

Trafficking in Women and Prostitution in the Baltic States:

Social and Legal Aspects



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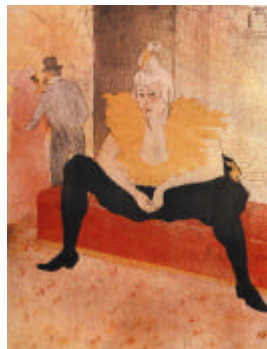
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Social and Legal Aspects

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FOREWORD

Trafficking in human beings has become a serious global concern. International criminal groups, whose activities often include other forms of illicit trade such as smuggling of drugs and arms, often control trafficking in persons as well. In addition to abusing human rights, and violating labour and migration laws, trafficking in persons is also a problem of national and international security.

Through the generous support of donor governments, IOM has established itself as an important agency in combating trafficking, addressing first of all the most vulnerable groups of victims: women and children. There are currently over 70 IOM counter-trafficking projects, active or in development, targeting over 50 countries in Africa, Asia, Central, Eastern and Western Europe, and Latin America, as well as one global assistance project targeting all developing countries in Africa, Asia and Latin America.

This publication on legal and sociological aspects of Trafficking in Women in Estonia, Latvia and Lithuania emerged in the framework of the IOM's pilot project "Research, Information and Legislation on Trafficking in Women in the Baltic States," funded by the Governments of the United States and Finland and later joined by Sweden. By offering a systematic picture of the challenge of trafficking in women in the region, the results of the project paved way to the IOM's further practical activities in preventing trafficking in Estonia, Latvia and Lithuania.

IOM strategy of tackling trafficking in women in the Baltic States consists of three consecutive steps, each creating foundation for subsequent activities. (1) The first endeavour is the completed research in trafficking in women. Having covered both legal and sociological dimensions, it produced a clear and systematic picture of trafficking in women in the Estonia, Latvia and Lithuania, outlining the main patterns and modalities, as well as the most vul-

nerable areas and greatest damage done, both to individuals as well as to societal stability. (2) On the basis of the research insights, an Information Campaign is being carried out - thanks first of all to generous funding from the Swedish Government - in order to raise public awareness of the dangers of trafficking in women in the three Baltic States. Besides societies in general, numerous specialised components of the information campaign will be targeted at the high risk groups, particularly young women in a disadvantaged economical situation, turning their attention to the lurking dangers of trafficking and promoting well informed responses. (3) The third step will be Technical Co-operation with the Baltic States in order to enhance their administrative capacity to combat trafficking in women, and to ensure successful prevention. This last module will cover both governmental entities as well as non-governmental organisations, which have a crucial role to play in combating trafficking in women.

We trust this publication will be a useful source of reference to officials and NGOs working in the area of counter-trafficking, as well as the academic community. Its insights, besides offering theoretical and academic value, are also expected to consolidate practical measures in preventing trafficking of women in the Baltic States, including an information campaign that is already being carried out by IOM in Baltic States.

IOM Regional Office
for the Baltic and Nordic States

Helsinki, September 2001

INTRODUCTION

Today, in the beginning of the twenty-first century, trafficking in human beings is no longer a new issue, although a decade ago it emerged as a major problem all over the world presenting new challenges and demanding new approaches to tackle it. This form of organised criminality, in particular damaging to women trafficked for sexual exploitation, has received increasing attention of governments, societies and the international community in the past few years.

The three Baltic States have got their share of the trafficking problem while going through an adjustment period after the ending of the Soviet era and re-establishing their independent statehood in the early 1990s. A common feature to almost every country that emerged from the Soviet legacy is that the lack of new work opportunities has hit more on women than on men in the transition to market economy. In the Baltic States, this has been the case especially with the women of the ethnic minorities who are over-represented among prostitutes and trafficked women. In general, the lack of opportunities for women has made many seize the opportunity to make earnings in sex industry through prostituting either in the home country or abroad, sometimes helped by traffickers. Some begin sex work voluntarily, some are deceived by traffickers with false promises of other work and later forced to commercial sex.

Looking from the migration viewpoint, certain social and economic trends arguably contribute to the rise of irregular migration and trafficking. Globalising competition presses down wage levels, and in certain service sectors low pay and growth of temporary work are claimed to make the domestic labour force increasingly reluctant to accept such work and rely on unemployment benefits instead. This situation creates demand for foreign labour. For citizens without work in developing or transit countries, possibility to earnings even in the low-pay sectors in the West is attractive and many of them follow the call of the markets either through legal or illegal migration channels.

As women tend to be over-represented in low-wage sectors where migrants are increasingly needed, this is favouring the alleged feminisation of migration. Clearly women are preferred in the sex sector which in the last years has expanded in the Baltic States and in countries in the neighbourhood, such as the Nordic states.

The widely increased use of information technology in the sex sector, or sex and entertainment industry, as Professor Marek Okolski calls it in the lead chapter of this volume, has likewise contributed to the general increase of services supplied by the sex sector. Expanding use of internet and the large number of new telephone operators have enlarged the marketing and visibility of sexual and erotic services.

After the dissolution of the Communist block in East Central Europe ten years ago, the region became not as much an area of emigration as a corridor for undocumented flows towards the Western Europe and elsewhere, through the territories of the present Russia, Ukraine, Belarus, Poland, Hungary, the Balkans, and the countries of Southern Caucasus. The Baltic States are situated in the north-western borders of that corridor zone. The most southern of the Baltic republics, Lithuania has been the most exposed of the three, and used as a transit country for undocumented migration. It is also to some extent a country of destination for the citizens from CIS republics.

Likewise, Lithuania seems to be the one of the Baltic States with the largest numbers of trafficked women. The Lithuanian study below refers to indicative figures of missing persons and expulsions which, contrary to the figures presented in the Estonian and Latvian studies, would suggest to even a strong recent increase in the number of trafficked women from Lithuania. This trend is confirmed by the statistics of the German Federal Criminal Police (Bundeskriminalamt): In 1999, the German police apprehended 88 Lithuanian trafficked women, which was up 4.5 per cent from the previous year, and 11.5 per cent of all trafficked women listed by the German police that year, and giving the fourth place after the much more populous Ukraine (21.7%), Poland (14.4%) and Russia (11.4%).

In 1999, the corresponding figure for Latvian women in Germany was 20 (2.5% of all, 5% less than 1998) and 17 Estonians (2.1%, same number as in 1998). For the year 2000, there is no Estonian figure available from Germany, but the numbers of both the other two nationalities doubled from 1999, to 162

Lithuanians and 43 Latvians respectively¹. No estimates were given in the German material as to how large a share the given figures would represent of the total trafficking flows.

After becoming transition economies, the Baltic States started restoring, and in many areas creating afresh, democratic institutions and the rule of law. In Estonia, Latvia and Lithuania these changes were carried out in a more determined way than other formerly Soviet states, chiefly because of the legacy of independent statehood in the 1920s and 1930s. Certain tradition of independent nationalist thinking survived the Soviet time in these republics that were considered the most “western” and wealthy among the former Soviet forced possessions.

Along with the regained independence, the Baltic States adopted firm orientation towards Euro-Atlantic democracies, including prospective accession to NATO and the European Union. In the course of EU accession preparations, in particular the transposition of the Union’s *acquis communautaire* and creating administrative capacity needed for its implementation, the Baltic States have been successful in making the rule of law, democracy and market economy reality, thus making accession to the EU an issue of the foreseeable future. In the field of trafficking, the most important EU documents are the Joint Action from 1997, and the Proposal of the European Commission from December 2000 for a Council Framework Decision on combating trafficking in human beings, scheduled to enter into force in 2001. These documents outline numerous measures in combating trafficking in the EU member states providing a map to EU candidate countries in combating and preventing trafficking in women.

A common obstacle to creating new police forces or other similar law enforcement capacities in the Baltic region and other transition countries is often the lack of resources. Assistance from the international community, in particular the EU and its member states, is of vital importance in speeding up many needed reforms.

International Organization for Migration (IOM) has worked in the Baltic States since 1993 assisting the governments in developing migration management, in terms of facilities, institutions, knowledge base and policy development. Irregular migration and trafficking have been increasingly dealt with in the region in a series of seminars and studies since 1996.

¹ Source: Trafficking in Human Beings. Situation Report 1999. Federal Criminal Police Office (BKA) Wiesbaden. Germany, and advance information from the 2000 report.

This publication contains results of an IOM research project on trafficking in women in the Baltic States, carried out in 2001. This multidisciplinary research was both wider ranging and more analytical than the previous ones that IOM has carried out in the region. The reports below analyse the background of the emerging of trafficking in the Baltic States in the past years, and the framework provided by international law and national legislations to tackle with the problem. The growth and evolution of prostitution has been also closely addressed.

The first part of this book is called “Trafficking in Women in the Baltic States: Legal Aspects”, written by Heli Askola, Assistant Lecturer in University of Turku, Finland. Analysing empirical evidence about the legal state of play provided by a group of Baltic experts in the field – Elmar Nurmela of Estonia, Anhelita Kamenska of Latvia, and Audrone Perkauskiene of Lithuania – the report gives a thorough overview of the norms and obligations that international law, in particular human rights law, offers to states tackling trafficking and related phenomena. The legal report also discusses widely the recommendations provided by the growing body of trafficking-related soft law, e.g. resolutions of United Nations Commissions' and other international fora. Furthermore, obligations rooted in the trafficking-related *acquis* are discussed, finally giving an assessment of the status of the three Baltic States with regard to legislation and measures concerning prostitution and trafficking in women.

The second part of this volume consists of reports resulting of the sociological research conducted in all three Baltic States, and an overviewing sociological study. In this chapter, Professor Marek Okolski, an internationally recognised expert in migration and societal change in transition countries, provides a multi-dimensional analysis of the international economic, social and political developments in the background of trafficking, and interprets the results of the national studies that follow the overview. These national sociological reports are written by Juri Saar, Aet Annist and Andri Ahven for Estonia; by Inna Zarina for Latvia; and by Danute Tureikyte and Audra Sipaviciene for Lithuania.

To recapitulate the main points, the book offers a systematic and multifaceted picture of trafficking in women in the Baltic States. The organised view and conclusions routed in the analysis of Baltic empirical evidence offer an updated state of play, as well as main tendencies of trafficking in women in Estonia, Latvia and Lithuania. Besides academic value, the identification of

main problems and damaging implications pave way to practical measures in combating and preventing trafficking in women.

Part I

TRAFFICKING IN WOMEN IN THE BALTIC STATES: LEGAL ASPECTS

Prepared for IOM

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INTRODUCTION

This report focuses on trafficking in women with particular attention to the current situation in the Baltic States. The main aim of the report is to examine the law and the practice of the three Baltic States on the issue of trafficking in women from a comparative perspective with regard to the relevant international norms and *acquis communautaire*.

By focusing on trafficking in women for purposes of sexual exploitation, especially prostitution, from and to the Baltic States this report will highlight the gender-specific nature of many violations of human rights the trafficking victims are subjected to.² Trafficking in women has fundamental connections to the feminisation of poverty, the denial of equal rights and the lack of economic opportunities as well as women's deprivation of social power in many countries. In Europe, the profile of trafficking in women has changed considerably during the last decade. Most migrant prostitutes and victims of trafficking in Western Europe have traditionally come from Asian, African and Caribbean countries. But due to the collapse of the Soviet Union and subsequent political, social and economic changes (such as unemployment and tearing down of social security systems) an ever-increasing number of trafficked women today come from the former socialist countries.³

“Despite the many prohibitions against trafficking, international networks that market women and children for prostitution continue to thrive. Their success can be attributed to several factors, including the global economic trends, the declining socio-economic status of women, the enormous profit-

² This by no means intends to imply that women would not be trafficked for non-sexual purposes as well or that non-sexual exploitation would not be equally serious.

³ “Trafficking in Women for the Purpose of Sexual Exploitation: Mapping the Situation and Existing Organizations Working in Belarus, Russia, the Baltic and Nordic States”, Report by the Foundation of Women's Forum/Stiftelsen Kvinnoforum, Stockholm, August 1998. Available at: <URL:<http://www.qweb.kvinnoforum.se/papers/traffickingreport.html>> (accessed 20.12.2000).

ability of the business, government inaction, and, in the most egregious circumstances, government complicity.”⁴

Typically the victims from Central and Eastern Europe countries tend to be poor women who, due to the economic gap between Western and Eastern Europe, are seeking to work in the West. As a result of their general vulnerability to exploitation by traffickers and their unequal “bargaining power” many of these women are deceived by traffickers and their intermediaries to think they will become e.g. models or dancers in the country of destination – others may know in advance they will be working in the sex industry but are deceived about the slavery like conditions of their subsequent work. In both cases the women incur debts to the traffickers and intermediaries, and are compelled to work them off. They are subjected to abuse and violence, deprived of their travel documents, often literally kept under lock and key and forced to engage in prostitution, pornography and other forms of sexual exploitation in often inhumane conditions. Typically the victims are in the country illegally or even if they have entered the country by legal means (e.g. on a tourist visa), their subsequent involvement in prostitution (be it voluntary or not) has made their situation illegal in the eyes of the law of the destination country. This irregular status makes seeking help from the authorities risky even if traffickers and club owners do not forcibly detain the victims. As a result they are isolated and become socially and culturally marginalised.

Lamentably, when the existing norms applicable to trafficking cases actually are enforced – which is rare enough – the most likely targets are the victims of trafficking, not their traffickers. For if the women do manage to escape or come in contact with the police e.g. as a result of a brothel raid, they are often arrested themselves as illegal immigrants, and simply detained and then expelled from the country. Deportation for its part exposes them to a great risk of re-trafficking unless considerable attention is given to the circumstances to which the victims are returned. Upon return to their home country the victims are stigmatised by their experiences and easily threatened and further abused by trafficking networks. Even in cases where the victims of trafficking are not treated as offenders themselves as a rule their human

⁴ G. Caldwell, S. Galster & N. Steinzor, “Crime & Servitude: An Exposé of the Traffic in Women for Prostitution from the Newly Independent States”. A report of the Global Survival Network (for an international conference on “The Trafficking of NIS Women Abroad”, Moscow, Russia, 3-5 November, 1997), preface. Available at: <URL:<http://www.globalsurvival.net/femaletrade/9711russia.html>> (accessed 20.12.2000).

rights are not sufficiently protected and they receive insufficient assistance in the country of destination.

To avoid misunderstandings it should be mentioned right at the beginning that trafficking is by no means a new phenomenon; but today this complex and multi-faceted phenomenon has become a global multi-billion dollar trade making huge profits for e.g. the sex industry. Trafficking in general and trafficking in women in particular have also become major activities for organized crime networks on a par with the drugs traffic and the illegal arms trade due to the huge profits trafficking generates and the leniency of penalties for trafficking compared to the penalties for other forms of organized crime (such as drug-related crimes). As one commentator has aptly pointed out: “the consumer appetite appears limitless; profit margins are high and risks are low--traffickers hardly ever get prosecuted, and when they do, they rarely see the inside of a jail.”⁵

A partial explanation to why the trafficking trade continues to flourish despite increased awareness of the phenomenon in the past decades is because thus far no unified action has been introduced among countries destination to take action on the issue through legislation, appropriate policies and international cooperation and because the seriousness of the issue is not always recognised in countries of origin and transit. In addition trafficking in women particularly for purposes of sexual exploitation (such as prostitution and pornography) brings up some highly contentious issues of public policy. Approaches to trafficking in women greatly draw from attitudes to prostitution in general, and these vary greatly from one country to another. Unsurprisingly both the current international and European measures against trafficking in women reflect this hotchpotch of responses.

At the starting point of this analysis, it would be wise to define the term “trafficking”. United Nation’s “Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime”, adopted in November 2000 by the UN General Assembly and signed by close to 80 Member States in Palermo, Italy during the High-Level Signing Conference for the United Nations Convention on Transnational Organized Crime, will serve as universally accepted definition on trafficking.

⁵ D. Johnson, “Trafficking of Women into the European Union”, 5 *New England International & Comparative Law Annual* 1999, II.A.2.

The Protocol defines trafficking in persons as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or the use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”⁶

A more important distinction than the trafficking/trafficking for sexual exploitation is actually the distinction between smuggling in persons and trafficking (for sexual or other exploitation) that emerges when a perspective based on human rights is adopted. Smuggling is a crime against state sovereignty; it has to do with facilitating illegal migration (persons are delivered to the country of destination, after which they are generally on their own). With trafficking (in women) the traffickers and their agents recruit and deliver the women to exploitative conditions where they lose control of their lives (through debt-bondage and extortion) and are forced to engage in prostitution, pornography and forced marriages. While trafficking obviously can be a form of irregular migration, this migration dimension of trafficking does not place it in the purview of smuggling; trafficking is a crime against the individual, and only secondarily a violation of state sovereignty. Trafficking for sexual exploitation is obviously connected with other forms of bonded labour (and both are, for that reason, called slavery or slavery-like practices).

Though trafficking and smuggling in persons should be conceptually kept apart, at the same time it is important to notice that trafficking raises similar migration questions as smuggling in persons with regard to the balance between border controls and freedom of movement and the influence of strict migration regimes such as the European Union (EU). The European Union aim to is to create an area of free movement inside the Union while simultaneously allowing only limited access from non-EU nationals. The economic gap between EU member states and many of their non-EU neighbours cre-

⁶ In IOM document MC/EX/INF/58 “Trafficking in Migrants: IOM Policy and Responses”, submitted to the Executive Committee at its June 1999 session, trafficking was defined and described basically as a problem of abuse of the human rights of migrants, coercion, criminality and violation of national and international migration regulations. IOM’s working definition of trafficking of 1999 is very close to that which has now been approved in the United Nations’ Protocol, which will thus become the internationally adopted definition.

ates migration pressures in sending countries and this increased willingness to migrate “in hope of a better life” contributes to trafficking by making women vulnerable to trafficking networks. And once inside the EU area, the free movement within the Union facilitates trafficking by removing obstacles such as border controls and visa requirements.

This report is divided into two parts. The first part is a summary of the current set of international instruments that relate to trafficking either directly or indirectly. This analysis takes place at two separate but inter-connected levels. The first is that of international (mainly human rights) law that has been increasingly concerned with the issue of trafficking in women and children in the framework of the United Nations, the International Labour Organization, the Council of Europe and the Organization for Security and Cooperation in Europe. The second level is that of the European Union policies under Title VI that aim to form an area of freedom, security and justice within the borders of the European Union by increasing police and judicial cooperation. The understanding of trafficking in women as a highly complex phenomenon is still at an early stage both in the international legal arena and especially within the European Union, and this becomes obvious in the variety (and sometimes incoherence) of legal instruments and applicable standards. However, even though several issues are subject to disagreement, there are also areas where consensus exists.

The second part of the report deals with the particular problems of trafficking in the Baltic States. The general aim is to form a picture of the current situation in each Baltic state vis-à-vis the detailed requirements set by the relevant international and/or European Union standards on trafficking. In addition to drawing from national data about the Baltic States, the report also selectively considers the law and practice of some EU member states, in particular Germany, the Netherlands and Italy, to reveal the variety of approaches to trafficking and to form a more comprehensive picture of the problematic areas within the Union. The second part of the report examines the issues regarding trafficking in women within a legal framework in six separate sections. The analysis starts with a look at the criminality of prostitution and pandering *per se*, then moving on to the prohibitions of trafficking itself. The next sections address matters relating to extradition, jurisdiction and specialized enforcement techniques and international cooperation, the training of officials and data collection. Attention is then turned to the treatment of trafficking victims. The last section covers preventive measures.

Chapter One

The Context of International and European Union Action With Regard to Trafficking

1. UNITED NATIONS CONVENTIONS

1.1. Universal Human Rights Conventions

There is currently no international convention that would explicitly state human beings have a human right to freedom from sexual exploitation,⁷ but in the light of the several basic human rights that come into play with regard to trafficking in women for (in particular sexual) exploitation, most of the general international human rights instruments incorporate rights that are relevant to the issue.

The focus of the United Nations as the international key actor in the promotion and protection of human rights and fundamental freedoms stems from the UN Charter that declares the commitment of the United Nations to support and promote respect for human rights.⁸ The (legally non-binding but nonetheless authoritative) 1948 Universal Declaration of Human Rights (UDHR) acknowledges that the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”.⁹ The UDHR, without

⁷ About the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, see *infra* section 1.2.

⁸ See the UN Charter; preamble, art. 1(3), art. 55.

⁹ Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, preamble.

specifically mentioning trafficking or sexual exploitation, has at least four provisions easily applicable to trafficking in women as something that often involves the use or threat of violence and unlawful detention. Article 1 declares that “all human beings are born free and equal in dignity and rights”; article 3 states “everyone has the rights to life, liberty and security of person”; article 4 stipulates “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”; and article 5 requires that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.

The United Nations International Covenant on Civil and Political Rights,¹⁰ the most influential general human rights convention, embraces a wide range of human rights (dealing e.g. with the right to life, liberty and security of person), which states have to ensure. It forbids slavery and slave-like practices in its article 6 that reads: “1) no one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. 2) no one shall be held in servitude. 3) (a) no one shall be required to perform forced or compulsory labour”. The Covenant moreover provides that each state party to the Covenant must ensure the rights elaborated in the Covenant without discrimination based on (e.g.) sex (article 2). In addition to this general non-discrimination clause article 3 obliges states “to ensure the equal right of men and women to the enjoyment of all civil and political rights”. Under the Covenant all persons are to be “equal before the law” and “entitled without any discrimination to the equal protection of the law” (article 26). It is important to note that the rights provided by the ICCPR (such as the right to be free of slavery) are justiciable i.e. formulated to allow individuals to rely on them directly before courts of law and also before the body overseeing the ICCPR, the Human Rights Committee (provided the state has ratified the first Optional Protocol to the Covenant).¹¹

Unlike the ICCPR rights, the rights elaborated in the International Covenant on Economic, Social and Cultural Rights (1966)¹² mainly create obligations to states to formulate certain public policies (although these rights can also contain justiciable elements). Many of these rights are highly relevant to traffic-

¹⁰ International Covenant on Civil and Political Rights, 999 UNTS 171 (hereinafter the ICCPR).

¹¹ First Optional Protocol of the International Covenant on Civil and Political Rights, 999 UNTS 302.

¹² International Covenant on Economic, Social and Cultural Rights (hereinafter the ICESCR), 993 UNTS 3.

ing as a state's failure to provide them often exposes women to trafficking and exploitation, e.g. the right to work (art. 6), the right to "just and favourable conditions of work" (art. 7), women's right to equal pay for equal work (art. 7(a)(i)), the right to social security (art. 9), the right to "an adequate standard of living" (art. 11), the right to "the highest attainable standard of physical and mental health" (art. 12) and the right to education (art. 13).¹³ The Covenant also provides that the States parties to the Covenant shall ensure these rights without discrimination (articles 2(2) and 3). Since the mid-eighties the implementation of the Covenant is overseen by the Committee on Economic, Social and Cultural Rights.¹⁴

1.2. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

As was already stated, there exists no international instrument that would unequivocally stipulate it is a human right to live free of sexual exploitation. But a specific area of sexual exploitation, trafficking in (in particular white) women, was the subject of a series of agreements and conventions in the first half of the twentieth century. The United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)¹⁵ consolidated these earlier attempts to suppress trafficking in women and children.¹⁶ States party to the 1949 Convention accordingly "agree to punish any person who, to gratify the passions of another: procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person; exploits the prostitution of another person, even with the consent of that person" (art. 1). The keeping of

¹³ In addition to these rights, children are moreover entitled to protection from economic and social exploitation and "their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law" (art. 10(3)).

¹⁴ See Economic and Social Council resolution E/RES/1985/17, 28 May 1985.

¹⁵ Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 96 UNTS 271 (hereinafter also "the 1949 Convention").

¹⁶ These were the 1904 International Agreement for the Suppression of the Slave Trade (1 LNTS 83), the 1910 International Convention for the Suppression of White Slave Traffic (III LNTS 278), the League of Nations Covenant, and two League of Nations" treaties, the 1921 Convention for the Suppression of Traffic in Women and Children (9 LNTS 415) and the 1933 International Convention for the Suppression of the Traffic in Women of Full Age (150 LNTS 431).

brothels must similarly be punished (art. 2).¹⁷ Both offences shall be considered extraditable (see articles 8-10). It should be noted that the 1949 Convention is clearly abolitionist; all prostitution is declared to be “incompatible with the dignity and worth of the human person” and to “endanger the welfare of the individual, the family and the community” (preamble). At the same time it is not altogether clear whether the state action against the exploitation of prostitution under the 1949 Convention should extend to all prostitution or only forced prostitution.¹⁸

The 1949 Convention has been considered to be something of a “mixed blessing” (this is also reflected in the relatively low number of states that have ratified it). On one hand, it is the only convention to deal with trafficking in women as a matter of international concern and is therefore valuable. On the other hand, the Convention has been criticised for its vagueness, its old-fashioned and outdated formulations and its general failure to pay attention to the rights of trafficked women.¹⁹ Article 16 requires that states party to the Convention to take measures for the prevention of prostitution and “for the rehabilitation and social adjustment” of prostitutes (as if they were mere criminals); article 18 includes measures potentially violating the freedom of movement of potential victims; article 19 allows victims of trafficking to be repatriated from the destination state if the “expulsion is ordered in conformity with the law” (this would naturally frequently be the case as trafficked women are often in the country illegally). The Convention is also perhaps unduly deferential to national laws as its article 12 states the offences under the Convention are to be defined, prosecuted and punished “in conformity with its domestic law”, which gives states considerable leeway in deciding what action they take.²⁰ Moreover, the generally weak enforcement mechanism, which relies on annual reports and has no special supervisory organ,

¹⁷ Under articles 3-4 also attempt and participation shall be punished, “to the extent permitted by domestic law”.

¹⁸ See Chuang, *supra* note 5, 75-77.

¹⁹ See S. Farrow, “The International Law on Trafficking in Women and Children for Prostitution: Making it Live Up to its Potential”, 10 *Harvard Human Rights Journal* 1997, 219.

²⁰ *Ibid*, 219-220. Similar criticism of deferentiality to state sovereignty can be directed at the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted by a GA resolution, A/RES/45/158 in 1990, not in force). This Convention, which has received few ratifications, aims to e.g. guarantee migrant workers’ rights to be free from slavery, servitude and forced or compulsory labour and their right to liberty and security of person.

has met with general criticism.²¹ It must be noted, however, that since 1974 the Working Group on Contemporary Forms of Slavery has been authorised to review developments in the field of the 1949 Convention.²²

1.3. Slavery Conventions

In light of the interconnections between trafficking in women for the purpose of sexual exploitation and the virtually slavery-like conditions often involved in trafficking and the victims' subsequent engagement in forced prostitution, the Slavery Conventions are also applicable to trafficking for prostitution and similar purposes. The 1926 Slavery Convention²³ defines slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" (art. 1) and obliges states to "prevent and suppress the slave trade" in order to eradicate slavery altogether (art. 2). Compulsory and forced labour are recognised as having possible grave consequences; therefore "all necessary measures" are to be taken to "prevent compulsory or forced labour from developing into conditions analogous to slavery" (art. 5). States party to the Convention agree to enact provisions that allow severe penalisation of perpetrators (art. 6).

