536 (121<sup>st</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 30 on a scale from 0 (highly corrupt) to 100 (very clean)
  
- No official national statistics on prostitution.
- According to the NGO ECPAT, there were 40,000 prostituted persons in Lahore in 2011, 9,000 of whom were children.
- Prostitution, along with all forms of extra-marital sex, is illegal under the Hudood Ordinances. Victims often prosecuted. In the tribal areas, that have their own tribunal (Federally Administered Tribal Areas-FATA) all violators are subject to death penalty.
- There is a significant male prostitution market, although homosexuality is illegal (Penal Code, Section 377).
- The purchasing and selling of a person with the objective to sexually exploit them is prohibited (Penal Code, Sections 371A and 371B).
- Transnational trafficking is punished by the Prevention and Control of Human Trafficking Ordinance (PACHTO), with 7 to 14 years' imprisonment. There does not exist any laws, however, that define and punish domestic trafficking.
- According to the United Nations Refugee Agency (UNHCR), 1.5 million Afghans refugees arrived in Pakistan in 2015, and more than 1 million Pakistanis coming from adjoining territories in Afghanistan, who are particularly vulnerable to trafficking.
- Among the 170 000 street kids in 2011, 90% were sexually assaulted on their first night on the street (*Dawn News*, December 31<sup>st</sup>, 2014)
- In tribal and rural areas, the “swara” tradition continues to persist: children are forced into marriage to “pay off” the wrongdoings committed by their male relatives.
- The “hijras” culture continues to persist: “hijras”, who are often defined as the third sex, are individuals biologically born as males and often, castrated.



- Serious and problematic instances of corruption within Pakistani law enforcement and anti-trafficking agencies.
- Country of origin, transit, and destination for victims of human trafficking.
- The majority of Pakistani victims of trafficking are brought to Afghanistan or the Gulf countries, while some victims end up in Western countries.
- A number of young girls from Afghanistan, China, Russian Federation, Nepal, Bangladesh, Uzbekistan, Azerbaijan, and Iran are sexually exploited in Pakistan.

In Pakistan today, many vulnerable communities are victim to sexual exploitation on a large scale. Despite strict laws against sex outside of marriage, many boys are sexually abused and prostituted on the streets. Members of the transgender community are also at risk of exploitation, as are young girls who are often forced into marriages. Furthermore, exploited individuals are often the ones who bear the brunt of legal consequences for their actions.

Pakistan is an origin, transit, and destination country for victims of human trafficking. Some Pakistani girls are taken to countries such as Iraq and Afghanistan to be prostituted, whereas women from countries such as China, Russian Federation, Nepal, Bangladesh, Uzbekistan, and Azerbaijan have been brought to Pakistan as victims of trafficking (*U.S. Department of State*, 2014).

### **Convoluting Sexual Exploitation Legislation**

Legislation on sexual acts and sexual exploitation has an extremely convoluted history in Pakistan, and relevant laws are still undergoing changes. With the establishment of the Hudood Ordinances in 1979 under General Zia-al-Haq, Pakistani law was Islamized. The Ordinances were created to modify the 1973 constitution, including making any kind of non-marital sex illegal and punishable by Shari'a methods such as stoning or lashes. With all extra-marital sex illegal, it became very difficult for women to receive justice in cases of rape or sexual exploitation. In order for a man to be found guilty of rape without confessing, there had to be "four adult male witnesses to the act of penetration." After bringing their cases to court without such "evidence" of their sexual assault, many victims were subsequently prosecuted because their complaints were treated as "confessions" of their own participation in extra-marital sex. Thus, the Hudood Ordinances influenced the pervasive culture of victim blaming and punishment in Pakistan, which continues to this day. Although Pakistan's constitution was brought back into force in the early 2000s, the Hudood Ordinances were not halted. In 2006, President General Pervez Musharraf introduced some changes to the laws, but decriminalizing extra-marital sex was not among them (*Human Rights Watch*, September 6<sup>th</sup>, 2006). Therefore, prostituted persons and victims of other forms of sexual exploitation remain vulnerable to prosecution.

In 2015 a new bill was passed with the intent of improving the protection of rape victims and ensuring that offenders are punished. Under the new law, "defective investigations" of rape

are now punishable, and rape cases must be completed within six months of being brought to court. The bill also contains provisions that protect victims' privacy throughout the legal process (*Dawn News*, February 27<sup>th</sup>, 2015). The bill signifies an important step forward in Pakistani legislation concerning sexual violence, although it does not specifically aid victims of prostitution and trafficking.

Pakistan does have some laws against human trafficking, but these laws are very limited in scope and are difficult to apply. Trafficking across international borders is illegal under the "Prevention and Control of Human Trafficking Ordinance," but this does not cover trafficking within Pakistan. A new draft anti-trafficking bill has been recently developed that would extend legal protection to more victims of trafficking in Pakistan, but unfortunately this bill has not yet been introduced in the National Assembly or Senate. As the laws currently stand, victims of trafficking are not frequently identified in Pakistan as such, and they are often prosecuted for immigration rules violations (*U.S. Department of State*, 2014).

### **Government Action and Corruption**

Anti-trafficking efforts in Pakistan are led by the Federal Investigation Agency (FIA), which has an Anti-Human Trafficking Unit (ATU) as part of its Immigration Department. The ATU has a wide range of responsibilities, including preventing trafficking, prosecuting traffickers, updating databases about trafficking, protecting victims of trafficking, and more. In order to achieve these aims, the ATU is in charge of coordinating many smaller efforts and working with local police forces. The ATU also has local "Anti-Human Trafficking Circles" in Pakistan's largest cities that are in charge of prosecuting local cases and managing deportations, among other abilities (*UNODC*, 2011).

The FIA has taken some specific actions against human trafficking, such as creating a hotline specifically for victims of trafficking and making informative warning posters to place at airports and points of entry into Pakistan. Additionally, in 2014 the FIA released a report with the names of Pakistan's "most wanted" traffickers, information about trafficking networks within Pakistan, and instances of government corruption having to do with trafficking (*U.S. Department of State*, 2014).

Unfortunately, the FIA's ability to fight trafficking is impeded by several challenges. First and foremost, the agency lacks the funds and resources necessary to properly carry out its tasks. It recently faced a 25% staff reduction, and the staff members that remain do not have access to basic resources such as office space and supplies (*UNODC*, 2011). The FIA's staff members are also frequently undertrained for their jobs due to the agency's structure. Most all FIA employees are rotated to another position in the FIA every two or three years. This system means that the FIA staff do not become experienced in any role, and, due to the frequency of rotation, often receive very little training when they begin new positions (*UNODC*, 2011). Finally, reports of corruption within the FIA itself have reduced its legitimacy, especially since some of its members have themselves been involved with human trafficking. In fact, in July 2013, three FIA

officials were arrested for collaborating in a “falsified document scheme” (*U.S. Department of State*, 2014).

Corruption among law enforcement related to sexual exploitation in Pakistan has not been limited to the FIA; there have also been many reports of corruption among police officers. In June 2015 a police officer in Karachi was arrested for directing a prostitution ring (*Samaa News*, June 16<sup>th</sup>, 2015). Additionally, in 2014, Pakistan’s Interior Minister Chaudhry Nisar Ali Khan called upon police to shut down a large network of prostitution dens in Islamabad, the nation’s capital. Many of these dens were frequented by police officers and were even operating right across the street from police stations (*Pakistan Today*, December 15<sup>th</sup>, 2014).

### **Sexual Exploitation of Boys and the Cycle of Abuse**

Perhaps one of the most visible and pressing forms of sexual exploitation in Pakistan is that of street children, particularly young boys. Children often begin living on the streets because of extreme poverty or as a means of escaping troubled home lives. They may have been orphaned or abandoned by families who were no longer able to provide for them, or they may have run away from abusive situations. In any case, once living on their own, the children must find ways of supporting themselves and earning enough money to survive (*Murtaza & Habib*, 2010).

A 2014 documentary, *Pakistan’s Hidden Shame*, examines the sexual exploitation of street children in Peshawar and includes interviews with several victims, abusers, and aid workers. The film notes that many street children initially turn to collecting garbage for recycling as a way to make money either for themselves or their families. One child explains that his parents beat him if he does not earn a certain amount of money from collecting garbage each day. When they become desperate for money, some children turn to prostitution. Truck and bus drivers are frequent “clients” or rapists of these boys, as many boys search for a place to sleep near the bus terminals at night. Economic pressure is added when children become addicted to drugs. One drug dealer interviewed in the documentary explains that some boys even spend the night with truck drivers in order to make money to buy heroin (*Naqvi*, 2014).

In a study directed by the Interior Human Development Foundation in 2008, 200 boys age 5-18 living on the street in Karachi were surveyed, and 88% of them said that they had been the victims of some form of sexual violence. Additionally, 92% said that they had used drugs. The same study found that police, gang leaders, and drivers were the most common perpetrators of sexual violence against these children (*Murtaza & Habib*, 2010). The fact that police have been responsible for largely violence against street children highlights just how little support this vulnerable population receives from law enforcement. In *Pakistan’s Hidden Shame*, police officers who were interviewed pointed to terrorism as the reason they are unable to respond to child abuse. One police officer stated: “There are bomb blasts and terrorist attacks happening. We don’t have time to think about the children.”

Unfortunately, the exploitation of boys in Pakistan seems to be a self-perpetuating cycle. Often, the perpetrators of sexual violence were victims of abuse as children themselves.

According to Ghulam Qadri, former Deputy Country Director of the organization Save the Children, “*The people who indulge in those activities [purchasing sex and raping street children], have an indicative history in many cases. Many times they were abused as a child as well, so this becomes a routine practice from generation to generation. So they don’t consider this a crime*”. One 13-year-old boy interviewed in the documentary, who has long been the victim of sexual abuse and exploitation while living on the street, admits to having raped a younger boy (Naqvi, 2014). Without intervention, the damage will pass on to others.

### **Exploitation of the Transgender Community**

The transgender community is another group that is vulnerable to sexual exploitation in Pakistan. Many transgender individuals are victims of sexual and physical abuse as children, sometimes at the hands of their own family members. According to News Lens Pakistan, one transgender female left home at 15 due to the abuse she faced there and moved to Gul Bahar, an area of Peshawar with a transgender community. However, one of her first mentors in the community ended up forcing her into prostitution. Even when included in supportive communities, transgender individuals in Pakistan still face many risks such as a high threat of sexual violence and a lack of employment opportunities due to discrimination. Without sources of income, many are forced to turn to prostitution (*NewsLens Pakistan*, March 2<sup>nd</sup>, 2015).

### **Forced & Child Marriages**

Forced marriages of women and children, particularly those living in impoverished situations, continue to be a large concern in Pakistan. The Director Inspector General (DIG), Abdul Khaliq Shaikh, has said that difficult socio-economic circumstances such as poverty and homelessness make people particularly vulnerable to trafficking in Pakistan. In the Sindh province, which includes the city of Karachi, there were 1,261 officially registered instances of women being kidnapped in order to be forced into marriage in 2014. Additionally, 45 minors under 10 were reported to have been kidnapped for the same reason.

In areas such as Sindh, police departments are making some efforts to fight the phenomenon of forced marriage and trafficking. For example, DIG Shaikh stated that Sindh police training now includes an “updated human rights manual.” As of the end of 2014, five kidnappers in Sindh had been convicted, but 369 more were still awaiting trial. Such legal follow-up is not present in all cases of trafficking in the region, though, since the FIA Deputy Director of the Sindh Anti-Human Trafficking Circle, Ashfaq Alam, acknowledged that there were many instances when traffickers were arrested but later allowed to go free without ever standing trial (*Dawn News*, December 31<sup>st</sup>, 2014).

In certain areas of Pakistan such as the northwest tribal region and the provinces of Baluchistan and Punjab, forced marriages can also occur as part of tribal justice systems. Under the tradition known as “swara,” girls can be forced into marriage as compensation for one of

their relatives' wrongdoings. For example, The Wall Street Journal reports that in 2013 two cousins, age 11 and 17, were forced to marry a mid-30 year-old brother of a girl whom their uncle had raped. Unfortunately, according to women's rights activist Samar Minallah Khan, such marriages have become largely focused on revenge, and thus girls are almost always mistreated. Even though swara has been illegal since 2011, police often turn a blind eye to it unless they are specifically asked to investigate. Many people justify the practice by saying that it is fast, customary, and will spare the community greater conflict. Even a human-rights activist, Huazer Gul, stated "*The appearance of swara is very ugly, but it settles disputes of many generations...If we do not allow swara, the repercussions are more harmful*".

Sometimes, the wronged families will agree to accept monetary compensation instead of a bride, but this alternative is not an option if the perpetrator's family is not wealthy (*The Wall Street Journal*, May 5<sup>th</sup>, 2014). Even "consensual" underage marriages are a crime in Pakistan, but according to the child-protection NGO Sahil, there were 103 reported child marriages in 2014. That number is under-representative of the whole scale of the issue since, for example, there were no reported child marriages in the Federally Administered Tribal Areas (FATA) or Balochistan despite the fact that swara is still in force there. Sahil's data show that underage marriage is a type of sexual exploitation that disproportionately affects girls in Pakistan; of the 103 children who were reported to have been married, 99 were girls (*Salman*, 2015).

### **Lack of Victim Protection**

Even when Pakistani law enforcement does crack down on trafficking and sexual exploitation, protection and services available to freed victims are extremely limited. According to Director Inspector General Alam, in the Sindh province there are no government resources to protect victims of forced marriage when they are rescued from their kidnappers. According to Alam, "the lack of adequate shelter and no rehabilitation strategy has compelled many trafficking victims to return to one or the other captors" (*Dawn News*, December 31<sup>st</sup>, 2014). The 2014 U.S. Department of State Report on Trafficking in Persons notes that the few shelters that do exist have insufficient resources to adequately care for the victims that they welcome. Additionally, the Pakistani government operates some centers known as "women's shelters," but these centers operate more similarly to jails than refuges and are not very secure. Women are not permitted to leave without a male relative or court order, and sometimes face abuse within the centers. There are also reports of some women whose families did not come to bring them back home being sold into "marriage" by center workers and police, effectively making the supposed shelters trafficking hubs.

Victims are also often discouraged from testifying against their traffickers and abusers in court because they are unable to do so securely. For example, the family of a 14 year-old kidnapping victim brought her case to court in October 2013, but the case was dismissed when the girl was threatened: as a result of a threat, the girl consequently stated that she had not been kidnapped but rather had agreed to the marriage. Not only should protection have been offered to

the girl, but also the judge should not have dismissed the case. The girl had also been forced to sell sex to several men, including police officers (*U.S. Department of State*, 2014). This not only complicated the case even further but also highlighted the corruption in law-enforcement. If victims cannot trust law enforcement and cannot feel safe to share their experiences honestly in court, achieving justice becomes nearly impossible.

### **Progress in Fighting Sexual Exploitation**

In March 2014, The United Nations Office on Drugs and Crime took an important step towards better equipping the FIA to fight trafficking. In collaboration with the Australian government, UNODC donated a large array of IT devices, including computers, printers, and cameras, to the FIA's office in Lahore. UNODC has already been working to train FIA staff on how to respond to human trafficking and smuggling, but this donation is especially important given that the FIA is incredibly under-resourced (*UNODC*, 2014).

Another promising aspect of Pakistani law enforcement is the existence of female-staffed police stations and female officers. Such female officers can offer protection to women who come forward with legal complaints, and may be more trusted by the women than male officers. Additionally, female officers understand firsthand some of the difficulties that other women face in Pakistani society, and thus can at times be more understanding of female victims and detainees than male officers. For example, in the case of a woman who prostituted herself out of economic desperation and was subsequently arrested, a female police officer stated, "*I can understand that [Naheed] is doing what she does because of some real need - one that my [female] officers will also understand and believe...Maybe if a male police officer were to speak to her, he would just degrade her*" (*Deutsche Welle*, April 16<sup>th</sup>, 2014). Having law enforcement more compassionate and understanding towards victims of sexual exploitation is a step towards reducing the culture of victim blaming and punishment in Pakistan.

### **Next Steps**

Looking ahead, there are several steps that Pakistan should take in its fight against sexual exploitation. Perhaps the issue that most urgently needs to be addressed is that of corruption, especially within the FIA given the large amount of influence and responsibility that it has in combating human trafficking. The FIA needs to be continually monitored and made more transparent to ensure that the agency remains credible and that members are not undermining its efforts. If the FIA, the center and leader of Pakistan's anti-trafficking strategy, is corrupt, it will be very difficult for Pakistan to take any meaningful national action against sexual exploitation. Similarly, Pakistani police officers must also be monitored more closely in order to reduce the number of instances of sexual violence inflicted by the police themselves. In order for the FIA to function properly and to make progress in its work, the government also needs to ensure that the FIA's employees have the resources to do their jobs well. The agency needs more financial

resources, as well as more substantive training programs for its members. Finally, Pakistan needs to address its current extreme lack of victim protection. Without offering protection, any legal efforts that Pakistan makes to free victims of trafficking will be in vain. Pakistan should support NGOs and other private organizations that are already attempting to provide services to victims, and should also drastically reform its own government-run women's shelters. The government must ensure that victims are not subject to further abuse in places of supposed sanctuary.

The most vulnerable members of Pakistani society need support and law enforcement that they can trust. Despite the many political and security challenges that Pakistan faces, it must not ignore issues of sexual violence and exploitation.

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## Philippines

- Population: 100.1 million
- GDP per capita (in US dollars): 2,872
- Republic - Presidential regime
- Human development index (HDI): 0.668 (115<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.420 (89<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 35 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the Association of Southeast Asian Nations since 1967.
- No official national statistics on prostitution. However, 800,000 prostitutes are calculated to be working within the country, of which 60,000 – 75,000 are children (*Fondation Scelles, 2012*).
- Prostitution is illegal: Article 202(5) of the Philippines Penal Code defines prostitution as a form of begging, or a kind of delinquency. Human trafficking is punishable by 6 years to life in prison and a fine up to 112,000 US\$ (103,443 €) can be imposed (*U.S. Department of State, 2015*).
- In 2014 there were 53 sentences for sex trafficking, an increase from 31 in 2013. Most of the sentences were punishments of life imprisonment (*U.S. Department of State, 2015*).
- Since September 2013 guerilla fighting in the south of the country has displaced 19,855 people, many of whom have resorted to prostitution to survive.
- A high level of sex tourism is found within the country. There are clients of domestic origin, but also from New Zealand, America, Europe, Japan, South Korea, Taiwan and Singapore.
- A country of origin, and to a lesser extent, a destination and transit country for human trafficking.
- Destination of domestic victims: the Middle East, Malaysia, Japan, Lebanon, Jordan.

In 2015, the Philippines remain a hot spot of sexual exploitation. The causes of vulnerability, which often lead to exploitation, have not only failed to be addressed and reduced, but are in fact experiencing a unique longevity in this part of the world. Indeed, poverty, an endemic problem in the Philippines, have gotten worse over the last few years, while several other countries in South East Asia (Vietnam, Thailand or Indonesia for example) are starting to gradually remedy this instability.



Corruption remains a serious problem for the country, which ranked 85<sup>th</sup> out of 175 countries surveyed by the NGO Transparency International in 2014. In 2013, some members of the Philippine Consulate were implicated in a sex scandal. They had abused and forced immigrants, who they were supposed to have been protecting, into prostitution (*RFI*, June 20<sup>th</sup>, 2013).

### **Political Instability and Natural Disasters: Aggravating a Breeding Ground for Sexual Exploitation.**

From the 9<sup>th</sup> September 2013 onwards, 200-300 members of the Front Moro de Libération national (FMLN) opposed the negotiations occurring between the Philippine government and the *Front Moro Islamique de Liberation* (FMIL), who according to them marginalizes their movement. As a result, they launched an attack in the Zamboanga region. Since then the fighting between the guerrilla and the government's forces resulted in displacement of the southern population towards the rest of the country, weakening populations that are already particularly vulnerable. In February 2015, it was calculated that 19,855 people have been displaced. Numerous cases of prostitution have been recorded amongst the refugees even in the centers welcoming them, in the portaloos or in the 'brothel tents'. This is forced prostitution since the victims recur to it when they are unable to meet their most basic needs (food and medicine). The number of cases of sexual violence in the centers is also horrifying; children from 2 to 12 years old have tested positive for sexual transmitted diseases like gonorrhea, syphilis, and Chlamydia (*The Inquirer Mindanao*, April 3<sup>rd</sup>, 2014). The Human Rights Commission has noted a strong increase in the trafficking of women, men, and children, who are sometimes drugged, among displaced populations. It also notes that this involves increasingly younger victims. Mismanagement of displaced persons by the administration resulted in the removal of various people from lists of those displaced. This has doomed them to homelessness and, without access to evacuation centers, they turn to prostitution (*The Inquirer Mindanao*, February 25<sup>th</sup>, 2015). On the 8<sup>th</sup> November 2013, hurricane Haiyan Yolanda ravaged the centre of the Philippines, causing the deaths of more than 6,000 people and leaving thousands of children to fend for themselves. These children became easy prey for the traffickers, and numerous officials in Philippine civil society have rapidly denounced their entry into sexual exploitation (*Libération*, January 13<sup>th</sup>, 2014). Typhoon Hagupi in late 2014 – early 2015 caused widespread damage, accentuating that done by the previous super storms.

### **Growing Use of Technology in Sexual Exploitation**

The country, and more broadly the whole of the South East Asian region, has for decades been a primary destination for sex tourism. There is an important and constant demand in this region, which is a factor explaining the multiplicity of modes of sexual exploitation that include cybersex abuse and part time or full time prostitution. Sex trafficking networks in the Philippines

are mainly regional. It is the country of origin, transit and destination for the victims of trafficking. As has been reported in our previous World Reports on sexual exploitation, its neighboring countries constitute the principal stop-offs for trafficking. Domestic trafficking is also highly developed, from the Mindanao region to the city regions like Cebu and Manila (Ngozi Ezeilo, 2013). Young girls are commonly recruited by their relatives or acquaintances. Young, provincial girls are particularly prone to vulnerability (child abuse, abuse by family members, poverty...). Many cities in the Philippines, like Manila, Cebu, or the Zambalusta region, are home to all forms of prostitution that has been well established for decades (Fondation Scelles, 2013). Whole streets in Manila, such as the infamous *Burgos*, have been overtaken by prostitution. Prostitution in the Philippines can be the occasional rural person coming to the city for a few days to alleviate their personal poverty and malnutrition. It can also be continuous, carried out in *casas* (private brothels), massage parlors, bars, hotels, karaoke bars, clubs where women wear numbers... Procuring is also very well established, through *mamasangs* and the touts who run the streets. Young women, mostly teenagers with false birth certificates to hide the fact that they are minors, are sold to foreign customers (from the USA, Australia, New Zealand, Europe, Japan, Korea, Taiwan, Singapore). A 67-year old Japanese man was prosecuted for having paid for 12,000 prostitutes over a period of 27 years travelling to the Philippines (*Le Figaro/AFP*, April 8<sup>th</sup>, 2015).

### ***Child Prostitution***

In Manila, there is a global market for child trafficking, and approximately 1.5 million children live on the streets. One of the causes of vulnerability underlined by the Children's Rights Committee (CRC) in 2013 was the birth registration rate. In some regions, the number of unregistered children is still very high – up to 95% for example, in Mindanao.. Well-known sex tourism destinations for pedophiles are Sabang Purto Galera, Cebu, Angeles and Pasay. However, recently Cebu has had an increase in child prostitution and pedophile sex tourism. The CRC estimates that in 2013 60,000 to 75,000 children were exploited in the sex industry in the Philippines (*Children's Rights Committee*, June 26<sup>th</sup>, 2013).

### ***Cybersex***

In February 2015, EUROPOL provided a report that emphasized the massive development and success of “*live distant child abuse*” (LDCA) (*Bangkok Post*, February 24<sup>th</sup>, 2015), already noticed in recent years (Ngozi Ezeilo, 2013). By this method, predatory pedophiles abuse, or encourage the abuse of a child while filming it, and let other pedophiles watch along online through streaming. This can be free, or paid for. A joint operation between the UK's national crime agency, the Australian Federal Police, the US Immigration Service and the Philippine National Police has dismantled a pedophile ring that used LDCA on Filipino children aged 6-15, sometimes with the parents' complicity. The network of people who paid for access to the streaming feed extended over at least twelve countries. 29 people, including 11 in the Philippines, were arrested. Three ongoing investigations have led to 733 more suspects being

identified (*European Financial Coalition against Commercial Sexual Exploitation of Children Online*, February 2015). The investigation has so far identified financial transactions reaching 37,500 GBP (53,411 US\$/49,331 €) alone for this onering. According to Europol, this practice is particularly developed in the areas that are the most remote (barangays).

### **Alarming Increase in HIV Infections/AIDS**

The Philippines boasts a low prevalence rate of HIV/AIDS, with less than 0.1% of the population being affected. However, in recent years, the country has experienced a considerable increase in the number of prostitutes infected with the virus, particularly in regions like Cebu (*Manila Bulletin*, February 4<sup>th</sup>, 2015). According to the UNAIDS survey report in 2013, the prevalence of HIV/AIDS among prostitutes is relatively high for illegal or occasional prostitution. The rate of people with HIV/AIDS among women working in leisure centers is estimated at 0.07%, while the rate is 1.03% among women working clandestinely. As a comparison, in 2005, the percentage of prostitutes with HIV/AIDS in Cebu was 0.2%. These recent figures would rank the Philippines somewhere in the middle of the countries with a high rate of HIV/AIDS, but the overall infection rate in the country remains mostly controlled, despite the alarming fact that some studies show that the number of new cases has risen from an average of 16 per month in 2001 to 5-6 per day. The Department of Social Welfare and Development (DSWD), directs trafficking victims infected with sexually transmitted disease to specialized centers (*Manila Bulletin*, January 23<sup>rd</sup>, 2015).

### **Greater Clampdown on Commercial Sexual Exploitation**

The legislative crackdown on sexual exploitation in the Philippines was strengthened in the early 2000s. The Philippines is one of the states that ratified the supplementary Protocol at the United Nations Convention against Transnational Organized Crime, which aimed to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in 2000. The country has put the ensuing obligations into effect, through adopting the Anti-Trafficking in Persons Act in 2003 (RA 9208), modified in 2012 by the Expanded Anti Trafficking in Person Act (RA 10364). The latter extends the definition of trafficking to cover a wider range of situations, and today corresponds completely to the Protocol's definition. A recent decision in the Supreme Court has reinforced the definition by clearly stating that the consent of a child trafficking victim is irrelevant both to the offense and the guilt of the trafficker (*Manila Bulletin*, January 24<sup>th</sup>, 2015).