The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery²⁴ by the UN widens the scope of the 1926 Convention to cover also so-called slavery-like practices. Under this Convention states must take "all practicable and necessary legislative and other measures" to eradicate debt bondage, serfdom, practices whereby certain forms of ownership are exercised over a woman²⁵ and the

²¹ See L. Reanda, "Prostitution as a Human Rights Question: Problems and Prospects of United Nations Action", 13(2) Human Rights Quarterly 1991, 209-210.

²² About the work of the Working Group, see *infra* section 1.7.

²³ Slavery Convention of 1926, 60 LNTS 253.

²⁴ Slavery Convention of 1956, 266 UNTS 40.

²⁵ The formulation prohibits "Any institution or practice whereby:

(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or

(ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or

(iii) A woman on the death of her husband is liable to be inherited by another person."

handing over of a child for exploitation of his labour (art. 1). The conveying of slaves shall be made liable to “severe penalties” (art. 3) and states shall criminalize “the act of enslaving another person” (art. 6). The Convention also includes a commitment for states to cooperate to fulfil their obligations under the Convention (art. 8).

Also the enforcement mechanisms of the Slavery Conventions have been characterised as weak. The Conventions include a reporting mechanism (art. 7 of the 1926 Convention and art. 8(2) of the 1956 Convention), but again there is no independent supervisory body that could review the reports and act on them (but again, since 1974, the Working Group on Contemporary Forms of Slavery is mandated to review developments in the field of the Slavery Conventions).²⁶

1.4. Convention on the Elimination of All Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women²⁷ is the general treaty of non-discrimination based on gender in the UN framework. Its purpose is to eradicate all kinds of discrimination against women, emerge that discrimination on the political, cultural, economic, cultural or other arena. The language of the Convention is broad and uses somewhat vague expressions such as “states undertake to adopt proper legislative or other measures” etc. Unlike the more “general” human rights conventions, the Women’s Convention does expressly mention trafficking in women in its article 6 which reads: “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.” As article 6 includes no description of the “appropriate measures” required, its interpretation draws from the more general obligations to eliminate the existing discrimination against women (set out in art. 2 of the Convention). It has also been suggested that as trafficking in women is rooted in cultural and social notions of female inferiority, the requirement in article 6 should be read together with article 5.²⁸ This article again urges states to take all appropriate measures “to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are

²⁶ See *infra* section 1.7.

²⁷ Convention on the Elimination of All Forms of Discrimination against Women (Women’s Convention), 1249 UNTS 13.

²⁸ Farrior, *supra* note 18.

based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.

The only obligatory monitoring or enforcement procedure established under the Women’s Convention is a reporting procedure (art. 18). Since trafficking in women is specifically included in the Women’s Convention, the organ responsible for overseeing the enforcement of the Convention’s provisions, Committee on the Elimination of Discrimination against Women (CEDAW) has discussed the issue of trafficking and made suggestions and recommendations several times when examining the country reports submitted to it under article 18.²⁹ However, CEDAW has traditionally been considered a somewhat weak organ and states’ reports to it are often overdue or incomplete.³⁰ Recently an Optional Protocol was adopted in October 1999 that will eventually establish a procedure that will allow individual complaints to CEDAW in the manner adopted for “mainstream” human rights conventions (thus far CEDAW has had no competence to review individual complaints).³¹ These complaints could cover also trafficking in women as a human rights violation. Yet it remains to be seen how many countries will ratify the Optional Protocol, as even the Women’s Convention itself is notorious for states’ extensive reservations to it.³²

1.5. Convention on the Rights of the Child

Trafficking in girls under 18 years of age brings into play the United Nations action to protect children from violence and abuse. The United Nations Convention on the Rights of the Child (1989)³³ includes broad language similar to the Women’s Convention. Article 19 demands that states “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or

²⁹ See the most recent (June 2000) Concluding Observations with regard to Austria, CEDAW/C/2000/II/Add.1; Lithuania, CEDAW/C/2000/II/Add.5; Republic of Moldova, CEDAW/C/2000/II/Add.6 and Romania; CEDAW/C/2000/II/Add.7.

³⁰ See e.g. Report of the Secretary-General on the Status of the Convention on the Elimination of All Forms of Discrimination against Women, A/53/318.

³¹ The Protocol was adopted by a General Assembly resolution, A/RES/54/4 (Optional Protocol to the Convention on the Elimination of Discrimination against Women).

³² As of 10 April 2001 the Protocol had 66 signatories and 19 parties.

³³ Convention on the Rights of the Child, A/RES/44/25, 1989.

negligent treatment, maltreatment or exploitation, including sexual abuse”. Article 34 obliges state parties to “undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials”. Article 35 requires that states again “take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form” and article 36 adds to the previous provision by demanding states protect children against other forms of harmful exploitation as well. Finally, article 39 requires state action to “promote physical and psychological recovery and social reintegration” of children who have been the victims of e.g. exploitation, abuse or cruel, inhuman or degrading treatment.

The United Nations organs have been particularly concerned with the various manifestations of the sexual exploitation of children.³⁴ This interest is also reflected in the recent Optional Protocol to the Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography³⁵ which requires that states “shall prohibit the sale of children, child prostitution and child pornography” (art. 1). The minimum requirements for criminalization under the Protocol will include that national criminal laws fully cover the offences specified³⁶ and that penal provisions reflect the gravity of the of-

³⁴ Cf. the work of the UN Special Rapporteur on the sale of children, child prostitution and child pornography.

³⁵ Adopted by the General Assembly in May 2000, A/RES/54/263, not yet in force (cf. art 14).

³⁶ Art. 3(1) reads in entirety: “Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether these offences are committed domestically or transnationally or on an individual or organized basis:

(a) In the context of sale of children as defined in article 2 (a):

(i) The offering, delivering, or accepting by whatever means a child for the purpose of: Sexual exploitation of the child; Transfer of organs of the child for profit; Engagement of the child in forced labour;

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2 (b); and

(c) Producing, distributing, disseminating, importing, exporting, offering, selling, or possessing for the above purposes, child pornography as defined in article 2 (c).”

fences (art. 3). The Protocol also addresses issues regarding the necessary jurisdiction, the sale of children as an extraditable offence, mutual assistance, seizure and confiscation, protection of the victims (and their special needs as children). The new Protocol will in addition provide for a reporting requirement to the organ that is also responsible for overseeing the Convention on the Rights of the Child, the Committee on the Rights of the Child, on how the Protocol has been implemented (art. 12).

1.6. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

In the light of the general dissatisfaction expressed with regard to the inadequacy of the 1949 Convention, many United Nations organs as well as other organizations and NGOs have been calling for another, more effective instrument to be adopted to combat trafficking. The new Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children was adopted by the UN General Assembly as a protocol to the United Nations Convention against Transnational Organized Crime 15 November 2000.³⁷ The Convention itself was adopted to prevent and combat transnational offences such as participating in an organized criminal group, money laundering and corruption.

Almost eighty states signed the new Protocol at the end of the Signing Conference in Palermo, Italy in December 2000.³⁸ The Protocol acknowledges that its purpose is: “(a) to prevent and combat trafficking in persons, paying particular attention to women and children; (b) to protect and assist the victims of such trafficking, with full respect for their human rights; and (c) to promote cooperation among States Parties in order to meet those objectives” (art. 2). Article 5 of the protocol requires state parties to criminalize trafficking (as well as the attempt of, participation in and organization of trafficking), the definition of which is given in article 3:

³⁷ See document A/55/383 for the text of the Protocol, available at the United Nations Crime and Justice Information Network, <URL:<http://www.uncjin.org/Documents/documents.html>> (hereinafter also “the UN Trafficking Protocol”). At the same time also another protocol, the Protocol against the Smuggling of Migrants by Land, Air and Sea, was adopted.

³⁸ Including all member states of the European Union (and the Commission on behalf of the European Community). The Protocol is not yet in force, this will only take place after it has received 40 ratifications.

- a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d) “Child” shall mean any person under eighteen years of age.³⁹

This definition well captures the extremely wide range of practices and actors that can be seen to constitute or be involved in trafficking; it clearly shows that trafficking can and should be understood to constitute a separate offence. Though trafficking in general and trafficking in women in particular could arguably be prosecuted separately under criminal provisions, which criminalize e.g. procuring, abduction, rape, illegal deprivation of liberty, understanding these crimes as the elements of trafficking would not only facilitate prosecution but also serve to establish trafficking as a serious, independent offence.

Yet also the new Protocol has aroused mixed feelings, though in the light of the near-universal frustration expressed against the 1949 Convention the new instrument has also been welcomed. Yet the Protocol is clearly not a human rights instrument but more of a transnational cooperation agreement with a particular focus on organized crime. Some NGOs have criticised the Protocol for not obligating states strictly enough to provide services for victims of trafficking or treating them in a manner different from the treatment reserved for undocumented migrants (smuggled persons).⁴⁰ Indeed, the Protocol is not

³⁹ The definition is clarified by a further definition of “a position of vulnerability” (= the person involved has no real an acceptable alternative but to submit to the abuse involved) and by a note that explains the exploitation of prostitution in the definition only refers to exploitation “in the context of trafficking in persons”, not to prostitution per se. See document A/55/383/Add.1.

⁴⁰ The Human Rights Law Group, see:

nearly as victim sensitive as it could be. The provisions on the protection of victims use unduly restrictive and yet too broad language that requires that states only “in appropriate cases” provide victims with assistance and measures for their physical, psychological and social recovery or that states “shall endeavour to provide for the physical safety of victims of trafficking in persons” (art. 6). States “shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases” (art. 7).

Moreover, as far as protection is concerned, safe and assisted (and to the degree possible, voluntary) return is obviously one of the key issues for those who have been the victims of trafficking; yet article 8 of the Protocol, which facilitates the quick repatriation of trafficking victims from the country of destination, only calls for that it “shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary”. There is no mention of a strict obligation not to deport victims or to grant them a temporary residence permit even if they can be reasonably suspected to face the danger of revenge or re-trafficking upon their return to their home country. The reference to legal proceedings for its part seems to imply victims of trafficking merit protection only as witnesses in trials, not as victims of a serious crime committed against them.

The provisions of the Protocol on prevention and cooperation (articles 9-13) recommend that states e.g. establish comprehensive policies, take measures in the fields of research and information campaigns, address the factors that make persons vulnerable to trafficking (such as the lack of equal opportunities), arrange cooperation between law enforcement, immigration or other authorities as well as training for officials and strengthen border controls. Especially the last measure, strengthening border controls “to prevent and detect trafficking in persons” (art. 11) can be potentially dangerous, as balancing freedom of movement with border controls demands a human rights sensitive approach to ensure women’s rights. If the stricter border controls is applied in a discriminatory manner to women (who are known to constitute the majority of trafficked persons), this may unduly restrict their freedom of movement (and their right to migrate), guaranteed e.g. under the ICCPR (art

[URL:http://www.hrlawgroup.org/site/programs/untraffick.htm](http://www.hrlawgroup.org/site/programs/untraffick.htm) (accessed 3.1.2001). Other NGOs have less reservedly welcomed the Protocol. See e.g. the Coalition Against Trafficking in Women (CATW), <URL:http://www.uri.edu/artsci/wms/hughes/catw/tocv.htm> (accessed 3.1.2001).

12) and the Fourth Protocol to the European Convention of Human Rights (art. 2). This is one of the reasons why the new Trafficking Protocol does not necessarily eradicate the need for a separate human rights convention against sexual exploitation.⁴¹

1.7. Recent Action by UN Organs

In the past few years trafficking in women has emerged as a topic in the agenda of several United Nations organs, most notably in the work of the Working Group on Contemporary Forms of Slavery, the World Conferences on Women and the UN Special Rapporteur on Violence against Women. The UN organs generally understand trafficking as a part of a wider phenomenon that includes also other forms of commercialised sex, forced marriages and forced labour. Though by nature “soft law”, this activism merits attention as it reflects the growing concern among the international human rights community.

The Working Group on Contemporary Forms of Slavery, established by the Economic and Social Council (ECOSOC) in 1974, has paid considerable attention to trafficking owing to its broad mandate to “review developments in the field of slavery... including the traffic in persons and the exploitation of the prostitution of others”.⁴² The Working Group issues recommendations in its yearly reports. Recently it has urged states to adopt comprehensive national plans of action against trafficking (and other practices of the global sex industry such as sex tourism or trade in mail order brides), to revise national policies, laws and strategies to improve the situation of victims, to prosecute the criminals involved in trafficking in women and to introduce witness protection programmes.⁴³ Moreover, in its 2000 Report the Working

⁴¹ Cf. C. Galiana, *Trafficking in Women* (2000), 29-30, who connects effective international cooperation with the recognition of sexual exploitation as a human rights violation. But see also A. Lucas “Women and Prostitution”, in Askin & Koenig (eds.), *Women and International Human Rights Law*, 1999, 722-724.

⁴² See ECOSOC decision 16(LVI), 56 UN ESCOR Supp. No. 1. UN Doc. E/5544 (1974). About the Working Group’s innovative approach to its mandate in its formative years see K. Zoglin, “United Nations Action Against Slavery: A Critical Evaluation”, 8(2) *Human Rights Quarterly* 1986.

⁴³ See e.g. the reports of the Working Group from the years 1999 and 2000: E/CN.4/Sub.2/1999/17 (20 July 1999) & E/CN.4/Sub.2/2000/23 (21 July 2000).

Group decided to examine trafficking, as a matter of priority, at its twenty-sixth session (in 2001) with the “active participation of non-governmental organizations and victims of trafficking, in preparation for the proposed United Nations year against trafficking in persons.”⁴⁴ The most recent Sub Commission on Human Rights resolution last August⁴⁵ (based on the 2000 Report of the Working Group on Contemporary Forms of Slavery) supports many of the Working Group’s recommendations, including the idea of national plans and the revision of national legislation in order to protect the victims of trafficking and to punish the perpetrators.

The Special Rapporteur on Violence against Women has become increasingly involved in issues concerning trafficking in women.⁴⁶ Recently the Special Rapporteur submitted a report exclusively dedicated to trafficking in women, women’s migration and violence against women.⁴⁷ In this report she presented her definition of trafficking:

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

- (i) by threat or use of violence, abduction, force, fraud, deception or coercion (including the abuse of authority), or debt bondage, for the purpose of;
- (ii) placing or holding such person, whether for pay or not, in forced labour or slavery-like practices, in a community other than the one in which such person lived at the time of the original act described in (i).⁴⁸

In her report the Special Rapporteur examined the relevant law on trafficking, classified four typical situations vis-à-vis trafficking in women⁴⁹ and dis-

⁴⁴ E/CN.4/Sub.2/2000/23, 21 July 2000, paragraph 20.

⁴⁵ E/CN.4/Sub.2/RES/2000/19, 18 August 2000.

⁴⁶ E.g. her report E/CN.4/1997/47 included a discussion on trafficking in women and forced prostitution.

⁴⁷ E/CN.4/2000/68.

⁴⁸ This definition of trafficking has met with some opposition as it can be seen as inconsistent with the 1949 Convention, see the Report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/2000/23, paragraph 17); Sub Commission on Human Rights resolution (47 E/CN.4/Sub.2/RES/2000/19, paragraph 45).

⁴⁹ “The first group includes women who have been completely duped and coerced. Such women have no idea where they are going or the nature of the work they will be doing. The second group comprises women who are told half-truths by their recruiters about their employment and are then forced to do work to which they have not previously agreed and about which they have little or no choice. Both their movement and their power to change their situation are severely restricted by debt bondage and confiscation of their travel documents or passport. In the third group are women who are informed about the kind of work they will be doing. Although they

cussed the various violations committed against women during and after trafficking. The Rapporteur expressed her concern that many states seem to equate trafficking with illegal immigration (paragraph 46). She moved on to discuss state responsibility for the violations against trafficked women and emphasised the obligation of the state to take effective measures to suppress trafficking not only (obviously) by state agents but also by non-state actors (about the due diligence standard, see paragraphs 51-53). The Special Rapporteur concluded her report by giving several recommendations on government efforts to combat trafficking, many of which relate to victim protection (stay of deportation, non-penalisation, compensation).

In the area of conferences, the Vienna Declaration and Programme of Action of the World Conference on Human Rights⁵⁰ condemned gender-based violence and sexual exploitation, including international trafficking as “incompatible with the dignity and worth of the human person”; these should be eliminated “by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support” (I.18.). Two years later the Platform for Action of the Fourth World Conference on Women,⁵¹ acknowledging that “sexual and gender-based violence, including... trafficking in women and girls... place girls and women at high risk of physical and mental trauma” (paragraph 100), included trafficking in women and forced prostitution in its definition of violence against women (paragraph 114). The Platform of Action urges states to adopt specific legal preventive measures (paragraph 108) and to better implement relevant human rights instruments (by provisions that allow for international cooperation to prosecute and punish traffickers) (paragraphs 123, 230). As one of the strategic objectives of the Platform of Action is to indeed eliminate trafficking in women it also demands from states a wide range of measures such as ratifying international conventions, focusing on the “root factors” also by means of legislation, in-

do not want to do such work, they see no viable economic alternative, and therefore relinquish control to their trafficker who exploits their economic and legal vulnerability for financial gain, while keeping them, often against their will, in situations of debt bondage. The fourth group is comprised of women who are fully informed about the work they are to perform, have no objections to performing it, are in control of their finances and have relatively unrestricted movement. This is the only situation of the above four that cannot be classified as trafficking.” (Paragraph 36 of the Report.)

⁵⁰ World Conference on Human Rights, Vienna, 14-25 June 1993; Declaration and Programme of Action, A/CONF.157/23.

⁵¹ Fourth World Conference on Women, Beijing, 1995; Platform for Action, A/CONF.177/20.

creasing cooperation between authorities and resources for rehabilitation programmes and developing education and training (paragraph 131).

Quite a few resolutions have also been passed by various other UN organs in the last years. The Economic and Social Council⁵² and the Commission on the Status of Women⁵³ have both tackled trafficking. The Commission on Human Rights has addressed trafficking in a series of resolutions which encourage states to direct their attention to the root factors that encourage trafficking, to criminalize trafficking and to penalise the offenders and to ensure that the victims are not penalised and that the victims of trafficking are guaranteed the respect of their human rights. States are also urged to allocate resources for programmes designed to rehabilitate victims of trafficking into society and to provide training in victim-sensitive techniques.⁵⁴ In 1996 the Commission on Human Rights approved a Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others with specific recommendations.⁵⁵ The United Nations General Assembly has tackled trafficking in women in several resolutions that encourage the adoption of nationally and internationally coordinated measures, the strengthening of institutions for the protection of the victims of trafficking and the development of standard minimum rules for the humanitarian treatment of trafficked persons. States are also encouraged to concentrate on the root factors of trafficking, to step up cooperation and concerted action by relevant law enforcement authorities, to develop educational and training programmes and policies and to consider enacting legislation aimed at preventing sex tourism and trafficking and to criminalize trafficking in women and girls in all its forms.⁵⁶ Also the Office of the High Commissioner for Human Rights has become actively involved in trafficking in women and e.g. developed an anti-trafficking programme.

⁵² See Economic and Social Council resolution E/RES/1998/20 (28 July 1998), stressing the need for specialized training for law enforcement and immigration officials and the objective of ensuring that preventative efforts do not obstruct immigration or freedom of movement.

⁵³ See Commission on the Status of Women resolutions 39/6 (29 March 1995), 40/4 (22 March 1996), 41/5 (21 March 1997).

⁵⁴ See Commission on Human Rights resolutions E/CN.4/RES/2000/44 (20 April 2000), E/CN.4/RES/1999/40 (26 April 1999), E/CN.4/RES/1998/30 (17 April 1998), E/CN.4/RES/1997/19 (11 April 1997) and E/CN.4/RES/1996/24 (19 April 1996).

⁵⁵ E/CN.4/RES/1996/61; E/CN.4/Sub.2/1995/28/Add.1.

⁵⁶ A/RES/55/67, A/RES/53/116, A/RES/52/98, A/RES/51/66, A/RES/50/167.

Finally, in addition to soft law, there is one recent development that should be mentioned. Even though the United Nations has increasingly dealt with trafficking in women and sexual exploitation, action at the international level tends to suffer from enforcement problems. The future International Criminal Court (ICC) has been heralded as one of the hopes for effective future enforcement of human rights especially with regard to particularly egregious mass violations. As for trafficking in women, it is interesting to note that trafficking in women has made it to the ICC Statute, even though it is explicitly mentioned only once.⁵⁷ The definition for crimes against humanity (art. 7) includes enslavement, which in the framework of the Statute means “the exercise of any or all of the powers attaching to right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children” (art. 7(2)(c)).⁵⁸ Moreover, also sexual slavery and enforced prostitution are criminalized in the Statute both as crimes against humanity (art. 7(1)(g)) and as war crimes during both international and non-international armed conflicts (art. 8(2)(b)(xxii) and art. 8(2)(e)(vi)). The finalised draft text of the elements of crimes affirms enslavement involves “purchasing, selling, lending or bartering” a person or “imposing on them a similar deprivation of liberty” (the latter is specified to include exacting forced labour or otherwise reducing a person to a servile status as well as trafficking in persons, in particular women and children).⁵⁹

2. INTERNATIONAL ORGANIZATION FOR MIGRATION

Through its broad migration mandate, the International Organization for Migration (IOM) strives to meet the need of migrants and governments in relation to both humanitarian and development-oriented migration issues. Working closely with the United Nations and other partners in the interna-

⁵⁷ Rome Statute of the International Criminal Court, 1998, A/CONF.183/9 (as corrected by the procès-verbaux of 10 November 1998 and 12 July 1999).

⁵⁸ Crimes against humanity require that there is a widespread or systematic attack directed against a civilian population, of which the perpetrator knows.

⁵⁹ Document PCNICC/2000/1/Add.2, adopted by the Preparatory Commission for the International Criminal Court, at its 23rd meeting on 30 June 2000. It should be noted that the elements adopted by the PrepCom for sexual slavery and enforced prostitution seem to focus almost solely (and perhaps unduly) on commercial exploitation as these two crimes are (particularly during armed conflicts) frequently committed for noneconomic reasons.

tional community, IOM has provided assistance to more than ten million refugees and migrants worldwide since its founding in 1951.

IOM's mission is to promote orderly migration for the benefit of individual migrants, their communities, governments, and the international society. In line with this mission, IOM is involved in the areas of activities responding to current migration issues worldwide with its priorities on six service areas where the organization is able to deliver most effectively. Counter-Trafficking Measures constitute one of its six service areas through which it strives to contribute to prevention of counter-trafficking as well as to protecting the rights of and providing assistance to victims of trafficking with a wide range of activities including information campaigns to raise public awareness of the problems and risks inherent in trafficking and other forms of irregular migration, provision of assistance of return and reintegration, and supporting governments to increase their capacity to counter trafficking.

IOM document MC/EX/INF/58 defined the IOM objective in counteracting trafficking as "to curtail migrant trafficking and to protect the rights of migrants caught up in the practice". It also elaborated IOM's main programmatic strategies for achieving the objective, such as seminars and fora, information gathering and research, technical cooperation, information dissemination, return and reintegration activities, and counselling and medical services.

Since the presentation of the above document and pursuant to the mandate of the Organization, IOM has actively developed counter-trafficking projects in many parts of the world and established a network of counter-trafficking focal points in each IOM Field Office.

Activities over the last two years have tended to target the most vulnerable group of victims: women and children. There are currently 59 counter-trafficking projects, active or in development, targeting 49 countries in Africa, Asia, Central, Eastern and Western Europe, and Latin America, as well as one global assistance project targeting all developing countries in Africa, Asia and Latin America. These activities have responded to individual governments' needs in the fields of awareness rising and capacity building, as well as the protection and assistance of individual victims of trafficking and their return to their countries of origin.

In Africa, IOM has carried out the groundwork in raising awareness of the trafficking issue among government authorities and NGOs. It has collected

basic information on trafficking and is carrying out more specific research in West Africa. Through participation in international and national gatherings, IOM has also taken up the issue of trafficking in children. Projects to assist and return victims of trafficking are operational in several countries. Regional entities such as the Organization of African Unity (OAU), the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS) have begun to play an important role in helping to curtail irregular migration and trafficking in migrants. IOM works closely with these entities to ensure and strengthen protection of and assistance to migrants and regular migration processes.

In Asia, particular attention has been given to subregional experiences and a comprehensive counter-trafficking approach has been developed to cover several countries together. For example, the IOM Mekong initiative includes the assistance, return and reintegration of victims in Cambodia, China, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam. Training for governmental officials and non-governmental organizations, as well as mass information campaigns on the risks of trafficking, are carried out in several countries. Furthermore, in the Asia and the Pacific region, governments are addressing trafficking through regional processes such as the Association of South East Asian Nations (ASEAN), the South Asian Association for Regional Cooperation (SAARC), the Manila Process, the Bangkok Declaration and the Intergovernmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC). IOM actively participates in these regional efforts, submitting appropriate documentation and advocating regional support for innovative counter-trafficking activities and projects.

IOM has expanded its counter-trafficking activities in Central, Eastern and Western Europe where many of the victims are *en route* to the West. Mass information campaigns have been successfully carried out, *inter alia*, in Bulgaria, the Czech Republic, Hungary and Ukraine. The collection of information, research and research review on trafficking issues has contributed to publications on the issue, the last one being "Migrant Trafficking and Human Smuggling in Europe". Research results provide governments with information on the mechanisms of trafficking, thus enabling them, and IOM, to tailor appropriate responses. Protection for victims of trafficking has been provided in several countries of the region, in coordination with regional institutions and NGOs. This includes shelter and protection services in Albania and Kosovo. Safe, dignified and voluntary return to their countries of origin is offered to persons stranded in transit or destination countries throughout Europe. Re-

gional and comprehensive approaches to counteract trafficking have been initiated, particularly in the Balkans and South Eastern Europe. Regional institutions such as the European Commission and the Organization for Security and Cooperation in Europe (OSCE), among others, have worked with IOM and continue to support its many counter-trafficking activities.

In the Americas, the Puebla Process has underlined the importance of combating and preventing irregular migration and trafficking in a coordinated way in the region. IOM's close cooperation with the Puebla Process gives it the unique opportunity to cooperate with all countries concerned. Awareness-raising activities as well as the training of governmental officials have been carried out in several countries.

3. INTERNATIONAL LABOUR ORGANIZATION

The International Labour Organization (ILO) is a UN specialized agency, which is dedicated to labour issues such as the protection of workers' human rights. Also the ILO has adopted Conventions that are relevant with regard to trafficking in women for involuntary servile work. The Forced Labour Convention (1930)⁶⁰ defines "forced or compulsory labour" as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (article 2(1)). Under article 1 those states, which have ratified this convention undertake "to suppress the use of forced or compulsory labour in all its forms within the shortest possible period". States that are party to the Abolition of Forced Labour Convention (1957)⁶¹ shall for their part take effective measures to abolish immediately and completely forced or compulsory labour as a means of e.g. political coercion, mobilising labour for economic development or "racial, social, national or religious discrimination" (articles 1-2).

As for trafficking of women under 18 years of age, there is one more relevant ILO Convention. The recent ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour⁶² defines this labour as "a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory re-

⁶⁰ ILO Convention no. 29, 39 UNTS 55.

⁶¹ ILO Convention no. 105, 320 UNTS 291.

⁶² ILO Convention no. 182, adopted 17 June 1999.

cruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” (art. 3). States must “design and implement programmes of action to eliminate as a priority” these forms of labour (art. 6). They must also take all necessary measures, including penal sanctions, to implement the Convention; in particular they shall take action to prevent these practices, to provide assistance and education to victims, and pay particular attention to “the special situation of girls” (art. 7).

The ILO supervision system is somewhat more efficient and sophisticated than those discussed above with regard to UN action due to its tripartite structure that mandates the participation of governments, trade unions and employers’ organizations. Under the ILO Constitution⁶³ the states that are parties to ILO conventions must report to the International Labour Office about the measures they have taken to fulfil their ILO obligations as well as submit copies of these reports to worker/employer organizations at the ILO.⁶⁴ Even those ILO members who have not ratified a particular convention must periodically report on their law and practice with regard to non-ratified conventions.⁶⁵ Furthermore, the ILO Committee of Experts on the Application of Conventions and Recommendations reviews the states’ reports and other information and issues its observations and recommendations. Member states and worker/employer organizations can also file complaints about states that do not follow conventions ratified by them.⁶⁶

4. COUNCIL OF EUROPE

4.1. The European Convention on Human Rights

⁶³ Constitution of the International Labour Organization, 15 UNTS 18.

⁶⁴ ILO Constitution, articles 22-23.

⁶⁵ ILO Constitution, art. 19(5)(e).

⁶⁶ See Farrior, *supra* note 18, 224. About the Committee’s work see also information available at:
<URL:<http://www.ilo.org/public/english/standards/norm/enforced/supervis/index.htm>> (accessed 3.2.2001).

The Council of Europe (COE) has been active with regard to trafficking in human beings (including trafficking in women) since the 1990s. The Council of Europe is an intergovernmental organization dedicated to protecting human rights, democracy, the rule of law and stability in Europe. As it has a wider membership than the European Union (all Central and Eastern European states and Switzerland) and is clearly dedicated to protecting human rights, its work is often focused and comprehensive. The Council is involved in many fields and produces conventions and agreements that are intended to help its member states to harmonize their legislation. The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)⁶⁷ is the most important of these conventions and it is also the most important European human rights instrument. It sets forth a number of fundamental rights and freedoms also relevant to the problems relating to trafficking such as the prohibition of torture;⁶⁸ the prohibition of slavery and forced labour;⁶⁹ the right to liberty and security;⁷⁰ the right to an effective remedy⁷¹ and the prohibition of discrimination.⁷² States agree to secure these rights and freedoms to everyone within their jurisdiction, arguably even those who have entered the state by illegal means, and they can be held responsible for not fulfilling their obligations.

What makes the Convention such a strong human rights instrument is its international enforcement machinery, the European Court of Human Rights in Strasbourg, which handles both individual and inter-State petitions (the latter

⁶⁷ European Convention for the Protection of Human Rights and Fundamental Freedoms, 218 UNTS 221, ETS No. 5.

⁶⁸ “No one shall be subjected to torture or to inhuman or degrading treatment or punishment” (art. 3).

⁶⁹ “No one shall be held in slavery or servitude; no one shall be required to perform forced or compulsory labour” (art. 4).

⁷⁰ “Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law” (art. 5).

⁷¹ “Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity” (art. 13).

⁷² “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status” (art. 14).

are quite rare).⁷³ The judgements of the Court are authoritative and binding, and the parties to a case must take measures to comply with them (this is supervised by the Committee of Ministers). However, no trafficking-related cases have yet been considered by the Court under the relevant articles of the European Convention on Human Rights.

4.2. Other Council of Europe Measures

In addition to the European Convention on Human Rights, the Council of Europe has adopted other conventions relevant to combating trafficking in women, even though there is currently no “European Convention against Trafficking”. In the field of crime control the Council of Europe’s Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime⁷⁴ aims to facilitate international cooperation and mutual assistance in the investigation of crime; it also attempts to make it easier to track down, seize and confiscate the proceeds of crime efficiently. States party to the Convention agree to criminalize the laundering of the proceeds of crime and to confiscate instrumentalities and proceeds (or property the value of which corresponds to such proceeds). The Convention also provides for investigative assistance in investigations, provisional measures such as seizure of property to prevent its removal and measures to confiscate the proceeds of crime. The 1983 European Convention on the Compensation of Victims of Violent Crimes⁷⁵ provides that states must make available a scheme to compensate victims of violent offences who have suffered bodily injury (or death). These schemes must cover e.g. loss of earnings as a result of immobilisation through injury, medical expenses, hospital fees not only to a state’s own nationals but also to migrant workers.

The European Convention on Extradition⁷⁶ for its part provides for the extradition between State Parties of persons wanted for criminal proceedings or for the carrying out of a sentence (however, under the Convention parties may

⁷³ Following the entry into force of Protocol No. 11 (in November 1998), allegations of violations against the rights guaranteed by the Convention are referred directly to the Court.

⁷⁴ ETS No. 141, 1990.

⁷⁵ ETS No. 116, 1983.

⁷⁶ ETS No. 24, 1957.

refuse to extradite their own citizens to another country).⁷⁷ The 1959 European Convention on Mutual Assistance in Criminal Matters⁷⁸ for its part sets out rules on mutual assistance with regard to gathering evidence and hearing witnesses, experts and persons that face prosecution. Under the Convention letters rogatory (formal requests for information) for the purpose of obtaining evidence or other relevant material are to be executed by the authorities of a requested party. The Convention also specifies the requirements that requests for mutual assistance and letters rogatory have to meet (authorities in question, languages and refusal of assistance).

The European Social Charter⁷⁹ guarantees 19 fundamental social and economic rights, which makes it relevant in the same manner as the ICESCR. The Charter stipulates that a state has to agree to be bound by at least 10 out of 19 articles or 45 numbered paragraphs; as there are seven articles that are seen to be particularly important,⁸⁰ a state must also accept at least five of these (the right to work, the right to organize, the right to bargain collectively, the right to social security, the right to social and medical assistance, the right to the social, legal and economic protection of the family, and the right to protection and assistance for migrant workers and their families). The Charter's enforcement mechanism includes a reporting system to a Committee of Experts; the Committee of Ministers can issue recommendations to state parties.⁸¹ The Revised European Social Charter⁸² (1996) strengthens the existing protection of social and economic rights by embodying the rights guaranteed by the Social Charter (and its Additional Protocol⁸³) and adding new rights.⁸⁴ The enforcement system remains the same. The Social Charter has generally had less influence than the activities of the ILO (and the social dimension of the European Community). Moreover, it should be noted that the Charter

⁷⁷ Two Additional Protocols to the Convention, ETS No. 086, 1975 and ETS No. 98, 1978.

⁷⁸ ETS No. 30, 1959.

⁷⁹ ETS No. 35, 1961.

⁸⁰ Articles 1, 5, 6, 12, 13, 16 and 19.

⁸¹ This system was amended by the Protocol of 1991, ETS No. 142. In 1995 another Protocol, ETS No. 158, established a system of collective complaints.

⁸² ETS No. 163, 1996.

⁸³ ETS No. 128, 1988, guaranteeing e.g. workers the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the ground of sex.

⁸⁴ E.g. the right to dignity at work and the right to protection against poverty and social exclusion.

only restrictively applies to those who are not in the territory of a state party legally (Appendix).

In the area of “soft law” measures, the Committee of Ministers has given several relevant recommendations to the member states of the Council of Europe.⁸⁵ The most recent of these, Recommendation No. R (2000) 11, particularly focuses on trafficking (Recommendation on Action against Trafficking in Human Beings for the purpose of Sexual Exploitation) and proposes several practical measures: trafficking should be made a special offence, courts of law should have the right to seize assets belonging to (convicted) traffickers and victims of trafficking should receive help and protection. On one hand, governments should set up agreements to facilitate the victims’ return to the country of origin if they so wish; on the other hand, victims should be provided with temporary residence status on humanitarian grounds if necessary. Other relevant COE recommendations include: Recommendation No. R (91) 11 on sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults, Recommendation No. R (96) 8 on crime policy in Europe in a time of change, Recommendation No. R (97) 13 concerning intimidation of witnesses and the rights of the defence, Recommendation No. R (80) 10 on measures against the transfer and the safekeeping of funds of criminal origin, Recommendation No. R (85) 11 on the position of the victim in the framework of criminal law and procedure and Recommendation No. R (87) 21 on assistance to victims and the prevention of victimisation.⁸⁶

5. ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Organization for Security and Cooperation in Europe (OSCE) is a regional security organization, and another source of “soft law” on trafficking.

⁸⁵ See also following Parliamentary Assembly texts: Parliamentary Recommendation 1065 (1987) on the traffic in children and other forms of child exploitation, Recommendation 1211 (1993) on clandestine migration: traffickers and employers of clandestine migrants, Resolution 1099 (1996) on the sexual exploitation of children and Recommendation 1325 (1997) of the Council of Europe on trafficking in women and forced prostitution in Council of Europe member states.

⁸⁶ See also the Council of Europe Parliamentary Assembly Recommendation 1325 (1997) 1 on traffic in women and forced prostitution in Council of Europe member states, whereby the Assembly urged the Council of Europe’s Committee of Ministers to draw up a convention on trafficking.

The OSCE has 55 participating States from Europe, North America and Central Asia. Its mandate covers early warning, conflict prevention, crisis management and post-conflict rehabilitation. It therefore concentrates on a wide range of security-related questions (human rights, election monitoring, arms control, preventive diplomacy, security-building action, economic and environmental security). Since 1991, when the goal to eliminate all forms of trafficking in women and exploitation of prostitution of women was first enunciated,⁸⁷ the OSCE and especially its Office for Democratic Institutions and Human Rights (ODIHR) have become increasingly involved in the issue of trafficking in human beings (the ODIHR is the main OSCE institution involved with ensuring respect for human rights and promoting democratic values).⁸⁸ The ODIHR has e.g. published a Background Paper on Trafficking in Human Beings with detailed recommendations on combating trafficking.⁸⁹

In 1999, the OSCE Parliamentary Assembly adopted a Resolution on Trafficking in Women and Children⁹⁰ in which it condemned trafficking for sexual exploitation as “a particularly brutal form of the international traffic in persons which includes all the elements of the crime of rape because it results in the involuntary participation of another person in sex acts by means of fraud, force, or coercion” (paragraph 4). The OSCE member states were called on to make sure they have the necessary legislation and enforcement mechanisms to punish traffickers, “particularly those who use force or fraud to traffic women or children into the international sex trade, while protecting the rights of the trafficking victims” (paragraph 9). In 2000, the Parliamentary Assembly repeated this request by another resolution urging the criminalization of trafficking while ensuring the victims’ freedom from prosecution.⁹¹

⁸⁷ See Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 10 September-15 October 1991, paragraph 40.7.

⁸⁸ Since 1999 the ODIHR has an Adviser on Trafficking Issues; the ODIHR developed an Action Plan for the year 2000; in June 2000 the OSCE dedicated a Human Dimension Meeting exclusively to trafficking (Supplementary Human Dimension Meeting on Trafficking in Human Beings, Vienna 19 June 2000, Final Report).

⁸⁹ ODIHR, Trafficking in Human Beings: Implications for the OSCE, 1999/3.

⁹⁰ Parliamentary Assembly of the Organization for Security and Cooperation in Europe, St. Petersburg Declaration, 10 July 1999.

⁹¹ Parliamentary Assembly of the Organization for Security and Cooperation in Europe, Bucharest Declaration, “Good governance: regional cooperation, strengthening democratic institutions, promoting transparency, enforcing the rule of law and combating corruption, chapter III: democracy, human rights and humanitarian questions”, 10 July 2000.

6. EUROPEAN UNION LAW

6.1. About the Human Rights Dimension of the Union

Over the last few years the European Union has devoted increasing attention to trafficking in women as well as the sexual exploitation of children. Although within the Union trafficking has habitually been understood as a migration or a crime control problem, nascent awareness of its significance as a human rights issue is developing also within the EU as it is evolving towards a more political union. This is particularly significant, as it is well known how profoundly the European Communities have been influenced by the decision to rebuild postwar Europe by economic means rather than by promoting respect for human rights and fundamental freedoms.⁹² No list of fundamental rights can be found in the original Treaties or in the Treaty on European Union (TEU) (only the principle of equal pay for men and women has from the start been codified in the Treaty of the European Communities⁹³). The European Court of Justice (ECJ) had to recognise the existence of fundamental rights at Community level; according to its case-law fundamental rights are a part of the general principles of Community law (equivalent to primary law in the Community legal hierarchy).⁹⁴

After the Treaty of Amsterdam, article 2 (ex article B) of the Treaty on European Union states the Union shall set itself e.g. the following objective: “to maintain and develop the Union as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime”. The human rights objectives of the Union are listed in article 6 (ex article F) of the Treaty on European Union as follows:

- 1) The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.
- 2) The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms

⁹² About the development of human rights protection in the Union see L. Betten & N. Grief, *EU Law and Human Rights* (1998), 53-73.

⁹³ Article 141 (ex art. 119) TEC.

⁹⁴ See e.g. the second *Nold* case (4/73), ECR 1974, 491.

signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.

- 3) The Union shall respect the national identities of its Member States.
- 4) The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.

Article 7 (ex F.1) TEU enables the Council to take measures against member states that have infringed the principles laid down in Article 6 TEU.⁹⁵ The protection of human rights by the ECJ has also improved, as its powers were extended by article 46 (ex article L) TEU. It should be noted this particularly applies to the protection of fundamental rights in the field of visas, asylum and immigration (now transferred to Community law, see section 6.2).⁹⁶

At the Cologne summit on 4 June 1999 it was finally decided that a Charter of Fundamental Rights of the European Union should be drawn up “in order to make their overriding importance and relevance more visible to the Union’s citizens”.⁹⁷ At the Nice European Council the Council, the Commission and Parliament jointly proclaimed the Charter, which covers many of the rights discussed supra with regard to the international conventions that are applicable to trafficking. It is interesting to note that the Charter of Fundamental Rights, under the prohibition of slavery and forced labour (art. 5) also explicitly prohibits trafficking in human beings.⁹⁸ The Charter is however, as yet, nothing more than a political declaration setting out existing freedoms enjoyed by European citizens as the question of incorporating the Charter into the Union and Community Treaties will be considered by the European Council later.⁹⁹

⁹⁵ After the Council has determined “the existence of a serious and persistent breach by a Member State of principles mentioned in Article 6(1)”, the Council can, by a qualified majority, decide to suspend certain of the rights deriving from the application of the Treaty on European Union to the member state in question, including the voting rights in the Council. See also art. 309(2) (ex art. 236) TEC.

⁹⁶ See art. 61 et seq. (ex 73i et seq.) TEC.

⁹⁷ See Cologne European Council (3 and 4 June 1999) Presidency Conclusions (Annex 4: European Council Decision on the drawing up of a Charter of Fundamental Rights of the European Union).

⁹⁸ The full text of the Charter is available at:

<URL:http://europa.eu.int/comm/justice_home/unit/charte/pdf/charter_en.pdf> (accessed 9.1.2001).

⁹⁹ Nice European Council (7, 8 and 9 December 2000) Presidency conclusions, 2.

The human rights aspect of the Union has become a visible element in the EU enlargement process.¹⁰⁰ In 1993 the European Council promised that the countries in Central and Eastern Europe that so desire shall become members of the European Union. The membership criteria includes both political and economic components; the economic elements aside, the political conditions require that the candidate country has achieved stability of institutions that guarantee democracy, the rule of law, human rights, and the respect for and protection of minorities.¹⁰¹ In other words the candidate countries should fulfil the requirements set by article 6(1) TEU. As trafficking in women and children is a yet growing human rights problem in certain candidate countries (in addition to being a migration/crime problem recognised by the EU), the issue has relevance to the enlargement process.

6.2. Justice and Home Affairs after the Treaty of Amsterdam

As is well known, the pre-Amsterdam third pillar suffered from a lack of objectives and effective instruments.¹⁰² Even after the Treaty on European Union (the Maastricht Treaty) the major Justice and Home Affairs (JHA) laws took the form of international conventions, which only entered into force after being ratified by all EU member states – due to the sensitivity of matters under JHA (relating to public order etc) this made progress wearisome at best. The Treaty of Amsterdam, which was adopted in 1997 (and became operational in May 1999), has had a profound influence in the management of Justice and Home Affairs in the EU. It moved several very important JHA policy areas, including asylum and immigration policy, into the Union's normal lawmaking structures by transferring them to the Community pillar (Title IV) of the Treaty on European Union. The Treaty of Amsterdam also incorporated the (until then) non-EU Schengen Agreement, which eliminates borders between its signatory States, into the European Union system.¹⁰³ Despite Am-

¹⁰⁰ The respect for human rights is now also declared to be one of the Union objectives in the field of foreign policy under Title V. See article 11 (ex art. J1) TEU.

¹⁰¹ Copenhagen European Council (21 and 22 June 1993) Presidency Conclusions. For information on the enlargement process see
<URL:<http://europa.eu.int/comm/enlargement/docs/pdf/corpusen.pdf>>

¹⁰² See S. Peers, *EU Justice and Home Affairs Law* (2000), 15-37.

¹⁰³ Today this area without internal borders (the "Schengen area") covers 13 member states (all but the United Kingdom and Ireland). Originally not part of Community law, the Schengen Agreement was incorporated into the EU framework (new Title IV, comprising Articles 61 et seq. on "Visas, asylum, immigration and other policies related to free movement of persons") by a protocol attached to the Treaty of Amster-

sterdam it has to be emphasised that the cooperation in Justice and Home Affairs as well as migration management still form a constantly evolving area of Union action.¹⁰⁴

Trafficking in human beings (though connected to irregular/illegal migration through the practices used in trafficking, and often – unfortunately – confused with it) was not moved from Title VI to Title IV but remains in the third pillar under cooperation in Justice and Home Affairs (the relevance of Title IV is indirect and has to do with visas, asylum rights and checks at external borders). Title VI TEU is now renamed “Provisions on Police and Judicial Cooperation in Criminal Matters”, and this cooperation continues to be conducted at intergovernmental level. The objective in this area is (in line with amended article 2 TEU) to “provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia”.¹⁰⁵ And how is this objective to be achieved? According to article 29, “by preventing and combating crime, organized or otherwise, in particular terrorism, *trafficking in persons and offences against children*, illicit drug trafficking and illicit arms trafficking, corruption and fraud, through:

- a) closer cooperation between police forces, customs authorities and other competent authorities in the Member States, both directly and through the European Police Office (Europol), in accordance with the provisions of Articles 30 and 32;
- b) closer cooperation between judicial and other competent authorities of the Member States in accordance with the provisions of Articles 31(a) to (d) and 32;
- c) approximation, where necessary, of rules on criminal matters in the Member States, in accordance with the provisions of Article 31(e).”

The forms of the common action in police cooperation are listed in article 30 and include cooperation (between relevant authorities) in the prevention, de-

dam; the significance of the Schengen area vis-à-vis trafficking in women is that while it makes it more difficult to traffic women into the EU, its existence facilitates the traffic of women from one EU country to another once they are within the Schengen area.

¹⁰⁴ As is cooperation to combat against social exclusion (also presented by the Treaty of Amsterdam). This cooperation will not be addressed in particular in this report as it is still at an incipient stage.

¹⁰⁵ Article 29 (ex art. K.1) TEU. Note the emphasis on EU citizens’ safety.

tection and investigation of crimes, data collection and exchange, cooperation in training, the use of equipment and forensic research as well as a common evaluation of particular investigative techniques.¹⁰⁶ The same article contains provisions on Council action with regard to the development of Europol: the Council is to adopt measures that extend Europol's role in supporting and initiating investigations (within five years of the entry into force of the Treaty of Amsterdam).¹⁰⁷ The somewhat sketchy provisions on the content of the "common action" under judicial cooperation include measures to facilitate the cooperation between ministries and other authorities, to facilitate extradition between member states and to prevent conflicts of jurisdiction.¹⁰⁸ There is also a provision aiming at the adoption of "minimum rules relating to the constituent elements of criminal acts and to penalties in the fields of organized crime, terrorism and illicit drug trafficking" but this provision does not elaborate the relevant crimes any further.¹⁰⁹

As for the set of JHA instruments available after Amsterdam, Title VI now provides that the Council, acting unanimously on an initiative of any member state or the Commission, can adopt common positions, framework decisions, decisions and establish conventions (joint actions are no longer provided for).¹¹⁰ The common positions existed also pre-Amsterdam¹¹¹ and now "define the approach of the Union to a particular matter". The (new) framework decisions are adopted by the Council "for the purpose of approximation of the laws and regulations of the Member States"; they are "binding upon the Member States as to the result to be achieved but shall leave to the national authorities the choice of form and methods".¹¹² Decisions are meant for any other purpose apart from approximation of laws and are binding on the member states. Finally, the Council can also establish conventions and set time limits for their ratification by the member states (and after at least half of the members have ratified a convention it enters into force). The measures implementing conventions can be adopted by a 2/3 majority of the parties.¹¹³ It

¹⁰⁶ Article 30(1) (ex art. K.2(1)) TEU.

¹⁰⁷ Article 30(2) (ex art. K.2(2)) TEU.

¹⁰⁸ Article 31 (ex art. K.3) TEU.

¹⁰⁹ *Idem*.

¹¹⁰ See article 34 (ex art. K.6) TEU.

¹¹¹ Ex art. K.6(a) TEU.

¹¹² In this respect the framework decisions have been likened to Community directives. However, unlike directives, the framework decisions cannot have direct effect. See J. Monar, "Justice and Home Affairs in the Treaty of Amsterdam: Reform at the Price of Fragmentation", 23(4) *European Law Review* 1998, 326.

¹¹³ Art. 34(2)(d) TEU.

should also be noted that the Council may now negotiate and conclude agreements with third countries or international organizations.¹¹⁴ The European Parliament shall be consulted with regard to framework decisions, decisions and conventions.¹¹⁵

The Treaty of Amsterdam strengthened the role of the European Court of Justice in the Justice and Home Affairs.¹¹⁶ The ECJ now has a right to give preliminary rulings “on the validity and interpretation of framework decisions and decisions, on the interpretation of conventions established under this Title and on the validity and interpretation of the measures implementing them”.¹¹⁷ However, this jurisdiction requires member state approval (by a declaration); moreover, a member state can decide whether requests for preliminary rulings can come from any court or merely from courts “against whose decisions there is no judicial remedy under national law”.¹¹⁸ It must be emphasised that the ECJ has no jurisdiction “to review the validity or proportionality of operations carried out by the police or other law enforcement services of a Member State or the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security”.¹¹⁹ This is a serious limitation as practically all measures under police/judicial cooperation in criminal matters can, if understood broadly, be seen to fulfil the conditions.¹²⁰ The ECJ does have the necessary jurisdiction “to review the legality of framework decisions and decisions”.¹²¹ Finally, the ECJ can rule on disputes between member states concerning the interpretation or the application of acts adopted under Title VI (as well as disputes between member states and the Commission regarding the interpretation or the application of conventions).¹²²

¹¹⁴ Article 38 (ex art. K.10) and article 24 (ex art. J.14) TEU.

¹¹⁵ Article 39 (ex art. K.11) TEU.

¹¹⁶ See article 35 (ex art. K.7) TEU.

¹¹⁷ Article 35(1) TEU.

¹¹⁸ Articles 35(2) and 35(3) TEU. At the time of the entry into force of the Amsterdam Treaty such a declaration had been made by Austria, Belgium, Finland, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain and Sweden. Only Spain opted for the restricted jurisdiction. OJ C 120, 01.05.1999.

¹¹⁹ Article 35(5) TEU.

¹²⁰ This is also noted with regret by Monar, *supra* note 111.

¹²¹ Article 35(6) TEU.

¹²² Article 35(7) TEU.

6.3. The Realization of the Political Goal: Tampere and Vienna Onwards

After the Treaty of Amsterdam the Commission and member states have tried to elaborate on the implementation of the new JHA policies. The Vienna European Council (December 1998) approved of an action plan of the Council and Commission (also known as the Vienna Action Plan). The special summit meeting in Tampere, Finland (in October 1999) was entirely dedicated to JHA matters and produced the Tampere Presidency Conclusions. It should be added that the Justice and Home Affairs Task Force of the European Commission is now a directorate-general (DG), and in response to the Tampere Conclusions the Commission keeps a “scoreboard” of the progress made in JHA matters (the scoreboard is updated once per Presidency).¹²³ The implementation of the JHA policies is an ongoing process, which will take time to complete. This makes it possible (and desirable) to introduce human rights aspects to often migration-oriented trafficking policies.

The Vienna Action Plan¹²⁴ was drawn up in response to the Cardiff European Council (June 1998). It is divided into two parts, the first of which is an introductory description of the content of the concepts of freedom, security and justice; trafficking in human beings is mentioned as something requiring effective measures to guarantee security and justice (paragraphs 11 & 18). Part 2 includes a more detailed list of appropriate measures, although the Vienna Action Plan fails to clearly differentiate between smuggling, trafficking and trafficking in women. After listing a wide range of (mainly preventive) measures to combat illegal immigration, the Action Plan records priority measures to be taken under police and judicial cooperation in criminal matters (which must be completed within two or five years from entry into force of the Amsterdam Treaty). This action consists e.g. of improving Europol cooperation in several areas (including making the fight against trafficking networks one of the priorities of operational cooperation) and of facilitating extradition and mutual assistance in criminal matters (see Part C). Paragraph

¹²³ The last update is from November 2000, see Communication from the Commission to the Council and the European Parliament, Biannual Update of the Scoreboard to Review Progress on the Creation of an Area of “Freedom, security and justice” in the European Union, COM(2000) 782 final.

¹²⁴ Council and Commission Action Plan of 3 December on how best to implement the Provisions of the Treaty of Amsterdam on an area of freedom, security and justice, OJ C 19, 23.01.1999.