The Philippine government's efforts to fight against trafficking have been visibly apparent over the last few years, as demonstrated by the ranking and rating of countries in the fight against this crime. The 2014 U.S. Department of State Report on Trafficking in Persons ranks the Philippines in Tier 2. The 2014 *Global Slavery Index* places the country as 1<sup>st</sup> in Asia, 3<sup>rd</sup> in the Asia-Pacific, and 29<sup>th</sup> out of 167 countries in the world in terms of government programs and

efforts, focusing in particular on the effectiveness of legal sanctions against trafficking. The number of convictions for trafficking in 2005-10 was 29, while from 2010 to February 2015 there were 194 (*Manila Bulletin*, February 6<sup>th</sup>, 2015). 8 trafficking convictions were handed down in 5 months (*IACAT*, June 8<sup>th</sup>, 2014).

The first conviction for attempted human trafficking was also given by the Philippine justice system in December 2014 (*IACAT*, January 17<sup>th</sup>, 2014). A 2010 Supreme Court circular expedited the processing of trafficking cases by setting a six-month limit (*U.S. Department of State*, 2014).

Prostitution is illegal in the Philippines and punishable under Article 202 of the Penal Code. Prostitutes face a fine of 200 to 2 000 PHP (4,20 à 42 US\$/3,87 à 38,7 €) and a minimum penalty of prison for subsequent offenses.

The Philippine government made sex tourism illegal in the 1990s, in part to improve its image as a global beacon for sex tourism. The Philippines now has huge legal power as far as trafficking is concerned, which allows them to try non-citizens for sexual offenses committed in the territory.

### **The Shortcomings of the Legal Framework for the Sexual Exploitation of Minors**

As a result of 60,000-75,000 children having been exploited in the sex industry in the Philippines, the CRC raised many concerns in late 2013. It deemed the minimum age of sexual consent, currently at 12, to be too young, as it increases the children's vulnerability to prostitution and pornography (*Committee for the Rights of the Child*, June 26<sup>th</sup>, 2013). The CRC also stressed that the law prohibits sexual intercourse with a minor under 18. But a sexual act committed against a minor under 12 is considered rape, while the same act committed against a minor aged 12 - 18 is considered sexual abuse. There is no law that specifically concerns sex tourism implying children. However, pedophile sex tourists are prosecuted under the Anti Child Abuse Law (RA 7610) the Anti-Child Pornography Law (RA9775) and the Anti-Trafficking in Persons Act of 203 (RA9208). These laws present a certain number of presumptions that facilitate the apprehension of suspected traffickers and abusers. For example, if a child is found alone, in an enclosed space, in the company of someone who is not their parent, it leads to the reasonable conclusion that the child is about to be sexually exploited or abused, and that that person can be held responsible for child prostitution. Also, any person in a public place accompanied by a minor (12 years) or a child ten years younger than them can be considered to have committed sexual abuse (*Cebu Daily News*, July 2<sup>nd</sup>, 2013).

The penalty for aggravated procuring is particularly severe – up to a life sentence for the procuring of minors (*IACAT*, June 8<sup>th</sup>, 2014). Under the provision of the Anti Child Abuse Act, anyone taking advantage of or benefitting from, as a manager or owner of a facility that caters for prostitution activities (a sauna, club, bar, leisure centre, resort, hotel) can be held responsible for sexual exploitation of minors and given a prison sentence and a fine of at least 50,000 PHP (1,047 US\$/966,50 €). Similarly, the manager or owner will lose the right to his or her license to

own the property when someone brings a child into such a place. These provisions criminalize the activity of hotel procuring.

The effectiveness of the fight against child prostitution remains an uphill struggle, since, from 2010-13, only 11 child prostitution cases were filed in the Prosecutor's Office (*IACAT*, June 8<sup>th</sup>, 2014).

### **Expanding Initiatives in the Fight Against Sexual Exploitation**

The Philippines is equipped with many organizations and institutions whose missions are devoted exclusively to the fight against human trafficking. The Inter-Agency Council Against Trafficking (*IACAT*) encourages prosecutors to pay special attention to trafficking cases. There has also been an increase in the number of teams directly managed by the Department of Justice throughout the country (17 teams, including 24/7 operation centers), supervised by a national secretariat (*Manila Bulletin*, February 6<sup>th</sup>, 2015). In 2015 the *IACAT* forged a partnership with Norway to strengthen its fight against trafficking (*IACAT*, March 27<sup>th</sup>, 2014). The agreement involves a huge amount of cooperation, including the investigation and prosecution of trafficking, sexual abuse of children, production, import, export, distribution, sale and possession of child pornography, images, and for pedophile sex tourism. The Philippine Commission on Women (*PCW*) also takes action against sexual exploitation, and in recent years has campaigned against the criminalization of prostitutes. At the end of 2013, various programs and actions have been implemented, including the National Policy for Child Protection, launched in 2012 ; a National Awareness Week for the prevention of abuse and sexual exploitation against children ; the Program for a tourism that respects children.

In October 2011, a meeting of many government officials, academics, religious and civic personnel was held in Cebu to reaffirm their commitment to make the city a "zero child cyber-prostitution community" (*Cebu Daily News*, October 12<sup>th</sup>, 2014) and to coordinate their actions accordingly.

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## Romania

- Population: 21.6 million
- GDP per capita (in US dollars): 9,996
- Parliamentary regime
- Human development index (HDI): 0.793 (52<sup>nd</sup> rank among 187 countries)
- Gender inequality index (GII): 0.333 (64<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 46 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the European Union since 2007.
  
- The “official” estimate: 2,000 prostituted persons. ONG estimate: between 23,000 and 47,000 (*Fondation Scelles*, 2013). 757 identified victims of trafficking in 2014, 66% of whom had been exploited sexually.
- Since the 1<sup>st</sup> of February 2014, the Romanian Penal Code decriminalized prostitution, but if prostituted persons disturb public order, they can be fined. Procuring can be punished by 2 to 7 years in prison. Human traffickers are subject to be imprisoned for 3 to 12 years when the victims are of legal age, whereas when the victims are minors, they can be imprisoned for 5 to 15 years.
- Out of the 534 people that were pursued for trafficking in 2014, 269 were found guilty. The courts, however, suspended 73 prison convictions and 15 traffickers were sent free without any trial.
- The Roma community is particularly vulnerable to trafficking.
- Romania is a country of origin, and to a lesser extent, is a transit and destination country for sexually trafficked victims.
- Destination country for Romanian victims: Western Europe (UK, Italy, France, Spain), Eastern Europe (Czech Republic, Hungary), Greece, and the USA.

During the years 2013 to 2015, Romania made significant efforts to improve the circumstances of trafficking victims, yet there are still many improvements that must be made. The 2014 U.S. Trafficking in Persons report defines Romania as a tier 2 country, meaning it does not fully comply with the US’s Trafficking Victims Protection Act. Romania, however, is making significant efforts to rectify this. Regardless of the policy changes implemented during



these years, Romania is still one of the top European ruled by law countries for trafficking victims and for traffickers, according to the Eurostat 2015 Trafficking in Human Beings Report. Romania is a largely impoverished country and the economic crisis of 2008 rendered it more vulnerable to trafficking as unemployment rose and the standard of living fell. Romanians are the most likely citizens to be registered as victims of trafficking in other countries, with over 6,000 total registered trafficking victims of Romanian nationality in the period 2010-2012 (EUROSTAT, 2015). Romania was exclusively an origin country for Europe for many years, but it is now also a transit and destination country for victims of human trafficking. Primarily women and children are trafficked for sexual exploitation or forced labor in the construction and agricultural fields. Many children, particularly those with physical or mental disabilities of Roma ethnicity, are recruited for forced begging. Most victims of Romanian nationality are sent to the United Kingdom, Spain, and Italy. According to the National Agency against Trafficking in Persons (ANITP), there were 757 victims of trafficking identified in 2014, 66% of which were sexually exploited. Almost one-third of trafficking victims are underage girls, the most vulnerable group to trafficking. Some other susceptible groups include minors and people with mental and physical disabilities (Fondation Scelles, 2013).

### **Governmental Law and Efforts to Stop Trafficking**

Romania has implemented several compelling legislative tools to combat trafficking. Trafficking is currently illegal under the Law on the Prevention and Combat of Trafficking in Human Beings (678/2001), which has been amended numerous times since its installment. The law regulates the prevention and violations of human trafficking and describes the safety and rehabilitation rights of the victims. Violation of the law results in three to twelve years' imprisonment for infractions against adults, and five to fifteen years' imprisonment for infractions against minors. For the protection of children against trafficking, law number 272/2004 was a large step in advancing the fight for child protection. Article 98 prevents all forms of trafficking against children. Article 99 protects the child against further forms of exploitation and designates the government and public institutions as those responsible for the wellbeing of the child in the face of virtual exploitation.

Romania modified its penalties for trafficking in its new 2009 Criminal Code, which came into effect in February 2014. Article 210 prohibits all forms of trafficking regardless of whether the victim originally gave consent, which is a new addition to the Penal Code. Traffickers receive penalties of 3 to 10 years for any infractions. The new Code is written more clearly and, according to the European Commission, "is likely to avoid different interpretations and inconsistent practice." The code also decriminalizes prostitution in order to eliminate penalties to those that prostitute themselves while any sort of exploitation, such as procuring, remains illegal. The government hopes to protect victims of trafficking with the decriminalization of prostitution by removing any penalties they might incur. The Code was altered to comply with the Optional Protocol of the United Nations' Convention on the Rights of the Child. This modified version of

the Penal Code ensures that minors are treated as victims of prostitution instead of criminals and provides adequate rehabilitation services adapted to children.

One of Romania's strongest efforts against trafficking is the *Agencia Națională Împotriva Traficului de Persoane* (ANITP). This organization is responsible for monitoring and coordinating the anti-trafficking policies and coordinating with national and international NGOs and governments. During the 2012-2013 period, ANITP implemented 24 action plans and 91 campaigns, 12 of which were enforced at the national level. During this period, ANITP launched their Prevention, Identification, Protection (PIP) Project to identify vulnerable groups and potential victims through awareness campaigns and increase the involvement of the Romanian governmental stakeholders in the prevention and identification of victims of trafficking. The PIP Project also supplied local authorities with more resources for anti-trafficking programs and developed recommendations for improvement. At the end of the project in 2014, ANITP successfully created a framework for cooperation between local officers, institutions, and the public and increased the partnership between NGOs and governmental institutions.

ANITP has also implemented various national policies against trafficking, the most recent being the National Strategy against Trafficking in Persons 2012-2016 (SNITP). If successful, the ANITP will reconfigure the system for the protection and assistance to trafficking victims, improve the capacity of the country to identify victims and refer them to service providers, increase the availability of rehabilitation programs and the number of victims that use these services, and increase the financial compensation to victims that have been legally penalized for their actions. The ANITP could use the National Strategy as a guideline for their efforts, which appeared successful so far. In 2013, Romanian law enforcement investigated 714 cases of human trafficking, 552 of which led to prosecution, and 252 of which led to conviction. Over the span of 2010 to 2012, Romania doubled the number of convictions it investigated and accounted for almost half of all the convictions reported in the European Union (EU). According to the 2014 U.S. Trafficking in Persons report, only 59% of these convictions were prison sentences in contrast with 78% in 2012.

### **International and Regional Efforts to Stop Trafficking**

As part of the EU, Romania must adhere to the EU's policies and laws against trafficking, such as the EU Strategy toward the Eradication of Trafficking in Human Being and the European Commission's Directive 2011/36. The European Commission's law holds member state accountable for the prevention and combatting of trafficking as well as the protection of victims. Romania is bound to this legislation as part of the EU. In addition to its obligatory efforts to end trafficking, Romania is part of the United Nations' Convention against Transnational Organized Crime and the Council of Europe's Anti-Trafficking Convention. Romania proactively joined the Southeast European Law Enforcement Center (SELEC) where it heads the Task Force Mirage on Countering Trafficking in Human Beings and Illegal Migration. One of SELEC's main objectives is the combat and prevention of organized crime such as human trafficking through

the exchange of information and support in crime investigations. The Task Force Mirage assembles an evaluation report on trafficking every year and thus, facilitates regional cooperation, and furthers the fight against trafficking. Joining the European Police College (CEPOL) was another step toward international cooperation. The CEPOL is a European Union agency that promotes regional cooperation through training, research, and the sharing of information with a focus on terrorism and trafficking. Romania supports the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (*The Code*), an international organization that provides awareness and support to the tourism industry in order to stop child trafficking and child sex tourism.

### **Minors: A Vulnerable Group to Trafficking**

Minors constitute a large vulnerable group to trafficking in Romania, a group that has been expanding since Romania joined the European Union and facilitated free movement in the continent. In 2014, there were 251 children between the ages of 14 and 17 that were victims of trafficking, representing 33% of the total number of victims in that year. According to ANTIP, the vast majority of minors originate from bi-parental families, however a violent or abusive family background creates more vulnerability for the minor. Minors whose parents live abroad are also more vulnerable to trafficking due to neglect. The traffickers trick minors by promising them good work abroad. One of the most common methods for recruiting minors is the “loverboy method” in which young girls enter into a relationship with the trafficker with the promise of marriage. Once the trafficker has gained the victim’s trust, he or she transports the minor abroad and forces her into prostitution. Romania has implemented the National Strategy for the Protection and Promotion of Child Rights 2014-2020 to improve the development of children’s rights and access to adequate services and funding (*UNICEF Romania*, January 16<sup>th</sup>, 2015). The program combats violence against children, including the prevention of child trafficking. This strategy is a continuation of the previous program in 2008-2013 whose goals were to provide access to services, reduce the social disparities between different groups of vulnerable children, and create an inter-institutional intervention framework for children at risk to violence or trafficking (*ECPAT International*, 2012). The National Strategy against Trafficking in Persons 2012-2016 also includes provisions on the protection of children (*U.S. Department of State*, 2014). Regardless of the improvements Romania has made, there are still many problems that need to be addressed. The Group of Experts on Action against Trafficking in Human Beings (GRETA) recommends that Romania must address stereotypes against Romani people and women and begin looking into the long-term application of their programs. GRETA also suggests that Romania provides greater access to healthcare and housing for victims, improve cooperation between different governmental bodies, and create training programs for professionals on the identification and protection of victims.

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## Russian Federation

- Population: 142.5 million
- GDP per capita (in US dollars): 12,735
- Presidential regime with a federal organization
- Human development index (HDI): 0.798 (50<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.276 (54<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 29 on a scale from 0 (highly corrupt) to 100 (very clean)
  
- No official national statistics on prostitution.
- Unofficial statistics: 3 million prostituted persons in Russian Federation (*The Moscow Times*, August 26<sup>th</sup>, 2015).
- Increase in sexual exploitation since the fall of the Soviet Union.
- Prostitution and human trafficking illegal, but the purchase of sexual service is legal.
- Prohibitionist regime. Current legislation prohibits prostitution and procuring, the clients remain unpunished.
- Human trafficking is punishable with 10 years imprisonment. But its legal definition is not sufficiently precise.
- Russian government is lacking in initiatives to prevent sexual exploitation and help victims.
- Very few convictions in comparison with the size of the problem.
- Trafficking routes from Russian Federation: 'Baltic' through Lithuania to Europe and USA, 'Caucasus' through Georgia to Turkey, Greece, and Italy, 'Middle Eastern' through Egypt to Israel and other Middle Eastern countries, and 'Asian' through Northern China (*CARIM*, May 2013).
- Huge problem with human trafficking for purposes of exploitation, along with child prostitution and sex tourism.
- Country of origin, transit, and destination for sexual exploitation
- Most victims from post-Soviet States, Southeast Asia, and Africa (*U.S. Department of State*, July 2015).

According to the 2015 U.S. Department of State Report on Trafficking in Persons, the Russian Federation is ranked as Tier 3, the lowest ranking in the report. The Russian Federation,

along with China and Uzbekistan, was downgraded from the Watch List of Tier 2 in 2013 as it became clear that the government was not taking adequate measures to combat this problem (*The Washington Post*, June 23<sup>rd</sup>, 2013). Russian Federation is an origin, a transit and destination country for human trafficking. Government corruption has only worsened this problem to a point where victims feel that there is nowhere for them to seek help. There are many corrupt businesses and officials that may provide fake documents for victims or act as fronts for human trafficking. There are a number of businesses fronting as tourism agencies to avoid suspicion from the authorities. Human trafficking has become such a large industry that it is evident it could not survive without “complicity with Russian authorities” (*Tulane Journal of International Affairs*, 2012).

Sex trafficking and forced prostitution of women and children have been increasing in the Russian Federation since the fall of the Soviet Union. Societal and economic changes brought about a new attitude and demand for sexual services. In his study on human trafficking in the Russian Federation, Dr. Vladimir Mukomel described that “poverty, scarcity of employment, and degradation of social security institutions were forcing individuals into risky behavior and careless actions, including consent to exploitation and slave labor conditions” (*CARIM*, 2013). He also explained that some progress was made in the early 2000s with the signing of the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. This resulted in the implementation of laws to prevent human trafficking, but, since then, the government has not efficiently used resources to carry out their purpose. With many women in poverty and unable to find work because of their gender, a number have had to resort to selling their bodies to help support themselves and their families.

### **Legislation and Convictions**

Prostitution is illegal under Article 6.11 of the Code of Administrative Offences of the Russian Federation. Prostituted persons can be charged with fines of 1,500 to 2,000 RUB (20 to 27 US\$/18 to 24 €). In 2014, more than 9,000 fines were imposed on prostituted persons (*The Moscow Times*, August 26<sup>th</sup>, 2015). It is not considered a serious offense, but this arrest can prevent victims from ever escaping this trafficking and finding new jobs. The purchase of sexual services is not illegal, giving clients much control over prostituted persons. Because of this, there is very little that the exploited can do to protect themselves. Prostituted persons are stigmatized by society as criminals and often mistreated by the law enforcement, even if they are victims of human trafficking. This law greatly hurts vulnerable people that have been forced into prostituting themselves to survive.

In general there has been little effort to try and convict clients of sexual services, but in 2014 a municipal lawmaker in Saint Petersburg, Olga Galkina, drafted a bill that would impose heavy fines on clients of prostituted persons. This would create fines of between 4,000 RUB and 100,000 RUB (53 US\$-1,324 US\$/49 €-1,221 €) or from five to 15 days of imprisonment. This

bill also included an interesting addition, if a client agreed to marry the prostituted person, the charges would be dropped (*RT-TV-Novosti*, October 27<sup>th</sup>, 2014). This bill did not pass, but it shows at least some effort to stop sexual exploitation in the Russian Federation.

Forced prostitution, procuring, and human trafficking for sexual exploitation are all illegal under the Russian Criminal Code (Articles 127, 240, and 241). Article 127 criminalizes the illegal deprivation of liberty and is used to prosecute human trafficking. This law has been criticized for being too vague and allowing traffickers to avoid sentencing. There is not a clear definition of what it means to be 'exploited' (*Tulane Journal of International Affairs*, 2012). Article 240 makes forced prostitution and organized prostitution illegal. Article 241 stops brothels or the "organization of hangouts for prostitution". Each of these laws included punishments of fines and/or imprisonment of varying degrees, depending on the circumstances. These laws initially seem to be acceptable, but they are not always enforced and government officials have been known to accept bribes or even facilitate these practices. There are large gaps in the legislation, making it much harder to prosecute traffickers and abusers (*Tulane Journal of International Affairs*, 2012).

Human trafficking is a growing issue in the Russian Federation. Despite its increase over the past decade, there have been fewer and fewer convictions in recent years. The size of the problem does not correlate to the registered number of trafficking victims and the Russian government does not appear to be making an effort to correct this inadequacy. In 2014, three potential sex trafficking suspects were investigated by the government, compared to 15 in 2013 and 17 in 2012. A total of 14 traffickers were convicted in 2014 compared to 18 in 2013 and 22 in 2012 (*U.S. Department of State*, July 2015). It is evident that prosecutions are decreasing even while trafficking numbers have increased. These numbers are unacceptable and significantly contributed to Russia's ranking downgrade in the U.S. Department of State Report on Trafficking in Persons.

### **The Victims of Sexual Exploitation**

There are many profiles of victims of sexual exploitation in the Russian Federation. The most common groups at risk are young, uneducated women, unemployed people, poor people, immigrants, and children from disadvantaged families (*CARIM*, 2013).

Different regions of the Russian Federation have varying backgrounds for the most common prostituted persons. For example, in Kazan, most prostituted persons are single mothers, in Tomsk many are students paying for their education, and in Novosibirsk and Barnaul the women are most often drug addicts. Foreign victims usually come from post-Soviet states, Southeast Asia, and Africa. Over 80% of these victims are women and children, adding up to the hundreds of thousands of prostituted persons in the Russian Federation (*Tiurukanova*, 2006).

There has been a growing wage gap in CIS countries and Russian Federation's economy has been lagging behind other developed countries, creating more poverty. Even though earning a living from prostitution is illegal, it is very hard for women, particularly single mothers, to find



good paying jobs because of antiquated societal views of women in the Russian Federation. Prostitution is “an attempt at self-preservation in the Russian Federation: it is used to try to solve income problems and consequently to provide for families” (*Barents Studies: People, Economies and Studies*, 2014). Victims do not usually come from cities, but move there to find work and find themselves becoming sexually exploited. Women and children are usually from abusive families that they are trying to escape, but they find themselves back in oppressive situations because of their vulnerability. The Putin Administration’s initiative to ban U.S. adoption of Russian orphans has left more children vulnerable to trafficking (*The Washington Post*, June 23<sup>rd</sup>, 2013).

Sexually exploited victims in the Russian Federation experience many hardships outside from the scaring activity of prostitution. Prostituted persons in the Russian Federation are often subject to violence. Because their practice is illegal, they cannot turn to law enforcement if they are abused. There have been many cases of police violence against prostituted persons as well. Because prostitution is condemned by society, police consider abuse of prostituted persons to be acceptable. It is not uncommon for prostituted persons to be extorted or robbed by police officers (*The Moscow Times*, August 26<sup>th</sup>, 2015). They commonly develop a character of distrust and fear, thus causing even further psychological damage. The lack of hope that comes from being controlled and abused with no way out is incredibly damaging for these women (*Tulane Journal of International Affairs*, 2012).

Since the 1970s, the HIV/AIDS epidemic has been increasing in the Russian Federation. There is very little education supplied to the public to prevent STDs and prostituted persons are very likely to contract them from clients and spread them further through sex tourism and trafficking. Some clients also refuse to use protection, and prostituted persons have no choice but to comply. Finally, they very often develop drug addictions; either they start taking drugs and prostitute themselves to pay for their addiction, or they turn to drugs to cope with the difficulties of their lives. Women in this practice learn not to care about their safety and do not seem to worry about the dangers of hard drug use (*The Moscow Times*, August 26<sup>th</sup>, 2015).

### **The Varying Forms of Sexual Exploitation in the Russian Federation**

Tens of thousands of people enter the Russian Federation every year through human trafficking. This phenomenon not only violates human rights, but also creates a national security issue for the country. Due to migration as well as human trafficking there are between five and 12 million foreign workers in the country and it is estimated that as many as 20% of them have been sexually exploited (*U.S. Department of State*, July 2015). The economic development in the 2000s increased the demand for prostituted persons, and traffickers responded quickly with increased supply. Women were promised jobs or education in Moscow but were recruited into prostitution agencies instead (*CNN*, July 18<sup>th</sup>, 2008). Because there is no visa requirement among the Commonwealth of Independent States (CIS), the women and children from these countries

are the most common victims. Vulnerable people can be trafficked across these borders in absence of any regulation.

Russian Federation does not take a victim-centered approach to stopping human trafficking and often punishes victims for crimes that they commit while being exploited. There are cases of officials deporting victims rather than investigating or prosecuting their traffickers. The Federal Migration Service (FMS) is not allowed to investigate suspected trafficking cases; consequently, they have no choice but to deport victims (*U.S. Department of State*, July 2015). If these victims are not deported, they are often returned directly to their traffickers, resulting in further vulnerability and abuse (*Tulane Journal of International Affairs*, 2012).

Russian women are also commonly exploited in foreign countries. Fake advertisements and internet sites for better jobs can entice women into trafficking networks that they can never escape. Many victims reported that they were misinformed about their purpose of being taken abroad. They were often offered jobs as dancers, waitresses, models, housemaids, or nannies (*Tiurukanova*, 2006). Once abroad, their documents were taken away and they found themselves forced into the sex industry. Because they travelled willingly and legally, it is very difficult to prove and prevent these scams.

The Russian Federation is experiencing the issue of a declining population, and the Office of the UN High Commissioner for Human Rights has reported that between 30,000 and 60,000 women and children are trafficked into prostitution each year and over the last two decades more than 500,000 women have been sold from the Russian Federation and sent to other countries (*CARIM*, May 2013). Sex tourism is very popular in the Russian Federation, especially in cities such as Saint Petersburg and Moscow. Tourists come from all over the world because they know that it is not illegal for them to purchase sexual services there. There are also many websites advertising Russian women and promoting this practice. Sexual exploitation of children in the Russian Federation has also become more frequent. Since the 1990's child pornography has become more commonly produced in the Russian Federation. Today more than half of all child pornography websites worldwide are Russian (*Tiurukanova*, 2006). These children usually come from abusive backgrounds and are trying to escape their parents. Once involved in the sex industry they are encouraged to drink alcohol or take drugs, making them easier to control. As the HIV/AIDS epidemic increased through the 1990's, sexual services from minors became more popular as people viewed them as less likely to have STDs. As a result, a majority of prostituted persons infected by HIV/AIDS now are younger than 30 (*Tiurukanova*, 2006).

### **Sochi Olympic Games**

The 2014 Olympic Games in Sochi involved human trafficking in much of its construction. Many of the workers were trafficked from CIS countries and exploited in the Russian Federation. There was a very large number of human rights violations that occurred during the creation of the most expensive Olympic Games to date. The worry about being ready for the Games overshadowed any concern for human rights (*TakePart*, February 7<sup>th</sup>, 2014). In general, there are

already large imports of prostituted persons for sporting games. Even though prostitution was supposedly not allowed in the Olympic Village, the purchase of sexual services was still frequent. The Games were also used by sex traffickers as a way to attract foreign women into their network. An American sports reporter was actually recruited into a very convincing sex trafficking scheme. Brittney Cason was told that she was being hired to be a broadcaster for a major news network at the Sochi Olympics and only realized days before she was supposed to leave that the entire process had been a scam to recruit her into sex trafficking (*Business Insider*, February 25<sup>th</sup>, 2014). It is certain that many other women experienced similar schemes and were not lucky enough to make it out in time.

### **Implemented Initiatives**

The Russian government has made very little effort to combat sexual exploitation other than creating laws against forced prostitution and human trafficking. Additionally, they have not helped increase awareness or prevention efforts, and there is close to no funding for aid programs for victims. They have neither a National Coordinator for human trafficking nor a national action plan. There is no system for identifying victims or a basic law defining victims' rights (*CNN*, July 18<sup>th</sup>, 2008). There is some training for authorities on how to handle human trafficking, but it was not used in 2014. Most often, foreign victims are deported rather than receiving help. Even though Russian Federation was involved and agreed upon the CIS Anti-Trafficking Plan, they have not yet implemented it and have not shown sufficient evidence that they will any time soon (*U.S. Department of State*, July 2015). On the whole, the Russian system on sexual exploitation is completely inadequate.