46 of the Vienna Action Plan requires further that “the behaviour in the field of organized crime, terrorism and drug trafficking, for which it is urgent and necessary to adopt measures establishing minimum rules relating to the constituent elements and to penalties” is identified without delay. Trafficking in human beings and the sexual exploitation of children are listed as one of the forms of organized crime regarding which these union-wide minimum rules should be considered.

The Tampere Conclusions¹²⁵ do not distinguish trafficking in women from irregular migration either but place trafficking in human beings under the rubric of “Management of migration flows”. Emphasising the need for efficiency the European Council called for “the development, in close cooperation with countries of origin and transit, of information campaigns on the actual possibilities for legal immigration, and for the prevention of all forms of trafficking in human beings”.¹²⁶ The European Council declared its determination to combat traffickers and urged “the adoption of legislation foreseeing severe sanctions against this serious crime”. It recommended that member states (together with Europol) take action to detect and dismantle criminal trafficking networks. At the same time the rights of the victims of trafficking “shall be secured with special emphasis on the problems of women and children”.¹²⁷ The European Council also requested “closer cooperation and mutual technical assistance between the Member States’ border control services, such as exchange programmes and technology transfer, especially on maritime borders, and for the rapid inclusion of the applicant States in this cooperation”.¹²⁸ The European Council also “calls for assistance to countries of origin and transit to be developed in order to promote voluntary return as well as to help the authorities of those countries to strengthen their ability to combat effectively trafficking in human beings and to cope with their readmission obligations towards the Union and the Member States”.¹²⁹

The Tampere Conclusions also address trafficking under the fight against crime. The European Council called for the maximisation of cooperation between authorities in member states in the investigation of cross-border crime. The European Council demanded “joint investigative teams as foreseen in the Treaty to be set up without delay, as a first step, to combat trafficking in

¹²⁵ Tampere European Council (15 and 16 October 1999) Presidency Conclusions.

¹²⁶ Paragraph 22.

¹²⁷ Paragraph 23.

¹²⁸ Paragraph 24.

¹²⁹ Paragraph 26.

drugs and human beings as well as terrorism”. Also the participation of Europol is encouraged.¹³⁰ With regard to national criminal law the European Council recommended that “efforts to agree on common definitions, incriminations and sanctions should be focused in the first instance on a limited number of sectors of particular relevance, such as financial crime (money laundering, corruption, Euro counterfeiting), drugs trafficking, trafficking in human beings, particularly exploitation of women, sexual exploitation of children, high tech crime and environmental crime”.¹³¹ In other words, the Tampere conclusions give priority to the fight against trafficking in human beings as a criminal problem by pointing it out as one of the priority areas for approximation of criminal legislation.

As for recent developments, the Santa Maria da Feira European Council¹³² encouraged further action during the (then incoming) French Presidency. The latest European Council in Nice (December 2000) noted the “progress on all aspects of the policy established at Tampere” but the French Presidency initiatives are again mostly relevant vis-à-vis smuggling.¹³³ Sweden assumed the Presidency in January 2001 and has declared that “special effort will also be devoted to fighting serious environmental offences and combating trafficking in human beings, particularly women and children”.¹³⁴ Trafficking was one of the issues at the informal meeting of ministers of Justice and Home Affairs in Stockholm in February 2001; the countries applying for EU membership were invited to a special ministerial meeting to discuss trafficking in March 2001 (at the meeting EU member states and the candidate countries agreed to increase their cooperation to combat trafficking in human beings).¹³⁵

6.4. Specific EU Action Against Trafficking in Women

Practical involvement of EU organs to combat trafficking in women by means of cooperation in criminal matters has increased in the past decade although the effectiveness of the measures has left something to be desired

¹³⁰ Paragraph 43.

¹³¹ Paragraph 48.

¹³² Santa Maria da Feira European Council (19 and 20 June 2000) Presidency Conclusions, Part IV.E, paragraph 52.

¹³³ See Nice European Council (7, 8 and 9 December 2000) Presidency Conclusions, Part V.G., paragraph 50.

¹³⁴ See the official Swedish Presidency website

[URL:http://www.eu2001.se/static/eng/issues/justice.asp](http://www.eu2001.se/static/eng/issues/justice.asp) (accessed 14.2.2001).

¹³⁵ Idem.

and although it should be noted that from a human rights perspective the penalisation aspect alone is not sufficient as a basis of a victim-sensitive anti-trafficking strategy. In November 1993 the JHA Council agreed on a series of recommendations to the member states to counter trafficking.¹³⁶ In Vienna in June 1996 the European Commission and IOM organized a conference on trafficking in women where further measures were proposed (including the need for a comprehensive action plan); the same year saw the first Commission Communication to the Council and the Parliament on trafficking in women.¹³⁷ In this Communication the Commission, acknowledging the need for a multidisciplinary approach to trafficking, attempted to encourage a broad policy debate and to advance a coherent European way of handling trafficking. The communication included a range of preliminary proposals on e.g. training of immigration officials, police and judicial cooperation and reintegration of victims.

In 1997 the European Council adopted a Joint Action (JA) on action to combat both trafficking and the sexual exploitation of children.¹³⁸ The focus of the JA was on penalisation and it included yet another definition of trafficking (Title I.A-B) and understood:

- (i) “Trafficking”, as any behaviour which facilitates the entry into, transit through, residence in or exit from the territory of a Member State, for the purposes set out in point B (b) and (d); *where B is*:
 - (a) Sexually exploiting a person other than a child for gainful purposes, where:
 - use is made of coercion, in particular violence or threats, or
 - deceit is used, or
 - there is abuse of authority or other pressure, which is such that the person has no real and acceptable choice but to submit to the pressure or abuse involved;
 - (b) Trafficking in persons other than children for gainful purposes with a view to their sexual exploitation under the conditions set out in paragraph (a);
 - (c) Sexually exploiting or sexually abusing children;
 - (d) Trafficking in children with a view to their sexual exploitation or abuse.

¹³⁶ Recommendations on Trade in Human Beings, Council Press Release 10550/93 of 29-30.11.1993.

¹³⁷ Commission Communication of 20 November 1996 to the Council and the European Parliament on trafficking in women for the purpose of sexual exploitation, COM(96) 567 final (not published in the Official Journal).

¹³⁸ Joint Action concerning action to combat trafficking in human beings and sexual exploitation of children, 97/154/JHA, OJ L 63, 04.03.1997.

The Joint Action demands that, with regard to trafficking for sexual exploitation and sexual exploitation of children (as understood by the JA), the EU member states review their national legislation so that it classifies such practices as criminal offences (II.A(a)). Member states must also review their relevant laws to e.g. make sure that: also attempt and participation are criminalized; penalties are effective, proportionate and dissuasive; legal persons can be held liable; seizure, search as well as investigation powers and techniques are available; witness protection and assistance is ensured; the work of the enforcement authorities is coordinated (II.A-I). The 1997 Joint Action also discussed some horizontal issues including mutual legal assistance (Title III). In practice the implementation of the Joint Action has faced many difficulties in EU members states.

As a follow-up to the first Commission Communication during the Netherlands' Presidency (April 1997), a conference of EU ministers was organized to discuss trafficking in women. As a result the Hague EU Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation was agreed on, which e.g. advocated the prevention of the automatic expulsion of trafficking victims.¹³⁹ In 1998 another Commission Communication was given, seeking to deepen existing action and to introduce new steps.¹⁴⁰ The Communication recommended new measures, such as support for the important role of NGOs, strengthening the previously introduced multi-disciplinary approach, investment in prevention in sending countries, more research on trafficking, evaluation of effective prosecution/sentencing and ensuring support for victims. One of the noteworthy specific measures suggested was legislation that grants temporary permit of stay to victims prepared to testify in judicial proceedings (although it must be added that this would provide little help to all victims, some of whom will in any case be unwilling to testify or incapable of doing so). This particular Communication was also intended as a message to the countries applying for membership in the EU of the necessity to take effective national measures and to cooperate with the EU on the issue (it was also suggested that both the STOP and Daphne programmes – discussed infra – be opened to applicant countries as well).

¹³⁹ See Galiana, *supra* note 40, 27-28.

¹⁴⁰ Commission Communication of 9 December 1998 to the Council and the European Parliament Proposing Further Action in the Fight Against Trafficking in Women, COM(98) 726 final.

The European Parliament has become very involved and has several times condemned trafficking in women.¹⁴¹ In the mid-nineties the European Parliament accepted a report on trafficking and a resolution on trafficking.¹⁴² The definition of the Parliament for trafficking in human beings is:

“The illegal action of someone who, directly or indirectly, encourages a citizen from a third country to enter or stay in another country in order to exploit that person by using deceit or any other form of coercion or by abusing that person’s vulnerable situation or administrative status”.¹⁴³

With regard to the 1996 Commission Communication the Parliament gave a resolution that denounced trafficking as “a late twentieth century form of slavery” and stressed “the need to see trafficking in women first and foremost from the point of view of the victims and to treat it as a violation of women’s fundamental human rights, rather than seeing it exclusively in terms of the fight against organized crime or illegal immigration”.¹⁴⁴ In the same resolution the Parliament also called on member states to e.g. adopt a multi-disciplinary approach, to prioritise the protection of the victims (including their access to temporary residence status and damage compensation) and to ensure that the legislation and structures in countries seeking EU membership are sufficient to combat trafficking in women and consistent with member state action. Last year the European Parliament gave a resolution in response to the 1998 Commission Communication whereby it made a connection between “the system of direct and indirect prohibition of prostitution used in the majority of Member States” and the creation of “a black market monopolised by organized crime, which exposes those involved, particularly immigrants, to violence and marginalization”.¹⁴⁵ The European Parliament urged further measures ranging from the adoption of a clear common definition of trafficking to the establishment of special anti-trafficking police units. In the light of the implementation problems of the 1997 Joint Action the Commission was

¹⁴¹ About early action by the European Parliament see e.g. Resolution on the exploitation of prostitution and the traffic of human beings (OJ C 120, 16.05.1989) and Resolution on the trade in women (OJ C 268, 04.10.1993), 1998 Resolution 19.3??

¹⁴² Rapporteur Maria Paola Colombo Svevo, Report on Trafficking in Human Beings, Committee on Civil Liberties and Internal Affairs, European Parliament, 14.12.1995; European Parliament resolution A4-0326/95 (18 January 1996), OJ C 32, 05.02.1996.

¹⁴³ European Parliament resolution A4-0326/1995, paragraph 1.

¹⁴⁴ European Parliament resolution A4-0372/1997 (16 December 1997), OJ C 14, 19.01.1998, paragraphs A & 4.

¹⁴⁵ European Parliament resolution A5-0127/2000 (19 May 2000), OJ C 59, 23.02.2001, paragraph I.

asked “to make specific proposals towards the harmonization of national laws and methods of detection and prosecution” to ensure e.g. a harmonized definition of trafficking, effective sanctions, extraterritorial jurisdiction and extradition, seizure of the proceeds from trafficking, non-criminalization of trafficked persons and measures to protect victims and witnesses.¹⁴⁶

It should be mentioned that the European Union also funds two initiatives relevant to trafficking. The STOP programme¹⁴⁷ is an incentive and exchange programme aiming at combating trade in human beings and the sexual exploitation of children. The Programme is designed to encourage and reinforce networks and practical cooperation between the various actors responsible for tackling trafficking. STOP has provided financial support for action in training, exchange programmes, organization of multi-disciplinary meetings/seminars, studies/research and dissemination of information; the persons involved have ranged from judges and prosecutors to civil servants and immigration officials. STOP originally ran from 1996 to 2000, and a recent Commission Proposal¹⁴⁸ suggests that the Programme be extended for a period of two years. Unlike the STOP initiative, the Daphne Programme mainly focuses on NGO action.¹⁴⁹ The original Daphne Initiative ran from 1997-1999 as a funding programme for community action on preventive measures to fight violence against children, young people and women (violence is understood broadly, and covers also trafficking). The new DAPHNE programme (2000-2003) has a budget of EUR 20 million and is also open to public bodies in addition to NGOs and is opened to the applicant states of the EU (and the EEA/EFTA countries).

Finally, the European Union also participates in information campaigns with IOM; previously run in Poland and the Ukraine in 1998, a new information campaign was launched at the end of 1999 to prevent trafficking in women in Hungary and Bulgaria by informing both the general public as well as more targeted audiences of the risks involved and the methods of the recruiters and other intermediaries.

¹⁴⁶ European Parliament resolution A5-0127/2000 (19 May 2000), paragraph 9. About the recent response of the Commission, Commission Proposal for a Framework Decision, see *infra* section 6.5.

¹⁴⁷ Adopted by Joint Action 96/700/JHA, OJ L 322, 12.12.1996.

¹⁴⁸ Proposal for Council Decision establishing a second phase of the programme of incentives, exchanges, training and cooperation for persons responsible for combating trade in human beings and the sexual exploitation of children (Stop II), COM (2000) 828 final.

¹⁴⁹ Programme adopted by Decision of the European Parliament and of the Council, 293/2000/EC, OJ L 34, 09.02.2000.

6.5. Commission Proposal for a Framework Decision of Trafficking

An important piece of legislation with regard to combating trafficking in human beings and the sexual exploitation of children and child pornography is currently under preparation under police and judicial cooperation in criminal matters. In December 2000 the Commission submitted a communication to the Council and the European Parliament regarding its two proposals for a) a Council Framework Decision on combating trafficking in human beings and b) a Council Framework Decision on combating the sexual exploitation of children and child pornography.¹⁵⁰ The stated aim of the Proposal on trafficking is to remedy the failure of the implementation of the 1997 Joint Action that occurred due to “the absence of commonly adopted definitions, incriminations and sanctions in the Member States’ penal legislation”.¹⁵¹ The Proposal covers not only trafficking in human beings for the purpose of sexual exploitation, but also trafficking in human beings for the purpose of (other) labour exploitation. The Commission recommends that the European Union adopts its proposal swiftly to “demonstrate clearly its will to take on the fight against these unacceptable violations of human rights and human dignity by providing a common approach on criminal law and a further developed law enforcement and judicial cooperation.”¹⁵²

The goal of the proposed framework decision is to further approximate the criminal laws of EU member states (including penalties) on trafficking in human beings (upon entry into force it will replace the 1997 Joint Action). If and when the Proposal is adopted, it means the EU member states are obliged to harmonize their legislation to reach the aims of the Proposal. The Proposal starts by emphasising the division between smuggling of migrants¹⁵³ that constitutes a crime against the state (and often involves a mutual interest between the smuggler and the smuggled) and trafficking in human beings that

¹⁵⁰ Communication from the Commission to the Council and the European Parliament of 21.12.2000, COM (2000) 854 final, corrigendum 22.1.2001.

¹⁵¹ *Ibid.*, at 4.

¹⁵² Communication from the Commission to the Council and the European Parliament of 21.12.2000, COM (2000) 854 final, corrigendum 22.1.2001, at 5.

¹⁵³ The Commission therefore considered the French Presidency initiatives on facilitation of unauthorised entry, movement and residence (OJ C 253, 04.09.2000, proposals not yet adopted) as related to smuggling, not trafficking.

constitutes a crime against a person and involves an exploitative purpose. The proposed framework decision has two definitions, the first for trafficking for labour exploitation and the second for trafficking for sexual exploitation. The latter definition (art. 2) largely follows the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (see supra section 1.6) and understands trafficking as:

“The recruitment, transportation or transfer of a person, including harbouring and subsequent reception and the exchange of control over him or her is punishable, where the purpose is to exploit him or her in prostitution or in pornographic performances or in production of pornographic material, and:

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

It is noteworthy that a border crossing is not mentioned as a necessary element but the emphasis is clearly on the end purpose of trafficking. The framework decision demands trafficking for both labour and sexual exploitation be criminalized as well as instigation, aiding, abetting or attempt (articles 1-3). The Proposal includes provisions about effective, proportionate and dissuasive penalties (with maximum terms of imprisonment no less than 6 years) and aggravating circumstances (particular ruthlessness, substantial proceeds or the framework of a criminal organization). The liability of legal persons is addressed, as well as jurisdiction (must extend to nationals committing crimes connected with trafficking abroad) and cooperation between EU member states. Significantly the Proposal proposes to set a deadline by which member states must comply with the Framework Decision (31 December 2002); the effectiveness of member state action is proposed to be assessed by the Council 30 June 2004.

The Proposal for a Framework Decision scarcely addresses the situation of victims except for stating they are to be guaranteed adequate legal protection and standing in judicial proceedings. To a certain extent this is because the Commission has also announced it will present another legislative proposal in order to grant short-term residence permits to victims of trafficking who are willing to cooperate and testify in court against their traffickers. This proposal is to apply to all victims of human trafficking, not solely women (although it is likely that most victims of trafficking benefiting from the permits will be

women).¹⁵⁴ Originally due to be advanced by the Commission by the end of 2000, the proposal should now be put forward in the year 2001.¹⁵⁵

6.6. Union Measures Against Crime

Besides the instruments adopted particularly for the purpose of combating trafficking (in women), several instruments adopted by the Union for the purpose of general crime prevention and combating organized crime can also be considered relevant to trafficking. The measures could be summarised as follows:

Firstly, Europol's mandate has been extended to enable it to deal with trafficking in human beings for the purpose of sexual exploitation. Already the mandate of Europol's forerunner, the Europol Drugs Unit (in operation from 1995 to 1999), was extended in 1997 to cover also trafficking¹⁵⁶ and in July 1999 Europol, established by the Europol Convention of 1995, finally replaced the Drugs Unit.¹⁵⁷ Europol's task is to improve the effectiveness of the relevant member state authorities and cooperation between them in several areas, one of which is trafficking in human beings. The exact nature and organization of Europol is under ongoing debate but in general it is to store and compile information, facilitate investigations, and promote contacts between investigators and judges with specialized functions. In the framework of Europol trafficking is defined as

“the subjection of a person to the real and illegal sway of other persons by using violence or menaces or by abuse of authority or intrigue, especially with a view to the exploitation of prostitution, forms of sexual exploitation and assault of mi-

¹⁵⁴ Implementation by the European Community of the Platform for Action adopted at the 4th World Conference on Women in Beijing 1995, Working document from the Commission Services, May 2000, 19. Available at: http://europa.eu.int/comm/employment_social/equ_opp/beijingquesen.pdf (accessed 20.2.2001).

¹⁵⁵ Galiana, supra note 40, 27; Unit for Equal Opportunities for women and men/DG Employment and Social Affairs: Gender Equality News and Press Releases “Commission proposes action to combat trafficking in human beings and sexual exploitation of children” (21.12.00). Available at: http://europa.eu.int/comm/employment_social/equ_opp/news_en.html (accessed 28.2.2001).

¹⁵⁶ Joint Action 96/748/JHA, OJ L 342 31.12.1996.

¹⁵⁷ Council Act of 26 July 1995, OJ C 316, 27.11.1995.

nors or trade in abandoned children. These forms of exploitation also include the production, sale or distribution of child pornography material.”¹⁵⁸

There are also two third pillar conventions on extradition that are relevant as far as extradition of traffickers is concerned. The 1995 Convention on simplified extradition between member states¹⁵⁹ aims to facilitate the application of the European Convention on Extradition between EU member states. As its name implies it provides for the surrender of persons sought for extradition for purposes of prosecution (and enforcement of penalties) under simplified procedures in order to accelerate cooperation. The 1996 Convention relating to extradition between Union member states¹⁶⁰ for its part extends the scope of application of the extradition procedure.

The Joint Action concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union¹⁶¹ was adopted “to increase the speed and effectiveness of judicial cooperation and to promote the pooling of information on the legal and judicial systems of the Member States and to improve their operation” (see article 1.3). The Joint Action on good practice in mutual legal assistance in criminal matters¹⁶² requires that member states make “statements of good practice” by which they agree to promote detailed practices for speedy and effective cooperation. These statements will be made available to the European Judicial Network. The Network was set up by the Joint Action on the creation of a European Judicial Network¹⁶³ and is made up of the central and other relevant authorities in the field of international judicial cooperation who will act as intermediaries; the network is to facilitate direct contacts that will improve judicial cooperation between member states to combat serious crime.

Provided that the sanctions on trafficking are severe enough, trafficking also falls within the purview of two more instruments on organized crime. By the Joint Action on money laundering, the identification, tracing, freezing, seizing

¹⁵⁸ Council Decision of 3 December 1998 supplementing the definition of the form of crime “traffic in human beings” in the Annex to the Europol Convention, OJ C 26, 30.01.1999.

¹⁵⁹ OJ C 78, 30.03.1995.

¹⁶⁰ OJ C 313, 23.10.1996.

¹⁶¹ 96/277/JHA, OJ L 105, 27.04.1996.

¹⁶² 98/427/JHA, OJ L 191, 07.07.1998.

¹⁶³ 98/428/JHA, OJ L 191, 07.07.1998.

and confiscation of the instrumentalities and the proceeds from crime¹⁶⁴ EU member states agreed to ensure that they make no reservations to the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime when the offence is punishable by deprivation of liberty or a detention order of a maximum of more than one year (art. 2) or when serious offences are concerned (art. 6). Under the Convention member states e.g. ensure that their legislation/procedures on the confiscation of the proceeds from crime also allow for the confiscation of property, that their legislation/procedures permit the identification and tracing of suspected proceeds from crime when requested by another member state and that member states take all necessary steps to minimize the risk of assets being dissipated. The Joint Action on making it a criminal offence to participate in a criminal organization¹⁶⁵ emphasises “the seriousness and development of certain forms of organized crime” such as “trafficking in human beings... extortion and other acts of violence against the life, physical integrity or liberty of a person” and requires member states to criminalize taking part in organized criminal activities by effective, proportionate and dissuasive criminal penalties, to afford one another assistance and to ensure that legal persons may be held criminally or otherwise liable.

Finally, resolutions of the Council of the European Union call on EU member states to ensure the safety of witnesses in the fight against organized crime. A 1995 Resolution lists a number of protective measures EU member states are to guarantee regarding the proper protection of witnesses against threats, pressure or intimidation, protection of witnesses before, during and after trials, the extension of the protection to close relatives of witnesses, the possibility of not revealing the address and identifying particulars of the witness and the possibility of change of identity for the witness.¹⁶⁶ Another Resolution calls on EU member states to adopt measures that encourage individuals with connections to criminal organizations to cooperate with the judicial process; such measures could consist of granting certain benefits to those who provide

¹⁶⁴ 98/699/JHA, OJ L 333, 09.12.1998.

¹⁶⁵ 98/733/JHA, OJ L 351, 29.12.1998. A criminal organization is defined as a structured association, established over a period of time, of two or more persons, acting in a concerted manner with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty.

¹⁶⁶ Resolution of the Council of 23 November 1995 on the protection of witnesses in the fight against international organized crime, OJ C 327, 07.12.1995.

specific help to the police/judicial authorities and of providing protection to them.¹⁶⁷

6.7. Enlargement

Thirteen countries have now applied to join the European Union.¹⁶⁸ The EU has consistently required that countries seeking to accede the EU incorporate the relevant *acquis* in their national legislation and that they make sure they are capable of effectively implementing and enforcing it. Many of the candidate countries have only recently made the difficult transition from communist economies to democracy and market economy due to which legislative and administrative improvements in the candidate countries are essential in the accession process. This also applies to JHA matters that have a special significance to the accession.¹⁶⁹ The fight against trafficking in human beings for sexual or other exploitation thus constitutes a significant aspect that the candidate countries have to focus on during the complex preparations for membership. Effective preparation is particularly important in order to allay the fears of current member states with regard to the free movement of persons within the Union and the perceived negative sides of the enlargement process such as the fear of organized crime networks and irregular forms of immigration. In November 2000 the Commission presented its most recent regular reports on the progress made by each of the 13 candidate countries towards accession.¹⁷⁰

At the same time it must be added that the present international/European understanding of trafficking is far from complete. At first glance, there seems to be almost an over-abundance of international and European instruments and measures relating to trafficking. Yet the instruments form an incoherent strategy and there are actually a few recommendations that recur over and over again: multi-disciplinary approach, effective criminalizations, proportionate penalties, protection and non-prosecution of victims etc. Better

¹⁶⁷ Council Resolution of 20 December 1996 on individuals who cooperate with the judicial process in the fight against international organized crime, OJ C 010, 11.01.1997.

¹⁶⁸ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey.

¹⁶⁹ See e.g. the Vienna Action Plan; supra note 123, paragraph 21.

¹⁷⁰ The Progress Reports are available at: [URL:http://europa.eu.int/comm/enlargement/report_11_00/index.htm](http://europa.eu.int/comm/enlargement/report_11_00/index.htm)> (accessed 30.3.2001).

implementation is often pointed out as one of the key reasons to why trafficking continues to grow despite increasing attention to it. Though surely true, better implementation alone is not enough to root out the systematic discrimination against women or the adverse effects of e.g. globalization on women's status that contribute to trafficking. In the European Union arena the tendency to see trafficking as a criminal problem can be equally counter-productive for the victims as the all too common equation of trafficking with smuggling or illegal migration. As far as prevention of trafficking is concerned, preventative measures seem to be aimed almost solely at women in countries of origin while the silence surrounding the demand side of trafficking (men in the industrialised countries) in the destination countries is at times almost deafening. Effective rights-based and gender-sensitive strategies to combat trafficking in women are therefore still acutely needed.

Chapter Two

International Standards and the Legislation and Practice of the Baltic States

1. INTRODUCTION

Based on the examination presented in Chapter One, several key issues surface where there exists sufficient international or European consensus that can serve as the source of general recommendations with regard to combating trafficking in women (even if also varying and opposite opinions can be discerned). The goal of Chapter Two is to examine these areas *vis-à-vis* the Baltic States. The attempted recommendations are briefly summarised here in order to sketch an approach to preventing and punishing trafficking in women that would be compatible with current international and European understanding.

The issue of prostitution itself is subject to great disagreement both internationally and in Europe (where it remains outside the purview of the EU). Though prostitution laws vary very much from one country to another, procuring/pandering and the exploitation of prostitution usually are criminalized, as they should be, regardless of whether prostitution or buying of sexual services is penalised or not. Therefore pandering legislation can be used to cover some acts of traffickers. Yet both international and European standards highlight the importance of making trafficking (in women) a specific offence in national criminal codes. It should be a crime that carries effective penalties that are commensurate with sanctions for other crimes of similar gravity (e.g. drugs trafficking). The rules governing the criminalizations should be harmonized to the degree possible, as is the tendency within the European Union, so that discrepancies between national criminal codes do not lead to a mere change in trafficking routes to countries with more lenient legislation and enforcement. Legislative rules should provide for extraterritorial jurisdiction so that the transnational nature of the crime does not exempt

the perpetrators from responsibility. Similarly, effective extradition procedures for traffickers are needed, as are seizure and confiscation of proceeds from trafficking.