Most of the aid for victims comes from NGOs such as the Angel Coalition, an organization that provides counseling, victim assistance, and rehabilitation programs in Moscow (*Tulane Journal of International Affairs*, 2012). However, the government does not seem to be willing to work with these organizations and the NGOs often work in fear of being shut down. Because of this, most NGOs only work to raise awareness rather than directly working with victims. Putin's administration has actually been harmful to nonprofits trying to help victims (*The Washington Post*, June 23<sup>rd</sup>, 2013). An international organization reported that they were only able to identify and help 170 trafficking victims. Considering the extent of the problem in the Russian Federation, this number is quite low and probably due to a lack of cooperation from the government. During 2014, one of the only programs that had help from Russian authorities was a Russian Red Cross that gave shelter to trafficking victims with aid from the Saint Petersburg municipal government (*U.S. Department of State*, July 2015).

Since the fall of the Soviet Union, the number of victims of sexual exploitation has been increasing. In the last few years this trend has continued and become even graver. This is evident by its downgrade from the Tier 2 Watch List to Tier 3 in the U.S. Department of State Report on Trafficking in Persons. In the recent economic crisis, the lives of prostituted persons have

become even more difficult. They have had to raise their rates by 30-40% to counter inflation and the decreased demand (*CNBC*, December 4<sup>th</sup>, 2014). In the future, the Russian government needs to make a huge change in how they handle sexual exploitation. They must develop a national action plan, create a budget, use training programs for authorities, have better coordination among government programs and NGOs, increase awareness for the issues, and provide aid for victims. On the whole, the entire system needs to be reorganized and the Russian government needs to make the effort to help these thousands of victims.

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## Serbia

- Population: 9.5 million
- GDP per capita (in US dollars): 6,152
- Parliamentary regime
- Human development index (HDI): 0.771 (66<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.176 (38<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 40 on a scale from 0 (highly corrupt) to 100 (very clean)
- 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. Prostitution is punishable by 30 days imprisonment.
- Serbian criminal code punishes any form of slavery with penalties ranging from 3 to 15 years imprisonment.
- In 2014, there were 26 convictions with 3 to 12 years imprisonment for human trafficking (for forced labor and sexual exploitation), compared to 37 in 2013.
- The Roma community is particularly exposed to domestic trafficking.
- Country of origin, transit, and destination for victims of sex trafficking.
- Serbian victims are exploited in the neighboring Balkan countries (Montenegro, Bosnia-Herzegovina, Croatia), in Western Europe (Italy, Germany, Switzerland, Austria, Sweden) and in the Russian Federation.
- Foreign victims come mainly from Montenegro, Bosnia-Herzegovina, Bulgaria, Romania and Moldavia.

Since the splitting-up of the Socialist Federal Republic of Yugoslavia in the 1990s, sexual violence has been a recurring problem in Serbia. During the resulting wars, rape was used as a weapon of war, resulting in the rape of thousands of women. According to Amnesty International, there have been as few as 5 prosecutions for war crimes typically smeared with sexual violence in Serbia. These war crimes have created extreme social stigmatization surrounding sexual exploitation and prostitution that continues to permeate the Serbian society

twenty years later. This stigmatization has resulted in a lack of effort by the Serbian government to combat sexual exploitation; therefore, sexual trafficking remains a critical problem needing confrontation.

Serbia serves as a transit, destination, and origin country for victims of human trafficking. Many Serbian nationals are trafficked in Azerbaijan, Slovenia and Russian Federation. The Serbian government identified 76 trafficking victims during the year 2013, 31 of which (40%) were victims of sexual exploitation. Women subject to sexual trafficking are often transferred to other countries and held hostage by Serbian criminal groups in Italy, Germany, Montenegro, Bosnia, Croatia, Austria, and Sweden. Unfortunately, the number of victims is increasing in Serbia and domestic trafficking has been rising. From 2013 to 2014, there was a 26% increase in the number of persons with victim status, according to the Center for Human Trafficking Victims Protection (CHTVP).

### **A sufficient legislation that is ineffectively applied**

Serbia has a sufficient legislative framework to combat trafficking, however, the problems arise in terms of implementation. Victims of trafficking are currently protected under the Serbian criminal code. Article 388 prohibits all forms of sex and labor trafficking with penalties ranging from 3 to 15 years imprisonment. When this article was established in the revised criminal code of 2006, it increased the penalties for trafficking. Article 389 prevents trafficking of minors and addresses trafficking criminal groups. Article 390 of the criminal code punishes any form of slavery with 1 to 10 years imprisonment and 5 to 10 years imprisonment if the crime was committed against a minor.

Other laws protect victims of human trafficking, such as the Law of Social Protection, the Law on Foreigners, the Law on Health Care, and the Law on Seizure and Confiscation of Criminal Assets. Article 41 of the Law on Social Protection recognizes that victims of human trafficking should benefit from “social protection services without having to prove that they are in social need” (GRETA, 2014). The Law on Foreigners provides temporary residence to foreign victims during criminal proceedings and the Law on Health Care provides foreign victims with free emergency medical care.

Serbia drafted two strategies to combat trafficking: the National Strategy for Preventing and Combatting Trafficking in Persons 2014-2020, and the Action Plan for 2014-2015. Neither of these strategies were adopted. In addition to national laws, Serbia belongs to several international organizations that fight against human trafficking, including the Council of Europe Convention on Action against Trafficking in Human Beings, the United Nations Convention against Transnational Organized Crime, and UN Convention on the Rights of the Child. Being a stakeholder of these organizations provides further obligations that Serbia must meet in order to diminish trafficking in the country.

## **Institutional Framework**

Serbia has multiple governmental bodies against trafficking. The CHTVP was established in 2012 and contains two separate bodies including one for emergencies. However, according to the TIP Report 2015, this emergency center has never functioned. The Centre has many duties, including but not limited to developing individual plans for protection, coordinating with the authorities, protecting national and international victims, organizing conferences, and protecting victims in court proceedings. The Agency for Co-ordination of Protection of victims of trafficking in human beings, whose key role is the protection of human rights, was established in 2004. This organization is an extremely important mechanism for combatting trafficking because it acts as a coordination center between the victims, NGOs, police, and the authorities. The Republican Team for Combating Trafficking in Human Beings was established to bring together different actors such as the Ministry of Justice, NGOs like ATINA and Save the Children, and international organizations like UNICEF. According to the Group of Experts on Action against Trafficking in Human Beings (GRETA), two main NGOs stand out in the protection of trafficking victims. The NGO ATINA creates long-term support programs that are dedicated to providing enrollment in the education system, medical assistance, and family counseling. ATINA is dedicated to targeting the roots of trafficking such as poverty, lack of education, family relations, and of basic human rights. The second NGO, ASTRA (Anti-Sex Trafficking Action), trains important professionals such as social workers and the police. ASTRA also provides an SOS hotline that victims can call and provides medical and legal assistance.

## **Victims of trafficking and the judicial system**

No organizational body gives victims protection during trials. Often the traffickers are given the minimum sentence, and few end up in jail. During 2014, the Serbian government initiated the prosecution of 17 cases, showing a decrease from the 29 cases in 2013 (*U.S. Department of State*, 2015). The trials were slow to resolve and the appeals resulted in even weaker sentences. Fewer traffickers were convicted and they received fewer sentences because officials chose to prosecute the traffickers under alternate processes with lighter penalties. There have been multiple standout cases in which victims were convicted of crimes they committed as a direct result of their entrapment in trafficking. Additionally, Serbia is one of the few countries that does not recognize trafficking as organized crime. The victims receive no free legal aid from the government nor do they receive financial compensation for their situation. Many Serbian authorities believe that victims can receive aid and protection through the existing social welfare and public health structures in the country. However this “*assistance is often insufficient, inappropriate and not consistently available to victims*” (ASTRA position on human trafficking victims in court proceedings).

Serbia complies with the international standards of the protection of victims during court proceedings; however, it does not implement these standards. During court proceedings, victims

are often not granted their basic rights of protection such as protection of privacy, right to assistance and counseling, and right to safety and compensation. According to the US 2015 TIP Report, the first time a victim was compensated was in 2014. The victims are forced to appear in front of their traffickers many times. Consequently, victims are often threatened and intimidated and are subject to secondary traumatization which can strongly influence the victim's statements.

According to the U.S. Department of State Report on Trafficking in Persons, Serbia's first step must be to increase prosecutions and punishments for traffickers. In order to change the prosecution system, Serbia must train investigators, prosecutors, judges, and relevant professionals on the gravity of this issue. The government must increase cooperation with NGOs and help NGOs with financial aid, a recommendation reaffirmed by GRETA. If Serbia implements these changes, this country will vastly improve the situation for many human trafficking victims and hopefully also lower the prevalence of trafficking in Serbia. If the Serbian public can change its view against prostitution and trafficking victims, this large international issue can begin to subside in Serbia and this form of modern day slavery hope to disappear.

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## South Africa

- Population: 53.1 million
- GDP per capita (in US dollars): 6,482
- Parliamentary regime
- Human development index (HDI): 0.666 (116<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.407 (83<sup>rd</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 44 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the African Union since 1994.
  
- No official national statistics on prostitution.
- The NGO SWEAT estimates that there are 153,000 prostituted persons in South Africa, including 8,000 men. According to association leaders, there are about 20,000 child prostitutes (*Molo Sangololo*) (*Fondation Scelles*, 2013).
- Prostitution has been illegal since the Sexual Offences Act 1957, and the purchase of sexual services since 2007. Procuring is repressed and the ownership of brothels is banned.
- Trafficking for sexual exploitation is punishable by imprisonment up to 20 years (Sexual Offence Act) and 5 years to life imprisonment when the victims are minors (Children's Amendment Act).
- In 2014, only 3 sex traffickers were convicted and 19 prosecutions were investigated (12 compared to 3 convictions and prosecutions in 2013). 4 people who purchased sexual services to victims of trafficking were prosecuted by the government in 2014.
- The foreign mafias (Russian, Bulgarian, Thai and Chinese) involved in trafficking are worrisome.
- The most severe condemnation in the judicial history of South Africa for sex trafficking was passed in November 2014 against a businessman who exploited five minors from Mozambique, and was sentenced to 8 times life imprisonment.
- Prevalence of HIV/AIDS is at 60% amongst female prostitutes in South Africa. 350 girls and young women are infected daily.
- Serious problem of corruption.

- Persistence of "ukuthwala" tradition in remote villages, which involves the forced marriage of young girls sometimes as young as 12 years old to adult men, making them vulnerable to forced labor and sexual slavery (*U.S. Department of State, 2015*).
- Destination country for victims of trafficking in Southern Africa.
- Majority of victims comes from South African or from neighboring African countries (Nigeria, Zimbabwe and Mozambique mainly), South-East Asia (China, Thailand) and Eastern Europe (Ukraine, Bulgaria, Russian Federation ).

Despite the fact that it has been illegal since the Sexual Offences Act of 1957 and that the 2007 amendment added the criminalization of the purchase of sexual services in 2007, prostitution remains strong and relatively visible problem in South Africa. At the same time, the political class does not seem to consider it a major problem, even if, the debate has increased in intensity between the supporters who want a total decriminalization of prostitution along with those who advocate a Swedish model (decriminalization of prostituted persons, criminalization of the purchase of sexual services) and then those who want to keep criminalizing all stakeholders. Despite the fact that poor, young, black women remain the first victims of prostitution, it is the voices of those advocating for a regulationist approach who are most commonly heard. In an economic context that remains difficult (unemployment is at 25%), prostitution is a means of survival or, at least, is the only source of immediate income for many women.

### **The debate about a possible decriminalization: a debate in full swing?**

The stakes are high. But authorities procrastinate. Since 2009, the South African Law Reform Commission (SALRC) is working on the desirability of a requalification of prostitution and sexual crimes via the project 107 (*South African Law Reform Commission Act, 2009*). This stage of debate continues to be prolonged, despite some diffused declarations from political figures that are sometimes contradictory even when they come from the same political party. There does seem to yet be a clear stance from the authorities.

And if the four options considered by the SALRC are still on the table 1) decriminalization, 2) regulation 3) Only partial decriminalization for clients; only the purchase would be criminalized, and 4) full criminalization, there are countless studies, articles, and statements in favor of decriminalization. Two visions clash in South Africa perhaps more than anywhere else. Should prostitution be considered an occupation where both parties would agree on a temporary financial contract or does it represent a form of domination and oppression that we must continue to prohibit? The fracture is such an important one that today, the coalitions of the various lobbies have become impervious to any different opinion from theirs (*Emser, 2013*).

At the end of 2013, President Jacob Zuma stated that decriminalization remained an option (*News24, October 23<sup>th</sup>, 2013*) in the eyes of the Commission. Therefore, we could believe in rapid decision-making in this direction. But this strong choice continues to ensue the debate

between the supporters and the lobbyists who are opposed to this notion. Recently, the Commission for Equality of Genders has been clear in this regard. For them, the current legal regime is generally ineffective. Based on feedback from Australia and New Zealand which it considers positive, the Commission recommends the "decriminalization of sex work" (*Commission for Gender Equality*, 2013). To make prostitution a crime amounts to "violate the right to free choice of work", which is contrary to the Constitution. By decriminalizing, the Commission states that the persons in a prostitution situation could regroup and defend as unions, stigma could be reduced, increase access to health care and the fight against the spread of HIV/AIDS would be facilitated. They further argue that prostituted persons could more easily seek justice when they are victims of violence, which would mean the end of arbitrary arrests and detentions, as they would no longer be targeted by the police specifically.

The argument behind the unconstitutionality of the Sexual Offences Act is currently being advanced by some researchers (*International Journal of Humanities and Social Science*, January 2013). If the South African Constitution guarantees everyone the right to exercise the job of their choice "in fair circumstances", this text that punishes the practice of prostitution activity, is evidently inconsistent with the Constitution. This still leaves room for other interpretations as long as we agree on the meaning of "fair". For supporters of decriminalization such as *Sex Workers Education and Advocacy Taskforce* (SWEAT) and *National Sisonke Sex Workers Movement* (Sisonke), the current legislative system makes prostituted persons more vulnerable and more susceptible to stigma and violence. Between July and October 2014, eight of them have paid with their lives (*The Messenger News*, October 22<sup>nd</sup>, 2014). According to Maria Stacey from SWEAT, just as many customers as police officials are being violent towards prostituted persons. A recent study by the *Women's Legal Center* showed that nearly 70% of surveyed sex workers had at least one experience of violence or sexual abuse by police (*Manoek*, August 2012). Cases of abuse from the customers themselves are rarely reported to the police since the activity is unlawful. The argument put forward by structures "pro-sex work" is the impossibility to defend their rights in a legal system that makes them outlaws.

Another favorable response to decriminalization came from the *South African National Aids Council* (SANAC) entity against the spread of HIV/AIDS and has set up a national plan for prevention, care and treatment for prostituted persons. According to the SANAC, stigmatization and criminalization set a barrier for people from certain populations to access health care systems. Latest estimates indicate that 60% of female prostitution in South Africa are infected by HIV/AIDS (*The Lancet*, July 2012). Based on a series of recommendations from internationally oriented organizations (with UNAIDS, WHO) and research work, the SANAC calls for decriminalization of prostitution, as they believe this is the only legal form most likely to slow the spread of the epidemic (*The Lancet*, October 8<sup>th</sup>, 2005). In June 2015, the Deputy Chairman Cyril Ramaphosa acknowledged that the strong stigmatization of persons engaged in prostitution contributed to the spread of HIV/AIDS. The US ambassador to South Africa stated that about 350 girls and young women were infected each day (*Sowetan Live*, June 11<sup>th</sup>, 2015).

Politicians do not have the same vision of decriminalization. Most of them avoid making definitive statement on their stance. When the Sowetan newspaper had the headline in January 2014 “*The deputy minister John Jeffery speaks of a possible decriminalization of sex work*”, the South African government immediately issued a denial recalling that no formal statement had been made in favor of a possible decriminalization (*South African Government, Media Statements*, January 13<sup>th</sup>, 2015). The authorities do not mean to interfere in the Law Reform Commission process but have the responsibility of reminding the public that the sale or purchase of “sexual services” are still an offense. For Nosipho Vidima, Sisonke, “sometimes when we go to Parliament to assert our views on decriminalization, we recognize some members who are customers” (*News24*, January 17<sup>th</sup>, 2014).

In general, groups advocating<sup>24</sup> for the decriminalization of “sex work” are widely mobilized and organized in South Africa. The Decriminalizing Working Group (DWG) wants a change in legislation towards the decriminalization of prostituted persons, soliciting and owner-managers of sex establishments. This organization systematically refuses to use the word “prostitution”, as they find it has a negative connotation. That being said, not all organizations share this view. While abolitionists groups also advocate for the decriminalization of prostituted persons, they do not advocate that in any circumstances, the procurers and customers should be decriminalized. *Embrace Dignity*, an activist association in favor of the equivalent of the Swedish model, requested from the parliament in December 2014, the establishment of a trans partisan committee in charge of a current evaluation of prostitution. Movements of Catholic origins, such as the *Christian Lawyers Association*, go even further and argue instead for a total penalization of the sex industry: criminalization of the purchase, sale and all acts related to prostitution. This approach mirrors the current legislation in South Africa.

### **Legislative Modification**

While the possible amendment of legislation on prostitution is still pending, President Jacob Zuma signed in July 2013, the Prevention and Combating of Trafficking in Persons Act. The text complies with international commitments to fight against human trafficking. It also provides law enforcement a comprehensive and specific tool with sentences of up to life imprisonment and a fine of 100 million ZAR (6.3 million US\$/5.8 million €). However, this law will enter into force once all the necessary regulations for its implementation are in place. Its application remains uncertain consequently.

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<sup>24</sup> Composed by a dozen of structures: *AIDS Legal Network, Sex Worker Education and Advocacy Taskforce (SWEAT), Women’s Legal Centre, African Sex Worker Alliance, Sisonke Sex Workers Movement, World AIDS Campaign, SANAC Women’s Sector, Thohoyandou Victim Empowerment Programme, Tshwaranang Legal Advocacy Centre and AIDS and Rights Alliance of Southern Africa, Gender DynamiX, ARASA, Triangle Project, Legal Resources Centre.*

## Confirmation

The landscape of prostitution according to the different nationalities has been confirmed since the previous edition of the Global report by Scelles Foundation (*Fondation Scelles*, 2013). Criminal groups share the cities (and neighborhoods) and the victims of the same national or regional geographic origin. Nigerians (very present in Hillbrow) appear as the most powerful group of traffickers operating in gangs and mainly controlling the prostitution of young African women and children. The Russians and Bulgarians are in control part of Cape Town and several towns in the south. Chinese and Thai organize Asian prostitution, black women, Africans remain the biggest groups but there is a wide range of nationalities implied in the phenomenon.

One finds many prostituted persons with varied African nationalities (Lesotho, Swaziland, Zimbabwe, Democratic Republic of Congo, Mozambique), Asian (mainly China, Thailand, Taiwan, Cambodia, India) and East European (Russian Federation, Moldova, Ukraine, Bulgaria, Romania, Hungary). The organized crime networks are present to control prostitution and their sizes are varied. If international gangs are operating in certain cities, communities as well as families and relatives of the victims are also very present in the exploitation of prostitution. They are largely males, although many cases show the involvement of women, particularly in the recruitment of victims. A police operation in December 2014 in a northern Durban property revealed a Thai prostitution ring disguised as a "bed and breakfast". The owner, a 62 year old man and his wife, a Thai in charge of the recruitment, had set up the network two years prior to the arrest and brought a hundred women from Thailand under cover of tourist visas (*IOL.co.za*, November 9<sup>th</sup>, 2014). The couple kept young women through a debt that they had to pay and the confiscation of their passports upon arrival. Given that the neighbors had long known of the existence of this institution, it took a surprisingly long time for the police to intervene. Due to lack of evidence, the couple was "invited" to leave the country (*IOL.co.za*, December 23<sup>rd</sup>, 2014).

Drugs can also be used to keep young women, sometimes very young ones, in a dependent status (*IOL.co.za*, August 7<sup>th</sup>, 2014). Also, in the "brothels", it is not uncommon for owners to have a diversity in the nationalities of prostituted persons (*News24*, September 16<sup>th</sup>, 2014). Hundreds of Asians, mainly of Chinese and Thai origin, are brought in annually, mainly operating in the suburbs of Durban, through escorting sites. In 2014, 180 Thai women were identified as victims of trafficking for sexual exploitation and returned to their embassy before being repatriated. For police in Durban, there is no doubt that trafficking is organized and controlled by Chinese or Thai crime organizations. Most victims are deceived about the real object of their destination by false promises of jobs in restaurants (*IOL.co.za*, August 29<sup>th</sup>, 2014). The testimony of two East-European reminds us that several strip clubs in Cape Town were identified as having links with the Mafia: the managers confiscated passports and coerced them by making them repay their "debt" (travel, rent). Is there any difference between these "venues" and prostitution? Still, the young women surveyed say they prefer their situation now that they

have left. "We go where there is money. But to do that successfully, you need to break something inside you" (*The Moscow Times*, August 28<sup>th</sup>, 2014).

It is difficult to know the exact magnitude of trafficking. The press puts forth the figure at 100,000 victims trafficked annually (*Eyewitness News*, November 11<sup>th</sup>, 2014), 30,000 of which are minors (*Times Live*, July 16<sup>th</sup>, 2015). These estimates, however, are regularly questioned. Moreover, prostitution, though illegal, is still generally, considered a "minor" crime and even the police do not seem to provide accurate data. Recall that in 2013, 10,096 victims of trafficking had been identified across the African continent (*U.S. Department of State*, 2015). In South Africa, only 3 sex traffickers were convicted and 19 others continued to operate in 2013 according to the 2015 U.S. Department of State Report on Trafficking in Persons.

While public, private and state figures put forward different numbers, all agree on the fact that the phenomenon is significant. The facts and the testimonies from prostitutes themselves leave no room to doubt the severity of this phenomenon. This is especially apparent when we consider the story of the woman of the district of Atlantis (Cape Town) who was forced into prostitution after responding to a false announcement of two Congolese brothers. Drugged and raped by five men, regularly beaten, threatened, exploited on the sidewalk and in brothels before being resold several times, she was eventually rescued by her family. When they found her, "she could not even walk" (*IOL.co.za*, March 20<sup>th</sup>, 2014). This makes one wonder, is prostitution really a choice?

### **Viewing prostitution as a job or an exploitation?**

The life course of Asanda, prostituted at age 17 after being excluded from the family and deceived by a false job offer shed light on the question of whether prostitution is a job or an exploitation (*Good*, October 6<sup>th</sup>, 2014). Analyzed through the prism of two associations in diametrically opposite view (SWEAT-pro "sex work", Embrace Dignity-abolitionist), prostitution is seen as a profession for one and oppression for the other. Yet when we look a little closer and consider that Asanda was raped by her uncle when she was a child, and forced to have sex with up to 20 clients a day. Asanda says he wanted to stop the first time. "I was drinking constantly. It was the only way to get through this". You can choose when you have other choices. Asanda, obviously did not have other choices. The organization SWEAT first helped Asanda, who was then helped by *Embrace Dignity* who helped her rebuild her life in three years. For Madlala-Routledge from *Embrace Dignity*, "Inequality reduces the choices of women and prostitution perpetuates this inequality" (*Good*, October 6<sup>th</sup>, 2014).

### **A "Zim-prostitution" that is expanding and becoming increasingly mobile**

While women from Zimbabwe seem more numerous on street corners or in brothels in urban areas (*iHarare*, June 1<sup>st</sup>, 2014), the phenomenon of a travelling prostitute has increased even

more over recent years. Border towns, highways, and parking lots have become places frequently visited by the community. This is a prostitution that has become very mobile.

Truck drivers sometimes pay young women to accompany them on their journey. South African police also mentioned the existence of trafficking networks for sexual exploitation involving truck drivers (*iHarare*, July 14<sup>th</sup>, 2015). The risk of exposure to HIV/AIDS are still very important and several cases of drivers with the virus have been reported. If some tricks are trading at 1 US\$ (0.92€), young Zimbabwean nightclubs Hillbrow may raise 250 US\$ (230 €) per month (*My Zimbabwe News*, July 9<sup>th</sup>, 2014). But how? Zimbabwean diaspora in South Africa is estimated at 3 million people, three-quarters are in an irregular situation. According to Save The Children Zimbabwe on the 2,000 illegal migrants repatriated every week, 20% are supposed to be unaccompanied minors (*The Guardian*, 13 July 2014).

### **A male prostitution on the rise**

SWEAT estimated that there are 8,000 male prostitutes in South Africa, the majority of whom come from other African countries. Operating in a anaemic labor market and mostly in extremely precarious economic situations, they are increasingly likely to turn to prostitution. More affluent, urban clients approach them, among them some women, and they use the Internet or escorting dating sites to conduct their business.

### **Abuse and violence**

In general, all organizations agree on the countless number of violence against prostituted persons, on the part of the clients but also on the part of security forces taking advantage of the fact that prostitution is illegal. Physical violence includes assaults, beatings, rape, murder and attempted murder and there is also indirect psychological abuse by their entourage and sometimes, their families. Moreover, pressure from clients to have intercourse without condoms is still very strong. Maria Stacey SWEAT confirms that this violence comes from both the police (insults, stigma, pepper spray, rubber bullets) and customers (very common that customers throw the prostituted person out of their car after a trick without paying). In 2013, at the International Sex Workers' Day, 80 prostituted persons demonstrated against police violence in Johannesburg: "Your police use bylaws to stop us, and then they refuse us access to medicines. "They demand money in exchange for not arresting us" (*IOL.co.za*, March 8<sup>th</sup>, 2013).

### **The difficult cohabitation with the residents**

Tension is increasing between some residents of Glenwood (Durban neighborhood) and prostituted persons who mutually blame each other for the unrest. Volunteer Bulwer Community Forum organized a march to protest against prostitution that is too visible in their neighborhood and reported being threatened by prostituted persons. Several prostituted persons have

complained, in turn, having been insulted and harassed by residents. These tensions, far from being anecdotal, clearly show the problems existent for visible prostituted persons in residential area. For some members of the community who were interviewed, they complained that the illegal networks, and in particular, the leaders of these networks were trying to control the neighborhood. They denounce the arrogance of "*criminals who behave as if they owned the place*" (*IOL.co.za*, March 24<sup>th</sup>, 2014). Some residents say they are concerned about the rights of prostituted persons, but nobody wants a "red light district" next to home.

### Assistive Devices

The Department of Social Development mentions 41 victims of trafficking (all forms of trafficking combined) that have been aided and given housing (*U.S. Department of State*, 2015). In general, however, it is primarily the public sector that seems to do the most work. SWEAT widely participates in the national program of prevention against HIV/AIDS and has set up the program in 74 sites throughout South Africa. The organization has also opened a hotline to advise prostituted persons and receives over 300 calls each month. *Embrace Dignity* has set up an exit program for survivors of sex trafficking and prostitution. It provides psychological support, comprehensive support, training and trade skills to people wishing to leave prostitution through two programs: "*Let us rise*" and "*Sisters*". Last June, the association has implemented the "*Dignity Marketplace*", an initiative that allows the sale of products manufactured by the survivors and whose profits help exclusively to support these initiatives by returning to those survivors.

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## Spain

- Population : 47.1 million
- GDP per capita (in US Dollars) : 29,767
- Constitutional monarchy
- Human development index (HDI): 0.876 (26<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.095 (16<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 58 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the European Union since 1986.
  
- No official national statistics on prostitution.
- Unofficial estimation: between 300,000 and 400,000 prostituted persons. More than 90% are victims of human trafficking according to the State Safety Force.
- Third greatest consumer of prostitution in the world after Thailand and Puerto Rico. Prostitution in Spain yields about 5,41 million US\$ (5 million €) a day (*Eurostat*) and there are about 45,000 prostitution locations (*Centro de Inteligencia contra el Crimen Organizado-CICO*).
- Without being explicitly forbidden, prostitution is unregulated. Since July 1<sup>st</sup> 2015, Article 187 of the New Penal Code has provided harsher penalties to punish procuring. The purchase of sexual services and soliciting is punished as a public order disturbance by the Spanish Legal System (Citizen Security Act of 2015, Section 37.5 of the Penal Code).
- Section 177 of the Penal Code punishes trafficking with five to eight years of imprisonment or more if there are aggravating circumstances.
- In 2014, out of 98 suspects charged with sex trafficking, 60 were convicted (compared to 104 suspects in 2013 and 31 convictions). There was a breakdown of a Nigerian network whose leader was sentenced to 53 years and 9 months in prison and 18 other members of the criminal group were sentenced to terms ranging from six months to 12 years.
- Increase in sexual exploitation on the French-Spanish border.
- Country of transit and destination for victims of trafficking for sexual exploitation.
- Foreign victims are mostly from Eastern Europe (Bulgaria, Romania, Ukraine, Russian Federation, and Croatia), South America (Paraguay, Brazil, Columbia, and Ecuador), China, and Nigeria.

## Alarming Statistics in Spain: The Fight Against Trafficking and Sexual Exploitation in Spain

Spain is country of transit and destination for women in prostitution. According to the State Safety Force probably, more than 90% of them are victims of trafficking. Entry routes for these victims in Spain come from America through Brazil and Paraguay, from Europe through Romania via Italy, France, and Germany, through Russian Federation via Belarus and Ukraine, and from Africa through Nigeria via Senegal, Algeria, and Morocco.

There are no official figures on the number of prostituted persons in Spain. Unofficially, estimates say that there are between 300,000 and 400,000 prostituted persons. José Nieto, the Head of the Spanish National Police's Illegal Immigration Network and False Document Unit (UCRIF – Unidad Contra las Redes de Inmigración Ilegal y Falsedades Documentales), acknowledged that in 2013 more than 16,000 people were identified as potential victims or at risk for prostitution. He believes that most prostituted persons are hidden in enclosed spaces – mostly clubs and apartments. This figure may represent only a third of the reality.

The National Police estimated that there are 1,400 establishments in Spain where prostitution is practiced, not including apartments or other closed locations. However the Center of Intelligence against Organized Crime (CICO) claims that there could actually be as many as 45,000. According to CICO's data, in 2013, 264 women were identified as victims of trafficking and 916 identified as victims of sexual exploitation. The women mostly came from Romania, Paraguay, Brazil, Nigeria, and more recently, China<sup>25</sup>. The average age of identified trafficked victims is 23 to 27 whereas the average age of victims of sexual exploitation is between the ages of 33 and 37. In 2013, the convicted traffickers were mostly Romanian, Spanish, or Nigerian. The convicted sexual exploitation traffickers were mostly Spanish, Chinese, or Romanian.

According to Ignacio Cosidó, the Director General of the National Police, in April 2013, the National Police placed the fight against trafficking on the same level as the fights against terrorism, organized crime, and violence against women. Thus the first phase of the Strategic Plan against Trafficking and Awareness Campaign, “Contra la trata, no hay trato” (Against trafficking, there is not treaty) was established.

Police have set up a free emergency call number 24 hours a day (900 10 50 90) and an email address (trata@policia.es) available to victims and citizens so that they can report a potential victim or anonymously denounce a trafficker. The first phase of the Plan has cost 24.67 million US\$ (22.78 million €) from 2013 to 2015 with over 462 police operations. 1,450 have been arrested and 11,751 victims were recovered during these operations.

The second part of the Strategic Plan began its implementation in February 2015. According to the Interior Minister, Jorge Fernandez Diaz, “*the pressure on clients of prostitution will increase, causing demand to decrease*”. Six new operational groups in the UCRIF of the

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<sup>25</sup> Chinese prostitutes are called “invisible victims” because they are never seen on the streets and practice primarily in apartments.

National Police will be created along with a new group specializing in prosecution on social networks.

Throughout 2014, the Department of Health, Social Affairs, and Equality worked to develop a new comprehensive action plan against human trafficking for sexual exploitation. After the first plan of action 2009-2012, the new 2015-2018 plan was approved on September 18<sup>th</sup>, 2015 with a budget of 112.6 million US\$ (104 million €) for four years. The plan consists of 143 measures and is based mainly on human rights, protection, and reparation for victims of trafficking. Approved by the Ministry of Health, Social Services, and Equality, it is based on five main areas: detection and prevention ; identification, protection, and assistance to victims ; improved information gathering ; prosecution of offenses and redistribution of criminal assets ; cooperation and coordination.

In terms of victim protection, several NGOs working with victims demanded a reform of the witness protection law in Spain to ensure the safety and anonymity of witnesses (LO 19/1994 de 23 de diciembre de Protección a Testigos y Peritos en Causas Criminales).

Since 2009, the Prosecutor of the Comunidad de Madrid, through its Victim Protection Service, protects witnesses and other persons at risk and offers all victims a multidisciplinary intervention that facilitates the judicial process. This service is used as an example on the national and international level.

According to the Directive 2012/12/EU from the European Parliament and Council, all victims of trafficking could receive information enabling them get answers on their judicial situation and have access to psychosocial teams.

The Victim Protection Service allows victims to benefit from the assistance and guidance of a psychosocial team throughout their trial. The police or Civil Guard is responsible for their safety at all times. After their testimonies, victims of trafficking can be given a protected witness status.

A special security device (*Guardia Civil*) must be put in place to not only ensure their safety, but also their recovery and reintegration. Since the introduction of this service, very precise evaluations have been conducted on the state of improvement observed by the victims to ensure that their recovery process is as effective as possible.

Special attention must be given to victims who meet difficulties to obtain work and residence permits, particularly for victims from Nigeria. These areas pose as obstacles to their integration into the labor market and the process of personal reconstruction and independence.

Coordinated work between the judiciary and state security forces, NGOs, and other associations in the field is absolutely necessary. This helps prevent re-victimization and promote better healing from psychological damage.

### **The Prostitution Market Flourishes in Spain**

Trafficking, prostitution, and sexual exploitation continue to be growing markets. Women's bodies are bought and sold as merchandise to satisfy the desires of ever-younger clients (usually

between the ages of 18 and 35). The use of prostitution is seen simply as another form of entertainment for many young people. The trivialization of this activity is becoming very concerning.

Despite public policy implemented by several cities (Barcelona, Madrid, Seville...) to fight against this phenomenon, the data clearly show that the prostitution market continues to flourish in Spain.

According to Eurostat, sexual exploitation can yield up to 5.41 million US\$ (5 million €) a day in Spain. The National Statistics Institute estimates that in 2013, prostitution was estimated to have made over 3.977 million US\$ (3.672 million €). In 2010, prostitution accounted for 0.35% of Spain's GDP.

According to this study, Spaniards spend 1,657 US\$ (1,530 €) a year, or 138 US\$ (127,5 €) a month on prostitution. Spain is the third largest consumer of prostitution in the world after Thailand and Puerto Rico.

In 2014, the Spanish government studied the possibility of taxing prostitution to increase state revenue. The legalization of prostitution could generate revenues of up to 6.5 billion US\$ (6 billion €) per year (Carbajo Vasco, 2014). At this date, a decision on this issue has not yet been made.

### **To Legalize or not Legalize Prostitution in Spain**

Spain is an abolitionist country, but in recent years the ideological trends have been moving towards regulation of prostitution. There has been heated debate about legalization throughout 2014 and 2015. It is a subject upon which neither political parties nor civil society can come to an agreement. The debate entered the political arena in May 2015 when Albert Rivera, the leader of the "Ciudadanos" political party, included this issue in his election platform by directly referencing prostitution and his support for regulationism.

At the legislative level, a new Penal Code has been enforced since July 1<sup>st</sup>, 2015. This includes increased sentences for procuring (article 187 of the new Penal Code).

It established two new circumstances that are now considered to be exploitative situations: when the victim is in a situation of personal or economic vulnerability ; when the victim suffers from severe, disproportionate, or abusive circumstances while practicing prostitution.

The new Penal Code makes no provision for penalizing clients of prostitution. However the 2015 Citizen Security Act (*Ley de Seguridad Ciudadana*- "*Ley Mordaza*") provides fines of 650-32,493 US\$ (600-30,000 €) for the purchase of sexual services when it occurs in public, near places where there may be children (schools, parks,...) or when it interferes with road safety. In applying this law, the police have begun to arrest some women, even those who have been trafficked, who attract customers in the street by revealing themselves naked. Though this type of obscene exhibition represents a less serious offense, it is punishable by fines of 108-650 US\$ (100-600 €). The decisions made by the authorities show that citizen security and road safety are taking precedence over the defense and protection of victims as well as the penalization of

customers responsible for the perpetuation of prostitution. Women, including victims of trafficking, are criminalized and can be heavily punished.

This law passed because of the votes from the Popular Party, despite the opposition from other political parties, most NGOs, and civil society.

### **Law Reform on Human Trafficking**

While political debates on prostitution are virtually nonexistent in Spain, the debate on trafficking has been a heated topic for years since the announcement (and the necessary transposition) of Directive 2011/36/EU on the prevention and fight against human trafficking. On December 12<sup>th</sup>, 2013, the Congress of Deputies created a sub-Commission within the Commission for Equality to study human trafficking for sexual exploitation. In 2014 and 2015, national and international experts from the political, legal, police, educational, and associative sectors worked with this sub-Commission to create a report containing conclusions and recommendations, finishing the study on June 30<sup>th</sup>, 2015. One of the principal recommendations that the researchers emphasized was the need to adopt an anti-trafficking law to align the existing legislation with the organization at the local level<sup>26</sup>. Since the ratification of the Palermo Protocol six years ago, Spain has enacted many laws to fight against human trafficking. Many organizations have demanded that a law be written on gender and human rights with a corresponding budgetary component.

The qualification for trafficking offenses in 2010 (Article 177bis of the Penal Code) and the reforms in 2009 and 2011, articles 59 and 59bis of the Law on Rights and Freedoms of Foreigners in Spain (LO 4/2000 de 11 de enero sobre Derechos y libertades de los Extranjeros en España-“Ley de Extranjería”) established a period of reflection for allocating work and residence permits to victims of trafficking. Law 8/2015 of July 22, 2015 on the modification of the child welfare system introduced a new reform to Article 59, increasing the reflection period from 30 to 90 days. In 2013 736 victims of trafficking were granted 30 day reflection periods, but only 133 actually agreed to collaborate with the authorities (barely 18%) (*Defensor del Pueblo*, 2013).

This showed that a reform needed to be made and the People’s Defender recommended an extension on the period of reflection to 90 days. It is important to allow victims of trafficking time to recover physically and mentally, and then ask them to cooperate with the authorities. Spanish legislation has several examples of action against human trafficking:

- The Comprehensive Action Plan against Trafficking of 2009-2012,
- The creation of the Social Forum against Human Trafficking,
- The Framework Protocol for the Protection of Victims of Human Trafficking of 2011,
- Order 28/2013 from the Ministry of the Interior, which established the Police Central Brigade against Human Trafficking which coordinates with the judicial, fiscal, and administrative authorities of the country,

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<sup>26</sup> Various regulations of Autonomous Communities and municipalities sanctioned the purchase and practice of prostitution in public places under very different criteria.

- The right to free access to justice for all victims of trafficking, regardless of their economic resources (*Real Decreto Ley 3/2013*),
- The Universal Justice Act of 2014, which transferred jurisdiction to Spanish authorities when a trafficked victim is Spanish or has Spanish residence,
- The Status of Victims of Offenses of 2015, which recognized victims of trafficking as requiring greater legal and social assistance given their vulnerable situation (*Ley 472015 de 27 de abril, del Estatuto de la Víctima del Delito*),
- Law 8/2015 for the Modification of the Protection System for Children and Adolescents, which improved attentiveness for child victims of trafficking and their protection.

The Spanish government considers that these laws and the appointment of a Spanish Rapporteur on trafficking in April 2014 to be in accordance with Directive 2011/36/EU and that the EU regulations have been fully integrated into Spanish law. The designation of a Rapporteur allows for a better overall use of the data collection system and improves information coordination from various ministerial departments, communities, and civil society.

Although legislative advancements are very important for creating institutional coordination on trafficking, some NGOs believe that these reforms are incomplete or even inadequate. They lack a perspective on human rights and financial and human resources. The subject of prostitution is missing from political debates though the problem is still far from being solved. It is imperative that prostitution and sexual exploitation are again part of the political and social agenda of Spain.

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## Sweden

- Population: 9.6 million
- GDP per capita (in US dollars): 58,938
- Parliamentary monarchy
- Human development index (HDI): 0.907 (14<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.055 (6<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 89 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the European Union since 1995.
  
- No official national statistics on prostitution. The number of prostituted persons in the country possibly rose from 2,500 in 1998 to 1,000 in 2013.
- Introduction in 1999 of the Swedish model, which penalizes the purchase of sexual services, instead of the prostituted person selling them: a neo-abolitionist system. The client faces a fine and/or a sentence of up to one year in prison.
- A 2002 law against trafficking in human beings provides for sentences of 2 to 10 years in prison.
- In 2014, 31 police investigations of sexual trafficking were conducted for a single trial, the outcome of which was one sentence of 4 years in prison (*U.S. Department of State*, July 2015). No cases of purchase of sexual services were punished by imprisonment.
- The possibility of extending the criminalization to Swedish nationals who buy sex abroad is under discussion.
- A decrease in street prostitution, combined with an increase in indoor prostitution in particular through the Internet and cell phones.
- Destination country for victims of human trafficking from countries in Africa, Asia and Eastern Europe.

### A pioneering law

Sweden was the first country to criminalize the client of prostitution. Over time, the "Swedish model" has become the spearhead in the fight against prostitution. This approach, adopted in late 1998, criminalizes the purchase of sexual services (as well as the attempted

purchase and aid given to purchase) without penalizing the prostituted persons, who are considered the victims of a system of domination that is fundamentally violent and unfair.

Ten years after the implementation of the law, its effects were evaluated by a government commission led by Anna Skarhed, the Chancellor of Justice. Its final report concluded that the law had indeed had the desired effect. Street prostitution has reduced by half and Sweden is no longer an attractive country for international networks, who now prefer to settle in other countries. In addition, the report indicated that the reduction in street prostitution was not accompanied by an increase of the same phenomenon elsewhere, particularly in the expanding market of prostitution on the Internet. Finally, the law had the effect of changing social norms: the practice of buying a sexual act is no longer considered "normal" or acceptable. The survey also revealed a profound transformation of Swedish society. In ten years, the number of people supporting the criminalization of buying sex increased from about 30% to 70% of the total population.

The affirmed success of the law has helped its advocates, and the Swedish government to promote its new abolitionist approach internationally. Several countries have followed its example. Norway and Iceland have already adopted a law inspired by the Swedish model; France, Canada, the United Kingdom and Ireland are in preparatory stages. However, Sweden continues to adapt its legislative model and reflect on what changes are needed to better address the realities of the situation.

### **A new current evaluation of the situation in 2015**

In 2014 and 2015, Sweden made no legislative changes. Instead, an emphasis was placed on raising awareness in its civil society and, in particular, among companies with ties to tourism. In 2014, a directive from the Swedish government directed the County Administrative Board of Stockholm to collaborate with the police and business leaders to combat prostitution in restaurants, hotels, taxis... on the occasion of the world championship in nordic skiing, which was held in Falun during February 2015, special training courses were given to the staff of hotels in the city to aid them in identifying cases of prostitution and trafficking for sexual exploitation (*The Local*, February 26<sup>th</sup>, 2015). Similarly, the largest hotel chain of the country, Scandic, is committed to ensure such training for all of its staff (*The Local*, February 3<sup>rd</sup>, 2015).

In addition to raising awareness, the Swedish government called for a new report on the current situation of prostitution in its country, almost 5 years after the assessment of 2010. In March 2015, the Administrative Board of Stockholm County released its report, under the direction of Amanda Netscher, a specialist in crimes against women. The objectives of the study were to estimate the extent of the problem, identify recent developments and, thus, to confirm or refute the results of the 2010 assessment.

### ***Stable Results***

According to the study, street prostitution has actually halved when compared to 1995: 200 to 250 women engaged in street prostitution in Stockholm in 2014 versus 650 in 1995. At the same time, an increase in advertisements for sexual services was observed on the internet: nearly 7,000 listings were identified in 2014 versus 304 in 2006. But the crosschecking proves that these ads frequently refer to the same person, which puts in perspective the recorded increase. “Prostitution is more openly advertised than ever in Sweden”, says Amanda Netscher, “but compared to many other countries, the problem is more limited here” (20 Minutes, March 13<sup>th</sup>, 2015). The report also notes the development of a hidden prostitution, located at massage parlors in particular, but is unable to determine their importance. This confirms the results of a 2013 survey on Thai massage parlors in Malmö, which found that 1 in 5 offered "happy endings" (*The Local*, August 8<sup>th</sup>, 2013). Whether online or in the street, the majority of prostituted persons are foreign and come from poorer European countries (Romania, Bulgaria) and Nigeria. 80% of online ads are for persons of foreign origin. The number of buyers of sexual acts has remained fairly constant since the 2010 assessment... “the proportion of individuals who have purchased sexual services is relatively stable over time: approximately 7.5% of Swedish men have at least once, and nearly 1% have in the past year”. For comparison, in 1996, 13.6% of men had bought sex. In 2008, that number had dropped to 7.9% (*La Presse*, May 4<sup>th</sup>, 2014).

### ***Populations at risk***

The study also identifies several groups at risk, in need of specific measures for prevention:

- Youth (13-25 years): several studies (2003, 2009 and 2014) showed that a constant number of young people, mostly boys, sell sexual acts for different forms of compensation (money, accommodation, cigarettes ... ). The most recent study of young people between the ages of 18 and 30 in Skåne found that 1.3% of men and 1% of women have had sex for payment.
- Unaccompanied minors: more than 7,000 unaccompanied minors from Afghanistan, Syria, Somalia and Eritrea, arrived in Sweden in 2014 (in 2013 there were almost 4,000) (*U.S. Department of State*, July 2015). Estimates for 2015 anticipated about 7,800 new arrivals, but recent events have most likely caused the figures to skyrocket past what was predicted. These young people, mostly boys, are at risk of being prostituted and trafficked during the asylum application process.
- Transgender prostituted persons: the number of ads posted by prostituted persons who are transgender has probably doubled since 2010.

### **A law still challenged**

The results of this study have been the target of much criticism, which questions the effectiveness of the Swedish “model.” The stability of the figures on prostitution has been interpreted as a sign of failure: After the report was released, media headlines included

*"Punishing clients of prostitution has no effect," "No change in the numbers of the sex trafficking despite the new law"*, and other such pessimistic titles.

In fact, in Sweden the debate over the effectiveness of the law remains tense, ready to be revived over the slightest incident. In July 2013, the murder of Jasmine Small, a young prostituted woman and activist with the Rose Alliance, an NGO of "sex workers", caused a wave of opposition to the law, highly publicized. Opponents of the law saw it as the result of a constant stigmatization of prostituted persons, despite the law itself. Jasmine, who was a victim of domestic violence, could not find any help from the police or from social services. She had lost custody of her children because of her activities relating to prostitution and refused to stop. Or, at least, that is what various associations related to the sex industry wanted to make believe. In reality, she was murdered by her estranged husband who contested her claim to custody. So, it had nothing to do with prostitution.

In February 2015, a study (or rather a review of studies) conducted by the Swedish Association for Sexuality Education and Malmö University put into question again the effectiveness of the law, causing widespread debate in the media (*Dagens Nyheter*, February 2<sup>nd</sup>, 2015). According to the authors of the study, any positive effects of the law have been exaggerated, and there is no evidence proving its efficacy. Quite the contrary. The reduction in street prostitution, which the authors do not dispute, would be an effect of technical progress in the Internet and mobile phones, and began before the law came into its full strength.

Popular support for the law is according to this study equally questionable. According to RFSU, if the criminalization of clients was unanimously supported by public opinion, this unanimity is double-edged (something the government does not want to see): the criminalization of clients has led the public to perceive the prostituted person as a criminal too. A survey shows that some 52% of respondents believe that the sale of sexual acts should itself be criminalized. Finally, the report stresses the negative effects that lawmakers did not consider beforehand:

- The societal stigmatization of prostituted persons remains strong;
- The law made prostitution even more clandestine and, therefore, increased the number of risks prostituted persons take such as the violence of which they are often victims;
- The law has not protected prostituted persons as it promised...

Proponents of the law know how to respond to these many arguments: *"This law gave victims to chance to talk to authorities. Because society has taken a position, not against prostituted persons, but against their clients, the law gave power to the prostituted persons"* (Hägström, May 20<sup>th</sup>, 2014).

### **Human trafficking : a recurring problem**

Sweden is primarily a country of transit and of destination for victims of trafficking. The victims are mostly from countries in Eastern Europe (Bulgaria and Romania in particular) and the Baltic States. There are also victims from Thailand, Nigeria, India and Venezuela. In 2012,

Swedish police estimated that annually at least 400 to 600 people were victims of human trafficking (all forms) (*U.S. Department of State*, June 2012).

The 2008-2010 National Action Plan (with 36 steps and a budget of 22 million €) was extended in 2011-2014. Focused on the fight against prostitution and trafficking for sexual purposes, it has five objectives: the better protection of groups known to be vulnerable, a focus on preventive work, an improvement in the norms and the efficiency of the judiciary, a strengthening of national and international cooperation, and the development of awareness and public opinion.

#### Number of victims of sexual exploitation identified

2010	2011	2012	2013	2014
32	66	21	40	31

Source : U.S. Department of State, *Trafficking in Persons Report* (2011, 2012, 2013, 2014, 2015).

In 2014, 63 victims of trafficking for forced labor and begging were identified, versus 31 victims of trafficking for sexual exploitation. The same imbalance is present in the number of investigations and prosecutions. In 2014, 62 investigations of the trafficking of human beings for forced labor purposes were conducted compared to only 31 investigations of victims of human trafficking for the purposes of sexual exploitation. Of these 31 investigations, only one conviction was pronounced.

Some want to see the law on the purchase of sexual services come into its full effect in these situations. The members of the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe, note to the contrary that "*in practice, there is sometimes a confusion between trafficking and prostitution in Sweden*" (GRETA, May 27<sup>th</sup>, 2014). Therefore, non-sexual forms of trafficking are hidden or little-considered, which does not allow one to view the phenomenon as a whole. On the other hand, cases of trafficking for the purpose of sexual exploitation are not always properly identified.

Clearly, the correct training of judges on these issues is involved. International observers point out that many judges are unfamiliar with the phenomenon of human trafficking. They can barely distinguish cases of trafficking for sexual exploitation from prostitution cases. And, despite a revision of the law against trafficking in 2010 (stating that any evidence of the initial consent of the victim does not negate evidence of subsequent force), and despite training organized by the national prosecutor on the fight against trafficking, some judges continue to discharge or dismiss cases when initial consent has been established (*U.S. Department of State*, July 2015).

### **Penalizing clients : severity or clemency ?**

“*Buying sex is one of the most shameful crimes for a man when he is arrested*” explains detective Simon Häggström, who, as head of the Police Service of Stockholm County, has arrested more than 600 men (*The Independent*, March 26<sup>th</sup>, 2013).

In July 2011, the Swedish government increased the penalties for clients of prostitution: the maximum penalty changed from 6 months to 1 year in prison. However, judges continue to show an indulgence towards clients, which both supporters and opponents of the Swedish model do not fail to stress (*European Journal of Crime, Criminal Law and Criminal Justice*, December 21<sup>st</sup>, 2013/*Skarhed*, 2015). Of nearly 5,000 convictions for buying sex, no prison sentence has been pronounced to date against a client of prostitution. The sentences have been limited to fines, calculated based on the defendant's income (minimum 250 €, representing an average of 50 days' wages) (*The Local/AFP*, February 13<sup>th</sup>, 2014). Most clients plead guilty and pay the fine to cover-up the entire affair. If a client appears before a court, he is usually sentenced to a suspended sentence. “They do not go to prison, but they do have a criminal record”, says Lise Tamm, chief prosecutor of the International Parquet of Stockholm (*La Presse*, May 4<sup>th</sup>, 2014).

If this lack of incarceration reflects the government's desire not to sentence first offenders to prison, it nonetheless negatively effects the efficiency of the progress made by the Swedish model in the fight against prostitution and trafficking, as well as public perception of the law (*The Local*, May 27<sup>th</sup>, 2013). “We must dare,” says Lise Tamm. “We need braver judges” (*La Presse*, May 4<sup>th</sup>, 2014).

The question of the client remains a source of debates. Some call for a focus on prevention as regards clients (those with a risk of recidivism) and potential clients. Currently, therapy is offered to clients questioned by the police. Similarly, campaigns, particularly in Stockholm, encourage potential clients to seek help (*BBC*, March 29<sup>th</sup>, 2013). But this does not suffice. A study published in February 2014 by the Swedish Ministry of Gender Equality highlights the malaise of some clients of prostitution when they were interviewed. To better fight against prostitution and reduce the risk of recidivism, the study's authors called on the government to strengthen preventative programs and treatment for men (*The Local/AFP*, February 13<sup>th</sup>, 2014). Others call for increased severity. In December 2013, Prime Minister Fredrik Reinfeldt reminded judges that prison sentences were mandated for the purchase of sexual acts, and that clients should be imprisoned (*The Local/AFP*, December 17<sup>th</sup>, 2013). Deputies Hedh Anna and Johan Linander, more moderate, ask instead for the deferral of sentences or the creation of an aggravated offence for the purchase of sexual acts (in the case of trafficking for sexual exploitation in particular) (*The Local*, May 27<sup>th</sup>, 2013).