The victims of trafficking should not be penalised or simply expelled from the country of destination after discovery. Instead they should be provided with at least temporary residence to facilitate the investigation and prosecution in trafficking cases. At the same time it is extremely important that the victims should receive adequate assistance and support in the form of psychological and medical help and also more long-term assistance in the form of e.g. training and work opportunities. Without assistance the possibility of a residence permit in exchange for testimony remains theoretical as the victims need support and help to overcome their fear and reluctance to act against their traffickers. Also long-term residence permits should be considered; return to the country of origin should be voluntary and assisted. Protective measures such as witness protection programmes should be in place so that victims of trafficking are not intimidated and prevented from witnessing against the trafficking networks. Preventive measures, such as information campaigns and monitoring of recruitment agencies, should be adopted but they should not be constructed so as to violate women's human right to migrate legally.

The need for coherent and multi-disciplinary overall policies to combat trafficking in general and trafficking in women in particular is an often-mentioned international and European requirement, as is effective international cooperation between authorities of sending and destination countries. Information campaigns and other preventative measures should also be directed at the clientele of prostitutes in destination countries. Effective coordination between various national authorities involved in the fight against trafficking (the police, immigration and border control) and training of police and judicial personnel as well as embassy staff in sending countries is also necessary in order to increase awareness of the various forms that trafficking in women takes. It should again be remembered that for example stricter border controls should not be applied in a discriminatory manner to female immigrants.

Chapter Two comprises six sections addressing these legal issues relevant in the area of trafficking in women with regard to the Baltic States: prostitution and pandering as offences; the crime of trafficking; jurisdiction, extradition and specialized enforcement techniques; training, data collection and cooperation; the status of trafficking victims; and the prevention of trafficking in women. The applicable requirements and recommendations of international and European instruments are clarified first, after which the current state of

legislation and practice in the three Baltic States are discussed. Unless otherwise specified the information provided on the current state of law and practice in the Baltic States is taken from the Estonian, Latvian and Lithuanian country reports and personal communications with the authors of the reports. When relevant, Chapter Two also draws attention to the legislation and practice in Germany, the Netherlands and Italy in order to allow comparisons between the actions taken by the Baltic States as states applying to join the European Union to those of some of the current EU member states.

2. (IL)LEGALITY OF PROSTITUTION AND PROCURING

2.1. Various International and National Approaches

The illegality of prostitution *per se* is one of the least agreed-on issues that arise with regard to trafficking in women for sexual exploitation and this can, indeed, be identified as a partial explanation to the variety of approaches to trafficking in women. If, especially in countries where prostitution constitutes a crime or an administrative offence, trafficked women are merely seen as prostitutes, the focus of law enforcement will almost inevitably be on them; as a result trafficked women easily face the threat of either prosecution or deportation while traffickers are seen as pimps (and are either not prosecuted at all or punished by a fine etc.).

Though some sources of international law condemn prostitution as e.g. “incompatible with the dignity and worth of the human person”¹⁷¹ and child prostitution is explicitly denounced in the Convention on the Rights of the Child¹⁷² (as well as in most national criminal codes), there is at present no international consensus about the criminality of adult prostitution. In national laws traditionally three noticeable approaches can be found: the prohibitionist, the regulationist and the abolitionist.¹⁷³ In the “prohibitionist” system at least prostitution itself is criminalized (as e.g. in the United States where both prostitution and buying of sexual services are illegal). In the “regulationist” system prostitution is permitted only in specified areas, licensing or registration sys-

¹⁷¹ The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, supra section 1.2.

¹⁷² Supra section 1.5.

¹⁷³ See L. Reanda, supra note 20. But see also the approach in Lucas, supra note 40, 696-708.

tems apply to prostitutes and/or prostitutes are controlled by brothel-like facilities (e.g. Germany has a registration system; in the Netherlands there is no registration system but the general ban on brothels has been removed). The “abolitionist” system does not as such criminalize prostitution but penalises surrounding activities such as pimping, pandering and brothel-keeping; this is the approach in most EU member states. Dual or mixed approaches (like the one adopted in Germany, which allows German nationals to work in prostitution but holds prostitution as a ground for deportation for non-nationals¹⁷⁴), serve as an example on how national prostitution laws can play directly into traffickers’ hands by making distinctions that exacerbate the situation of women who have been trafficked into prostitution.

Unlike with prostitution itself, there is a more general international agreement of the need to criminalize the various forms of the exploitation of prostitution, i.e. pimping, pandering and procuring. This is the tendency also within the European Union: all EU member states currently criminalize procuring-like practices.¹⁷⁵ Prohibition is the clear aim of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; also the Slavery Conventions and the Convention on the Elimination of All Forms of Discrimination against Women clearly obligate states to prevent the exploitation of prostitution. Many states use (or could use) the criminal provisions on procuring also with regard to trafficking instead of (or in addition to) criminalizing trafficking, but this often proves to be an unsatisfactory solution. Many acts and actors involved in trafficking do not necessarily fall into the purview of the existing, often narrowly defined, procuring statutes. Nor do the penalties for procuring offences in their leniency reflect the gravity of offences relating to (often) brutal trafficking practices.

2.2. Prostitution / Procuring in the Baltic States

In Estonia prostitution itself is neither criminalized nor legally regulated. According to article 202.6 of the Criminal Code inducing a person to engage in prostitution or soliciting is punishable; according to article 202 of the same law the incitement of a juvenile into criminal activity or prostitution is also punishable. In addition “allowing illegal activities in a person’s dwelling” is criminalized (art. 201 of the Criminal Code). Procuring is common in Estonia, and enforcement of the legal provisions is reportedly “complicated”.

¹⁷⁴ Galiana, *supra* note 40, 41-42.

¹⁷⁵ See e.g. *ibid* for details by country.

Latvia officially has a regulationist system, whereby prostitutes are expected to obtain a “health card” (this violates the abolitionist requirements set by the 1949 Convention, which Latvia ratified in 1992). However, only about two hundred cards have been issued while estimates of the actual number of persons engaged in prostitution have been as high as 10000. Article 164 of the Latvian Criminal Code criminalizes compelling engaging in prostitution, and since 1997 pandering (defined as taking advantage of a person who is involved in prostitution for purposes of material gain) is a crime as well. In 2000 criminal proceedings were initiated for compelling to engage in prostitution in eight cases and for pandering in 12 cases.

In Lithuania prostitution is illegal. Yet it is not a criminal but an administrative offence subject to a fine (article 182(1) of the Code of Violations of Administrative Law). Pandering is criminalized and punishable by a deprivation of liberty from three to five years or fine (Part 3 of article 239 of the Lithuanian Criminal Code); forcing to engage into prostitution of juveniles, materially dependant persons and persons dependant due to held posts as well as involvement into prostitution by way of blackmail/deceit/use of psychological or physical pressure is punishable by a deprivation of liberty ranging from three to seven years. In recent years there have been less than 20 pandering cases per year (the number of administrative cases for prostitution varies greatly).

3. TRAFFICKING AS AN OFFENCE

3.1. Individual Criminal Responsibility for Trafficking

As is evident from Chapter one, there exists almost a plethora of international and European instruments that oblige and urge states to criminalize trafficking in women. The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others provides a clear obligation to punish traffickers, as do the Slavery 44 Conventions. The new UN Trafficking Protocol, when it enters into force, demands the criminalization of trafficking as well as attempt of trafficking, participation in trafficking and organization of trafficking.¹⁷⁶ The new UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography will also demand criminalizations with penalties which

¹⁷⁶ See supra section 1.6.

match the gravity of the crime.¹⁷⁷ The Women's Convention and the Convention on the Rights of the Child demand legislative and other measures to suppress trafficking for sexual exploitation; the ILO Conventions require effective measures including penal sanctions. In addition there are numerous soft law instruments that promote the criminalization of trafficking, preferably as a specific offence (by the UN General Assembly, the UN Commission on Human Rights, the Working Group on Contemporary Forms of Slavery, the Council of Europe, the OSCE etc.).

In the arena of the European Union the 1997 Joint Action requires EU member states to make trafficking (and participation in or attempt to commit it) a criminal offence with effective penalties.¹⁷⁸ The forthcoming Framework Decision will mean that the need for criminalization covers not only trafficking but also instigation, aiding, abetting and attempt. EU member states must make sure that penal sanctions are effective, proportionate and dissuasive; the Proposal for a Framework Decision clarifies that this should include terms of imprisonment with a maximum penalty not less than six years.¹⁷⁹ Trafficking under aggravating circumstances (when particular ruthlessness, substantial proceeds or the framework of a criminal organization are present) should be made punishable by terms of imprisonment with a maximum penalty that is not less than ten years.

Though the definitions of trafficking vary from one international source to another, they have a number of common elements that suggest the exact formulation of the penal sanction should be wide enough to cover the variety of deception and coercion that is typical of trafficking in women, and it should also cover intra-state activity. The adopted definition should extend to not merely the actual transfer of persons but the acts of intermediaries as well (such as recruitment, harbouring etc.). In general the definition should also apply to trafficking for other exploitative purposes than prostitution, as trafficking in women cannot always be equated with prostitution.

¹⁷⁷ See supra section 1.5.

¹⁷⁸ See supra section 6.4.

¹⁷⁹ See supra section 6.5. This will make penalties severe enough so that trafficking is also covered by the Joint Action on money laundering, the identification, tracing, freezing, seizing and confiscation of the instrumentalities and the proceeds from crime and the Joint Action on making it a criminal offence to participate in a criminal organization. About these see supra section 6.6.

3.2. Trafficking Criminalizations in Germany, the Netherlands and Italy

In EU member states the attitudes towards trafficking are becoming noticeably stricter, which is also reflected in harsher penalties in some member states. With regard to criminal legislation trafficking is either made a specific criminal offence or, as is yet more common, the problem is initially tackled through pimping/procurer or prostitution legislation where the law does not specifically address the (sexual) exploitation of foreign migrant women. However, it must be borne in mind that even the existence of specific laws against trafficking means nothing by itself. The bigger challenge lies in making sure that investigation and prosecution policies are developed and that the norms are enforced as a priority.

Germany's penal code, in addition to prohibiting the promotion of prostitution as well as pimping, now also explicitly criminalizes trafficking in human beings.¹⁸⁰ Section 180b stipulates that the punishment for trafficking in human beings (for sexual exploitation) shall be imprisonment for not more than five years or a fine; if trafficking for sexual exploitation (or attempt thereof) involves a foreign national or on a person under twenty-one years of age, the punishment shall be consist of imprisonment from six months to ten years. Under section 181 "serious trafficking in human beings" involves "force, threat of appreciable harm or trickery" and the recruitment or abduction of a person who is helpless due to stay in a foreign country or professional recruitment (of foreigners) for prostitution. This is punishable by imprisonment from one year to ten years (in less serious cases imprisonment from six months to five years).¹⁸¹ Though the formulations of Germany's penal code are satisfactory and the penalties stricter than in many other countries, the implementation of the provision has been reported to be "extremely low".¹⁸² (This is hardly surprising; unless victims of trafficking are immediately recognised as such by the authorities, they are expelled as illegal prostitutes and the case is closed).

In the Netherlands the earlier criminal provision against trafficking was changed in 1994. The Criminal Code now provides that the punishment for trafficking can be up to six years imprisonment. Trafficking is under Dutch

¹⁸⁰ Unofficial translation available at: http://www.bmj.bund.de/publik/e_stgb.pdf (accessed 6.3.2001).

¹⁸¹ *Idem*.

¹⁸² Galiana, *supra* note 40, 43.

law understood to cover 1) causing prostitution of another by an act or threat of violence, by abuse of authority or by misrepresentation, 2) recruitment or kidnapping of another person to become involved in prostitution in a foreign country or 3) causing a minor to prostitute himself or herself. The penalty for trafficking into sexual exploitation is harsher if the offence is committed jointly, against a person who is under 16 years old or if the crime results in serious bodily harm.¹⁸³

In Italy a draft bill “Measures against trafficking in human beings” was introduced in March 1999. It proposes to add a new crime into the Criminal Code: trafficking as a modern form of slavery. This crime is to be punished very severely (with 5-15 years imprisonment). The draft bill will cover trafficking for both sexual exploitation and other forms of forced labour (involuntary service).¹⁸⁴

3.3. Liability of Legal Persons

In addition to the required responsibility of individual traffickers, there seems to be an incipient consensus on the need to also provide for the liability of legal persons. This understanding seems to be in particular emerging within the EU. Already the 1997 Joint Action demands legal persons should be held administratively liable where appropriate and that this liability should be without prejudice to the criminal responsibility of the individuals involved (II.A(c)). Also the new Commission Proposal for a Framework Decision would provide for the liability of legal persons; such liability would not exclude criminal proceedings against natural persons (art. 5). Also the most recent Council of Europe Recommendation notes that states should provide for “rules governing the liability of legal persons, with specific penalties”.¹⁸⁵ The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (*vis-à-vis* trafficking in women under 18) will also require state parties to take measures in

¹⁸³ Information on the Netherlands criminal statute with regard to trafficking is available at <http://64.156.251.100/protectionproject/statutesPDF/Netherlandsfinal.pdf> (accessed 10.3.2001).

¹⁸⁴ Italy’s report to the UN Division on the Advancement of Women regarding the implementation of the Beijing Platform for Action. Available at: <http://www.un.org/womenwatch/daw/followup/Italy.pdf> (accessed 10.3.2001).

¹⁸⁵ Recommendation R (2000) 11, paragraph 46.

order to establish the liability of legal persons trafficking; this liability of legal persons may be either criminal, civil or administrative (art. 3.4).

3.4. Trafficking Legislation in the Baltic States

In Estonia there is no specific provision against trafficking in persons (or trafficking in women) and there are, at the moment, no plans to enact one. Arguably in Estonia trafficking in women could be tackled through criminal provisions against smuggling persons, belonging to a criminal organization, taking a hostage, illegal deprivation of liberty, rape, buggery and satisfying a sexual passion in an unnatural way in the Estonian Criminal Code.¹⁸⁶ Trafficking from Estonia to countries of Western Europe is confirmed, but despite a number of suspected trafficking occurrences the Estonian police has thus far investigated no cases of trafficking in women to/from Estonia.

Since May 2000 Latvia has a specific criminal provision against trafficking, which criminalizes the sending of a person with his/her consent to a foreign country for the purpose of sexual exploitation (punishable by imprisonment not exceeding four years). The same activities, if committed for the purpose of commercial sexual exploitation or involving a juvenile are punishable by imprisonment not exceeding ten years (with confiscation of property or without it). If an organized group commits these activities or if they are committed against a minor, the punishment shall be from eight to fifteen years of imprisonment, with confiscation of property (article 165.1). The Latvian Criminal Code also criminalizes illegal deprivation of liberty, kidnapping, compelling people to engage in prostitution and living on the avails of prostitution, none of which, however, have to date been used to tackle trafficking in women. Estimates of cases of trafficking in women from Latvia range from several hundred to thousand per month. Since the new criminal provision was enacted, legal proceedings have been initiated in two trafficking cases. Lack of resources and manpower (at the Vice Squad) contributes to the scarcity of investigation, even though the number of officers has recently been on the increase.

Trafficking is also illegal in the Republic of Lithuania. Already in July 1998 the Criminal Code was amended to cover trafficking, defined as the selling of a person or any other alienation or acquisition of a person with the purpose to abuse him/her sexually, to force to engage in prostitution or to receive any

¹⁸⁶ L. Link, Trafficking in Women in Estonia.

material or personal gain, as well as trafficking in persons from/to Lithuania for the purpose of prostitution. Under Lithuanian law trafficking is punishable by deprivation of liberty from four up to eight years. If trafficking is committed against a juvenile, as repeated action, in conspiracy or by a recidivist it is subject to a more severe penalty, a deprivation of liberty from six up to twelve years. Also the new Criminal Code of Lithuania, which adopted in September 2000 and which will enter into force in 2001, will cover trafficking and will, significantly, not limit the crime to sexual exploitation or forcing to engage in prostitution. It provides for a punishment between (only) three months and eight years. In Lithuania there were three registered cases of trafficking in 1999 and four in 2000 (handled by the police department). To date only one case of trafficking has made it to court and is currently pending.

Neither in Latvia nor Lithuania is the liability of legal persons for trafficking (either criminally or administratively) provided for. Even though at the moment such responsibility is not possible under Estonian law either, the Draft Code of Penalties includes a provision to that effect.

4. JURISDICTIONAL ISSUES AND EXTRADITION

4.1. International Requirements

Issues relating to jurisdiction become relevant in the efforts to effectively fight against trafficking, as there are currently no uniform, internationally agreed-on rules on which state should have jurisdiction over a particular crime. In addition to the traditional “territorial” jurisdiction (offences committed in the territory of a state give that state jurisdiction) many states provide for at least some form of extraterritorial jurisdiction based on e.g. the active personality principle (a state has jurisdiction over the crime when the perpetrator is a national of that state) or the passive personality principle (state has jurisdiction when the victim of the crime is a national of that state).

To restrict loopholes in legislation, the 1997 Joint Action demands that EU member states make sure that their authorities are competent regarding trafficking when the offence is committed (wholly or partly) on their territory or when the perpetrator is their national (or a habitual resident there). Under the Joint Action EU countries may impose a double criminality condition (i.e. the crime must be punishable both in the EU member state and the other country

concerned) or other requirements (II.A). The new Commission Proposal for a Framework Decision proposes to follow both the territoriality principle and the active personality principle (the latter also when the crime is committed for the benefit of a legal person established in the territory of the member state); but a member state can limit its jurisdiction based on the active personality principle when the offence is not committed in its territory (art. 7). Also the Council of Europe has recommended that rules governing extraterritorial jurisdiction should be provided for (R (2000) 11). The new UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography is based on the territoriality principle but will also allow jurisdiction based on the active or passive personality principle (art. 4).

Questions relating to extradition (the process whereby a state, when requested by another state, returns a person for trial/punishment for a criminal offence that is punishable by the law of the requesting state) arise with regard suspected (or convicted) traffickers. Extradition is regulated between states through treaties. All current EU member states have ratified the 48 Council of Europe Convention on Extradition¹⁸⁷ and the EU itself has adopted two Extradition Conventions to facilitate the implementation of the COE Convention between its member states. The 1997 Joint Action on trafficking asserts that extradition may be involved (II.A.(d)) and the recent Commission Proposal for a Framework Decision, recognising that EU member states have differing practices about extradition, provides that those EU member states that do not extradite their own nationals, must take the necessary measures to establish jurisdiction over and prosecute trafficking offences committed by their nationals outside their territory (art. 7(3)). In other words, extradite or prosecute (*aut dedere, aut judicare*) applies.

Also various other sources demand that trafficking be made an offence allowing the extradition of perpetrators. These include: R (2000) 11 by Council of Europe Committee of Ministers, which provides that extradition should be provided for with regard to trafficking, preferably to the country where evidence relating to trafficking crimes in question can be uncovered; the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (if extradition of nationals is not permitted, the perpetrators must be prosecuted and punished in their own state) and, with regard to trafficking of under 18-year-olds, article 5 of the new Optional Protocol to the Convention on the Rights of the Child on the

¹⁸⁷ See table of ratifications available at the COE Treaty Office website: [URL:http://conventions.coe.int](http://conventions.coe.int) (accessed 16.2.2001).

Sale of Children, Child Prostitution and Child Pornography (trafficking of children shall be considered an extraditable offence between states party to the Protocol).

4.2. Baltic States

Estonian law reportedly provides for extraterritorial jurisdiction with regard to some of the trafficking-related crimes (as trafficking itself is not a specific criminal offence). The Latvian Criminal Code applies to Latvian citizens (and non-citizens who have a permanent residence in Latvia) even if the criminal offence is committed in the territory of another state. Lithuania provides for jurisdiction based on the territoriality principle (article 4 of the Criminal Code) and active personality principle (article 6 of the Criminal Code). Provided that the offence is recognised as crime in both the other state and Lithuania (dual criminality requirement), crimes committed abroad do not escape Lithuania's jurisdiction.

All three Baltic States are parties to the Council of Europe Convention on Extradition (they have made declarations/reservations regarding it). Under Estonian law extradition for trafficking-related crimes (as understood under Estonian Criminal Code) is possible. In Latvia the Criminal Code provides that a citizen of another state (or a person who has a permanent residence permit of another state) who has committed a crime may be extradited from Latvia if a court of law so considers. In Lithuania trafficking in human beings meets the conditions applicable to extraditable crimes and is therefore considered an extraditable offence (Lithuania reserves the right not to extradite its own nationals).

5. COOPERATION, COORDINATION, LAW ENFORCEMENT AND TRAINING

5.1. Recommended Measures

The ever-increasing understanding of the absolute necessity of combating trafficking through forms of international police and judicial cooperation is reflected in practically all current instruments that address trafficking in women either directly or indirectly. At the same time it is becoming more obvious that national measures against trafficking (investigation, data collection etc.) must be effectively coordinated as a prerequisite for effective in-

ternational action and that training of the various authorities that come in contact with traffickers and their victims is also essential.

Already the 1949 Convention and the Slavery Conventions expect states to cooperate with one another in order to suppress trafficking and slavery. The new UN Trafficking Protocol expressly declares the aim of promoting cooperation among states to prevent and combat trafficking and to protect and to assist its victims (art. 2). Article 10 of the Protocol requires that law enforcement, immigration and other officials cooperate to detect trafficking and to establish the means and methods used by trafficking networks. The UN Trafficking Protocol also demands that states arrange training for law enforcement, immigration and other authorities in the prevention of trafficking. The training provided should concentrate on methods to prevent trafficking, to prosecute the traffickers and to protect the rights of the trafficking victims. The training should “take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with nongovernmental organizations, other relevant organizations and other elements of civil society” (art. 10(2)).

Cooperation is a recurring theme also in soft law instruments dealing with trafficking in women. Organs such as the UN Economic and Social Council have underscored the significance of information sharing, coordination and cooperation.¹⁸⁸ Documents by the UN Commission on Human Rights and the Special Rapporteur on Violence against Women have requested states to formulate manuals for the training of personnel in victim-sensitive methods; the latter has also emphasised the need to train foreign service employees.¹⁸⁹ The OSCE Office for Democratic Institutions and Human Rights has suggested the adoption of specialized police and prosecution units in addition to promoting awareness-raising among consular/embassy staff as well as the police, immigration and judicial authorities and recommending special training and techniques (for identifying victims and investigating trafficking rings).

With regard to trafficking in minors the Convention on the Rights of the Child involves a broad general obligation for states to take national, bilateral and multilateral measures against trafficking in children. The recent Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography will demand that state parties “afford one another the greatest measure of assistance in connection with inves-

¹⁸⁸ See e.g. Economic and Social Council resolution 1998/20 (E/RES/1998/20).

¹⁸⁹ E/CN.4/2000/68.

tigations or criminal or extradition proceedings” (art. 6(1)). Under article 10 states are to strengthen international cooperation by multilateral, regional and bilateral arrangements and to support international coordination between state authorities, NGOs and international organizations. Article 8(4) involves an obligation to arrange training (especially legal and psychological) for those who work with child victims.

One of the most valuable means to effectively tackle trafficking in human beings is to provide for measures, which increase the costs of trafficking. Such measures in particular include international cooperation for the seizure (temporary) and confiscation (permanent) of criminal earnings received from trafficking and/or property used in trafficking. Numerous international soft law instruments promote the adoption of effective seizure, confiscation and forfeiture mechanisms with regard to trafficking,¹⁹⁰ the EU is becoming very active and the Council of Europe has adopted a Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime aiming to track down, seize and confiscate the proceeds of criminal activities.¹⁹¹ This Convention aims to facilitate international cooperation and mutual assistance by providing for investigative assistance (such as assistance in obtaining evidence) and provisional measures (seizure and confiscation).

In a similar vein, the new Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography will (vis-à-vis trafficking in minors) demand that states party to the Protocol provide for the seizure and confiscation of goods used to commit or facilitate offences and proceeds derived from offences (as well as carry out requests from other states for seizure or confiscation of goods or proceeds). State parties should also take action to close down premises that have been used to commit e.g. trafficking offences against children (art. 7).

As far as the EU action against trafficking in women is concerned, both the 1996 and the 1998 Commission Communications encouraged increased coordination and cooperation between EU member states as well as collaboration and discourse with third countries; the STOP and Daphne programmes have been instrumental in this. The 1997 Joint Action concerning action to combat trafficking in human beings and the sexual exploitation of children was specifically aimed at strengthening multi-disciplinary measures and improving

¹⁹⁰ E.g. UN Economic and Social Council, UN General Assembly, Special Rapporteur on Violence against Women, Council of Europe.

¹⁹¹ ETS No. 141, 1990.

judicial cooperation (mutual assistance and information exchange). Also the use of specialized search and investigation techniques (such as wire tapping) was advocated by the 1997 Joint Action, which demands that EU member states ensure that in addition to regular constraining measures, such as search and seizure, also “adequate investigation powers and techniques are available” (II.E).

One of the reasons behind the recent Commission Proposal for a Framework Decision was the desire to develop efficient judicial and law enforcement cooperation beyond the scope of the 1997 Joint Action. The Commission Proposal therefore includes a provision (art. 9) that demands that EU member states afford one another “mutual assistance to the widest extent possible in respect of judicial proceedings”. In cases of overlapping jurisdiction member states are to consult each other to coordinate prosecution (by making use of e.g. the liaison magistrates and the European Judicial Network). Information exchange shall be facilitated and Europol’s involvement is once again affirmed.

5.2. Baltic States

Effective international cooperation and national coordination with regard to trafficking in women are still at preliminary stages in the Baltic States. Progress has, however, been made with regard to some of the relevant aspects.

In Estonia, issues regarding trafficking in women fall within the purview of the Ministry of Internal Affairs and the Ministry of Social Affairs. Coordination between Estonian authorities (police, border control, immigration) is the responsibility of the Ministry of Internal Affairs; at present most of the cooperation between authorities comprises only information exchange. There is no police unit specializing in trafficking-related crimes in Estonia and thus far no specific training has been arranged (although the need for training with regard to trafficking for police officers and prosecutors is acknowledged). Internationally organized training programmes have mainly been directed at dealing with sexually abused children. In 2001 police training in Estonia regarding victims of crimes has been started with the support of Swedish and Finnish police authorities (carried out with the help of foreign experts). Thus far there are no official statistics available with regard to trafficking (and no special research has been carried out). The central Criminal Police collects no special data regarding trafficking. Estonian embassy staff is reportedly not ready to deal with trafficking issues.