Criminalizing the purchase of sex has had the effect of displacing some Swedish nationals to countries where prostitution is legal (*Schulze*, 2014). To address this, the Swedish government proposed to criminalize Swedish clients for purchasing sex abroad. According to one study, between 4,000 and 5,000 Swedish nationals have purchase sexual acts from minors abroad (*U.S. Department of State*, July 2015). Currently, the law criminalizes the purchase of sexual acts

abroad if the victim is under 18, but its failure to condemn the overseas purchase of sexual acts with a prostituted adult, goes against the principles of Sweden's law through the guarantee of the act of purchase (*Skarhed*, 2015). A debate on the issue had already been opened in 2011 when penalties for clients were increased. But, this proposal poses different legal problems: Can Sweden interfere in the laws of foreign countries? Can it punish its citizens for acts committed in a country that considers them legal? (*The Local*, October 7<sup>th</sup>, 2014). The proposal, considered by the Parliament in October 2014, is still in discussion.

Sweden is an emblematic country in the global fight against violence towards women. Its legislative model for prostitution has gradually been emulated worldwide. In Sweden, over 15 years after the passage of its law, prostitution continues to be the subject of the government's attention. And the law itself, far from being solidified, is continually reassessed but also debated and strongly criticized. Yet the results speak for themselves: the prostitution rate is lower than in neighboring countries, as is the number of violent acts committed against prostituted persons... The Swedish model can thus be discussed, but it is nonetheless the best system currently in existence for prostituted persons.

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## Thailand

- Population: 67.2 million
- GDP per capita (in US dollars): 5,977
- Constitutional monarchy
- Human development index (HDI): 0.726 (93<sup>rd</sup> rank among 187 countries)
- Gender inequality index (GII): 0.380 (76<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 38 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the Association of Southeast Asian Nations since 1967.
  
- No official national statistics on prostitution. Unofficial sources estimate that between 30,000 and 60,000 children are prostituted every year in Thailand.
- Prohibitionist country. Thailand has criminalized the activity of prostitution since 1960. Solicitation is punishable by a fine of 1,000 THB (26 €/28US\$), procuring is punishable by 1 to 10 years in prison and a fine of 20,000 to 200,000 THB (517 to 5,172 €/557 to 5,557 US\$). The purchase of sexual services is illegal and clients of prostituted persons under the age of 15 can be sentenced to 2 to 6 years in prison and a fine of up to 120,000 THB (3,103 €/3,362 US\$) (*Fondation Scelles*, 2013).
- The 2008 law against human trafficking, amended in March 2015, provides for sentences up to life imprisonment and maximum fine of 400,000 THB (10,344 €/ 11,147 US\$).
- Much corruption, particularly in border regions.
- Major destination for sex tourism, especially for pedophilia.
- In 2014, the government refused entry to 98 people identified as pedophiles in their country of origin (*U.S. Department of State*, 2015).
- Country of origin, transit, and destination for victims of trafficking for sexual exploitation.
- The foreign victims exploited in Thailand are most commonly from Vietnam, Laos, Burma, China, Russian Federation, Central Asian countries, Fiji Islands, and India.
- Destination country for victims of human trafficking in Thailand: North America, Europe, Africa, Asia, and Middle East (including Israel).
- Country of transit for victims of trafficking from China, Vietnam, North Korea, Bangladesh, Burma and Pakistan travelling to Malaysia, Indonesia, Singapore, Russian Federation, South Korea, United States, and Europe.

Thailand is still one of the most popular destinations for sexual services which are available there. As a result of the country's history and social presentation of developed prostitution, this activity is relatively accepted by the population (*Fondation Scelles*, 2012).

The poverty in Thailand explains the continuous migration of men, women, and minors to cities to engage in prostitution. However, in recent decades the country has experienced a more favorable economic situation and its Human Development Index has increased each year. The urban population rate has increased significantly in the last 15 years, now reaching over 15%. Tourism directly contributes to 7% of the GDP and about 15% indirectly. Thailand has suffered from chronic political instability for decades and the situation since the military coup in 2006 has not improved. Over seven months of political crisis 28 people were killed and over 700 were injured. The Prime Minister was removed by the Constitutional Court in 2013 and the army declared the application of martial law on May 20<sup>th</sup>, 2014 to take power two days later. They introduced a new regime and an exceptional government called National Council for Peace and Order (NCPO).

On August 30<sup>th</sup> 2014, the NCPO declared a "Zero Tolerance Policy for Human Trafficking", involving a number of measures and extensive consultation with government agencies, NGOs, the media, and the public sector. The fight against trafficking was declared a "national priority" by the Prime Minister (*Ministry of Foreign Affairs of the Kingdom of Thailand*, March 31<sup>st</sup>, 2015).

### **Prostitution in Thailand: The Many Faces of Sexual Exploitation**

Thailand is particularly affected by trafficking networks as a country of origin, transit, and destination for victims. The migration of Thai women for prostitution and trafficking is highly concentrated in the Mekong region. Victims from China, Vietnam, North Korea, Bangladesh, Burma, and Pakistan pass through Thailand to be exploited in Malaysia, Indonesia, Singapore, Russian Federation, South Korea, United States, and Western Europe. Foreign victims exploited in Thailand usually come from China, Vietnam, Russian Federation, Uzbekistan, Fiji Islands, and India. A Thai village leader was arrested for trafficking with purposes of sexual exploitation of Burmese women and children (*The Sunday Nation*, May 17<sup>th</sup>, 2015). Dozens of young Laotian and Burmese women were arrested for prostitution in a karaoke bar (*The Nation*, January 16<sup>th</sup>, 2015).

Trafficking between Malaysia and Thailand is highly developed (*Fondation Scelles*, 2012). After the discovery of mass graves in Thailand near the Malaysian border, 139 trenches and 28 migrant camps were revealed in Malaysia on the Thai border in May 2015 (*Le Figaro/AFP*, May 25<sup>th</sup>, 2015). A survey from the International Organization for Migration (IOM) on trafficking victims in the Mekong region revealed that 40.7% of the people questioned had been exploited in Thailand and 50.7% of these victims had been sexually exploited (*IOM*, 2014). It is generally accepted that the majority of trafficked prostitutes are of Thai or Lao nationality (*Ministry of*

*Foreign Affairs of the Kingdom of Thailand*, March 11<sup>th</sup>, 2015). Human trafficking in Thailand is largely facilitated by corruption, particularly on the borders with Laos, Burma, and Cambodia (*U.S. Department of State*, 2014).

In 2014, Transparency International ranked Thailand 85<sup>th</sup> out of 175 countries for its Corruption Perceptions Index. The many cases of procuring can support this ranking. On December 18, 2013 in the Phang region, a procurer was arrested after admitting to supplying underage girls to administrative and government officials. (*Pattaya Daily News*, December 18<sup>th</sup>, 2013) On May 8<sup>th</sup>, 2014, a woman was arrested for selling her young daughter to a hotel in the Buriram province, a well-known region for attracting senior government officials (*Pattaya Daily News*, May 10<sup>th</sup>, 2014).

### **Sexual Exploitation of Children**

In 2014, out of 595 identified victims of trafficking, 380 were children, of which 307 were girls (*Ministry of Foreign Affairs of the Kingdom of Thailand*, March 11<sup>th</sup>, 2015). However these figures do not match the estimates of several NGOs and international organizations. The Mahidol Migration Center announced that these numbers were miniscule compared to the actual estimates. It is reported that 30,000 to 40,000 children are prostituted each year in Thailand, without including foreign children. These figures involve much debate, but are considered an underestimate as most reports range between 30,000 and 60,000 (*U.S. Department of State*, March 11<sup>th</sup>, 2010). The phenomenon of prostitution concentrated in specific areas meets local and international demand, thriving in the many “business establishments” in Bangkok and Chiang Mai. Bangkok, “the City of Angels”, is known to be the most “gay” city in Asia with many straight and gay male and transgender prostitutes. They are usually present in bars, hotels, and residences in more sophisticated procuring networks. Establishments make sure that their appearance looks legal and although the offer of sexual services takes place within the establishment, the acts usually take place at another location (*Ministry of Foreign Affairs of the Kingdom of Thailand*, March 11<sup>th</sup>, 2015).

Clients are either locals or sex tourists coming specifically to the Mekong region. In terms of pedophile sex tourism, the demand is equally mainly local and Asian, far from the cliché of masses of Western men (*Bangkok Post*, February 28<sup>th</sup>, 2015). However, according to the Thai Tourism Authority, the establishment of a curfew (midnight to 4AM) by the NCPO in May 2014 (which has since been lifted) significantly lowered the number of tourists, especially in Phuket. This impact on the tourism industry attests to the importance of nightlife on the economy of these cities, known for their prostitution (*Pattaya Daily News*, May 29<sup>th</sup>, 2014).

### **The Multi-Faceted World of Victims of Sexual Exploitation**

The victims of sexual exploitation in Thailand are mostly women and young girls from Thailand, Laos, Vietnam, and Burma. However the supply of sexual services is extremely

diverse, including heterosexual females (children and adult), homosexual men, transsexual men (ladyboys), and heterosexual males (money boys). Among the victims, some initially entered prostitution voluntarily but found themselves exploited (*U.S. Department of State*, 2014). Many girls from poor rural areas came into the world of drugs and prostitution after being abused by relatives (*The Phuket News*, November 25<sup>th</sup>, 2014). Legal status is very important in Thailand and illegal residency now represents one of the greatest causes of exploitation (*U.S. Department of State*, 2014). Thailand has made substantial efforts over the last 15 years to reduce HIV/AIDS; decreasing from 28,241 new infections in 2000 to 8,134 in 2013 (*Thai National AIDS Committee*, 2014). Although the infection rates of prostituted persons are declining, they still remain very high. The prevalence rate of HIV/AIDS for prostituted persons went from 2.69% in 2010 to 2.16% in 2012. For prostituted males, the rate was 16% in 2010 and 12.2% in 2012 (*Thai National AIDS Committee*, 2014). Access to prevention programs seems to have been improved, but remains insufficient for prostituted women (53.89% in 2012).

### **An Insufficiently Proactive Legislative Adjustment**

On May 20<sup>th</sup>, 2014, the establishment of martial law by the army changed the legal landscape of Thailand, particularly in terms of criminal procedures and powers of the authorities. This martial law notably allowed police to search karaoke bars without a warrant. Thus, in October 2014, they could proceed to arrest the tenant of a karaoke bar who was exploiting 13 Laotians, of whom six were young girls (*The Nation*, October 6<sup>th</sup>, 2014).

#### ***On Trafficking***

In October 2013, Thailand ratified the additional Protocol of the Convention of the United Nations against transnational organized crime to prevent, suppress, and punish human trafficking, particularly of women and children. The Anti Trafficking in Persons Act of 2008 was therefore amended late. The legislative adjustment to international standards did not prevent the 2014 U.S. Department of State Report on Trafficking in Persons from ranking Thailand as Tier 3 after having been ranked on the Watch List of Tier 2 for four consecutive years. This decrease in ranking to the lowest level is considered justified by a portion of the media (*The Nation*, April 24<sup>th</sup>, 2015). This low ranking is resented by the Thai government which defends its cause through case studies attesting to its commitment to fight against human trafficking, relying on system improvements (studies published in January 2014 and March 2015). According to these studies, in 2013, out of 674 investigations of trafficking, 520 were concerning trafficking for sexual exploitation (*Ministry of Foreign Affairs of the Kingdom of Thailand*, March 11<sup>th</sup>, 2015). The raise in the number of investigations, proceedings, and convictions for leaders of trafficking is evident. Out of 674 trafficking incidents, 225 resulted in convictions in 2013 versus 40 to 55 from 2009 to 2011.

However the system of identification for victims of trafficking was less effective in 2014, as a result of the beginning of political tensions. From 1,020 in 2013, Thailand identified only 595

in 2014 with 115 judicial proceedings and 104 convictions. Among all these cases of 2014, 222 were concerning trafficking for prostitution (*Ministry of Foreign Affairs of the Kingdom of Thailand*, March 11<sup>th</sup>, 2015). Judicial effectiveness in terms of trade offence was also discussed. In 2014, out of 118 cases, 90 cases were tried in less than one year, 27 between one and two years, 1 between two and three years (*Ministry of Foreign Affairs of the Kingdom of Thailand*, March 31<sup>st</sup>, 2015). On December 19<sup>th</sup> 2014, recommendations were made by the President of the Supreme Court, requiring judges to avoid unnecessary delays in the trial stage of trafficking cases and prescribing a maximum period of six months (unless there are compelling reasons for judgment postponing to an extension of six months maximum). In addition, in January 2015 Thailand passed a cooperation agreement with Australia to combat human trafficking (*Pattaya Daily News*, January 27<sup>th</sup>, 2015).

### ***On Prostitution***

As a prohibitionist country, Thailand criminalized the activity of prostitution with the Prevention and Suppression of Prostitution Act B.E. 2539 [1996], Sections 9 to 12 (*Fondation Scelles*, 2013). Between January 2014 and February 2015, 846 persons were arrested for prostitution (*Ministry of Foreign Affairs of the Kingdom of Thailand*, March 31<sup>st</sup>, 2015). Cooperation in the fight against pedophile sex tourism and child cyberpornography is relatively weak, notably because of legislative gaps for child pornography. In 2009, the arrest and conviction to 30 years in prison of a cyberpornography offender is an example of the successful cooperation between the United States and Thailand. However, this remains insufficient particularly in light of the extensive problem of sexual exploitation of minors in the country via new technology. A number of reports have related the fact that corrupt police officers protect certain brothels. 2014 government reports announced: 4 criminal proceedings of police officers for acts in connection to trafficking offenses ; 11 disciplinary measures taken against police officers for negligence ; 4 proceedings of government officials in which 2 were for trafficking for sexual exploitation. The officers pursued belonged to diverse public bodies: police force (colonels, lieutenants, police majors), Bureau of Immigration, special police units (*Ministry of Foreign Affairs of the Kingdom of Thailand*, March 11<sup>th</sup>, 2015).

### **Government Engagement, Reforms and Reinforcements of Discourse**

At the end of 2014, the chief of police services announced that he wanted to radically change the image of Pattaya, one of the most well known destinations for sex tourism in Asia, by planning numerous raids and arrests of, especially of prostituted persons (*Chiangrai Times*, September 22<sup>nd</sup>, 2014). Thus in November 2014, 60 prostituted persons and 'lady boys' who were acting in a group on the beaches of south Pattaya, were arrested (*Pattaya Daily News*, April 1<sup>st</sup>, 2015). In February 2015, the Assistant Chief of Police announced his determination to reinforce the police fight against human trafficking by increasing interventions and raids in all recreational facilities and 'business establishments' implicated in prostitute activity, consenting

or not (*Pattaya Daily News*, February 2<sup>nd</sup>, 2015). The district governors have also made use of their authority by stopping or suspending operating licenses for places implicated in trafficking and forced labor activities (*Ministry of Foreign Affairs of the Kingdom of Thailand*, March 11<sup>th</sup>, 2015). Special police forces, dedicated to investigating cases of human trafficking for sexual exploitation and other forms of exploitation have been sent into particular zones near borders. It has been planned to extend this system to other regions (*Ministry of Foreign Affairs of the Kingdom of Thailand*, March 31<sup>th</sup>, 2015).

The Thai government, in reaction to the publication on a report on the resilience of victims of trafficking in Vietnam, Cambodia, and Thailand (*IOM*, 2014), recalled the means implemented by the country to support victims, notably by establishing regular awareness campaigns on trafficking, sexual exploitation of children, and pedophile sex tourism with posters and advertisements (*Bangkok Post*, February 28<sup>th</sup>, 2015). The new military government equally addresses the fight against corruption. In addition to the institutions already put in place (National and Regional Committee for the Fight Against Corruption and Anti-Corruption Committee in the Public Sector), other bureaus and offices have been established within already existing committees to reinforce controls, as well as permanent hotlines for reports (*Ministry of Foreign Affairs of the Kingdom of Thailand*, March 11<sup>th</sup>, 2015). A center for the protection of children, women, families, and against human trafficking was created within the Royal Thai Police, headed by the Assistant Chief of Police. It is divided on three levels: national, regional, and provincial.

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## Turkey

- Population: 75.8 million
  - GDP per capita (in US dollars): 10,515
  - Parliamentary government
  - Human Development Index: 0.761 (72<sup>nd</sup> rank among 187 countries)
  - Gender Inequality Index: 0.359 (71<sup>st</sup> rank among 147 countries)
  - Corruption Perceptions Index (CPI): Score of 42 on a scale from 0 (highly corrupt) to 100 (very clean)
  - Current candidate for admission to the European Union
- 3,000 licensed prostituted persons are officially recognized, working from 56 licensed brothels. It is estimated that there are at least 100,000 unlicensed prostituted persons, working illegally, half of whom of foreign origin (*Fondation Scelles*, 2012).
- Turkey is a regulationist country in terms of prostitution: prostitution is legal only if practiced within licensed establishments. Only unmarried women are allowed to become licensed prostituted persons. The children of prostituted persons cannot work in the police force or the army, nor marry civil servants. Prostituted persons operating outside of legally licensed establishments incur a fine and up to one year in prison for begging. Sex trafficking is a crime punishable by 8 - 12 years in prison (article 80 of the Turkish Penal Code).
  - During the first three quarters of 2014, 285 people were investigated for human trafficking with purposes of sexual exploitation. 25 of these suspects were found guilty, but only four were sentenced to imprisonment. During the same period, three civil servants were investigated for collusion in human trafficking activities; two out of the three were given prison sentences (*U.S. Department of State*, 2015).
  - Overall regression in women's conditions in the previous years.
  - By the end of 2014 two million Syrian refugees had fled to Turkey, particularly vulnerable to human trafficking.
  - Country of transit and destination for victims of sex trafficking. Country of origin for a smaller number of victims.
  - Origin country for victims of trafficking: from Moldova, Ukraine, Russian Federation, Central Asia, Morocco and Syria.

In Turkey, the government has been in power since 2002. It is inspired by the Turkish AKP (Party for Justice and Development) government and led by President Recep Tayyip Erdogan. It has been gradually moving towards more Islamic conservative positions on social issues. Since 2012, the president has stood out for his traditionalist declarations concerning the place of women in society. President Erdogan himself has said that "woman is naturally not the equal of man", his vice president has declared that women should not laugh in public in order to "conserve their decency" and the minister for health has advised women to focus their efforts on the sacred "role of mother" in lieu of attempting a career in the professional sphere.

While women have won civil equality to men in 1926, and the right to vote in 1934, but their situation in society has deteriorated in recent years: access to abortion, whilst not having been made illegal outright, has nevertheless been made increasingly difficult, if not impossible. Medically induced abortions are no longer reimbursed by social security, and most family planning centers have been closed. The government's recent statements concerning women's rights and "place" in society have provoked waves of protests by Turkish feminists. While the government's stance on women's rights concerns all women, prostituted females have been particularly affected.

Close to the coast of the Black Sea, Turkey has become a hub for both prostitution and human trafficking due to its geographic location and the borders that it shares with Iraq, Syria, Iran and the former Soviet Union states. Its long border with the Mediterranean Sea, which is too long to be properly controlled, provides excellent opportunities for illegal entry into and exit from the territory.

Due to both its geopolitical situation and its relative socio-economic attractiveness compared to its neighboring countries, Turkey is a country with high incidences of people trafficking through and into the territory. It is also a country of origin for trafficking victims, but this is not as common of an occurrence. According to the International Organization for Migration (IOM) most exploited migrants are from the Maldives, Ukraine and Russian Federation. However, in the last few years there have been increasing numbers of people from Kyrgyzstan, Uzbekistan, and Turkmenistan and, in the highest numbers from Syria due to current political conflicts. Most of these people are between 18 and 24 years of age and arrive through Istanbul, Antalya and Trabzon.

The 2015 U.S. Department of State Report on Trafficking in Persons classes Turkey as a Tier 2 country - this means that its efforts to combat people trafficking are only partly satisfactory. Although Turkey has made some effort - particularly by condemning traffickers and lowering the number of acquittals, it does not respect the minimal norms needed to achieve an elimination of human trafficking. Numerous traffickers, although arrested in connection with trafficking activities, have been sentenced for lesser crimes than trafficking with very light punishments. In addition, although the Turkish government has recognized hundreds of trafficking victims, the protection it offered the victims decreased. The reason for this is the budget-cut induced closing of numerous agencies that were responsible for the protection and processing of victims.

## Turkish Regulation and Current Circumstance

Prostitution has been legal in Turkey since 1923 and the creation of the modern Turkish republic by Atatürk. The Turkish regime is regulationist: prostitution is authorized and controlled solely in licensed establishments. However, the Turkish Penal Code punishes "all organized human trafficking with sexual purposes" with a sentence of 8-12 years in prison (article 80). Facilitation of or incitement to prostitution are also punishable by severe prison sentences (article 227 of the Turkish Penal Code).

The regulation of prostitution is provided for in a decree dated 30 March 1961: "*General regulation of prostituted persons and brothels to more effectively fight against the spread of sexual diseases and infections*". A police investigation usually occurs to certify that the sex workers are fit to engage in prostitution and that they do not carry any sexually transmissible infections or diseases. Once authorized, the sex worker undergoes regular check-ups from the manager of the brothels where they work. An identity card is issued, signaling the authorization of the sex worker's activity; she pays state taxes and social security contributions, she has to undergo regular health checks. The shift times are not decided by the individual sex workers but by the establishment to which they are attached; generally they work 12 hours a day and receive between 10 and 50 clients. The brothel managers fix the tariffs, and the sex workers receive between 40% and 50% of the profit. Tips are also shared with the managers of the brothels and the sex workers are generally required to pay a daily fee for utilities (water, electricity, gas) and sometimes even other "necessities" such as toilet paper, bedding...

This type of regulation is not at all liberating, on the contrary it is founded on fundamentally conservative objectives: removing prostitution from the streets and hiding it from the public eye. In fact, prostituted persons are treated like criminals by the state, which considers them to be merely a danger to public health requiring control. Legalized sex trafficking and its surrounding activities bring in between 3 and 4 million US\$ (2.77 à 3.70 million €) per year in Turkey.

In the last 13 years of AKP rule, most brothels in Turkey have been closed, leaving only 56 open today. There are 3,000 officially recognized sex workers operating in these 56 establishments. This spate of closures has led to numerous protests by sex workers, notably after the 2013 closure of six licensed brothels on the famous Zürafay Street (Giraffe Street) in Istanbul's red light district near Karaköy. Closures also affected establishments based in Ankara and Antalya. The police expressed concerns about security and said that they had identified illegal behaviors in these venues such as advertising and soliciting.

These closures do not stop prostitution, they simply move the activity to a new location: the street. It is estimated that there are now some 100,000 illegal sex workers in the streets of Turkey due to the closure of brothels and the ongoing non-renewal of licenses (*Le Petit Journal*, January 8<sup>th</sup>, 2013). In ten years there has been only one new sex worker legally recruited in Istanbul (*Article 11*, February 29<sup>th</sup>, 2012). Since 2000, 15,000 prostituted persons have been awaiting official authorization, according to the Ministry of Health's figures (versus 40,000 according to the NGOs). The State pleads numerous reasons for this level of refusal, most of which seem far-

fetched: the lack of places available, the antiquated states of the buildings brothels are located in, the lack of fire exits...

The places used to carry out illegal prostitution are extremely varied - private villas and apartments, streets, nightclubs and bars, massage parlors, saunas, hotels, casinos, boats, the web - but they share a common feature: all of them endanger the prostituted persons who use them. In the streets, prostituted persons are at risk of fines or even imprisonment of up to one year for begging or blocking the traffic, because they are considered a menace to public order. In addition, prostituted persons are often vulnerable to police violence and harassment or extortion. Finally when they are licensed and registered in police files, prostituted persons have almost no chance of finding employment outside prostitution, as their working license replaced their identity cards.

Recently, in the face of the government's absolute refusal to take into account their arguments, the abolitionist groups have changed tactics, and now seek to further the cause of gender equality by campaigning for male brothels. At the moment, only women can be licensed as prostituted persons. A feminist group referred to the Turkish parliament and the minister of the interior in spring 2013 demanding the creation of a male brothel. They threatened to protest before the European Court of Human Rights about the justified principle of gender equality if their demands were left unmet. This incident has put the debate surrounding the idea of prostitution back in full light, that is deciding whether the Turkish State should allow or not brothels.

### **Sexual Exploitation of Syrian Women in Turkey as a Result of the Syrian Civil War**

As the Syrian war enters its fifth year, 4 million Syrian refugees have already fled to Turkey, Jordan, Libya, Iraq and Egypt and live today in alarming conditions. Turkey has taken in the largest number of refugees in the world and has already given more than 6 billion US\$ (5,54 billion €) in aid directly to the refugees (*UNHRC*, March 12<sup>th</sup>, 2015).

After years of exile, precariousness and suffering, more and more refugees resort to sex work to survive. Turkey started to host Syrian refugees from April 29<sup>th</sup>, 2011, and built around 20 camps towards this end. However, according to the UN, the camps hosting 75% women and children were not built to receive more than 200,000, and were very shortly overpopulated (*Europe Israël News*, June 17<sup>th</sup>, 2013). By the end of 2014, almost two million Syrian refugees were in Turkey. Unfortunately instead of offering aid, some Turkish people take advantage of the vulnerable position of Syrian refugees, and force women and girls into marriage or prostitution. It is sometimes even the desperate husbands of Syrian women who force them into prostitution. Similarly, many Syrian families abandon their young daughters to the gangs that patrol Turkish borders in order to gain access to the country. These gangs traffic the girls into Arabic countries and sell them, notably in Qatar.

The number of Syrian women seeking employment to support themselves or their families is huge, a fact that is often taken advantage of by employers, who exploit the vulnerable situation

of these women to rape or prostitute them. Samaa, a young Syrian refugee, explains that when a Syrian refugee asks for help, for employment, for somewhere to live or for money, there is an immediate demand for something in return - normally a sexual one. She prostituted herself in order to earn money to feed her family. Her husband knows, but 'turns a blind eye' because they needed the money so badly. A restaurant owner recently offered work to her two sons in exchange for sex with Samaa.

In addition, many Turkish men have been choosing Syrian women as their second or even third wife. Most of these "marriages" have been arranged in exchange for money, and are of short duration. They are in effect a pretext to acquire the sexual services of a woman. All of these "short-term-marriages" end up in prostitution, and are merely a cover for sexual exploitation. This can be illustrated by the case of Um Majed, operating in Turkey, who provides Syrian sex slaves from a camp. She receives a commission for each transaction and sells 13 year old virgins for around 5,000 US\$ (4,616 €) (*CBS News*, May 15<sup>th</sup>, 2013).

According to a report on violence against women, from the NGO Minority Rights Group International, "the group Daesh has become a major actor in the buying and selling of young girls" and "the group is dependent on human trafficking which is a major source of its income" (*Puttick*, February 2015). The Syrian war allows these Islamists to use these women and girls to satisfy their basest instincts and sexual compulsions. Women are often kidnapped, raped and then killed, bought and resold for a few dollars to slave trafficking networks.