In Latvia the capital Riga has, since 1993, a special Vice Squad for controlling prostitution. After almost being shut down, the Squad was “re-established” in 2000 (and has now funding for 27 police officers posts). Despite this positive development intensive training and study visits with regard to trafficking are reported to be necessary. The Vice Squad maintains contacts with NGOs and has regular contacts with the police in Germany, Sweden, Finland and Switzerland but there are no regular contacts e.g. between the relevant law enforcement officials and embassies. There is no special training for embassy and consulate staff and the embassies are unable to assist Latvian victims of trafficking. Nor has there been training for the judiciary (as trafficking is a new phenomenon in the judicial system) who do not, according to the police, always understand the seriousness of the issue. Yet also the police have been criticised for their insensitivity in handling trafficking cases (NGOs have started organizing victim sensitive training). There is currently no unified computerised register of criminal offences in Latvia but there is a project underway to create a comprehensive register on sentenced offenders. The only official statistics that are provided by the Latvian police address the number of women who have been deported back to Latvia from various foreign countries (not all of these women are of course trafficking victims).

Lithuania has concluded several agreements with its neighbours on legal assistance and legal relations in criminal matters; there are also inter-institutional agreements in certain fields. In Lithuania liaison officers play an important role in international police cooperation and exchange of information (Lithuania has appointed liaison officers in Belgium and in Belarus and intends to appoint more). Lithuania also has joint activities with Latvian Police officers. In Lithuania there exists a unified computerised data system on e.g. missing persons but no specific database to collect and maintain information relevant to trafficking. Lithuania has established the Coordination Council for the Police and Public Cooperation and the police officials who deal with trafficking in human beings cases closely cooperate with NGOs (such as the Missing Person’s Family Support Centre). There are no currently special training programmes for law enforcement officials or judicial personnel (occasionally they do take part in training on trafficking organized by foreign countries and international organizations). Embassy staffs have thus far received no special training but there are at present plans to prepare systematic recommendations with regard to trafficking in human beings and prostitution.

Estonia, Latvia and Lithuania are all parties to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime aiming to track down, seize and confiscate the proceeds thereof (Latvia has made a reservation, which lists the crimes to which the Convention applies but these include trafficking). There is no specific information available on the Estonian legislation with regard to confiscation and seizure. In Latvia confiscation of property is mainly applied in connection with certain serious crimes. These include crimes against the state and homicide but also e.g. compelling engaging in prostitution, living on the avails of prostitution, sending a person for sexual exploitation and violation of provisions regarding importation, production and distribution of pornographic or erotic materials. At the same time when Lithuania criminalized trafficking in human beings (1998) it also amended its Criminal Code to provide for confiscation of earnings for trafficking. Article 35 now provides that confiscation is compulsory with regard to the crime of trafficking in human beings.

6. THE STATUS OF VICTIMS OF TRAFFICKING

6.1. Non-penalisation, Assistance, Protection and Compensation

One of the most important human rights aspects of trafficking is the victims' status in the countries of destination. Especially in countries where prostitution itself is illegal, there is a real danger that victims of trafficking are either prosecuted for prostitution offences or simply detained and then deported back to the country of origin. As far as non-penalisation of trafficking victims is concerned, there exists a corpus of soft law suggesting victims of trafficking should be better protected instead of being expelled, prosecuted or subjected to administrative sanctions (resolutions from the UN General Assembly, the Commission on Human Rights, the Working Group on Contemporary Forms of Slavery). Most international sources do take it for granted that victims of trafficking should not be the targets of law enforcement. The yet unresolved problem is how to make sure victims of trafficking are identified as such when prostitution and/or irregular migration serves as a ground for detention and expulsion and those labels are easily attached to trafficked women.

Illustratively the UN Economic and Social Council has emphasised "the need for countries of origin, transit and destination to observe fully international

obligations and national laws, including those concerning the humane treatment and strict observance of all human rights of women and children, regardless of whether they were trafficked voluntarily or involuntarily”.¹⁹² UN organs and the Council of Europe have consistently emphasised the importance of supporting victims of trafficking through social, medical, psychological, financial and legal assistance (such as shelter, counselling, medical care, legal advice, education, job training and employment) that is designed to heal and rehabilitate the victims into society. For example the Commission on Human Rights has asked states “to ensure for victims of trafficking the respect of all their human rights and fundamental freedoms, including taking steps to ensure all legislation related to combating trafficking is gendersensitive”.¹⁹³

There is indeed a growing agreement on the need to provide the victims with assistance and protection against revenge and to make sure that their rights are not further violated (even if the specific content of the required assistance is often expressed in very general terms). The new UN Trafficking Protocol proclaims the aim to protect and assist the victims of trafficking “with full respect for their human rights” (which the prosecution or automatic expulsion of victims obviously would contradict). The UN Protocol requires that states consider implementing measures to provide for the physical, psychological and social recovery of victims (such as housing, counselling, medical, psychological and material assistance and employment, educational and training opportunities). With regard to victims of trafficking that are under 18 years of age, the Convention on the Rights of the Child requires that the recovery and reintegration of the victims be promoted. The new Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography will demand the child victims are protected and supported, their special needs are recognised, and their safety is provided for (art. 8). Also the ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour involves an obligation to assist victims with special emphasis on the situation of girls.

As trafficking victims are often the only available witnesses against trafficking networks, they face a great risk when they escape and when they (eventually) agree to provide information about their traffickers. Last year the Working Group on Contemporary Forms of Slavery and the Subcommission

¹⁹² Economic and Social Council resolution 1998/20 (E/RES/1998/20).

¹⁹³ E/CN.4/RES/2000/44, paragraph 5.

on Human Rights recommended witness protection programmes to facilitate making complaints. The Council of Europe recommends that special facilities for filing complaints are provided and that the victims, witnesses and their families are protected so that they evade the traffickers' intimidation and reprisals, especially "in the case of criminal networks"; the COE also promotes the establishment of victim protection systems and protection (in the country of origin) for the families of victims of trafficking when the victims are involved in legal proceedings in the country of destination.¹⁹⁴ Both the UN Trafficking Protocol, several UN organs, the OSCE and the Council of Europe have pointed out the victims' right to obtain compensation from their traffickers, also through criminal compensation schemes.

Somewhat worryingly, some sources seem to see victims of trafficking as meriting assistance and protection *only* when they are prepared to act as witnesses in judicial proceedings against their traffickers and give states a considerable margin of appreciation. The UN Trafficking Protocol speaks of assistance "in appropriate cases".¹⁹⁵ Similarly, the 1997 Joint Action (which only includes a generally formulated requirement to provide the victims with appropriate assistance (I.F.)) states that EU member states must take action to ensure "appropriate protection for witnesses who provide information concerning the offences" (in accordance with the Resolution of the Council of the European Union¹⁹⁶). Member states should therefore ensure that "victims are available where required by the Member State's criminal justice system to give evidence in any criminal action, which may entail provisional residence status in appropriate cases". This provision reflects the attitude that considers victim protection merited only when the victims are of use as witnesses. The recent Commission Proposal for a Framework Decision also generally calls on EU member states to ensure that victims of trafficking are given adequate legal protection and standing in judicial proceedings. In particular member states are to "ensure that criminal investigations and judicial proceedings do not cause any additional damage for a victim" (art. 8).

6.2. Residence Permits and Voluntary Return

Much like the general requirement for protection, the idea of granting trafficking victims a temporary residence permit in the country of destination/transit highlights the victims' status as witnesses against their traffickers.

¹⁹⁴ See Recommendation R (2000) 11, paragraphs 28-32.

¹⁹⁵ See *supra* section 1.6.

¹⁹⁶ *Supra* note 165.

Though some soft law instruments advocate the practice of providing *all* trafficked women with residence permits¹⁹⁷ and emphasise their voluntary and safe return¹⁹⁸ in reality residence permit arrangements clearly seem to depend on the victims' willingness to provide evidence and to testify at trial. The often very real risk of violations of victims' human rights during or after their repatriation have thus far aroused little sympathy resulting in positive obligations, and the victims' status as potential candidates for asylum has not really been considered. With regard to victims who *are* willing to testify, however, there exists an increasing consensus on the need for this kind of temporary residence arrangement. Though this can largely be seen as constituting a positive development, it must also be noted that excessive reliance on residence permits as the guarantee of the victims' testimony can have negative side effects in destination states if their authorities are thus discouraged from pursuing other evidentiary courses of action. At the same time the theoretical possibility of a temporary residence status is not sufficient to guarantee the victims' testimony if they otherwise receive little support and assistance.

The new United Nations Trafficking Protocol involves no absolute obligation to grant victims of trafficking a permit of stay. But it will demand that states consider adopting legislation that allows victims of trafficking to remain in the country of destination either temporarily or permanently (and that states give appropriate consideration to humanitarian and compassionate factors), though only "in appropriate cases"; when victims are repatriated from the destination country back to their country of origin, their safety and the status of legal proceedings must be taken into consideration.¹⁹⁹ The most recent Council of Europe Recommendation emphasises the need to grant victims a temporary residence status in the country of destination so that they can act as witnesses during trial against their traffickers – during that same time "it is essential" that the victims should be provided with access to social and medical assistance.²⁰⁰ In addition the Council of Europe recommends that when it is necessary, victims of trafficking should be granted temporary residence status also on humanitarian grounds. Return to country of origin should be assisted.

¹⁹⁷ E.g. ODIHR: Trafficking in Human Beings: Implications for the OSCE, 1999/3.

¹⁹⁸ E.g. the UN Sub Commission on Human Rights and the Working Group on Contemporary Forms of Slavery.

¹⁹⁹ See *supra* section 1.6.

²⁰⁰ Recommendation No. R (2000) 11, paragraph 34.

In the EU arena the adoption of residence permits was advocated already by the 1997 Joint Action whereby EU member states were to ensure that “victims are available where required by the Member State’s criminal justice system to give evidence in any criminal action, which may entail provisional residence status in appropriate cases”. Moreover, victims should be enabled to return to the country of origin (or another country prepared to accept them) “with the full rights and protections accorded by the national law of the Member States”. Even though some EU member states have already enacted formal rules giving trafficked women the right to temporary permission of stay (e.g. Austria and the Netherlands), most often trafficking victims are still simply repatriated.²⁰¹ For example, even though e.g. the German state of Lower Saxony can (since 1997) grant permission to remain in the country or residence permits to foreign victims of trafficking provided they agree to testify in court,²⁰² most of the Länder simply deport foreign women found illegally residing in Germany.²⁰³

In Italy the 1998 law on immigration allows the issuance of a 6-month residence permit to trafficking victims. Very encouragingly (at least on paper) the legislation provides that the permit is renewable and involves no obligation to testify as a witness and that the victim of trafficking is allowed to seek employment (thus obtaining regular status in the country, and a more permanent status).²⁰⁴ The Dutch Aliens Law states that when trafficking is suspected, the victim should be allowed enough time so that she can consider pressing charges. If charges are brought and the victim is prepared to testify for the prosecution, she is allowed to stay in the Netherlands until the legal proceedings have been completed. However, in practice only few permits have been issued and most victims have simply been repatriated.²⁰⁵

Repatriation without due concern for the safety and the well-being of trafficked women can expose them to stigmatisation and marginalization, retribution by the traffickers and eventual re-trafficking (and, possibly, even to prosecution in the country of origin for leaving the country illegally or for using false documents). Soft law instruments therefore advocate that states

²⁰¹ Cf. Galiana, *supra* note 40.

²⁰² Germany’s report to the UN Division on the Advancement of Women regarding the implementation of the Beijing Platform for Action. Available at: <URL: <http://www.un.org/womenwatch/daw/followup/Germany.pdf>> (accessed 10.3.2001).

²⁰³ See Galiana, *supra* note 40, 43.

²⁰⁴ Italy’s report to the UN Division on the Advancement of Women, *supra* note 183.

²⁰⁵ See Galiana, *supra* note 40, 55.

cooperate with NGOs and adopt measures to help reintegrate victims back into society by providing for their social, medical and psychological care (e.g. COE, OSCE, UN Commission on Human Rights).

6.3. Baltic States and Protection, Assistance and Residence Permits

None of the three Baltic States at the moment have special programmes for the protection of victims of trafficking and only few cases of trafficking have thus far reached the judicial system. When victims of trafficking do agree to testify in judicial proceedings they can benefit from the general witness protection measures and programmes available in each of the Baltic States.

In Estonia there are no victim/witness protection programmes but some other protective measures are available (e.g. the use of anonymous witnesses). Yet these have not been applied to trafficked women as in Estonia there have been no officially handled cases of trafficking in women. Estonia is reportedly in the process of adopting a Victim Protection Law. In Latvia the Code of Criminal Procedure has been amended to ensure better protection of witnesses and victims in general. Since 1997 Latvia also has special victim and witness protection units (at the office of Prosecutor General and Criminal Police). Yet also in Latvia trafficking victims have been unsurprisingly reluctant to testify against their traffickers for fear of repercussions. There are plans to introduce a Draft Law on the Protection of Witnesses and Victims to the Parliament in 2001 (in line with the two resolutions of the Council of the European Union²⁰⁶). In Lithuania the Code of Criminal Procedure and the law on the protection of those who participate in criminal proceedings (adopted 13.2.1996, I-1202) regulate the protection that is available for witnesses. The techniques allowed under the latter law include measures such as the physical protection of a person, the temporary removal of a person to safe place, the change of place of residence, work or study and the change of biographical particulars and other biographical data. The Code of Criminal Procedure allows the anonymity of witnesses in very serious criminal cases. Threatening or otherwise influencing witnesses is criminalized. Yet in Lithuania only limited public resources are available for the protection of witnesses and victims.

Last year the representatives of the governments of Estonia, Latvia and Lithuania also signed an Agreement on Cooperation in the Protection of Wit-

²⁰⁶ See supra section 6.6.

nesses and Victims to provide for more effective protection of persons (witnesses) during and after the judicial proceedings against criminal networks. Such persons can be temporarily or even permanently moved abroad to ensure their safety.

With regard to victims' access to assistance, the main responsibility is borne by nongovernmental organizations in all three countries. In Estonia neither the police nor the social sector are fully prepared to systematically address trafficking in women. Estonia has general crisis centres for victims of crime, staffed by volunteers. There are no NGOs specifically dedicated to helping victims of trafficking. NGOs to some degree involved in trafficking issues include the AIDS Support Centre (in Tallinn and in Tartu), the AIDS Prevention Centre (a public organization) and centres dedicated to helping children (in Tallinn and Tartu). In Latvia the state at the moment provides for no all-inclusive support system for victims of crime in general (state-sponsored victim support is only available to children who have become victims of physical, sexual and emotional violence). Since the 1990s crisis centres and emergency phone lines have been set up by NGOs. The state provides no services for adult victims of violence, such as victims of trafficking; the only (partially) publicly funded crisis centre is in the capital Riga and gives free psychological counselling to victims of trafficking. There are plans to open the first (again NGO) shelter for prostitutes and victims of trafficking Riga. As for medical assistance, when a victim of trafficking has become infected with HIV she can obtain free HIV/AIDS counselling and treatment and can have the right to a disability pension. Pregnant women with HIV infection (many of whom are prostitutes and drug addicts) can receive free HIV therapy. Also in Lithuania most legal, medical and psychological assistance is at the moment provided only by NGOs. However, the Lithuanian Ministry of Internal Affairs has prepared and reserved funding for a Programme for the Prevention and Control of Prostitution (2001-2005). Under this programme there are plans 1) to establish rehabilitation centres for victims of violent sexual and commercial abuse where they can receive legal, medical and other assistance, 2) to prepare a programme to fight against trafficking in women and to support and reintegrate victims of involuntary prostitution and 3) to establish "prostitute-support rooms".

Financial compensation to trafficking victims for suffering or damage is in principle possible in Estonia, Latvia and Lithuania under regular civil law procedures of each country. However, this possibility naturally remains rather theoretical as long as few cases of trafficking in women ever reach the authorities.

Neither Estonia, Latvia nor Lithuania currently provide for temporary (or other) residence permits (in exchange for testifying) for trafficked foreign nationals who find themselves in a Baltic State. This is understandable as all three countries are at the moment largely countries of origin rather than destination. Their profiles as sending countries differ: Lithuanian women are most often trafficked via Poland to Central Europe, in particular Germany, Latvian women often end up in Scandinavia or Central Europe (Germany, Switzerland, Spain, Greece or Italy) while Estonia to a large extent supplies women also to the Nordic countries (Sweden and Finland). All three countries also serve to some extent as transit countries (though the routes again differ), and it is likely they will in the future also become destination countries for women from poorer countries. Therefore the issues of residence permits and voluntary return assistance to non-national trafficked women can actualise sooner than expected also in the Baltic States. At the same time questions relating to nearautomatic expulsion of irregular or undocumented migrants will become relevant with regard to the situation of women trafficked into the territory of Estonia, Latvia or Lithuania.

7. PREVENTION OF TRAFFICKING IN WOMEN

7.1. General and Specific Measures

Measures to prevent trafficking in women can be roughly divided into short-term and long-term approaches. Short-term measures to prevent trafficking in women promoted by the international and European instruments are more specific and include education (e.g. information campaigns on the dangers involved in irregular migration and information resources for risk groups), general awareness-raising among the public, supervision and monitoring of employment agencies (who recruit women for work abroad), increased surveillance by immigration and consular authorities and stricter border controls.²⁰⁷ (It should be noted that for example the UN Economic and Social Council and the UN Special Rapporteur on Violence against Women have emphasised that immigration and border control must not limit the freedom of travel that is guaranteed by international law). States should also aim to develop nationally and internationally coordinated and multi-disciplinary strate-

²⁰⁷ Cf. the 1949 Convention, Commission on Human Rights, UN General Assembly etc.

gies (preferably with NGOs) to prevent trafficking and to develop training and procedures to intervene in trafficking situations.

More long-term efforts to prevent trafficking must acknowledge that on a more fundamental level trafficking in women is rooted in poverty, unemployment and lack of equal opportunities as well as discriminatory social and cultural notions of women's role in society. Therefore any comprehensive strategy against trafficking must address these underlying issues. Usually this idea is expressed by highlighting the importance of addressing the "root causes" that encourage and sustain trafficking in women and girls. This has been increasingly acknowledged in especially international human rights sources (e.g. the new UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography). The adoption of national strategies, comprehensive policies and other measures must basically aim to improve the economic and social status of women and girls in general to achieve permanent change. Social and economic rights, as guaranteed by e.g. the International Covenant on Economic, Social and Cultural Rights (1966) and the European Social Charter, are of course central to this issue. Yet this is the most difficult area on which progress can be achieved and measured. Addressing female poverty and unemployment and women's general economic, social and cultural position requires resources, changed attitudes towards sexual exploitation in general – and time.

As an example of the kinds of preventative action advocated by international instruments, the new UN Trafficking Protocol includes both specific and general measures against trafficking in women. It requires that short-term action such as information campaigns and research are conducted; at the same time it demands that state parties take measures "to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity" (art. 9). Significantly, there is a provision that also obliges states to adopt legislative and other measures "to discourage the demand that fosters all forms of exploitation of persons, especially women and children" (art. 9(5)). In comparison, the European Union has thus far been more involved in pursuing active criminalization strategies than preventative measures, with the exception of the 1997 Hague Declaration and EU support for information campaigns in Eastern Europe. Yet the recent EU tendency to increasingly support general crime prevention measures may also bring forth more initiatives to prevent trafficking in women.

7.2. Baltic States

Comprehensive national programmes and strategies against trafficking in women and sexual exploitation are still a rare phenomenon anywhere. Some specific short-term measures have been adopted in Latvia and Lithuania (the long-term efficiency of general social policies and programmes in the Baltic States is beyond the scope of this study).

In Estonia there are no special governmental programmes or projects to prevent trafficking or to deal with its victims. The resources allocated to combating trafficking in women are reportedly extremely scarce. In Latvia no overall governmental strategy or policy has been developed that would address prevention of trafficking in women. The Latvian NGO Genders organized an international seminar on "Trafficking in Women and Prostitution" in June 2000; participants included representatives of ministries, the Consular Department of the Ministry of Foreign Affairs, law enforcement bodies, health institutions and NGOs. Lithuanian authorities have recently begun to acknowledge the seriousness of trafficking (although the attitude of blaming the victim still exists). Thus far very limited public resources have been available for the protection of witnesses and victims. The Lithuanian police prepare crime prevention programmes (focusing on teenage crime prevention) and the Centre for Crime Prevention (public non-profit organization) is also involved in developing crime prevention in line with legal, social, economic and other reforms. The new Programme for the Prevention and Control of Prostitution (2001-2005) has the goal of preparing a programme on the fight against trafficking in women, which reportedly foresees the implementation of legal, administrative and preventive measures as well as social reintegration programmes (resources for the Programme will come from Lithuania's national budget and from foreign technical assistance projects).

CONCLUSION

Thousands of women are trafficked each year from the poorer countries of the world to the countries of Western Europe and North America for exploitative purposes and to conditions amounting to slavery. This much is agreed on among the international community, and international attention to trafficking is rapidly increasing with new instruments drafted to facilitate the fight against it. Yet trafficking in women is still a recent phenomenon in the legal arena both internationally and nationally, which is reflected in the fact that trafficking cases are in practice rarely identified as such. It can actually

be very discouraging to realise how many people are being used and exploited with impunity and seemingly little attention by the authorities, the media and the public. It is therefore crucial that international recommendations and requirements and practical national measures are effectively coordinated and harmonized, for merely acknowledging the globally harmful nature of the trafficking trade does not as such mean that effective action against traffickers will be taken or that the victims of such practices will be sufficiently protected.

The typical problems at the national level of enforcement often boil down to the prostitution and migration issues. Trafficking in women and girls is not often recognised as the serious crime it is but is instead labelled as prostitution, and therefore not a serious societal problem or a crime with a victim. And when trafficking victims are seen as irregular migrants and undocumented aliens, expulsion is not the exception but the rule. When trafficking actually is recognised as the heinous crime that it is, it is still extremely difficult to prove in a court of law without the full cooperation of the victims themselves who are, in most cases, unable to assist. Even with their help compiling sufficient evidence for a case that will stand in court is difficult as the legal framework in many countries still relies on prostitution provisions and needs revision. With adequate provisions in place, there is still a great need for material resources and manpower, and most importantly, attitudes that encourage the vigorous investigation, prosecution and punishment of traffickers while paying attention to the difficult and vulnerable position of the victims.

The Baltic States are progressing towards their objective, membership in the European Union. Work remains to be done with regard to trafficking in general and trafficking in women in particular, as the true nature of trafficking and sexual exploitation are not always understood by the authorities. This is not a problem of the Baltic States alone but also involves other countries in Eastern and Central Europe and many of the current EU member states as well. In the spirit of the Commission's Proposal for a Framework Decision on Trafficking, the problem should be tackled through effective criminalizations and active prosecution policies, not only in the applicant countries but the EU member states themselves. What is important is that trafficking in women is addressed through increased cooperation and shared responsibility when coordinated and comprehensive policies against trafficking are developed. At the same time the plight of the victims at the various stages of the trafficking process, though arousing growing concern, still needs to be recognised as an enormous human rights problem. Typically the victims' human

rights can be violated not only by their traffickers but by the authorities in the country of destination or transit as well. Especially with regard to the EU aim to fortify external borders it is of paramount importance that the victims are guaranteed respect for their fundamental rights.

Finally, the vast economic gap between the rich and the poor countries of the world and the pervasiveness of gender inequality in both countries of origin and destination are at the core of the trafficking problem. Tackling these demands not only great attention to the economic and social situation in the countries of origin in general but also the allocation of resources to improve the economic and social conditions in which women live through education, equal opportunities, anti-discrimination policies and social inclusion. This is the only way to permanently curb the supply side of trafficking and related exploitation. At the same time it is obvious that far too little attention has been devoted to the demand side of the issue. Effective and coherent policies against trafficking at both the national and the international level need to recognise both sides of the problem and develop measures to combat them

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Part II

TRAFFICKING IN WOMEN IN THE BALTIC STATES: SOCIOLOGICAL MODULE

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1. INTRODUCTION

The topic of this report and the study upon which the report is based seems of a great complexity. The bulk of current migration-related literature and media dispatches refer to the vices of trafficking in women. Various analysts repeatedly point to a growing scale and geographical coverage of that phenomenon, its connection with some severe social pathologies and its adverse effects on the societies and individuals affected.

Yet, quite surprisingly relatively little research has been undertaken on this subject to date. This is why a solid and scientifically established knowledge on structural aspects and magnitude of trafficking in women is still badly missing. As a consequence, the facts revealed not only by journalists and representatives of states, international organizations or NGOs but also researchers tend to greatly differ if not contradict each other, and are very often easy to contest. In view of such state of art, the study from which the present report draws, had constituted an attempt to attain two major aims: to systematise and clarify basic concepts and to substantially contribute to filling a gap in the existing knowledge.

In order to demonstrate that the matter is really rather complex it suffices to note that the meaning of hardly any notion directly related to the title of this study is unequivocal. In a recent professional literature the issue of trafficking in human beings easily intermingles with (or becomes a part of) the problematique of international population movements in general and illegal migration in particular. In turn, the issue of trafficking in women as a rule entails a preoccupation with illegal female foreigners made victim of sexual exploitation. Finally, the three Baltic States (or at least some of them) are frequently perceived as a resource area of women subject to trafficking or a host to a considerable part of the westward transit and criminal organizations that assist illegal transit migrants. It would not be difficult to offer a number

of other, equally viable and plausible ways or perspectives of conceiving those notions. Thus a measure of methodological coherence and rigidity in applying them to the analysis of trafficking in women in the Baltic States appears necessary.

2. TOWARDS THE SYSTEMATISATION OF BASIC CONCEPTS

The concept of trafficking in women is clearly derivative of a more general term of trafficking in human beings. Literally, the latter implies an illicit trade in people, a contemporary form of slave trade (“white slavery”), inherently coexisting with deception, exploitation and coercion (Salt and Hogarth, 2000; Skeldon, 2000).

Modern states universally prohibit trafficking in human beings. A major initial step in the eradication of that phenomenon has been *the International Agreement for the Suppression of the White Slave Traffic*, signed in Paris on 18 May 1904. Since then a number of international conventions, protocols or proclamations have been accorded, usually under the auspices of the League of Nations or later the United Nations, bringing together more and more countries to common understanding of and position towards trafficking in persons (Siron and Baeveghem, 1999).

It is therefore natural that at present any form of trade in human beings is illegal, practically all over the world. There still exist, however, certain areas where this kind of trade facilitates satisfying the demand of various groups of consumers. The task of pursuing that trade is taken on by criminal organisations.