Turkey is also a country of transit for girls from all over the world, who, manipulated and converted to extreme Islam, have fled their countries of origin to join the jihad of Daesh. However, once they arrive at the border between Turkey and Syria, they are taken by Daesh and given to its soldiers to satisfy their sexual 'needs'. For example, in April 2014 two 15 year old girls from Austria arrived at Adana, a town on the border between Turkey and Syria, in order to fight for Daesh. These girls have since disappeared completely. The Turkish and Austrian authorities suspect that they have been forced into prostitution by Daesh. This incident is only one illustration of the hidden face of the organized and forced prostitution of children, from which traffickers continue to profit due to the war. Turkey has become a hot spot of under-aged forced prostitution by Jihadists in Syria.

The context of the Syrian civil war has affected other countries as well. The Tunisian Minister of the Interior has recently expressed concerns for his own citizens. When the girls who have been lured into joining Daesh are not killed, they return to Tunisia often pregnant, or infected with HIV/AIDS or other sexually transmitted diseases, and are often psychologically traumatized. This phenomenon concerns in equal measure countries such as Libya, Mali, Bosnia and Herzegovian, Austria. The Syrian conflict is far from over, and the level of sexual exploitation taking place within the desperate Syrian population should be considered as unacceptable by the international community.

Some initiatives have been put in place to try to address and improve this situation. For example in 2013, a project was undertaken by UNICEF and the EU to provide care for Syrian children living in Turkey, and teacher training sessions were held for Syrian volunteer teachers -

both men and women of all ages - to teach them how best to work with their pupils in the refugee camps. Around 1,500 Syrian teachers work in these Turkish camps, some have been there for over two years, others for only a few months.

### **Discrimination and Transgender People**

Since AKP came to power, the number of prostituted persons who have been abused or murdered has risen considerably, but particularly within the population of transsexual prostituted persons. This situation is all the more alarming when one considers that the murderers, admired and even encouraged by their friends, are rarely investigated by the authorities and punished.

Between January and July 2013 there were 15 transphobic attacks, (including 4 deaths) registered in Turkey. 98% of transsexuals surveyed said that they had been subject to police violence. Stigmatized by the government and rejected by society, 99% of transsexual women are supposedly obliged to take up prostitution as a way to survive, according to Şevval Kılıç- a transgender member of the NGO Trans-Blok and candidate for the municipal elections in Istanbul in March 30<sup>th</sup>, 2014.

While homosexuality is not a crime in Turkey, the Turkish Penal Code contains articles, which are used to harass LGBTI people, such as the article concerning 'outrage to public morality'. Harassment, physical or verbal aggression, and open discrimination are common. There are no laws in Turkey against discrimination in reference to employment, lodging or healthcare.

In April 2014, a transsexual person sued the Turkish Ministry of the Interior after having been fined by the police on two occasions for 'public disturbance'. Proceedings against the government are based on the systematic character of persecution that transsexual people experience at the hands of the police because of their sexual identity. The police not only give out fines, but also arrest transsexuals and bring them to the police station - in effect taking away their liberty. The police respond by insisting that these people are prostituted persons, although they were only strolling in the street. This is but one example amongst many of transsexual people being discriminated against due to their sexuality.

In 1993 a NGO for the defense of LGTBI rights was created, Lambda, and today it offers help to those in need in the face of hatred and discrimination in Turkey. Today this charity is well known for its fight to defend in particular the right for LGBTI people to have partners - as the Turkish government has denied this right on numerous occasions - always citing 'outrage to public morality' and "encouragement of undesirable behavior". Lambda has complained to the European Court and won a legal status that still stands today, despite being threatened. While Lambda aims to defend the human rights of LGBTI people in Turkey, it also aims to replace the current Turkish constitution, which, in their opinion, contains discriminatory articles.

The Human Rights Committee's 2012 report, concerning international agreements relative to civil and political rights, is concerned with the level of discrimination and acts of violence against people due to their gender identity or sexual orientation, and by the social stigma and

exclusion that the members of the LGBTI community go through. It called upon Turkey to ensure that they do not tolerate any forms of social stigmatization, harassment, discrimination or violence against someone because of their gender identity or sexual orientation. Turkey was also encouraged to ensure that all acts of violence or discrimination motivated by homophobia/transphobia were subject to official investigation, followed by appropriate sentences for those responsible.

### **Insufficient Advances in Victim Protection**

Licensed prostituted persons, working from within licensed brothels, are often seen as victims by the general public. However, those who operate illegally – which is the majority – are treated as criminals and generally mistreated by the authorities. Victims of human trafficking are not protected against the risk of being arrested, brought to court, or punished because of their irregular entry or stay in Turkey – despite the fact that they are in Turkey illegally only because they have been illegally trafficked there. Turkish law does not offer these victims sufficient protection. Furthermore, if a person without papers is found to be carrying a sexually transmissible disease, Turkish law allows for the expulsion of this person, who will then be barred from ever returning to Turkey. Around 1,000 people a year are forcibly repatriated from Turkey. While Turkish healthcare authorities perform check-ups to detect sexually transmitted diseases within licensed brothels, there are no such check-ups available for illegal street prostituted persons, nor are awareness campaigns undertaken about the dangers of sexually transmitted infections.

The U.S. Department of State Report on Trafficking in Persons reveals a drop in the number of both investigations and sentences in Turkey concerning human trafficking in 2014 compared to the years before. The number of identified victims has also dropped, and when victims are identified, most of them do not receive either assistance or shelter. As mentioned before, they are sometimes even forcibly repatriated. A number of victim shelters have been closed due to insufficient funding from the Turkish Government. Furthermore, these structures are not equipped to deal with victims who are also minors.

The U.S. Department of State Report also reveals the absence of any public campaigns aimed at preventing and ending human trafficking and sexual exploitation, as well as an absence of training for front line police officers so that they can properly identify and assist victims. However, it must be noted that there have been several recent advances concerning the protection of victims. The Turkish government has continued to finance an international telephone line for victims of sexual exploitation and advertises this number in both pamphlets and posters, in airports and other strategic points of entry into the country. It has founded three NGOs who deal with assisting victims and offer medical and psychological care, and legal counsel – notably for obtaining visas and residence permits. In addition, a project for the creation of a law of prevention of human trafficking and the protection of victims is currently being undertaken. The government has put in place a National Orientation Mechanism for

identification and assistance of victims, which legal professionals, ambassadors, international organizations and civil society groups have to follow. A new civil institution has been created in order to coordinate this new effort: the Department for the Protection of Exploited People. However, it appears that victims are not sufficiently encouraged towards the program of repatriation, which reveals a flaw in the new system.

In April 2013 the Turkish government adopted a new law, the "Foreigners and International Protection Act" which gives a legal definition of human trafficking, and creates a special type of residence permit for victims of trafficking, which can be renewed for a maximum period of three years. The government organized a workshop for 70 judges and police officers on human trafficking and the related new law.

Indirectly, the tenth Development Plan, covering the years 2014 - 2018 and approved by the Turkish National Assembly in July 2013, could result in a drop in prostitution in Turkey. The plan concerns primarily the fight for equality of the sexes: it plans an increase in female employment, an increase in the level of female education and working skills, an extension of current working structures - daycare and other child minding services should be more easily available, guaranteed and flexible in order to allow a balance between work and family life.

Despite these advances, which are mostly motivated by Turkey's desire to join the European Union, human trafficking is still a big problem, and victims are not protected enough. While this situation is certainly related to the Syrian conflict, it is primarily explainable by the continuing loss of women's rights, previously fought for and won over several decades, as uttered by the government's recent declarations.

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## Ukraine

- Population: 44.9 million
  - GDP per capita (in US dollars): 3,082
  - Semi-presidential regime
  - Human development index (HDI): 0.747 (81<sup>st</sup> rank among 187 countries)
  - Gender inequality index (GII): 0.286 (57<sup>th</sup> rank among 147 countries)
  - Corruption Perceptions Index (CPI): Score of 27 on a scale from 0 (highly corrupt) to 100 (very clean)
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- A 2010 estimation showed that between 65,000 and 93,000 people are sexually exploited in Ukraine, 16% of which are minors.
  - Prohibitionist regime: prostitution is illegal and all actors (prostituted persons, clients, and procurers) can be punished. Article 303 of the Penal Code criminalizes procuring and running a brothel. These offenses are punishable by three to five years of imprisonment. Prostitution was decriminalized in 2005 and is now an administrative offense punishable by a fine of 866 US\$ (800 €) or community service.
  - Article 149 of the Penal Code criminalizes human trafficking, which is punishable by 3 to 15 years in prison.
  - There has been a significant reduction in prosecutions and convictions for human trafficking because of the government priority to counter Russian aggression: 57 convictions for trafficking in 2014 compared to 109 in 2013.
  - There are between 82,000 and 200,000 children in orphanages who are particularly vulnerable to trafficking.
  - As a result of the conflict with the Russian Federation, over 1.4 million people have been displaced and are vulnerable to violence, sexual exploitation, and prostitution for survival.
  - Mainly a country of origin for victims of trafficking for sexual exploitation. Ukrainian victims were identified in 57 countries. Domestic trafficking of young women from rural areas to cities and tourist resorts.

## **Prostitution in Ukraine: Poverty, Violence, Drugs, HIV/AIDS, and Exploitation**

Poverty is a major cause of these situations of exploitation: over 16% of Ukrainian women aged 15 to 24 are unemployed (World Bank 2012 estimation) and almost 25% of the population lives below the poverty line (2010 estimate). The most vulnerable groups are rural populations affected by unemployment. Today, a growing number of citizens are seeking work abroad. In 2013, Ukrainian victims of trafficking were found in 57 countries including the Russian Federation, Poland, Turkey, USA, other European countries (Spain, Cyprus, Portugal, Spain, Italy, UK...), Iraq, Israel, UAE, Kazakhstan, and Tunisia. Even within the country, sexual exploitation generates migratory movement of women (about 21% of prostituted persons in 2007) from rural areas to cities or to holiday resorts in the summer. Children in orphanages and homes are particularly at risk for domestic trafficking.

### ***Violence***

Prostitution is prohibited and all the actors are criminalized. The act of prostitution is now considered only to be an administrative offense punishable by only a fine. Prostituted persons, however, continue to be abused and face perpetual violence. In a survey of prostituted persons conducted in 2013, 92% of responders said that they had experienced violence (economic, psychological, or physical) in the last 12 months (*TAMPEP*, October 2013). The violence is committed by clients (89%) and law enforcement (66%). 85% of surveyed prostituted persons said that they had experienced physical aggression from the police in the last 12 months, 45% have suffered sexual violence from police (including abduction and gang rape). These practices are considered normal in police jargon. This is called “subbotnik” where the police have sex with prostituted persons without paying them so that they will not be reported. Prostituted persons have no way to file a complaint against this violence. Their problems go unheard and the women are made to be responsible for the abuses they have suffered. In light of these violences, prostituted persons have no options: they are not able to file a report and are made out to be responsible for the violence they have endured. The majority of complaints against police officials are rarely, if ever, investigated. Thus, according to the annual report by Amnesty International in 2013, out of 114,474 complaints against police officials, only 1,750 were investigated.

### ***Racketeering and Exploitation***

Ukrainian police also profits financially from prostitution. Outdoor prostituted persons (in the streets, roads, parking lots, train stations,...) have to buy protection from the police for 150 UAH (5,85 US\$/5,35 €) each night (*Newsweek*, April 30<sup>th</sup>, 2015). Indoor prostituted persons (in hotels, bars, apartments, strip clubs,...) are not exempt from this rule either. Women must pay their procurers 4,007 US\$ (3,700 €) for protection every month to ensure that the police squad in charge of the fight against human trafficking (Department for Crimes Relating to Human Trafficking – DBZTL) look away from their activity. Only luxury escorts, protected by

bodyguards, doctors, and procurers, seem to not have problems with the police (*Newsweek*, April 30<sup>th</sup>, 2015).

### ***HIV/AIDS and Drugs***

Ukraine has one of the highest prevalence rates of HIV/AIDS in Europe<sup>27</sup>. UNAIDS estimates that approximately 7.3% of prostituted persons are carriers of the virus (study period: 2009-2013) (*UNAIDS*, September 2014). Sustained violence and the taking of drugs increases the risk of disease transmission. 42.5% of prostituted persons with drug addictions are HIV positive compared to the 8.5% of prostituted persons that are not using drugs. The numbers are still significant, but a slight decrease has been observed compared to previous years. This is a sign that awareness campaigns on the risks of spreading HIV/AIDS have affected the world of prostitution. According to the Ukrainian Institute of Social Sciences, the statistics for unprotected sex among prostituted persons decreased from 62% in 2008 to 40% in 2011 (*Global Post/AFP*, June 10<sup>th</sup>, 2013). According to a 2010 survey from the Ministry of Health, 80% of sex workers use condoms (*The World Bank*, 2013).

### **2013: The Pivotal Year**

Ukraine has been slow to react to the magnitude of its trafficking problem. Only since 2000 has the country demonstrated its willingness to engage in the fight when the government signed the UN Convention against Transnational Organized Crime. In 2011 the country passed a law and a national program against trafficking in human beings. A National Referral Mechanism (NRM) was established as well. The methods of identification and assistance to victim were standardized.

### ***Ukraine as the Chair of OSCE***

The accession of Ukraine to the presidency of the Organization for Security and Cooperation in Europe (OSCE) in 2013 gave the country the opportunity to demonstrate its commitment to the priorities advocated by the OSCE, including stopping human trafficking. During 2013 the Ukrainian government also announced that the fight against human trafficking was a priority. As Ukraine was chairman of the OSCE, several events were organized around this theme, including a roundtable at the Ukrainian Embassy to the United States (“Combating human trafficking as a priority of Ukraine’s OSCE Chairmanship in 2013”) and a two-day conference in Kiev (“Strengthening the OSCE Response to Trafficking in Human Beings”) in the presence of the Foreign Minister, along with experts and officials from throughout the OSCE territory.

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<sup>27</sup> 2014 UNAIDS estimations: Number of people living with HIV: 260,000-340,000 / prevalence rate among adults ages 15-49: 1.0% - 1.3% / children ages 0-14 living with HIV: 5,900-7,200 / AIDS deaths: 12,000-23,000.

### ***New Measures Against the Trafficking of Human Beings***

There were high hopes for the presidency of 2013. This year also marked the beginning of the first round of the assessment from the Group of Experts on Action against Trafficking in Human Beings (GRETA) from 25<sup>th</sup> to the 30<sup>th</sup> of October 2013. On the blog *Beyond the EU*, Olexsandra Zub wrote “we hope that the activities under the influential position of chairmanship of the OSCE will provide the impetus to change the situation” (*Beyond the EU-blog*, June 12<sup>th</sup>, 2013). The 2010 administrative reform supported by President Yanukovych largely weakened the institutions against trafficking. International organizations and NGOs called for new reorganization to make a more efficient structure against trafficking. During this period, several important measures supplementing the 2011 reforms were adopted. During 2013, several presidential decrees defined the competences and powers of the Minister of Social Policy that takes the role of national coordinator. As part of the reorganization, the anti-trafficking department, which was dissolved in 2011 following the reform of the Interior Ministry, was restored. Increasing the number of officers to 500 (instead of 270) for the whole country, made this now an autonomous department. In March 2013, a working group was created to prepare for the establishment of a program to fight against trafficking and to consider improving the legislature on this issue. In August, a specialist-training program for victim assistance was set up. In the first six months of 2014, 1,716 people participated in this program. The 2011-2015 national plan of action against trafficking, adopted in 2012, entered into force in 2013. This plan aims to prevent trafficking, protect victims’ rights, develop the system of assistance to victims, and develop prosecutions against traffickers. The Interior Ministry has launched several awareness campaigns for the general public that seem to have reached their targets. According to a survey that took place between September and October 2013, in a sample of 2,500 people aged 14 to 65 in 6 oblasts of Ukraine, 9% of respondents reported being aware of the problem and the risks of human trafficking (compared to 7% in 2011). The survey also shows that the public has a better understanding of the existence of hotlines and national and international NGOs to help victims (*Ukrainian Helsinki Human Rights Union*, 2014).

### ***Progress, but Insufficient Results***

Ukraine has made significant progress in the fight against trafficking, but the changes are still modest, or even insufficient. The 2013 U.S. Department of State Report on Trafficking in Persons listed Ukraine on the Tier 2 Watch List to recognize their efforts while also highlighting their lack of effectiveness. This downgrading was disputed by some Ukrainian NGOs and researchers. The system for identifying and protecting victims is one of the areas that needs improvement. In 2012-2013, 54 people received the official status of victim, while from only December 2012 to March 2013, the International Organization (IOM) assisted 1,060 people (*Melnik*, October 2014). Despite the establishment of a procedure for the identification of victims by the government in 2012, there is no coordination between the authorities responsible so it is almost impossible to give victims the necessary assistance. As a result of the failures of the state, NGOs must take charge in victim assistance. Observers highlight the lack of global resources

dedicated to this fight. In 2013, a national plan came into effect, but the budget for its implementation is virtually nonexistent. It is estimated that the overall budget for three years should be about 736,576 US\$ (680,000 €), of which 303,296 US\$ (280,000 €) is charged by the state; the budget allocated by the state in 2013 was 54,160 US\$ (50,000 €) and 5,416 US\$ (5,000 €) in 2014 (Melnik, October 2014). The numerical results for the fight against human trafficking has diminished each year as a result (U.S. Department of State, July 2015):

	2010	2011	2012	2013	2014
<b>Investigations</b>	257	197	162	130	109
<b>Prosecutions</b>	111	135	122	91	42
<b>Convictions</b>	120	158	115	109	57

Furthermore, the government has not launched investigations or prosecutions against officials suspected of complicity in acts of trafficking and corruption.

### **A Weakened Society: Ukraine in Crisis (2013-2015)**

At the end of 2013, the international momentum brought by the OSCE chairmanship to Ukraine was broken by the fall of President Yanukovich. In late November, his refusal to sign the Association Agreement with the European Union triggered intense protests across the country. The Ukrainian Parliament (Rada) voted for the return of the 2004 constitution, ending the dictatorial powers of President Yanukovich. On May 25<sup>th</sup>, 2014, Petro Poroshenko was elected President of Ukraine and a few months later a coalition government was formed. These changes provoked pro-Russian demonstrations in Crimea and southeastern Ukraine. This disorder led to the annexation of Crimea to the Russian Federation, the secession of the territories of Donetsk and Lugansk, proclaiming themselves popular Republics, and the beginning of the war in Ukraine. As months passed, living conditions for Ukrainian people have deteriorated in all countries and particularly in occupied areas. Some data define the extent of this turmoil: wages have plummeted, food prices have increased by more than 40%, and about 1.3 million people in the conflict zone have little to no access to safe drinking water because of cuts and restrictions. These difficulties generated increasing precariousness for an already fragile population. Surveys show that the desire to flee Ukraine has increased. Currently 8% of the population (nearly 3 million people) have plans to work abroad in the near future. In 2015, 21% of respondents said that were willing to accept “risky” working conditions (illegal work, having to leave their passports with their employer, being detained on the working place) to go abroad (compared to 14% in 2011) (IOM Ukraine, June 2015).

#### ***Displaced Persons and Risk of Exploitation***

According to the Office for the Coordination of Humanitarian Affairs (OCHA), in August 2015, Ukraine already had 1.4 million displaced persons in areas controlled by pro-Russian

separatists, 13% of whom are children. This group of people is particularly vulnerable to exploitation. During his visit in eastern Ukraine in May 2015, the Special Representative and Coordinator of the fight against trafficking in the OSCE focused on increasing exploitation risks among displaced persons. Without work or housing, separated from their loved ones, entire families, among those displaced, including particularly fragile minorities (Roma population, Crimean Tatars...), are vulnerable to the risks of human trafficking. Training sessions were organized by the Special Representative for members of the OSCE participating in the Special Monitoring Mission to Ukraine (SMM), with the objective to raise awareness especially to the risks of exploitation and the identification and forms of cases of potential trafficking. 292 victims of trafficking were identified by IOM between January and June 2015, of which 26 (9%) for the purpose of sexual exploitation. Considering the military-political situation of the country and the social difficulties experienced by the population, it is likely that the real numbers are much higher.

### ***Women in the Front Line***

The war in Ukraine also created a climate of constant violence. In 2014, Ukraine registered a significant increase in crime (theft, kidnappings,..), particularly with armed robbery. “The tolerance of violence has increased,” says sociologist Irina Bekechkina, “*people see violence every day on television. Every day people are killed, and it is now a statistical element. The dead have become statistics*” (*Courrier International*, June 12<sup>th</sup>, 2015). In this context, women are affected first (*OHCHR*, 2015). The NGO La Strada, which operates a national hotline, observed an increase in the number of calls from women victims of violence over the recent months: there were 7,725 calls in 2014 and 2,600 calls were recorded in only the first months of 2015, a 30% increase over the same period in the last year. 80% of these calls were related to domestic violence. In occupied areas, there have been much more serious developments: women from Mariupol, the port city of Azov, have been raped by Ukrainian armed forces, a woman was raped and killed in Kramatorsk, and two young girls from Lugansk were abducted from their homes by Russian or Caucasian men and raped (*Women’s Media Center*, January 15<sup>th</sup>, 2015). According to information from NGOs, sexual violence (rape, sexual slavery,...) has been committed by the armed forces in the Donbass region. The separatists, as forces loyal to Kiev, have been challenged. There are still no official figures, and the government side tends to minimize the facts. Because of shame and guilt, most victims prefer to remain silent. When they actually have the courage to testify, the current climate in Ukraine makes their words go unheard.

### ***Calls for Decriminalization***

To respond to these critical situations, many differing arguments have been proposed; several voices have called for the legalization of prostitution. For some, this would mean informing and protecting populations who have escaped the war and, and who in order to survive, have had no choice but to prostitute themselves. Natalia Isayeva, President of the NGO Legalife Ukraine that assists prostituted persons in Kirovograd, said “*this is not a business, it is*

*not a trade. It is a matter of survival. We have to stop penalizing (prostitution)*". In the same discourse, Elena Tsukerman, delegate general of the NGO All-Ukrainian League Legalife Kiev which campaigns for the rights of sex workers, said "*it is difficult for migrants from Donbass<sup>28</sup> to find a job in a city where they have taken temporary refuge; it is likely that these people will end up in the sex trafficking*". She also added, "*these people rarely know the risks of sex work. We must inform them so that they make this decision responsibly*" (Kyiv Post, August 29<sup>th</sup>, 2015). Others, mostly politicians, cite the safety of prostituted persons as well as the financial interests of the state. In May 2015, deputy Mykhailo Havriliuk argued this case. He claimed that the revenue from the sex industry would go directly into the funds of the state and prostituted persons would be able to receive medical care and be protected from sexually transmitted infections (STIs). The head of the Kiev police took the same position. A petition was addressed to President Poroshenko demanding "changes to the Law of Ukraine to legalize prostitution, to increase the revenue of the state budget and protect citizens" (SWAN, September 1<sup>st</sup>, 2015).

### ***Denouncing Corruption***

This wave of stances was triggered by a message issued by the Interior Minister on his blog, questioning the corruption of the Kiev police and its involvement in the world of prostitution. An investigation revealed that the Department for Crimes relating to Human trafficking (DBZTL) in Kiev received 352,000 US\$ (325,000 €) a month to protect brothels and illegal salons. The national and local DBZTL officials in charge were dismissed, two brigade commanders were arrested, and an investigation is now underway. This case generated much discussion. Though the arrests among the DBZTL seem to have remained without legal action, the debate on prostitution led to the filing of a bill in Parliament on September 17<sup>th</sup>, 2015. The text "*On the Regulation of Prostitution and Sex Establishment*" aimed to strengthen the social situation of prostituted persons, better protect minors and vulnerable groups at risk for sexual exploitation, reduce unemployment, provide additional income to the state budget, and align Ukraine with European states such as Netherlands or Greece. There is now a plan to create prostitution zones, establish social guarantees for prostituted persons, and fix the legal status of prostitution establishments.

The Ukrainian government is showing an apparent determination to tackle the problem, at least in terms of their pronouncements. In reality, nothing has changed: the beginning of the fight against corruption is short-winded and the prosecutions against police in Kiev appear to have been abandoned; the results of the fight against trafficking, slowed by the political-military context, are increasingly poorer; the violence against prostituted persons continues and the bill tabled in Parliament aimed less at protecting prostituted persons than benefitting the market. There is concern about whether anything will change. "Currently, prostitution is the 25<sup>th</sup> issue of concern in Ukrainian society", declared the spokeswoman for the prosecutor's office in Kiev. "There is war, the fall of the exchange rate... the last thing I am worried about is prostitutes." (Newsweek, April 20<sup>th</sup>, 2015).

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<sup>28</sup> Region in Southeast of Ukraine, located in the center of the armed conflict.



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## United Kingdom

- Population: 63.5 million
  - GDP per capita (in US dollars): 46,332
  - Constitutional monarchy
  - Human development index (HDI): 0.907 (14<sup>th</sup> rank among 187 countries)
  - Gender inequality index (GII): 0.177 (39<sup>th</sup> rank among 147 countries)
  - Corruption Perceptions Index (CPI): Score of 81 on a scale from 0 (highly corrupt) to 100 (very clean)
  - Member of the European Union since 1973.
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- No official national statistics on prostitution. There are between 80,000 and 100,000 prostituted persons according to estimates (*Fondation Scelles, 2013*).
  - Prostitution is legal for adults, but all forms of its organization are illegal (operating brothel, procuring, kerb crawling<sup>29</sup>, soliciting on the street ...)
  - In 2008, the United Kingdom criminalized the purchase of sexual services from individuals forced into prostitution. This law, however, is not easily applicable.
  - The Swedish model is making progress in England and Scotland. Since June 2015, the purchase of sexual services is criminalized in Northern Ireland. The customer can be punished with a maximum of 6 months imprisonment and / or fines.
  - In March 2015, the Modern Slavery Act 2015 came into force. This text brings together several laws on human trafficking and gives a better legal consistency. Sanctions can range from fines to life imprisonment.
  - Between 2013 and 2014, the government prosecuted 226 individuals for trafficking (all types) of which 155 were given sentences. That is an increase since 2012-2013: 139 individuals prosecuted, including 99 convicted.
  - 70% of the prostitution industry now operates indoors through massage parlors, unauthorized brothels, escort services, and private residences.
  - The fight against child sexual exploitation was strengthened, particularly against psychological manipulation for sexual purposes and forced labor in cannabis farms.

<sup>29</sup> A kerb crawler (or curb crawler) is a person who drives around areas known for street prostitution soliciting prostituted persons for sexual activity.

- Country of destination for human trafficking victims. Domestic trafficking problem concerning vulnerable minors.
- Trafficking and prostitution victims mostly from Nigeria, Romania, Slovakia, Vietnam, China, Czech Republic, Uganda, Poland, India and Albania.

In recent years, the United Kingdom's strategy in combating prostitution has undergone structural, ideological, and legislative changes. A recent study refers to the proposed "Swedish Model" in the United Kingdom as "neo-abolitionism" as it shifts criminalization from the purchaser to those that create and profit from the demand (*Criminology and Criminal Justice*, November 2014). As of late, Northern Ireland has been the only member of the United Kingdom to actualize the Swedish model in their own legislation in December 2014, criminalizing the purchase of sex under the Human Trafficking and Exploitation Bill (*BBC News*, January 14<sup>th</sup>, 2015). In Scotland, the bill failed to gain support in Parliament despite a rather active debate on prostitution policy (*The Guardian*, July 15<sup>th</sup>, 2013). While the European Parliament approved a resolution endorsed by Labour London MEP Mary Honeyball in support of the Swedish Model in 2014, further progress to enforce the Swedish Model will most likely follow the election of a Labour government in England (*International Business Times*, February 26<sup>th</sup>, 2014).

Prostitution free from coercion is currently legal, but the participation in other encompassing services—including the operation of a brothel, kerb crawling<sup>30</sup>, and prostituting for gain through procuring, sex trafficking or organized gang activity is punishable by law. (*The Crown Prosecution Services*, June 2013) Due to the criminalization of on-street solicitation for sex, approximately 70% of the UK prostitution industry now operates indoors through massage parlors, unauthorized brothels, escort services, and private residences (*The Guardian*, February, 27<sup>th</sup>, 2015). While the majority of prostituted British nationals operate indoors, the streets experienced an increase of non-British nationals, primarily from Romania, Slovakia, Nigeria, Poland, and the Czech Republic (*EAVES*, June 2013). Specifically, London experienced an increase in brothels operating out of private flats or residences as a result of the 2012 London Olympic Games (*EAVES*, June 2013). Police raids of brothels and operations to "clean up the streets" drove prostitution from the streets to the private sector, or more arguably, into more dangerous underground situations that potentially leave prostituted persons more vulnerable to coercion.

The criminalization of the purchase of sex attempts to deter demand in the hopes of reducing the appeal of prostitution overall. However, opposition of the United Kingdom's regulationist strategy stems from the contradiction embedded in prostitution legislation and policy. Simultaneously condoning and condemning prostitution undermines a pervasive political strategy for the present and obscures the United Kingdom's strategy for political policy in the future (*APPG*, March 2014). Cognizant of their unique emotional, physical, psychological, and economic situations, the United Kingdom government acknowledges that prostituted persons and

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<sup>30</sup> A kerb crawler (or curb crawler) is a person who drives around areas known for street prostitution soliciting prostituted persons for sexual activity.

victims of human trafficking are among the most vulnerable and require specialized protection and services. Concerning their current conflicting political strategy, do the recent political and social measures enacted by the United Kingdom appropriately address the vulnerabilities of these victims of sexual exploitation, or are the legislative inconsistencies leaving them more vulnerable than before?

While there is no definitive answer to this question, the United Kingdom government's continued efforts to enact social and political change warrant recognition for taking steps in the direction of developing a holistic and multi-disciplinary approach to prostitution strategy (*EAVES*, June 2013). Through the establishment of new government services, the implementation of new legislation, along with the increasing collaboration with local authorities and social services, the United Kingdom government made some significant strides in the improvement of prostitution policy.

### **Exiting the “Revolving Door” of Prostitution**

Studies have shown that prostituted individuals involved in both on-street and off-street prostitution express the desire to exit prostitution, but obstacles like unstable housing, drug/alcohol abuse, economic instability, and criminal records impede successful exiting (*EAVES*, 2012). These obstacles highlight a need for formal exit services that provide integrated services specialized in prostituted individuals to address the various needs of victims, ranging from social services to health services to legal aid. Studies have also shown that victims of sexual exploitation have relatively negative experiences interacting with government services like the local authorities or social services, but have positive experiences with other non-governmental services, like health services (*The Cyrenian's GAP Project*, 2013). These tensions may stem from the fact that prostitution has not been regarded as a priority in law enforcement services, which focus their attention and the majority of their resources on combating drugs instead. This strategy is viewed as indirectly deterring prostitution by deterring drug use, but has been interpreted instead as a *laissez-faire* approach. Law enforcement officers are thought to only engage with prostitution when it is brought to their immediate attention through complaints or otherwise (*EAVES*, June 2013). Coupled with ineffective services, the criminalization of prostituted persons perpetuates the “revolving door” phenomenon of prostitution, causing victims to return back to prostitution. Criminalization disregards the underlying factors that pull individuals back into prostitution, limits their ability to seek employment due to criminal records, and creates tension and discourages trust between victims and police (*APPG*, March 2014). Whether the police have more pressing priorities or simply suffer from a lack of resources, combining efforts and sharing information with other services could alleviate the strain on resources and personnel. Multi-agency cooperation fills in the gaps by addressing the needs of those seeking to exit prostitution across the spectrum of health, economic, legal, rehabilitation and law enforcement services and facilitating the exiting process. Ultimately, improving the

overall quality of service and providing successful aid can decrease the likelihood of reentering the “revolving door.”

### **Filling in the Gaps**

In an effort to address these gaps in services, the United Kingdom recently established various government bodies and implemented legislation that would promote collaboration and information sharing between authorities, NGOs, and other social services to prevent those in need from falling through the cracks of the system.

Multi-agency collaboration is vital in preventing threats through “early and effective identification of risk, improved information sharing, joint decision making and coordinated action” (*The Home Office UK*, July 29<sup>th</sup>, 2014). By creating an integrated and stable network of agencies, Multi-Agency Safe Guarding Hubs (MASHs), reduce the chances of falling through the cracks. MASHs combat the sexual exploitation of at-risk children and young people through the combined efforts of social care, law enforcement, health, education, probation, housing, and youth offending services, with locations all over the UK including London, Nottinghamshire, Devon, Birmingham, Southwark, Barnet, Oxfordshire, Herefordshire, Merton, and more (*The Home Office UK*, July 29<sup>th</sup>, 2014). Scotland’s Multi-Agency Sexual Exploitation Policy is currently awaiting adoption (*Corporate Policy and Strategy Committee*, May 12<sup>th</sup>, 2015), and similar measures are under development in Northern Ireland (*Marshall*, November 2014).

Taking a similar approach, the National Crime Agency (NCA) was established in 2013 and unites various bodies of law enforcement working in conjunction to reduce “serious and organized crime” (*NCA*, November 27<sup>th</sup>, 2014) both domestically and internationally. Top priority concerns for the NCA include modern-day slavery, immigration crimes, drug trafficking and sexual exploitation. The NCA holds a specialized unit, the Child Exploitation & Online Protection Centre (CEOP), dedicated to the protection of children and young people from sexual exploitation both online and offline. Other specialized units under the NCA concerned with combating sexual exploitation and human trafficking include the Border Policing Command and the Anti-Kidnap and Extortion Unit (*NCA*, November 27<sup>th</sup>, 2014) The NCA has been successful in identifying and prosecuting child sex offenders and traffickers involved in exploitation, including the arrest of 24 suspects involved in the exploitation of over 50 victims in April 2015 (*NCA*, April 21<sup>st</sup>, 2015). Collaborated efforts with international authorities and organizations demonstrate an initiative to reduce crimes of sexual exploitation in the United Kingdom and abroad.

### **Human Trafficking is a Human Rights Issue, Not an Immigration Crime:**

The United Kingdom is an appealing destination for traffickers, due to the country’s multiple intersections of international travel. Victims of human trafficking, typically females between the ages of 14-17, tend to be trafficked from Nigeria, Romania, Slovakia, Vietnam, China,

Czech Republic, Uganda, Poland, India, and Albania (*CEOP*, June 2013). Human trafficking manifests itself in various guises, and while more females experience trafficking for purposes of sexual exploitation, the United Kingdom experienced an escalation in trafficked males, generally younger children from Vietnam or other regions of Asia, for purposes of forced labor on cannabis farms (*CEOP*, June 2013). In addition to the indisputable evidence of international trafficking in the United Kingdom, there also exists a discernible amount of domestic human trafficking (*The Home Office UK*, 2011).

In 2011, The UK Home Office published a Strategy on Human Trafficking projected to take effect through 2015. Since its implementation, the UK government successfully established National Referring Mechanisms (NRMs), the NCA, and increased the capabilities of the UK Human Trafficking Centre (UKHTC) and the UK Border Agency (UKBA) to respond to situations of human trafficking. The UK government has even taken measures to train airline staff to recognize trafficking, in an attempt to prevent trafficking within UK borders and abroad. (*European Commission*, 2013) This demonstrates the structural shift in the approach to human trafficking in the UK, transferring capabilities and more responsibility to the UK Border Agency and addressing issues from a perspective of immigration. Taking an immigration approach may be convenient for the government, but it can cause more harm to the victims, particularly when dealing with cases of non-UK nationals. Victims are at a greater risk of being re-trafficked, due to the government's "repatriation and deportation" strategy (*Garbers*, 2015) that perpetuates human trafficking by returning vulnerable victims back to high-risk situations. By returning victims to their country of origin, the UK government eliminates the need to provide long-term aid to victims that remain in the UK (*Obe*, August 21<sup>st</sup>, 2014). The current approach fails to construct a victim-centered, long-term plan for tackling trafficking in the UK from a human rights perspective.

### **The Rotherham Effect: Raising Awareness of Child Sexual Exploitation**

When former Chief Social Work Advisor to the Scottish Government Alexis Jay conducted an independent study of the scale of child sexual exploitation in Rotherham, South Yorkshire, the findings were appalling enough to cause political scandals, media investigations, and government intervention. The study demonstrated a collective failure among Rotherham politicians, authorities, and social services to prevent and protect children from being sexually exploited. A. Jay estimates that from the period of 1997-2013, approximately 1,400 children fell victims according to horrendous accounts of sexual exploitation, abuse, grooming, and rape. A. Jay claims that the 1,400 estimate is a "conservative" approximation (*Obe*, August 21<sup>st</sup>, 2014), with stories of recent allegations and scandals still covered by media to this day indicating that the severity of abuse in Rotherham exceeds what was previously imagined.

Child sexual exploitation, however, is not isolated to Rotherham. Similar situations have been investigated in other towns, like Rochdale, Oxford, Derby (*BBC News*, August 27<sup>th</sup>, 2014), and even launching inquiries occurred in Scotland and Northern Ireland. Child sexual

exploitation and abuse take many different forms, including sexual grooming, abusive relationships, human trafficking rings, and gang rape. Victims of child sexual exploitation are generally females as young as 11 years old (*Obe*, August 21<sup>st</sup>, 2014), but children under the age of 15 with access to internet, social media, or smartphones are identified as the most vulnerable and at-risk group. The prevalence and accessibility of technology combined with increasing independence on the internet correlate with an increasing trend of non-contact sexual grooming that leads to sexual abuse upon contact (*CEOP*, June 2013). The process involves sexual predators contacting vulnerable children through chat rooms and other social media sites and “grooming” children in preparation of initiating physical contact that results in exploitation and abuse. In order to shift contact between child and predator from online to in-person, the predator “grooms” the child by encouraging isolation from family and friends, offering money or other gifts, establishing trust, and condoning the exchange of indecent photos or videos, referred to as self generated indecent imagery (SGII) (*CEOP*, June 2013). Grooming constitutes an extremely manipulative process, and histories of sexual abuse, troubled family backgrounds, neglect, mental/emotional health problems, parental drug/alcohol addiction and domestic violence (*Obe*, August 21<sup>st</sup>, 2014) increase children’s vulnerability to all forms of coercion.

These methods of manipulation make it more difficult for services—both legal and extralegal—to intervene, due to the complicatedly strong bond between the child and the perpetrator. Many children are deceived into thinking that the relationship with their perpetrator is an amorous one, resulting in reluctance from the child to divulge information that could lead to the perpetrator’s prosecution. On the other hand, many perpetrators threaten child victims to keep silent about their relationship through violence and intimidation (*Department for Communities and Local Government*, March 27<sup>th</sup>, 2015). Pursuing legal redress can become difficult and cause further trauma, especially when children are required to testify in court in front of their perpetrator. With the intention of minimizing harm and trauma to victims, the Ministry of Justice revised the Victim’s Code in 2013 along with the implementation of the Witness Charter (*Barnardo’s*, April 2014). These legislative improvements allow victims to pursue alternative methods of providing testimony, like pre-recording examinations outside of the courtroom, as well as allowing victims to seek counseling before the trial begins (*Barnardo’s*, April 2014). Similar legislation already exists in other parts of the UK, like the Victim and Witnesses Bill in Scotland, and the Criminal Justice Act of 2013 in Northern Ireland (*European Commission*, 2013).

Introduced in 2014, the Anti-Social Behaviour and Crime Policing Act is one method by which the UK hopes to combat child sexual exploitation. Under this Act, authorities may issue Abduction Notices, Sexual Risk Orders, and Sexual Harm Protection Orders to improve the identification of sexual predators and abusers. Sexual Risk Orders entail travel restrictions in the UK and abroad for a minimum of 2 years under Schedule 5 s.122C of the Act (*The House of Parliament UK*, March 13<sup>th</sup>, 2014). Replacing previous methods of “naming and shaming” used to expose predators to the public (*EAVES*, June 2013), Part 9 s.113 issues Sexual Harm

Protection Orders for a minimum of 5 years, which can also be issued to predators that have been convicted or already received warnings (*The House of Parliament UK*, March 13<sup>th</sup>, 2014).

In 2012, ECPAT UK successfully closed the “three-day loophole” under the Sexual Offences Act of 2003. Under the newly amended Sexual Offences Act, registered sex offenders no longer have a three-day grace period to notify UK authorities if they plan leaving the country. Currently, registered offenders must notify authorities of all plans to travel abroad, which will protect more children domestically and abroad from British sex offenders (*ECPAT International*, 2013).

### **Cannabis Farming: New Trends in Modern-Day Slavery**

Despite progress in multi-agency work and recent legislation, the face of child exploitation is constantly evolving. In addition to child sexual exploitation, other types of non-sexual exploitation, like modern-day slavery, serve as UK’s most pressing priorities in the safeguarding of children. While adults and children alike experience trafficking for purposes of sexual and forced labor exploitation—the Home Office approximates almost 13,000 victims—the amount of children trafficked for purposes of cannabis farming escalated by 150% in recent years (*The Guardian*, May 23<sup>rd</sup>, 2015). Vietnamese children, in particular, form the largest group of at-risk children involved in cannabis farming all over the UK (*CEOP*, June 2013), but children both from the UK and abroad are subjected to various types of abuse, often simultaneously. It has come to recent attention that the UK government systematically fails to protect these children by not identifying them as victims of trafficking. Instead, some children face prosecution and detention for drug offences, despite being held against their will and forced to cultivate drugs (*ACPO*, August 16<sup>th</sup>, 2010). In response, the Modern Slavery Act was introduced in 2015 to increase protection for child and adult victims of slavery and trafficking. The act protects victims from the offences and prosecutions related to their experiences in slavery (*ATMG*, April 2015). Yet, these children still continue to face charges and fail to be identified as victims, revealing flaws in the implementation of the Act.

### **Looking Forward**

Issues of prostitution, human trafficking, and modern-day slavery connect and intersect in the greater network of sexual exploitation. For example, prostituted individuals can ultimately become trafficked under the coercion of violent procurers, or trafficked children on cannabis farms can simultaneously be trafficked for purposes of sexual exploitation. While human trafficking and prostitution may manifest themselves in different ways, the various efforts of the United Kingdom to combat these different forms of sexual exploitation have the same purpose in mind: to protect those that are most vulnerable. Thus, the United Kingdom continues to ameliorate legislative measures and governmental assistance to improve the protection of victims. Developments in multi-agency work, the introduction of victim-oriented legislation, and



the advancement of the Swedish Model could all impact the way in which the United Kingdom not only currently deals with sexual exploitation, but also how to prevent it.

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## United States of America

- Population: 322.6 million
  - GDP per capita (in US dollars): 54,629
  - Presidential regime with a federal organization
  - Human development index (HDI): 0.915 (8<sup>th</sup> rank among 187 countries)
  - Gender inequality index (GII): 0.280 (55<sup>th</sup> rank among 147 countries)
  - Corruption Perceptions Index (CPI): Score of 76 on a scale from 0 (highly corrupt) to 100 (very clean)
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- No official national statistics on prostitution, but NGO estimates vary between 500,000 and 1 million prostituted persons.
  - Prohibitionist country, except in 12 counties of Nevada, 8 of which have brothels. The rest of the States penalize prostitution, the purchase of sexual services, procuring and brothels. Each State defines its own punishments.
  - In Nevada, around 500 women work officially in 30 brothels. (*Fondation Scelles, 2013*)
  - There are around 100,000 children who are prostituted each year in the United States.
  - According to the U.S. Department of State Report, the average age to enter into prostitution is between 12 and 14 years of age
  - The trafficking of human beings is punishable by life imprisonment.
  - In 2014, there were 208 federal pursuits for trafficking, 190 of which were cases of sexual exploitation. Out of the 225 individuals who were implicated in this trafficking, 184 were convicted, including 157 of them convicted for sexual exploitation. Prison sentences range between 5 years to life imprisonment. 4 local officials were sentenced for their implication in sexual trafficking, compared to 2 in 2013.
  - Problems of domestic trafficking affect people from economically impoverished areas, young homosexuals and transsexuals, and native and Inuit people minorities.
  - Destination country for victims of human trafficking (approximately 17,500 each year) (*Fondation Scelles, 2012*).
  - Victims originating from Mexico, the Philippines, Central America, Eastern Europe, and other Asian countries.

As in previous years, the 2015 U.S. Department of State Report on Trafficking in Persons classified the United States in Tier 1. Since 2012, the U.S. government has made some legal

advancements to better protect victims of sexual exploitation, as well as to identify and stop clients and procurers. In the United States, Nevada remains the only American state where prostitution is protected by the law in 12 of its 17 rural counties. The discordance between the laws of each American state and the federal laws explains this phenomenon; there does not exist any federal laws that apply to all American states and therefore federal laws do not have the power to make prostitution illegal in all forms throughout the country. Like each year, the sex industry largely profited from the Super Bowl. Sex trafficking during the Super Bowl, however, has been made more difficult in light of new, stricter laws, which has caused a debate on the legalization of prostitution in the United States. The Prostitutes' Education Network declared in 2013 on the site Procon.org: *"It is difficult to evaluate the number of people that currently work or who have worked as prostituted persons for several reasons, particularly, the different definitions given to prostitution. The official number is estimated to be around 100,000. The National Commission on Prostitution estimates that more than a million people were prostituted in the United State"*. According to the Secretary of State, John Kerry, this is a prudent estimation (U.S Department of State, 2014)

Sexual exploitation varies in a territory as vast, diversified and decentralized as the United States of America. Major events, such as the Super Bowl, as well as the emergence of the digital age, have transformed the most obvious aspect of prostitution. There are continual debates and proposals for legislation that affect the way society and authorities deal with this phenomenon.

### **Sexual Trafficking and the Super Bowl**

While the Super Bowl is one of the most important sporting events of the country, it is also unfortunately a massive hot spot for sexual exploitation in the United States. In February 2014, the Super Bowl was held in New York where 400,000 supporters turned out for the event. In an effort to stop prostitution from tainting the reputation of the Super Bowl and of New York, public officials deployed 3 000 police and civil servants specialized in the detection of victims of trafficking. As a result of these efforts, 45 arrests were made for sexual exploitation and 16 children were saved (*Reuters*, February 4<sup>th</sup>, 2014). In February 2015, the Super Bowl was held in Glendale, Arizona. As the years pass, and the challenge to control sex trafficking in Super Bowl host cities is taken up, the Super Bowl has evolved to be a symbol for the fight against trafficking. From January 15<sup>th</sup> to February 1<sup>st</sup> 2015, an important raid was made in 17 American states and in 70 different jurisdictions. The fact that these initiatives took place right before the Super Bowl is extremely symbolic. This operation, called National day of Johns Arrests was organized by an emblematic figure in the fight against sexual exploitation, Tom Dart, the sheriff of County Cook in Illinois. The operation, which began in 2011, has been reinforced with each following year. In 2015, 570 clients of prostitution and 23 procurers were detained. 68 victims of sexual exploitation were freed, 14 of whom were children (*Huffington Post*, February 2<sup>nd</sup>, 2015). 64% of the clients were caught through false prostitution advertisements posted in the "for adult"

section on the website *Backpage*. 7% of them were caught in the same way, but through the website *Craigslist*.<sup>31</sup>

The next Super Bowl, scheduled for February 2016, will be held in San Francisco in California. Even though we do not yet know which teams will be the winners, we can already predict that massive campaigns to prevent sexual exploitation will take place, and that police operations against procurers and clients will be planned.

Rachel Lloyd, the founder of the NGO Girls Educational & Mentoring Services (GEMS) in New York, which supports female survivors of sexual exploitation, believes that the main part of prostitution related criminality does not occur during important sporting events like the Super Bowl. Lloyd states, “the real criminal phenomenon occurs when no one is looking and no one is paying attention; not while all media organizations, militants and the police forces have their eyes on prostitution” (*Huffington Post*, February 3<sup>rd</sup> 2014). This observation is accurate: prostitution is part of everyday life in the United States. Each of its occurrences, under whatever particularities, should trigger a reaction.

A big part of the prostitution offer during the Super Bowl happens on line, which is now where police are focusing their attention, rather than on streets and areas known for prostitution. This relatively new phenomenon complicates the fight against sexual exploitation. Procurers have a capacity to adapt and to move locations, which allows them to seize every opportunity to traffic human beings. The Super Bowl is simply one example of this phenomenon.

### **Cyber Prostitution: The Hidden Iceberg**

According to Ronald Weitzer, a sociologist at George Washington University, only 10 to 20% of prostituted persons still work on the streets. This is due to increased access to the Internet, which serves as a marketing tool for sexual services, and makes prostitution even more hidden from authorities. While in the United States, online prostitution promotion is prohibited everywhere except in Nevada the marketing and organization of paid for sex activities do not cease to evolve and to grow (*The B.E. Journal of Economic Analysis and Policy*, 2011). To escape the laws, online services work abroad and the owners of websites, as well as their users, hide behind pen names. It is also mentioned on these sites that they are simply trying to propose innocent “entertainments” and that their content is “fictional.” It is impossible to have information about the “freelance” prostituted persons online, the number of those who prostitute themselves occasionally, or the number of those coerced into prostitution.

Authorities occasionally succeed at shutting down some websites advertising prostitution. This occurred in June 2014, when the FBI shut down the site, *MyRedBook*. The owners of these websites were prosecuted for money laundering and the facilitation of prostitution. The police

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<sup>31</sup> See chapters “United States of America”, in Fondation Scelles, Charpenel Y. (under the direction of), *Rapport mondial sur l'exploitation sexuelle - La prostitution au cœur du crime organisé*, Economica Ed., 2011; in Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation - Prostitution and Organized Crime*, Economica Ed., 2012 ; in: Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation – A growing menace*, Economica Ed., 2013.

occasionally use these websites to trap prostituted persons, appearing as potential clients. According to one prostituted person, detecting violent clients is no longer a priority for individuals' using this site to prostitute themselves, because their priority before all else is to detect the police (*The Economist*, August 9<sup>th</sup> 2014).

Other websites are for clients of prostituted persons, who comment, recommend, or advise against the prostituted persons they "used". While these "rating" websites are degrading and dangerous, they are never pursued. As in all countries, the American authorities seem to have a delayed reaction, and face many difficulties, due to the way the Internet has changed prostitution. Each site shut down can easily recreate itself abroad, and therefore, out of reach of jurisdictions that condemn its activities. In light of state authorities' failure to regulate online prostitution, it is important to highlight the role of non-state actors in a particular event of the fight against online prostitution.

In July 2015, the decision of *Visa* and *Mastercard* to prohibit their services to one of the most important prostitution websites was an advance that was both decisive, and symbolic, in the fight against sexual exploitation. In April 2015, 1.4 million announcements were published under the section "for adults" on the website *Backpage*, which made 9 million US\$ (8.3 million €) each month. *Backpage* accounts for 70% of the online prostitution market, and probably makes an average 22 million US\$ (20.3 million €) profit each year (*USA Today*, July 1<sup>st</sup> 2015). The problem resides in the fact that, while some prostituted persons propose their services online and are not victims of trafficking, some are trafficked and are often underage. Their exploiters sell them online as objects averaging 5 to 17 US\$ (4,62 to 15,70 €), which is paid to the website for publishing their advertisement (*The Guardian*, July 1<sup>st</sup> 2015).

The sheriff T. Dart, who was infuriated that 800 arrests had been linked directly to the "for adults" section on this website since 2009, began to look for alternative solutions to the ineffective judicial pursuits (*The New York Times*, August 6<sup>th</sup> 2015). According to the federal law, the website could not be held responsible for the acts of its users because of a judicial void in the Communication Decency Act. The sheriff T. Dart therefore wrote to *Visa* and *MasterCard* to ask them to no longer permit users on the website to use their cards to pay for sexual services. *Mastercard* and *Visa* responded positively to this request, maintaining that the ethical standards of their companies prohibited them from supporting illegal activity, and that news of this could ruin their reputations.

Given that *American Express* had already taken this decision in April 2015 (in response also to the request of this sheriff), the website now finds itself in trouble. The only means of payment that is available to its users is bit coin (virtual money that is exchanged from person to person on the internet outside of traditional bank circuits). The site executives decided to make online advertisements temporarily free, which is not financially viable for their company in the long term and to bring an action against the sheriff. This decision proves that private actors can act firmly and ethically, in circumstances where state authorities are powerless.

It should also be noted that while there are websites specifically for the publicity of prostitution, dating websites that can appear to be harmless, sometimes serve as platforms for

prostitution promotion. After several warnings, Impact Team, a group of anonymous hackers, pirated these “dating” websites in July 2015, and revealed the identity of 33 million accounts created on the dating website Ashley Madison of users coming from over 46 different countries. Ashley Madison is one of many dating sites created by the Canadian company, Avid Life Media (ALM), and accounts for 65% of ALM’s profits. The hackers group stole more than 197,000 private emails of Noel Biderman, the CEO of Avid Life Media (ALM), and exposed them on the Web. The hacker’s main goal was to destroy the site, whose slogan is “life is short, have an affair” and to prove to surfers of the site that their anonymity is precarious and that they are still responsible for their acts. Additionally, the group wanted the closure of the website *Established Men*, another dating site owned by Ashley Madison that pretended to aim to “connect young, ambitious, and attractive girls with generous, successful benefactors,” but in reality was a prostitution platform. The hackers also shed light on the fact that the model of the site was a scam that was extremely lucrative for the business: the site asked for 20 US\$ (18,47 €) from its users to erase their personal information, despite the fact that their information was stocked in the system. The economic model of the website required that the male users spent 199 US\$ (184 €) every trimester, in order to profit from the tods that allowed them to communicate with their female counterparts.