The range of prohibited activities identified as traffic in people has evolved, although not necessarily in a consistent manner. In the beginning (1904)²⁰⁸ it was limited to “the procuring of women for immoral purposes abroad”. Until 1950, the recruitment for prostitution or sexual exploitation involving a transfer of a person to another country continued to be the only focus of international community in the effort to prevent trafficking in human beings. The only exception to the established rule was the inclusion of underage boys (in

²⁰⁸ International Agreement for the Suppression of the White Slave Traffic, signed at Paris on 18 May 1904.

addition to adult women and minor girls) as potential subjects of the trafficking (1921).²⁰⁹

It seems clear that the main reason why those early documents dealing with “white slave traffic” explicitly referred to the practices involving migrants alone was the fact that they were crafted for and eventually adopted by international fora who lacked a mandate to interfere with the internal legal order of any individual state. By all means, however, the condemnation of international trade in human beings implied very much the same with regard to a national perspective.

A related UN convention signed in New York on 21 March 1950²¹⁰ extended the notion of “the traffic in persons” in a very substantial way. It committed all co-signatories to combating and punishing “the traffic” meant as both the recruitment for prostitution and exploitation of prostitutes, irrespective of their age and gender, and the territorial reach. Thus, for the first time, the international convention of relevance explicitly banned trafficking in human beings conceived not only as a transnational activity but also as an activity that takes place within the sovereign domain of individual state. A decisive stage in this evolution was marked in November 2000 when the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (supplementing *the United Nations Convention against Transnational Organized Crime*) was adopted by the UN General Assembly. The scope of the now widely recognized trafficking definition, included in the Protocol, included such activities as related (besides sexual exploitation) forced labour, forced or false marriage and even the trade in human organs or organic tissues.

In summing up, underlying foundations of the concept of trafficking in human beings seem rather clear. It is basic human rights, which need to be unconditionally protected. Naturally, the notion of human beings to be protected pertains to all individuals, irrespective of their citizenship or nationality/ethnicity, gender and age. Therefore the trafficking is a dynamic concept that at present includes a broad variety of illegal activities (as listed in the definition of the Protocol) carried out either within one country or on international scale,

²⁰⁹ International Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921.

²¹⁰ Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, adopted by the General Assembly of the United Nations on 2 December 1949.

which involve a breach of one's personal freedom by means of deceit or coercion (i.e. against that person will). The very nature of those activities implies profit orientation on the part of the traffickers and exploitation of the trafficked, which adds the notion of trafficking an economic flavour.

The broad definition provided by the UN Protocol encompasses numerous facets of the complex phenomenon of trafficking in human beings, where abuses of human rights are essential elements. However, conceptual confusions can still be possible. For example the moral and human dignity concerns on trafficking can be mixed with similar concerns on prostitution,²¹¹ which however in its voluntary forms are not trafficking, contrary to the forced and exploitative variants. Likewise, migration, legal or illegal, can be parts of the trafficking process but as such are separate phenomena.²¹² Same goes with smuggling of people, often part of trafficking process, but not always. For smuggling of people the other UN Protocol, parallel to the above-mentioned trafficking protocol, provides both definition and obligations for states parties to introduce counter-activities.

3. THE SUBJECT OF THIS REPORT SLIGHTLY ADJUSTED

²¹¹ For an example of the dangers of conceptual confusion, see the article of Omelaniuk and Baerten (1999) where trafficking in women, prostitution, and migration are dealt with in such an intense way that it may lead some readers to get biased impression of assumptions behind linkages and overlapping between the closely related phenomena.

²¹² A prominent example presents a suggestion (uncritically quoted by various authors, e.g. Siron and Baeveghem, 1999) included in UNDP *Human Development Report 1999* that around half a million women each year are trafficked from Central and Eastern Europe to other parts of Europe. While that estimate might hold for the number of illegal migrants, it seems absolutely unrealistic when it comes to the possible scale of trafficking in female migrants. For instance, according to an estimate made in Italy (IOM, 1996b), in the mid-90s from among 400,000-500,000 female migrants only around 2,500 were the trafficked prostitutes (less than 10 per cent of foreign female prostitutes were the victims of trafficking). Therefore what UNDP meant by „trafficking” was most probably all forms of illegal migration (or, at best, assisted illegal migration) between eastern and western part of the continent. In addition to the above cited UNDP “estimate”, one may also mention a report (by O'Neill Richard) presented in 1999 to CIA, which claims that from 700,000 to two million children and adult women are trafficked globally each year (Trafficking in Migrants, 22, 2000).

As it will be demonstrated later on in this report, current international migration not only takes place, at accelerating pace and widening geographical coverage, from economically less to more developed countries, but it also involves increasingly more irregularities. Earlier or later migrants become vulnerable, and many of them end up as victims of abuse and exploitation by employers in destination countries or brokers. Some of those migrants might be the victims of trafficking.

Some female migrants seek employment in a service sector where workers are selected according to their sexual appeal. Not all, perhaps a minority rather than a majority of women, would meet criteria of an appropriate candidate for working there. A part of those migrants might be deceived, and some of them even forced to performing roles expected in that sector.

However, there is definitely a demand in more developed countries for women who would render sexual services either as plain prostitutes or as sexual performers of any other kind, and there definitely might be migrant women who are willing to perform those roles, and who at the same time meet the “professional criteria”.

From this description it is by no means obvious whether the women who earn money by using their sex appeal need to be trafficked to do so, and whether trafficking is intrinsic trait of that “profession”. Nor is it clear whether being a migrant prostitute, even a foreign prostitute devoid of a permission to work, must make her a prey to traffickers.

This report aims at addressing those questions. Its strict subject therefore is trafficking in native and foreign prostitutes (from the perspective of the Baltic States).

4. THE CONTEXT AND MECHANISM OF TRAFFICKING IN FEMALE MIGRANTS

Specifying analytical problems related to the reported study requires its context to be introduced first. This seems of utmost importance because, as mentioned in the Introduction, the subject of the study is very complex and ambiguous, which largely stems from a complexity of the context of trafficking in women in general and in the Baltic States in particular.

In presenting the context of trafficking in women in the Baltic States, its four major aspects will be specifically distinguished:

- gender-related characteristics of contemporary division of labour and labour markets in global scale;
- gender-related characteristics of recent international migration;
- specificity of female employment in a modern sex and entertainment industry;
- specificity of post-communist transition with particular reference to the predicament of woman.

Global labour market

Although contemporary global economy is vastly internationally divided, it is based on a sophisticated division of labour, relatively high flexibility and tight international links. With a strong tendency towards an increasing deregulation and competition, not only that trade and capital flows have attained a global reach, but also the flow of labour. Fast development of information technology facilitates the globalization of markets, know-how and consumption patterns (Omran, 1999).

One of the prerequisites of global economic competition is lowering of labour costs. That task proves rather difficult in the highly developed and capital-abundant economies where strong trade unions prevent any substantial deterioration of wage standards and/or a large part of local labour force enjoys a protective umbrella of the welfare state (Harris, 1996; Dahrendorf, 1998). By necessity a “new international division of labour” has emerged in order to serve the task of wage moderation, and whose distinct (and complementary) traits include *inter alia*: an intensified import of foreign workers by countries with relatively high and inflexible wages, and an intensified export of capital to countries with low wages (Sassen-Koob, 1983). The both trends are said to bear strong gender underpinnings.

It has been argued in the literature that, on the one hand, in labour importing highly developed economies female migrants might largely be preferred to male migrants as cheaper and more easily controllable workers or the former might be attracted more than the latter due to structural factors (demand in occupationally segmented and sex segregated labour markets), whereas, on the other hand, a major magnet for the capital flowing to low developed economies might be a practically unlimited supply of cheap, malleable and docile female labour (Lim, 1995).

Specifically, a rapid growth of the service sector in certain western countries, under the rigidities of labour market in those countries, combined with the deregulation of global economy, have led to what is named “re-feudalization” of services in those economies (Omela niuk, 1998). A characteristic manifestation of that phenomenon is a huge flow of service providers, mainly domestic servants, from relatively poor countries, often “assisted” (formally or informally) by various brokers. Organization of this flow appears to be a highly profitable trade in itself, and “victims” of such trade are predominantly women. Generally, the new international division of labour is readily associated with the exploitation of female workers (Hancock, 1983; Sassen-Koob, 1984; Lim, 1995).

Main forces of to-day international migration

It is clear from recent developments in the international economy that they have prompted more labour migration than ever before. That trend is manifest in growing numbers of migrants and above all in growing varieties of sending countries. In numerical terms, the migrants are mainly low skilled and as a rule they flow from less to more developed economies (UN, 1998). The principles that govern those movements seem to be aptly captured by a recent theoretical synthesis (Massey, 1999).

In the context of globalizing economy, the introduction of markets and production techniques that are capital-intensive into less developed and peripheral economies undermines traditional social and economic organization, and creates a mobile population compelled to adopt new strategies of economic survival. One of those strategies might be moving to an area with viable employment opportunities. Since locally such opportunities are usually scarce, peripheral regions that are undergoing deep structural changes (rather than stable traditionally poor regions) provide a bulk of potential long-distance (international) migrants.

On the other side of international migration equation, modern rich economies generate a considerable demand for non-highly skilled workers that systematically exceeds the effective supply of local labour, irrespective of the aggregate unemployment level. This is due to a peculiar pattern of growth (and global competition) that results in a bifurcation of labour markets. A part of those markets (the “secondary sector”) offers jobs that are associated with low wages, weak stability of employment and very slim chances for pay improvement and upward mobility. Those jobs are avoided by native labour,

even the unemployed, which leads to a structural excess demand for migrant workers. This is most striking in the so-called global cities or other growth poles of the centre of the present-day world economy, where “a concentration of managerial, administrative and technical expertise leads to a concentration of wealth, and a strong ancillary demand for low-wage services” (Massey, 1999: 49).

Under circumstances where employers fail to attract local labour, a tenable alternative becomes the flows of immigrants. Those flows are frequently initiated and supported, either formally and directly or not, by employers themselves. In pursuing this task the employers resort to organized intermediaries or the state for help. As migration of workers continues, however, the recruitment loses its importance, and the process of labour migration gets less and less orderly and controllable. This is because initial migration contributes to the development of migrants networks, which not only tend to increasingly affect the flows of labour, but they exercise that influence relatively autonomously and largely independent of immigration policies.

What occurs next, is described by Massey (1999: 49, 50) in the following words:

“The spread of migratory behaviour within sending communities sets off ancillary structural changes, shifting distributions of income, and land, and modifying local cultures in ways that promote additional international movements. Over time the process of network expansion becomes self-perpetuating because each act of migration creates social infrastructure capable of promoting additional movement. As receiving countries implement restrictive policies to counter rising tides of immigrants, they create a lucrative niche into which enterprising agents, contractors, and other middlemen move to create migration-supporting institutions that also serve to connect areas of labour supply and demand for purposes of profit, providing migrants with another resource capable of supporting and sustaining international movement”.

Since over the last quarter of a century or so, in many countries those spontaneous transnational flows of workers, designed to link unmet demand for low paid workers in certain areas of the globe with abundant resources of cheap labour elsewhere, took on an excessive scale, many countries discontinued or prohibited recruitment of foreign workers and introduced immigration policies aiming to curb the inflow of foreigners. The symptoms of superfluity of immigration included *inter alia* growing unemployment among

foreign workers, difficulty in the integration and exclusion among the foreigners and widespread of xenophobia on the part of native population.

Adoption of the restrictive policies in the era of massive and partly self-sustained international migration, gave way to the explosion of illegal movement of people, and also to illegal profiting on migration. Instrumental for that process proved modern means of telecommunication and transportation.

Illegal business of migration includes increasingly diversified forms of organized migrant smuggling and trafficking. That recent phenomenon has been convincingly systematised in a model developed by Salt and Stein (1997).

The business of illegal migration is internationally organized and divided, and deeply rooted in criminal underworld. It encompasses three consecutive stages: the process of mobilisation and recruitment of migrants in their countries of origin, the process of transportation and smuggling of migrants, and the process of migrants' insertion and integration in destination countries (in those countries labour market, in particular). The system involves a number of closely connected operations or functions, such as information gathering, the planning of smuggling process, management of financial flows, international coordination of various technical tasks, etc. A great demand for services of organizations dealing with illegal migration from both potential migrant workers and their potential employers, combined with a relative leniency (bordering with ambivalence) towards those organizations on the part of national and international legislatures (and low risks related to criminal activity in this area), have contributed to a presumed high profitability of the business of migrants' smuggling and trafficking.

The development of trafficking in migrants appears to have its roots in the growth of hidden economic sectors where business activities intermingle with criminal activities (Ruggiero, 1997). The involvement of criminal organizations in a considerable part of contemporary labour movements, which stems from two largely exclusive factors: a high economic potential for those movements and a scarcity of legal channels through which the flows of workers could materialise, puts at stake human rights of many migrants and in frequent cases victimises them in the process of migration. From among all migrants, women are particularly exposed.

A special exposition of female migrants to the risk of being a victim of human rights abuse due to the very fact of illegality of their migration ensues from certain structural features of the global labour markets that have already

been described. A central factor, however, seems, almost universally over the globe, inferior economic and political position of a woman in society owing to its cultural and social foundations. Thus in the sending countries female workers are being recruited as “inferior” labour, while in the receiving countries they are being offered “inferior” jobs (UN, 1995).

It might also be noted that that as a rule in a strongly segmented labour markets, a large proportion of traditional “female” jobs belong to lower segments of those markets. On the other hand, what does not necessarily contradict the previous observation, a great number of jobs available to female migrants are generated by industries that belong to grey economy (e.g. domestic servants) or seem to be infiltrated by criminal organizations (e.g. sex and entertainment industry). It is clear that in either situation the position of an employee (i.e. mainly a woman) is highly vulnerable.

This is specially so when it comes to foreign prostitutes. As already demonstrated, the notion of trafficking in migrants has been historically strongly associated with female migrants who worked as prostitutes. Although it has been argued that such perception of trafficking is probably too narrow and at present a little outdated, a view seems plausible that women engaged in prostitution, and possibly the foreigners more than the natives, are among major risk groups that are exposed to trafficking. As a matter of fact, from the perspective of wealthy western countries, economic activity where trafficking might be quite common is sex and entertainment industry who seems the main employer of migrant prostitutes.

Sex and Entertainment Industry

The sex and entertainment industry (S&EI) constitutes that hidden economic sector, pointed to by Ruggiero (1997), where business meets criminality. In some affluent western countries or newly industrialising (transforming) countries it has reached an important position in the national economy or has become an engine of growth of its major branches, e.g. in certain cases it became an integral part of the tourist industry. It is a complicated deeply subdivided area where each part caters to different markets and displays its own geography, price structure and organization (Skeldon, 2000).

The analyses that strive to explain a recent blossoming of that sector of the economy are scarce. According to one of the rare attempts, a leading factor has been a growing demand for “hospitality services” from the male work-

force subjected to an increased mobility under the conditions of modern and globalizing economy (Phizacklea, 1999). In line with this postulate, “sex affective” services have become a part of the corporate management apparatus. As argued by Truong (1996: 36), “once a corporation allows its employees to claim entertainment as business costs, entertainment enters the corporate management system, and becomes repeated in different branches and location”. Among causes of a more general nature, one might also mention post-modern changes that include shifting gender roles and a decline of steady marital union, accompanied by a trend towards individualisation, career orientation, and value and moral relativity (Ester *et al.*, 1995).

Undoubtedly, an important factor that has contributed to the eruption of services rendered within S&EI had been the revolution in communication industry. On the one hand, thanks to the development of mass media, the penetration of life styles and behaviour patterns that incorporate or focus on eroticism has become much wider in the society than any time in the past, and it continues to develop rather quickly. On the other hand, both the service providers and customers can get in a contractual relationship much more easily than before using modern telecommunication and electronic media and modern transportation means. A distinct example that supports this view might be the technology-led invention of popular new forms of the S&EI services, such as “virtual sex” to be committed by internet.

Services rendered within S&EI range from relatively “innocent” telephone sex, performances in night bars, variety shows, discotheques or casinos as bartender, waitress or dancer, and playing a role of hostess, escort or companion, to posing in pornographic acts/films or participating in live sex shows, to services offered in massage parlours and brothels. A key factor in the selection of immediate service provider is her (sometimes, his) sex appeal, and a key profession within S&EI is prostitution.

In a classical work on prostitution, Flexner (1912) used the term *le trafic* (venality) as a major trait of that profession. A more contemporary meaning of prostitution, apparently plausible enough today, accounts for a set of specific characteristics of a prostitute’s behaviour, such as open, regular and commercial acts of an individual whose aim is to contribute to somebody else’s sexual excitement or to fulfil someone’s sexual desire or lust (Kinsey *et al.*, 1953). Bernsdorf (1959) stresses the importance of patriarchal organization of the contemporary society for the spread of prostitution. In accordance with his argument, when faithfulness of steady sexual partners (e.g. husband and wife) is a universally accepted norm, and the society is highly

stratified and social roles of man and woman are asymmetric, a room emerges for “institutionalised prostitution”, which enables men (sometimes women, too) extramarital sexual relationships or other forms of extramarital erotic activity. This seems to hold also under the conditions when alternative forms of steady sexual unions (e.g. cohabitation or living apart together) become prominent.

From sociological perspective, having a sexual intercourse with a customer is by no means a prerequisite of being a prostitute. For a range of erotic functions performed by a prostitute is wide and in fact open-ended. Instead, as already mentioned, tradability of a service provider, combined with satisfying of a certain customer-specific sexual need, seems essential and indispensable. This is why being an immediate service provider in S&EI falls short of being a prostitute, and indeed a large number of employees in that sector are *ipso facto* involved in prostitution.

The results of many studies point to the fact that a large majority of women working in S&EI, including those admitting to be prostitutes, do that voluntarily. In view of the females involved, there is a number of attraction factors associated with employment in the sector, like a generally favourable rate of earnings in S&EI (relative to other sectors), a rather low incidence of unemployment and, especially for the members of bottom social strata, some career and social upgrade prospects. On the other hand, among those vulnerable or naive women who have been deceived or forced into prostitution, whose number appears relatively small, migrants seem to be over-represented. Nevertheless a high profitability rate of S&EI, links of the sector with criminal world and – last but not least – ambiguity among the society towards prostitution (tolerance mixed with moral condemnation of commercial sex) make, on the one hand, the people that run the business ruthless and greedy and, on the other hand, the employees vulnerable. The outcome might really be a relatively high intensity of trafficking of in persons employed in S&EI.

Although in more developed countries activities pursued within S&EI are as a rule legitimate, and in many of those countries even open prostitution is either lawful or tolerated by the structure of legal order, there exists a strong bond connecting that economic sector with illegality or criminal organizations. This is above all because immediate service providers (by and large – young females) need protection.

In a typical situation when rendering of erotic services is fully legalised, employees are rarely fully protected (on equal footing with other professions) by the law against occupational hazards. Since, by its very nature, that kind of activity occurs out of sight, in dimmed light, and often in secluded places in a “face-to-face” situation, female workers can easily be abused by customers, and in fact they do become an object of maltreatment.

When the state, with its legislation and law enforcement system, allows for a free development of S&EI but at the same time it demonstrates a measure of hypocrisy by denying a proper protection to employees of that sector, a room emerges for various irregular intermediating agents, like pimps or internal security services of S&EI establishments. A commercial side of the protective activities of those agents, however, is generally illegitimate.

High profitability might be the reason why, once needed in a narrow scale, pimps and other agents do whatever possible to extend the “territory” of their authority, and resort to violence, extortion and blackmail to subdue new “clients” or tie up the old ones. According to a large majority of studies on prostitution, the role of a security agent (e.g. a pimp) is central and nearly indispensable. Those agents, however, are either recruited from the criminal underworld or closely collaborate with that underworld.

Finally, it might be mentioned that in many more developed countries, where human rights standards are generally high, the protection of human rights of the irregular migrants, in this number females employed in S&EI, seems to be neglected. As found out in an IOM study on sexual exploitation of female migrants in Austria (IOM, 1996a), illegal migrants can relatively easy be registered by the police as legal prostitutes, and “little action is taken against owners of sex establishments”. An argument of “lesser evil” is used in this case because supposedly “if tougher action were taken by the police, the sex industry might be forced underground and might fall under foreign control which would make it more difficult to combat organized crime” (*ibidem*: 2).

Post-communist transition

The collapse of the Soviet empire and the shift from totalitarian and centrally planned regime to a system governed by democracy and market regulation has affected all three discussed so far aspects of trafficking in women in the Baltic States. This is a case, discussed more generally by Massey (1999),

where a profound social change leads to an increased propensity of the population to migrate.

A number of factors related to the post-communist transition of the Baltic States, which might be affecting international migration seem specific to that particular region and that particular time. Of foremost importance appears a characteristic ethnic composition of the population of the region influenced by the past Soviet policy of ethnic mixing and promotion of Russian speaking persons to high professional positions or even certain entire occupations everywhere in the USSR. As a result, at the onset of the transition the share of internal immigrants in the population of all three countries was very high, the highest in Latvia where the proportion of native Latvians fell below 50 per cent. After the break-up of the Soviet Union and setting up of national boundaries between the former republics, this created a potential for at least two strong flows of people: return migration of persons originating from other parts of the ex-USSR and further inflow of relatives of the former immigrants.

The other factor of relevance might constitute economic, cultural and geopolitical status of the Baltic States *vis-a-vis* the other former Soviet republics. Firstly, of all, the market-oriented reforms in Estonia, Latvia and Lithuania went much more deeply and more consistently, the economic stability, including consumer goods market equilibrium, was greater in those countries, and, generally and on the average, the level of living was higher. Secondly, contrary to other post-Soviet states, the Baltic States relatively quickly started to enjoy a satisfactory degree of democratization, social order and political stability. Thirdly, Estonia, Latvia and Lithuania, with their Hanseatic League traditions and attachment to western Christianity, during their pre-Soviet history and after 1990, maintained closer links with the rest of Europe than Russia and the remainder of the ex-USRR. Finally, the Baltic States have recently entered rather unique for that part of Europe direct and comprehensive relationships with Finland, Sweden and other Scandinavian countries, including intensive movements of persons. Additionally, Lithuania, thanks to a relatively easy access to neighbouring Poland, has become a gateway to Germany and the European Union in general. All this made Estonia, Latvia and Lithuania an attractive destination area, especially for the citizens of the CIS or migrants from other countries being in transit to the West.

Lastly, it should also be emphasised that during the transition period, the three Baltic States themselves, on the one hand, have been a subject to the austerities, increased stratification, unemployment and eventually the rise of poverty

zones, and, on the other hand, they all embarked on the path of accelerated catching up with western life styles and consumption patterns. This generated increased social, occupational and territorial mobility, including mass travelling abroad for petty trade and, ultimately, migration for work.

As far as the austerities and unemployment level are concerned, in a manner typical for all post-Soviet countries, women were more severely affected than men.²¹³ Thus quite logically, females proved to be particularly prone to social and territorial mobility during the transition period. According to some accounts, due to widely conceived economic liberalisation, the domestic S&EI has been booming since the collapse of the Soviet regime (Galiana, 2000). A contributing factor has also been the influx of new recruits from among young females confronted with bleak employment and career opportunities.

Quickly the Baltic States, as much as other post-communist countries, have joined the ranks of major suppliers of female employees to the S&EI in Western Europe. Apart from a large supply of local female manpower in Estonia, Latvia and Lithuania, this resulted from the fact that certain western countries, while having severely restricted labour migration from the East to the West, left a small number of loopholes in their regulations allowing for the legal inflow of workers from the East. A considerable position among these loopholes occupied provisions that made perfectly legitimate migration related to the contracts in S&EI. Occasionally, work in that sector (as “artists” or “dancers”) was a unique legal employment option available to migrants from Central and Eastern Europe (IOM, 1995; Siron and Baeveghem, 1999).

A highly vulnerable position of woman in the Baltic States during the transition period combined with a precarious status of female migrants from those countries in the West might have been a factor conducive to their exploitation if not trafficking.

According to OECD (2001), immediately after the initiation of market reforms and the restoration of political sovereignty, reported emigration from the Baltic States quickly reached the peak (at relatively high level) but since

²¹³ As pointed to in the Lithuanian report ([Sipavièienë and Tureikytë], 2001: 1), “unemployment [...] mostly affected women, including those with small children. Trying to survive, women undertake any job, sometimes even providing sex services”.

1993 the number of emigrants was on the decline. On the other hand, unlike during the Soviet era, the flows of international migrants in those countries largely comprised unreported movements.

By and large, over the 90s the return migration of Slavonic population to Russia, Ukraine and Belarus continued to prevail although its proportion in the total outflow seemed to decrease. Emigration to the West increased from 11-14 per cent of the total outflow in 1990 to 22-38 per cent in 1998 (with the lowest share observed in Estonia and the highest share observed in Lithuania). The immigration flow includes mainly the relatives of persons of Russian, Ukrainian or Belarussian nationality who settled in the Baltic States in the past.²¹⁴ In the late 90s those migrants accounted for more than 80 per cent of the total. Individual countries other than the CIS are usually represented by a few (up to 30) immigrants a year.²¹⁵

A relatively large category of foreigners who since 1990 tend to enter the Baltic States (mainly Lithuania) are also migrants in transit, who as a rule travel illegally with an intention to be smuggled into Germany (through Poland).

In all three countries, however, in the second half of the 90s the number of illegal migrants has been declining. Estonia recorded only 450 (unsuccessful) illegal border crossings in 1998, which meant one-third less than in 1996 (Ratnik and Magi, 2000). In Latvia 1,124 foreigners were prevented from illegally entering the country, and only 324 foreigners were detained for illegality of stay in 1998 (by 23 per cent less than a year before) (Gromovs, 2000). The trend in Lithuania was even more spectacular. The peak in illegal border crossing which occurred in 1997 seemed rather high (2,012 cases) but the number recorded in 1999 was almost negligible (261 cases) and by 87 per cent lower (Vidickas, 2000).²¹⁶ Those developments reflected increasing efficiency of the efforts of the three countries (with the support of the international community) in their border control and combating migrant smuggling or trafficking (OECD, 2001).

²¹⁴ In Estonia a quota system is followed which allows annual immigration up to .05 per cent of the total population, e.g. in 2000 – 610 persons (Ratnik and Magi, 2000).

²¹⁵ The highest number recorded in the 90s (in Lithuania, 1996) was 29 (immigrants from Vietnam) (Vidickas, 2000).

²¹⁶ Tureikytė and Sipavičienė (2000) present slightly different data (1,535 for 1997 and 349 for 1999) but point to similar trend.