Additionally, Ashley Madison created thousand of fake female profiles using software that allows a typical conversation. While there were certainly real women signed up on the site, many male users noted they met mainly prostituted females. According to Robert Graham, a researcher on security who analyzed the pirated data: “Ashley Madison is a prostitution website, not an adultery website. “Adulterer” is simply a hook to extract users in the idea of having sex, they should not expect a long-term relationship. This website is very clear in stating that you are paying for this, and not for anything else” (*TV5 Monde*, August 28<sup>th</sup> 2015). This scandal, which caused many suicides and a massive amount of divorces, led to the resignation of Ashley Madison’s CEO and Ashley Madison announced that it was ready to offer compensation of 377,000 US\$ (348,084 €) for any information on Impact Team.

This event illustrates the fact that cyber prostitution is not restricted simply to prostitution advertisements. In the case of *Backpage*, it was private economic agents that were able to remedy a situation where the State was powerless. In the case of *Ashley Madison*, it was anonymous, civil society that exposed them.

### **The Difference Between State Laws and Federal Laws**

In the United States, 49 states out of 50 consider prostitution as an offense. Prostitution is only legal in the state of Nevada. It is possible to obtain a license for a brothel in 12 out of 17 rural counties. The counties of Clark (Las Vegas) and of Washoe (Reno) are not part of these 12. The simple fact that prostitution is legal in certain parts of the US demonstrates that there is a contradiction between laws of American states and the federal laws. If these prostitution establishments function legally, it is because there are no enforced federal laws that prohibit the

state of Nevada from authorizing these activities. Therefore, it is difficult to make prostitution illegal in whole country, as each state is sovereign and can decide its legislation on criminality and prostitution.

All the states, however, are conscious of the existence and the impact of prostitution. All the states have laws that permit the punishing of prostituted persons and their clients' obvious offenses. For first time offenders, they are punishable by up to one-year imprisonment or a fine of 5,000 US\$ (4,616 €). The states, however, also have laws that allow to charge procurers, managers of illegal brothels, with major offences or minor crimes that are punishable by up to 10 years of imprisonment or a fine of up to 150,000 US\$ (138,495 €) for first time offenders.

Even though the federal government voted in laws that prohibit the majority of forms of prostitution, the state of Nevada found ways to authorize brothels. There are 9 federal laws that characterize prostitution as an illegal activity. Even though Nevada has strict laws on prostitution in these establishments, the prostituted persons, the majority of whom are women, are regularly subject to physical and moral abuse. Stella Marr, the founder of Survivors Connect, an international network for survivors of trafficking and prostitution, states: *“the majority of women that I have met in brothels or in escort services in Nevada had traumatizing and violent pasts.... ‘I did not have a home when I began this type of life and I was suffering of multiple sclerosis. This vulnerability made me an even bigger target for procurers’... Procurers do not stop being procurers when society legalizes their activity. If they legalize brothels, we will do nothing but give more power to these predators, all the while helping them make money”* (The New York Time, April 20<sup>th</sup> 2012).

### **Legislative Advancements**

The United States recently made some positive progress in creating an ensemble of laws to combat human trafficking. In 2013, the United States reestablished the Trafficking Victims Protection Act (TVPA) which trains groups of individuals to fight against human trafficking (U.S. Department of State, 2014). These laws specifically concern the rights of women and their protection. President Obama declared, at an annual reunion of the Clinton Global Initiative: *“It (these laws) ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community because it tears at our social fabric. It ought to concern every business because it distorts markets. It ought to concern every nation because it endangers public health and fuels violence and organized crime. I’m talking about the injustice, the outrage, of human trafficking, which must be called by its true name - modern slavery”*. In September 2014, the Preventing Sex Trafficking and Strengthening Families Act was published. This text, which has legal force, amended the Social Security Act and incentivizes American households to be host families for children vulnerable to exploitation, in order to reduce the vulnerability of children without families. Giving these children access to host families would allow then better protection from sexual exploitation.



Under the Obama Administration, “*the federal government has extended measures to protect and improve the identification of victims and has augmented the funds allocated to services for victims non-identified*” (U.S. Department of State, 2014). The government provides the financing of several emergency hotlines and is also financing several NGOs who provide shelter and support to victims of trafficking.

### **Prostitution and Vulnerability**

It is largely recognized that lesbian, gay, bisexual, trans and intersexual (LGBTI) individuals are particularly vulnerable to sexual exploitation. The majority of NGOs present in the United States estimate that young LGBTI individuals represent 20 to 40% of the population of teenagers living on the streets. Many of them have been repudiated by their families because of their sexual orientation. They are thus faced with many risks of finding themselves coerced into prostitution. Under the Obama administration, the United States has had as its goal to double the efforts to suppress all forms of trafficking. The LGBTI community is currently a vulnerable minority, where traffickers are more likely to strike.

Other groups are over represented in the statistics on prostitution and sexual exploitation, such as Native Americans and indigenous Alaskans. In Hennepin County in Minnesota, around 25% of the women detained for prostitution belong to indigenous communities, even though they only represent 2.2 % of the total population. Similarly, in Anchorage, Alaska, 33% of women detained for prostitution are autochthones, even though this group only constitutes 7.9% of the population (*Indian Country Today*, May 24<sup>th</sup> 2015).

### **Prostitution and Clandestine Migrants**

Due to the geographic proximity of the United States to poor countries, the importation of clandestine people with prostitution purposes is yet another problem the United States faces. As a result, the Short-term continued presence status and the Long-term T-non migrant status (or T-visas) were instituted. These two statuses permit people to work legally in the United States. “*The applicants for the T-visa have to be cooperative with the law, unless they are under 18 years of age or are incapable to cooperate due to trauma experienced. At the end of 3 years or at the end of the investigation, victims with T-visas are eligible to permanent resident status and then to citizenship*” (U.S. Department of State, 2015). The American government also allows victims in possession of a T-visa to bring their families to America during their stay on the American territory.

The numbers have been declining for several years since the fiscal year 2014 when the Short-term continued presence status was given to 130 victims of trafficking and the Longer-term T-non-migrant status was given to 613 victims with 788 eligible family members (as opposed to 171 Short-term continued presence status and 848 Longer-term T-non migrant status with 975 members of their family in 2013) (U.S. Department of State, 2015). The U-

nonimmigrant status is the third status reserved for all people who “*help, have helped, or will contribute to help force authorities*”. As it is a hard status to obtain, only 17 victims identified were eligible for this status in 2014. These three statuses give victims legal support. Effectively, once they have obtained legal status, which justifies their presence on the territory, victims have access to more specific forms of aid (sanitary resources, physiological help and housing). In the 2015 fiscal year, the federal government provided the Department of Justice with 43 million US\$ (38.79 million €) and the Health and Human Services provided 15 million US\$ (13.84 million €) to finance aid to identified trafficking victims.

### **Child Prostitution**

In 2013, the Immigration and Customs Enforcement—Homeland Security Investigations agency declared that they had opened 1,025 investigations for cases of human trafficking where 514 children were involved. Thanks to the Trafficking Victims Protection Act passed in 2000, all purchasing of sexual services where a minor is involved, whatever the form of coercion, is considered to be human trafficking. This includes the trafficking of children for sexual purposes, as well as all other forms of work, at both the national and international level. The 2015 U.S. Department of State Report on Trafficking in Persons affirmed that “*NGOs report more cases of sexual trafficking of children by gangs than in previous years, and that traffickers use media more and more to control and recruit victims*”. It is also estimated that the trafficking of children for sexual purposes can make 650,000 US\$ (600,145 €) per year for a trafficker with 4 victims under his control (*Walker*, January 2013). These exploited children generally come from broken households or are orphans of the state. It is estimated that at least 100,000 children are prostituted each year in the United States (*Think Progress*, July 9<sup>th</sup> 2013). This number, which is constantly increasing, illustrates the gravity of the problem of underage prostitution of children in the United States. Once they are constrained to prostitution, the children are stuck and have little chance of improving their lives.

The prostitution phenomenon is omnipresent in the United States, only its visibility varies. These victims come mainly from fragile categories of the population. Only federal laws, that criminalize prostitution, would have the power to put an end to the judicial contradictions that result in sexual exploitation being seen as acceptable in certain parts of the country.

It is possible that federal laws criminalizing prostitution will not resolve the ensemble of problems associated with prostitution, but at least, they will start a process of eradication of what we can rightly call, slavery.

“Our lives begin to end the day we become silent about things that matter” - Martin Luther King Junior.

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## Vietnam

- Population: 92.5 million
- GDP per capita (in US dollars): 2,052
- Single party Republic
- Human development index (HDI): 0.666 (116<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.308 (60<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 31 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the Association of Southeast Asian Nations since 1995.
  
- The official statistics of the Ministry of Labor, War and Social Affairs estimate that there are 33,000 prostituted persons in Vietnam. Sociologists believe there are 200,000 prostituted persons. In Ho Chi Minh City, there are 58 public places and about 33,000 stores suspected of being prostitution venues.
- Prostitution is illegal, but there exists a legal void around male prostitution. Female prostitutes are subject to fines that amount to 100,000 VDN to 300,000 VDN (4.12 € to 12.36 €/4.50 US\$ to 13.50 US\$) and a 24-hour incarceration for sex purchasers who face fines of 500,000 VDN to 5 millions VDN (20.6 € to 2016 €/22.50 US\$ to 225 US\$). Since the 2012 law, articles 119 and 120 of the Penal Code defines trafficking of human beings, and states that trafficking for purposes of sexual exploitation is punishable by 3 to 20 years in prison.
- In 2014, there were over 472 suspects of human trafficking (for forced labor and sexual exploitation), 413 were sentenced to 3 to 15 years in prison (*U.S. Department of State, 2015*).
- Country of destination for pedophile sex tourism. These tourists come from other Asian countries, the United Kingdom, Australia, Europe and the United States (*U.S. Department of State, 2015*).
- Significant phenomenon of domestic trafficking.
- “Bride trafficking” to China is expanding.
- Country of origin for victims of trafficking for sexual exploitation.
- Countries of destination for Vietnamese victims of sexual exploitation: China, Cambodia, Laos, Thailand, Malaysia, the Russian Federation.

In 2015, sexual exploitation in Vietnam remains a significant problem. Vietnam's proximity to major destination countries for sex tourism, such as Thailand and the Philippines, which have strengthened their crackdown on sex tourism since the 90s, has led to the development of sexual exploitation in Vietnam. The continuous Vietnamese socio-economic situation partly explains why prostitution gains among the highest salaries in the country. Vietnam is gradually fighting this sexual exploitation with legal means and increasing success; it is active at national and international levels in the fight against sexual exploitation. Some legal and social obstacles, however, continue to hinder in the fight against sex trafficking which is a major public issue. In regards to corruption, Vietnam does not seem to have made progress. No prosecution of public officials within the country, at the borders or in the embassies, have been recorded.

### **Prostitution and trafficking in Vietnam: Old and new forms of prostitution**

Vietnam is primarily a country of origin but is also, a destination country for victims of trafficking. Vietnamese women and children are victims of sex trafficking networks and are predominantly exploited and sent to China, Cambodia, Malaysia and Russian Federation. Convictions for trafficking confirm this observation. In December 2014, a Vietnamese national who was sending women to the Russian Federation was sentenced to 10 years in prison (*Tuoi Tre News*, December 18<sup>th</sup>, 2014). In January 2015, a Malaysian police operation saved 136 Vietnamese women who were being sexually exploited in a nightclub in Kuala Lumpur (*Thanh Nien News*, January 4<sup>th</sup>, 2015). Sex trafficking also operates at the borders with Laos, Cambodia, China; later on victims can be sent to Thailand or Malaysia. Migrant Vietnamese "volunteers" to other countries often find themselves enslaved and sexually exploited. A survey of care facilities for victims of trafficking concluded in 2014, that victims of Vietnamese nationality were prevalent: they constituted 35.2% of victims participating in the survey, and that the aim of trafficking was sexual exploitation (28.5% were sexual exploited) (*IOM*, 2014). The country has long argued that there are 11,240 prostitutes on the territory. However, the new forms of prostitution led the institutions to rethink that number. In December 2014, a meeting of researchers and government representatives acknowledged a strong development of the sex industry on social networks (Facebook...) and admitted to a difficulty in controlling and monitoring these new forms of prostitution (*Thanh Nien News*, December 21<sup>st</sup>, 2014). According to the Minister of Labour, War Invalids and Social Affairs, there are about 33,000 prostitutes in Vietnam, a representative that probably continues to increase (*Thanh Nien News*, January 11<sup>th</sup>, 2015). Sociologists estimate there are 200,000 prostitutes working full time or occasionally (*L'Express/AFP*, September 22<sup>nd</sup>, 2014).

Prostitution is concentrated in specific places like Hanoi, Ho Chi Minh City as well as in outlying regions (*Thanh Nien News*, December 21<sup>st</sup>, 2014). A report of the municipal police of Ho Chi Minh City, forwarded to the Ministry of Labour, War Invalids and Social Affairs in September 2014, expressed the growing evolution of the sex industry in the metropolitan area despite effective controls that have been put place in place over the past ten years (*Thanh Nien*

*News*, September 17<sup>th</sup>, 2014). The report notes an increase in heterosexual and homosexual male prostitutes, as well as an increase in profits generated by this activity. These new prostitution cases involve top models, singers and actresses, who charged 7,000 US\$ (6,464 €) for each trick.

These popular personalities who have been involved in prostitution scandals have multiplied since 2014 (*Thanh Nien News*, April 15<sup>th</sup>, 2015). The report shows that there are an estimated 5500 prostitutes working within institutions in Ho Chi Minh City venues, as well as 200 *outdoor* prostitutes. Other statistics indicate that there are over 33,000 establishments related to prostitution in Ho Chi Minh City (massage parlors, karaoke bars, brothels) (*South China Morning Post/AFP Hanoi*, September 22<sup>nd</sup>, 2014). In Hanoi, prostitutes operate openly in the streets of the downtown despite numerous police raids, the dismantling of luxury escort networks, and the launching of “cleaning” campaigns (*L'Express/AFP*, September 22<sup>nd</sup>, 2014). In coastal cities, brothels are openly exploited, protected by local mafia gangs, and sometimes even involve certain corrupt local officials. The customers are mostly tourists from Japan, South Korea, China, Taiwan, the UK, Australia, US and Europe (*U.S. Department of State*, 2014). Traffickers are either from organized groups or working individually. Recruiters often belong to the family or the environment close to the victim. The consent of the victim's family is quite common, whether active or passive. It is sometimes at the origin of the operation. "Bride trafficking" is often the first entry into sexual exploitation networks. Forced marriages are mainly to China. Confiscation of identity papers or creating debt bondage are commonly strategies that are used to force Vietnamese victims into prostitution. A survey of the International Organization for Migration (IOM) on victims of trafficking in the Mekong region states that women are often from ethnic minorities from northern Vietnam (*IOM*, 2014).

Prostitution is developing new forms: prostitutes operate in cafes, hair salons, spas, massage parlors, as well as in public places such as parks or street. Prostitution in "traditional" places such as karaoke bars or beer gardens, is diminishing (*NSWP*, September 18<sup>th</sup>, 2014). The authorities of Ho Chi Minh City have identified 58 public places and about 33,000 stores that probably harbor prostitution. The use of Internet and mobile phones as tools for promoting prostitution activities has increased (*Thanh Nien News*, September 17<sup>th</sup>, 2014). The Internet is also heavily used by traffickers to "recruit" victims. The usual pattern is to approach young women and girls through social networks, build a relationship and then take them, under a false pretext, beyond borders and force them into prostitution. This method incidentally includes victims that come more and more from the urban middle class (*U.S. Department of State*, 2014).

### **The Victims of Exploitation in Vietnam: The Many Forms of Vulnerability**

There are many forms of discrimination in Vietnam, particularly against girls and in mountainous areas. There is a lot of discrimination against ethnic minorities (*Committee on the Rights of the Child*, August 22<sup>nd</sup>, 2012). Women are the largest group among the victims of trafficking (44.1%) (*IOM*, 2014). Children from rural and remote areas, particularly in northern regions, are more likely to become victims of trafficking and are especially targeted by

traffickers. This vulnerability can be explained by the economic distress and lack of trafficking prevention by both residents and police forces in this area. A survey estimates that 38.5% of people had heard about trafficking before being exploited. Recruiting individuals belonging to the middle class has been a new trend in urban environments, where individuals are targeted online (*U.S. Department of State*, 2015). According to the Director of the Department of prevention of social ills, the rate of prostitutes with HIV/AIDS is increasing (*Thanh Nien News*, January 11<sup>st</sup>, 2015). Some studies estimate that 40% of prostitutes are probably infected with the virus (*South China Morning Post/AFP Hanoi*, September 22<sup>nd</sup>, 2014). Violence against prostitutes is also very present. A field study conducted by the National Institute of Labour, Science and Social Affairs in March 2015, reported that about 49.3% of female prostitutes in Vietnam, are suffering or have suffered violence from their clients and/or partners (exploiters, concubines, husbands...) (*Thanh Nien News*, 26 March 2015).

### **Legislative changes: Between change and resistance**

#### ***On prostitution***

In Vietnam, prostitution is illegal. As a consequence, the client, the procurer and the prostitute are repressed. Since the entry into force of the Decree 111/2013, on July 1<sup>st</sup>, 2013, it is no longer mandatory to send prostitutes arrested into rehabilitation centers. This is because some centers were the subject of controversy and scandal due to their violation of human rights (*Fondation Scelles*, 2012). Prostitutes are now subject to fines between 100,000 VND to 300,000 VND (4.12 € to 12.36 €/ 4.50 US\$ to 13.50 US\$) on their first arrest. The decree also limits the length of time prostitutes can be held in detention (24 hours) (*Tuoi Tre News*, October 16<sup>th</sup>, 2014). Repeated offences is punishable by 5 million VND (206 €/225 US\$), clients can have to pay, depending on the circumstances, from 500,000 VND to 5 million VND (20.6 € to 206 €/22.50 US\$ to 225 US\$). The law, however, has no specific provisions applicable to male prostitutes. This could explain the increasing number of gay and bisexual male prostitutes. In regards to children, Vietnam has not amended its legislation on the definition of the child. As a result, the definition of a child (under 18 years) of the Additional Protocol to the UN Convention against transnational organized crime to prevent, suppress and punish trafficking in persons, especially women and children, contradicts the Vietnamese criminal responsibility set at the age of 16. This concern, which was raised in the 2013 Global report on sexual exploitation of *Fondation Scelles* perpetuates the Legislative inconsistency in child protection (*Committee on the Rights of the Child*, August 22<sup>nd</sup>, 2012).

Officials in Hanoi and Ho Chi Minh City are quite critical on the rehabilitation for victims of exploitation, saying that the current system does not support enough prostitutes seeking to reintegrate into society by making money through other means. Even if rehabilitation programs have existed for some years, very few prostitutes benefit from them (*Thanh Nien News*, March 26<sup>th</sup>, 2015). According to the Ministry of Labour, War Invalids and Social Affairs, only 500 prostitutes are supposed to have received a loan worth 2 billion VND (82,400 €/89,980 US\$). At



the end of 2014, the Prime Minister asserted his willingness to engage in reforms that would promote a greater respect for human rights (*Thanh Nien News*, December 21<sup>st</sup>, 2014).

### ***On trafficking***

In the 2014 report of the US State Department on human trafficking, Vietnam is classified in category 2 for the third consecutive year, after two years in Tier 2 Watch List. This new classification means that Vietnam does not fulfill the minimum standards for the protection of victims of trafficking, but the country nevertheless made significant efforts to address them. Entered into force in July 2012, Vietnam signed the Additional Protocol to the UN Convention against Transnational Organized Crime. Vietnam is also a member of the Association of Southeast Asian Nations (ASEAN) and the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), whose goal is to enhance cooperation among member countries in Southeast Asia to fight against human trafficking. Vietnam, however, has made very few bilateral agreements facilitating police and judicial cooperation in trafficking. In July 2013, the Supreme Court, the prosecutor at the Supreme Court, the Minister of Public Security, Defense and Justice issued a joint circular establishing penalties for crimes under the Anti-Trafficking 2012 law. This circular came into effect in September 2013, but no proceedings have been recorded since. Two new circulars and one decree of application have been introduced to complete the implementation of the law (*U.S. Department of State*, 2015).

### **Changes in Social Representations: Between Public Intervention and Private Movements**

In January 2015, the Central Department of Social Evils Prevention implemented a trial program in 3 towns to improve access to social services for prostitutes. This project has not only health objectives, but also aims to prevent violence and fight against discrimination and stigma. The goal of this program is to allow prostitutes to reintegrate into society to eventually stop all prostitution activity (*Thanh Nien News*, January 11<sup>th</sup>, 2015). In Vietnamese society, particularly in the conservative parts of the society that are committed to the values of Confucianism, prostitution is still considered a social evil, just like homosexuality or drug addiction (*L'Express/AFP*, September 22<sup>nd</sup>, 2014). However, the development of the sex industry, the scandals around the rehabilitation centers for prostitutes and drug addicts (where violations of human rights occurred), as well as the involvement of top models and actresses in prostitution helped launch a debate about prostitution as early as 2013.

This brought together politicians, civil society, regulationist sociologists and pro-sex work organizations to speak about the issue and the need to curb the trafficking and exploitation networks in order to protect prostitutes, as well as those who can't but fall into exploitation (*L'Essentiel/AFP*, September 22<sup>nd</sup>, 2014). The representation of prostitutes in the debate, however, remains very low despite the creation of a national network of Vietnamese "sex workers" in 2014. For many, the social opinion on prostitution is undergoing changes, which

does not prevent, however, persistent stigmatization of victims of sexual exploitation in rural areas of the country (*Reuters*, November 19<sup>th</sup>, 2014).

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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 prostituted person's free will. We fight on behalf of all prostituted persons for whom the "choice to be a prostituted person" is nothing but an illusion.

**Fondation SCELLES**

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***“Prostitution concerns us all.  
We need your help to fight against it”***

**Yves Charpenel, President**



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Fondation Scelles, reconnue d'utilité publique depuis 1994



**Sensibilisation des jeunes aux risques de prostitution**

[www.passe-passe.org](http://www.passe-passe.org)

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**Centre de Recherches Internationales et de  
de Documentation sur l'Exploitation Sexuelle**

<http://crides.fondationscelles.org>

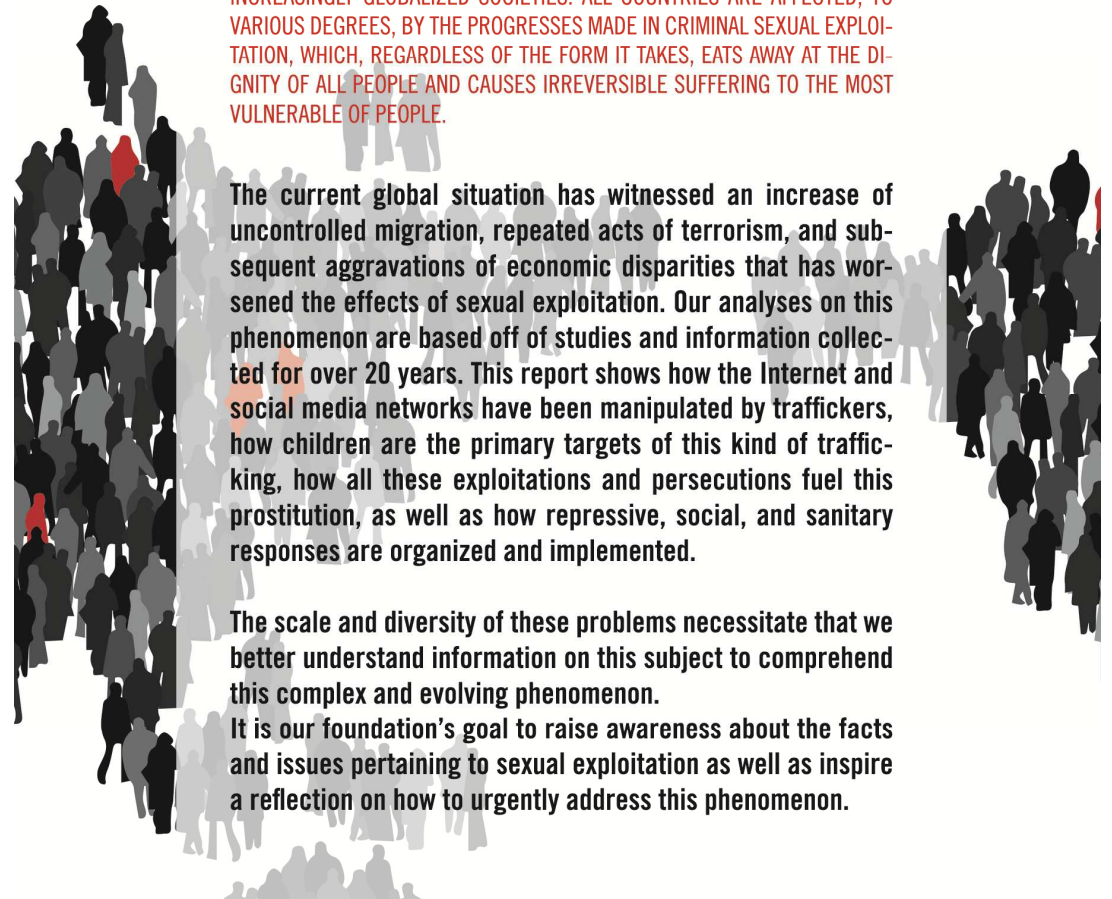
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**L'actualité de la prostitution**

<http://infos.fondationscelles.org>

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THE NEW GLOBAL REPORT BY THE FONDATION SCELLES, PRESENTS THE LATEST DEVELOPMENTS IN PROSTITUTION THAT ARE PROSPERING IN OUR INCREASINGLY GLOBALIZED SOCIETIES. ALL COUNTRIES ARE AFFECTED, TO VARIOUS DEGREES, BY THE PROGRESSES MADE IN CRIMINAL SEXUAL EXPLOITATION, WHICH, REGARDLESS OF THE FORM IT TAKES, EATS AWAY AT THE DIGNITY OF ALL PEOPLE AND CAUSES IRREVERSIBLE SUFFERING TO THE MOST VULNERABLE OF PEOPLE.

The current global situation has witnessed an increase of uncontrolled migration, repeated acts of terrorism, and subsequent aggravations of economic disparities that has worsened the effects of sexual exploitation. Our analyses on this phenomenon are based off of studies and information collected for over 20 years. This report shows how the Internet and social media networks have been manipulated by traffickers, how children are the primary targets of this kind of trafficking, how all these exploitations and persecutions fuel this prostitution, as well as how repressive, social, and sanitary responses are organized and implemented.

The scale and diversity of these problems necessitate that we better understand information on this subject to comprehend this complex and evolving phenomenon.

It is our foundation's goal to raise awareness about the facts and issues pertaining to sexual exploitation as well as inspire a reflection on how to urgently address this phenomenon.

**La 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.

[www.economica.fr](http://www.economica.fr)