In 1995-1999 around 500 foreigners were detained (in deportation centres) in Estonia whereas around 5,500 migrants were ordered to leave the country and 330 actually expelled. Most of them were the citizens the CIS. On the other hand, Estonia does not seem to attract persons applying for a refugee status. Between July 1997 and the end of 1999 only 45 foreign citizens submitted an application, of whom one-third originating from Afghanistan and Pakistan (Ratnik and Magi, 2000). In turn, in Latvia 1,912 persons were expelled to Russia alone in 1998 (by a quarter less than in 1998). Similarly to Estonia, the number of asylum seekers was very low; in 1998 and 1999 only 53 application were submitted, mostly from the citizens of Russia (10), Iraq (6), Afghanistan (5) and Pakistan (5) (Gromovs, 2000). By sharp contrast, in Lithuania 550 application for refugee status were submitted since the mid-1995, of whom 90 per cent from persons who entered the country illegally. Until the end of 1999 44 foreigners have been granted refugee status. Since a majority of illegal migrants found in Lithuania came from outside the ex-USSR, a major programme of migrants' deportation to home countries have been launched. Between 1995 and 1999 more than 8,500 foreigners have been returned to their countries of origin. Major home countries included: Russia, Pakistan, Sri Lanka, India, Bangladesh, Belarus and Afghanistan (from nearly 800 to more than 1,000 persons from each country) (Vidickas, 2000).

Undoubtedly, the population movements from or through the Baltic States have reached a significant degree. For instance, Lithuania has become renowned for hosting large numbers of irregular migrants from many post-Soviet, Asiatic and African countries who headed for Germany, Poland and other countries located to the west. In the 90s this drew a great attention of media, the governments in potential destination states, international organizations and researchers.²¹⁷ The flow of females from the Baltic States, believed to be employed in S&EI in the West, was also of considerable size. For instance, in the mid-90s more than one-third of all work permits granted by Switzerland to *artistes de variétés* (performers in S&EI) went to women from Central and Eastern Europe,²¹⁸ of which 10 per cent to citizens of the three Baltic States (IOM, 1995). On the other hand, citizens of Estonia, Latvia and above all Lithuania started to be highly noticeable in the records of illegal immigrants in the West. An official German estimate claims that in

²¹⁷ This was reflected in a number of studies on that subject conducted in Lithuania in the 90s, commissioned or animated by IOM, ILO and other international organizations (e.g. IOM, 1997, 1999, 2000; Sipavièienė and Kanopienė, 1999).

²¹⁸ For comparison, the share of all other European countries was merely 6 per cent.

1999 as much as 16 per cent of all foreigners considered in criminal investigations on trafficking originated from the three Baltic States (Trafficking in Migrants, 22, 2000). Bearing in mind that a respective proportion in case of citizens of any other major resource country (with the sole exception of Ukraine) was considerably lower, and the population at home much larger,²¹⁹ this may justify a special interest in trafficking in human beings in the Baltic States.

5. MAJOR ISSUES INCLUDED IN THE PRESENT STUDY AND RESEARCHERS' *MODUS OPERANDI*

Undoubtedly, as already argued, the issue of trafficking in women belongs to very difficult ones, which are complex, sensitive and concealed, hard to penetrate by means of scientific method. This is due to the fact that the issue focuses on three different and to a large degree independent of each other, and, in addition, very complicated topics: international migration, human trafficking and prostitution (or, more generally, sex and entertainment industry), all involving a substantial component of irregularity.

Furthermore all three topics reflect social phenomena that in certain countries gained prominence only recently under the influence of political and economic transition. For this reason, individual members of the societies, social institutions and laws are hardly able to cope with those phenomena. The countries affected comprise those undergoing transition to the market economy and democracy, and *i.a.* include the Baltic States: Estonia, Latvia and Lithuania.

Trafficking in migrant women in the three post-Soviet countries located along the Baltic coastline is said to be a fairly recent phenomenon. It owes its novelty to newly acquired (after decades of repression by the Soviet administration) freedom of international travelling, and the introduction of market economy.

The present study has been launched in December 2000 and completed in June 2001. The selection of Estonia, Latvia and Lithuania can be attributed to two factors: research interest in those three countries and expected lesser

²¹⁹ For instance, the Russian Federation whose total population is about 20 times larger than the population of the three Baltic States was represented by merely 11 per cent of persons subject to trafficking whose cases were investigated.

(compared to many other countries) difficulty in capturing certain illegitimate aspects of phenomenon, which are the subject of the study. This apparent relatively low degree of difficulty stems from a small size of the countries involved, which might make illegality inherent in trafficking in women more transparent.

The direct objective of the research has been to explore and extensively describe the personal characteristics, and individual and group behaviours of women employed in the sex and entertainment industry (S&EI)²²⁰ as well as to inquire into the factors leading to that employment. The ultimate objective has been to analyse the extent to which those women are subject to human rights violations (from exploitation and abuse to trafficking), and the significance of being a migrant for that phenomenon.

The fact that present study has been confined to the predicament of females that find employment (and/or are trafficked to be employed) in S&EI stems from the intention of researchers to focus on those aspects of the phenomenon, which in the light of available information constitute the mainstream of current trafficking in women in the Baltic States. An interest in trafficking in women for work in other economic sectors or for non-economic purposes was, therefore, intentionally constrained.

Also, it has been suggested that so far some features of trafficking in women were relatively well depicted while some other features, of no lesser cognitive importance, were largely neglected by researchers. For instance, there exists a body of information about traffickers, women subject to trafficking and the functioning of trafficking networks,²²¹ but very little is known about root causes of the most recent wave of trafficking in women. This has become the main premise of focusing this study on the root causes of that phenomenon.

²²⁰ Instead of rigorously defining of S&EI, a working definition has been adopted, according to which S&EI employment comprises the persons rendering direct services in brothels, night bars or clubs, variety shows, casinos, “exotic” saunas or fitness clubs, other companies employing call-girls, escort persons, strippers, masseurs, persons performing in sex live shows (or peep shows) or in pornographic sessions, persons working for telephone “hot sex-lines”, individually operating prostitutes (above all, street or road prostitutes), and assisting pimps or security agents.

²²¹ It is commonly known that a series of IOM studies made a major contribution to this stage of art.

A basic question set forth in the study, which became a source for specific hypotheses to be tested, was as follows:

What is the main cause of trafficking (“white slavery”), with particular reference to the exploitation and human rights abuse related to the employment in S&EI of migrant women? Is it one’s situation as a (an illegal) migrant or rather a nature of the industry of one’s employment?, and to what extent those two potential causes interplay?

Due to a high complexity of subject, the study drew on three different theoretical streams: theory of migration (by Massey in his synthesis), a model of human smuggling/trafficking (by Salt and Stein) and social concept of prostitution (by Bernsdorf).²²²

In order to get a comprehensive knowledge on the context and mechanisms of trafficking in women and the characteristics of women subject to trafficking, the study inquired into the following major areas:

- activities of the state organizations dealing (directly or indirectly) with trafficking in women;
- activities of NGOs involved in assisting and/or protecting women subject to trafficking;
- public opinion and state of mind as reflected by media coverage, opinion polls and attitudes of selected young women;
- structural characteristics and functioning of S&EI;
- characteristics and opinions of women in need of assistance or detained/deported for illegal conduct who might be engaged in S&EI (prostitution);
- characteristics and opinions of native and foreign female prostitutes.

The ultimate objective of the study has been to provide plausible answers to the following set of questions:

- What in view of the organizations approached are: the scale, causes and consequences of and the measures to combat trafficking in women and the effectiveness of those measures, as well as personal characteristics of the women, including nationality and ethnic group?

²²² See Section 4 of this report.

- What are perceived major factors leading to the employment in S&EI, and how strongly those factors operate in present conditions of a country?

- What are basic differences in the strategies, behaviours, employment conditions and modes of the exploitation of women who are native prostitutes, foreign prostitutes and nationals who presumably (or actually) work as prostitutes in a foreign country? To what extent being a migrant affects those behaviours and conditions of work (and the incidence and degree of abuse)?

- What are the mechanisms driving/forcing those particular women into prostitution?

- What are principal personal characteristics of the investigated women, and how do those characteristics correlate with their personal histories of becoming and working as a prostitute or being trafficked?

- What are specific mechanisms of transferring and insertion of foreign women into a given country, and of that country nationals into a foreign country? What are specific mutual obligations of women and traffickers?

- What are major expectations and plans of the investigated (presumed or actual) prostitutes? What are the premises and prospects for discontinuing of involvement in S&EI?

In order to realise the above objective, the study focused on three issues:

- Recent trends in illegal migration in the Baltic States (including the incidence of human smuggling and eventually trafficking) and its major determinants and consequences in a given country.
- Current functioning of S&EI in each of three countries, including the modes of recruitment of women and their personal characteristics (e.g. usual residence before the recruitment, social background, age at the recruitment, approximate income relative to other available employment, forms of employment, description of obligations to employers, etc.) and characteristics of organizations, sources of capital, legal status, etc. running the businesses.
- The perception of illegal migration, trafficking and prostitution (including, the treatment of women involved) among various segments of the society, especially the state organizations, NGOs and young women (school graduates, unemployed, living in poverty).

Research method applied was predominantly qualitative. This was due to largely clandestine nature of the phenomenon of trafficking in women. It involved a descriptive analysis of secondary materials (official criminal records,

statistics of the border guard and refugee/immigration authorities, press releases and reports, web sites related to the S&EI activities, pertinent data from various sociological surveys and public opinion polls, etc.) and primary materials (interviews with key informants representing the state, NGOs and S&EI, as well as with females employed within S&EI who either were exposed to the risk of being trafficked or have already experienced some form of trafficking, and, finally, inquiries with S&EI units about sex services by researchers assuming the role of a customer).

Techniques used to collect the primary materials comprised non-standardised (exploratory) interviews, in-depth interviews and (focus) group interviews. The in-depth interviews, being the main technique of data collection, were conducted face-to-face by researchers. The contents and course of an interview strictly followed a set of guidelines (list of topics) and a scenario developed by a researcher.²²³ A scenario for in-depth interviews, however, conformed to a set of uniform principles. This was because, despite the fact that the study has been pursued independently (by three different teams of local researchers) in each of the three countries, not only a uniform set of objectives was adopted by each team but also the basic approach and method were made the same.²²⁴

²²³ In a study conducted in Latvia a traditionally structured questionnaire was additionally administered to the interviewed prostitutes.

²²⁴ With regard to the research method, the following aspects were made uniform: the kind and nature of data collection instruments, modes of using those instruments with regard to the study subject, the list of primary sources, the list of secondary sources, and the timing of field work. In particular, the types of respondents (key informants and females related to S&EI) and the key issues for in-depth interviews were also made common.

6. MAIN COUNTRY-SPECIFIC FINDINGS²²⁵

A general conclusion

The results of all three national inquiries seem to be in agreement with basic underlying hypotheses of the study. Firstly, when women are employed in S&EI as sex workers (performing any kind of prostitution), they run a risk of being trafficked. For in such situation female employees are overly exploited in financial terms, their occupational position is unstable and they are exposed to various occupational hazards (e.g. venereal disease, including AIDS, physical violence from customers, drug addiction). Because S&EI is organically connected with shadow economy and criminal underworld, it is quite possible and natural for a prostitute to become a victim of human rights violation or even a subject of trade in human beings. The evidence brought about by the study appears conclusive with regard to the existence of trafficking in human beings although, at the same time, it suggests that its incidence might be very low, and the phenomenon of trafficking might be limited to the situations when nationals of the three Baltic States stay (work) in or travel to a foreign country. Secondly, the study points to an enormous rise in the employment of women in S&EI after the collapse of the USSR, which was due to recent expansion of that sector, following typical developments in the modern market economy. Therefore increasingly more women are exposed to the activities of traffickers. Thirdly, females recruited for or seeking employment in S&EI in the Baltic States are quite frequently non-nationals (some of them originating from other ex-Soviet countries) whereas a number of sex workers from Estonia, Latvia and Lithuania migrate for work in S&EI to western countries. So far, however, the inflow of foreign prostitutes to the Baltic States has taken much smaller scale than the outflow from those countries. By and large, those movements stem from structural features of the labour market in relatively more highly developed countries, as those coun-

²²⁵ This section draws heavily from the three country reports, namely:

- Saar J., A. Annist and A. Ahven, Research, Information and Legislation on Trafficking in Women in Estonia. Final report to the International Organization for Migration, Tallinn 2001;
- Zarina I., IOM Project *Trafficking in Women in the Baltic States*. Sociological Module for Latvia, Latvian Women Studies and Information Centre, 2001 (researchers: I. Zarina, P. Eglite, B. Ivbulis and I. Gnedovska);
- [Šipavičienė A. and D. Tureikytė], Trafficking in Women in Lithuania, 2001.

Except for quotations and other rare circumstances, no explicit references are made to the reports in this section.

tries display a constant shortage of native workers in the lowest segments of the market, including many professions typical for S&EI. This generates a steady flow of female migrants to that sector, from less to more well-off economies. Lastly, due to generally irregular character of intermediating in the employment of sex workers, and the link of S&EI with criminal organizations, the flows of female migrants (especially, the outflow from the Baltic States) are largely controlled by networks of professional smugglers and traffickers of international reach. This may make migrant prostitutes more vulnerable and exposed to human trade than native prostitutes.

It would not be legitimate, in the light of results of the study, to claim that the female nationals of the Baltic States or foreigners staying in those countries might be subject to other forms of “white slavery” than those related to the employment in S&EI (such as selling women as wives, etc.).

Legal and institutional environment

From the view-point of legal environment of the trafficking in women in the Baltic States, it seems essential to take a closer look at the official status of S&EI, and especially of prostitution, in those countries. The reason for this has most explicitly come out of the Latvian study: “There is an organized sex business in Latvia that has close links with the legal entertainment industry. [...] The organized sex business exists on the streets and through clubs where the process is masked behind the appearance of a legal business. Individual prostitution is closely linked to the entertainment business and seldom exists on its own” (Zarina, 2001: 261). In turn, the Lithuanian study revealed the following general tendency: “trafficking in women is closely interrelated with prostitution business; local sex industry and trading women abroad are two parts of the one phenomenon” (Sipavièienė and Tureikytė, 2001: 284). On the other hand, a report on the Estonian study concluded that “the sex businesses are part of the organized crime” (Saar et al., 2001: 193).

While a large proportion of companies and many types of activities confined within the present study by the notion of S&EI, namely those where prostitution is not the sole service offered, can operate legally in the Baltic States, at least since the break-up of the Soviet Union, it is not so with prostitution. At present prostitution is either illegal or its status is ambivalent.

The status of prostitution in the Baltic States differed across the three countries before the loss of independence in 1940, with Estonia being the most

permissive, and it was uniform during the Soviet era. In the latter period, in all three countries, by the same token as in the other union republics, prostitution was throughout proclaimed illegal, and became criminalized. In the official parlance, it ranked among the morally condemned phenomena of parasitic life style. Certain forms of prostitution, however, did not just survived under the Soviet rule, but they were situationally tolerated or even protected. For instance, some female security agents acted undercover as prostitutes or, otherwise, prostitutes were obliged to collaborate with the security forces or intelligence agencies. Prostitutes operated almost exclusively in top-class restaurants and hotels, or, as was the case of the port city of Riga, in the International Maritime Club. In that period many activities other than direct services rendered by individual prostitutes, which at present might be considered a component of S&EI (e.g. exposing in public of the sex symbols, not to mention producing and disseminating of the pornographic materials), were prohibited too.

After 1990 prostitution in Latvia and Lithuania has continued to be forbidden by the law whereas the present Estonia's law avoids classifying it as illegal, though, at the same time, in that country prostitution fails to be recognised as a profession.²²⁶ In none of the Baltic States, however, is prostitution criminalized.²²⁷ Nevertheless the legal status of prostitution remains a controversial topic, especially in Latvia, where the government is persistent in rejecting subsequent bills addressing that phenomenon (Omelaniuk and Baerten, 1999). A legislative process concerning prostitution in Estonia was initiated in 1993 but it was aborted in 1995 when the Parliament has reached a conclusion that neither a ban on prostitution nor its legalisation would be a constructive solution. On the other hand, in the same year, the National Council of Crime Prevention recommended the government a policy of limiting prostitution but not prohibiting it.

In all three countries pimping, pandering or forcing someone to prostitution have currently status of a criminal offence, although in Latvia only since 1997. Smuggling of migrants and trafficking in human beings, including trad-

²²⁶ As put by Saar, Annist and Ahven in their report (2001: 5), „selling and buying the sexual service is not a crime but prostitution is not considered a profession either”.

²²⁷ In Latvia, since March 2000 the law has provided for an “administrative penalty” (a fine) for violation of the rules that aim at limiting prostitution (Zarina, 2001).

ing women for sexual purposes, are also punishable but penalties against smugglers or traffickers are low by international standards.²²⁸

Law enforcement with regard to prostitution and related activities in the Baltic States seems to be lagging behind. Monitoring of the obedience of related regulations hardly exist in those countries. Lawsuits and administrative procedures against prostitutes or their bosses or pimps are rare and they frequently originate from petty crimes not prostitution itself. According to some accounts, repressive activities of the state, lenient as they are, mostly hit persons who belong to the lowest stratum of S&EI (“pawns”), and does not affect functioning of the business.

In Latvia a special unit of the police, the Vice Squad (comprising 15 officers) was set up in 1993. Its main aims included controlling the personal documents and health certificates of the prostitutes. After three years the financing of the unit was withdrawn, and finally in 1997 it was dissolved. In recent years other units of the police tended to intervene in prostitution-related cases only when the problems became aggravated. As a matter of fact, after the eruption of organized paedophilia scandal in 2000, the Vice Squad has been reinstated. The lack of systematic police penetration of S&EI results in extremely small number of cases brought to the courts and penalties for breaking the relevant regulations. Since 1999 only one case concerning trafficking in women was initiated, one case concerning the involvement of minors in sexual activity, 13 cases concerning pimping and 79 cases concerning prostitution.

Recently (in 2000) the government of Latvia has elaborated a comprehensive policy of controlling prostitution whose main elements are to be implemented by the end of 2001. The policy, however, requires additional funding which is uncertain.

The situation in Estonia is similar to that observed in Latvia. Only in Tallinn, and only between 1997 and 1999, a special police unit designated to control prostitution operated. The unit has been liquidated, and since the end of 1999 the Estonian police does not have a particular interest in the subject. According to a recent newspaper interview given by Tallinn Chief Police Officer, the police might be ready to deal with prostitution only when there would be nothing else to do. This is reflected in the number of identified (registered)

²²⁸ Estonia might be an exception here. For most of the related offences the punishment might be imprisonment (in certain cases up to seven years).

prostitution-related offences (or crimes), which declined from 99 in 1999 to 67 in 2000.

Also Lithuania experienced a shift in the police controlling of prostitution. The peak in those activities occurred in 1997 but in the following years the staff underwent drastic reductions. Various police operations and routine activities resulted in a fast growing number of administrative cases filled against prostitutes and pimps – from 58 in 1994 to 437 in 1997. With police gradual withdrawal from those operations the number of cases has been dramatically declining, to reach 26 in 1999.²²⁹

A common characteristic of all three countries is that, apart from the police, hardly any governmental agency or department is involved in prevention, monitoring and combating prostitution or other unlawful activities pursued within the framework of S&EI. A limited number of NGOs, whose objectives are usually diversified and rarely focus on prostitution or trafficking in women, deal with those issues. The related activities of those organizations pertain to a small number of persons, in most cases the victims of certain violent and complicated situations. One of distinct exceptions seems the Missing Persons' Families Support Centre operating in Lithuania, whose target are specifically women forced to prostitution abroad. The centre carries out information campaigns in the media, disseminates information (directly among women at risk) on how to avoid being lured into sex business, and supports financially trafficked female prostitutes who managed to run away.

Development of S&EI in the Baltic States

The evolution of S&EI in the post-Soviet era shows many striking similarities between Estonia, Latvia and Lithuania. In the three countries the sex business and entertainment industry virtually flourished in the early 90s, when their activities attracted a lot of media attention. Expansion of the sector was perceived as “normal” for a democratic state and market economy, and, generally, the public opinion was favourable, if not sympathetic. The Lithuanian study stresses that “the image of a prostitute formed by the media is quite attractive and admirable - she is nice, pretty, carefully tended”, and a number of movies offered melodramatic stories about a beautiful prostitute who met a millionaire, with an obligatory love-affair happy-end (Sipaviėienė and Tureikytė, 2001: 302). In turn, in Estonia it is said that “prostitution [was]

²²⁹ In 2000 the police activities related to prostitution were intensified anew, which led to 198 cases registered in that year.

presented as a business as good as any other, and the prostitutes as sex workers doing a tedious but praiseworthy work [...] as intelligent representatives of their trade, romantic heroines who, after having acquired a sufficient capital, invest it elsewhere. Also the clients of prostitutes were presented as businessmen relaxing after hard days' work in the brothels" (Saar, et al., 2001: 177).

After few years, however, the attitudes of the public have become more balanced. A criticism of extreme forms of sex business came to the fore, a disapproval of prostitution has become more popular, and, as a matter of fact, the demand for S&EI services has declined. The growth of the sector has been restrained and stabilised below the peak level of the early transition period.

In Estonia the early 90s saw an outburst of openly conducted S&EI activities. Immediately there emerged great numbers of primitive brothels, which were located in rented apartments and agencies providing prostitutes to hotel customers or private parties by telephone order. Advertisements in the press of sex services abounded, and they contained plain and unambiguous messages. Sexual life, preferences and techniques became a popular topic in many renowned newspapers, not to mention numerous newly established tabloids and "soft-porn" magazines. The public television was not an exception, and, for example, it got involved in the promotion of and transmitted the competition in erotic dancing. The issue of prostitution was presented by the media with understanding and acceptance, and some stories published in the press painted a rosy picture of the profession and its heroines. It seems, in addition, that during that infancy period of S&EI expansion, the sector was relatively independent of criminal organizations.

Spontaneous and largely uncontrolled growth of prostitution and S&EI as a whole got its momentum in 1994 and 1995, but later came to a halt and was reversed. The change of the trend was due to many factors: deliberalization of the public mood and attitudes, introducing legislative measures, which aimed at making S&EI more orderly and lawful, stabilisation of the market conditions and general economic environment, which forced many small companies out of business, to list apparently the most important of those factors.

The developments in S&EI were also manifest in a fundamental structural shift. After 1995 prostitution has become less open than before. Following the collapse of many small agencies it was relocated to larger and legal firms

whose official domain was other than prostitution. Those firms included hotels, night-clubs, saunas and other units typical for S&EI. By this prostitution gradually got under the control of criminal structures who undertook the task of its financing, regulating and providing security (*i.a.* by corrupting officials). A new organization of the sector required that the employees of S&EI, directly rendering services to customers, increasingly assumed the mixed roles of prostitutes and, at the same time, models, masseurs, waitresses, dancers, etc. As a result of all this, according to Saar, Annist and Ahven (2001: 164), “Classical forms of prostitution combine with other forms of sex business to such an extent that it is often impossible to draw a clear line between prostitution and such activities as escorting services, strip-tease bars, premises providing different types of erotic massage, erotic and pornographic magazines and films”.

Also in Latvia prostitution, after evolving in a similar manner as in Estonia, has largely become an integral albeit concealed part of legal S&EI.²³⁰ An annotated map of central Riga, which is distributed in the top class Latvian hotels, might be a good illustration of how currently the business operates at present. Its title *Riga: Adult's Guide 2000* clearly suggests the purpose. The “map” lists services, provides their addresses and phone numbers and informs about other technicalities. For instance, a number of night clubs with erotic programmes offer not only “arousing erotic show” but also individual dancing at tables, a possibility of striking up a pleasant acquaintanceship, a “dark room” for intimate purposes, a room where a customer may have erotic massage performed by a dancer of his choice, and some other “nice” services. Other S&EI facilities listed on the “map” include “intimate saunas with relaxation rooms”, “sex shops” with peep shows, pornographic movie projections, erotic massages, etc., as well as disco bars, disco clubs, night cafes and casinos with special places to meet a sexual partner. Altogether some 50 such places have been identified and recommended. In addition, the “map” gives phone numbers of “escort services” and marks areas where street prostitutes (called “streetwalkers”) can be found.

The fact that the written description contained in this material appears in only two languages: English and Russian might suggest that the target audience are relatively affluent persons (businessmen, tourists). The study implies,

²³⁰ In 2000 the number of legally operating night bars, clubs, etc. offering entertainment was 204 and the number of health clubs, saunas, etc was 107 throughout Latvia. In turn, the register of companies included only 28 firms under the chapter comprising “escort services”.

however, that prostitutes in Latvia are employed in (or collaborate with) all hotels, night restaurants, bars and clubs, and all kinds of fitness clubs, massage parlours and saunas, and therefore available at S&EI units that belong to different price categories.

On the basis of the present study Lithuania seems to have undergone relatively less spectacular growth of S&EI and less intense blending of its S&EI with prostitution than two other Baltic States. In effect, prostitutes other than those working on streets or roads mainly operate through specialized agencies. This resembles the organization of prostitution in Estonia in the early 90s. However, while the agencies use newspapers to promote their services, the advertisements contain rather modest and concealed messages, such as: “massage relaxing the whole body”, “relaxing erotic massages” and “escort services”, but also such innocent as: “soft massage” or “flowers to your home”. More sophisticated forms of prostitution appear to take a club form with severely limited admission, usually by “recommendation”.

On the other hand, prostitutes are easily available in Lithuania. In Vilnius an estimated 30 agencies promotes their services in the press each day. Similar practices can be observed in Kaunas. In the course of the study, male researchers made 17 random phone calls to the agencies inserting their adverts in one Vilnius and one Kaunas newspaper, pretending to be customers. Despite the fact that in some cases an advertisement implied exclusively non-sexual character of services offered (“no intimate services provided”), in all but one cases a prostitute was arranged in a rather straightforward fashion.²³¹

The organization of sex business in the Baltic States is at present strikingly sophisticated, especially bearing in mind a very short period of its gestation. Estonian S&EI, for instance, has become tailored to the needs of foreign sex tourists.²³² The facilities and personnel are preoccupied with their prestige, and customers’ intimacy and security. On the other hand, practically all services rendered by prostitutes are mediated and controlled by closely interrelated interest groups: their pimps, cab drivers, owners of S&EI enterprises. In the Latvian study also a complex network of intermediating agents has been identified, with key roles played by employers of prostitutes and their pimps who frequently are

²³¹ In that experiment, additionally, one contact proved to be a wrong number.

²³² Probably for this reason, in contrast to Lithuania and Latvia, street prostitution is not common in Estonia.

the owners of various clubs, agencies and other S&EI facilities. A crucial supportive function for this network is assumed by the press, television and internet. This creates a system, which is capable of generating enormous profits and corrupting the administration and police.

Riga, Tallinn and other places, for instance, are widely known as a destination for sex tourists originating mainly from the Nordic countries but also from such far away countries as the United States. The recruitment for work in S&EI in those places is effectuated through internet, and the information for customers is also largely disseminated by that channel.

As an illustration of this trend in Tallinn it suffices here to allude to the contents of two web-sites active at the time of the present study. A web-site "Free time" comprised tens of entries, which were divided into the following categories: saloons, girls, massage, saunas and strip tease, and it contained *i.a.* detailed data on types of erotic services, personnel qualities and prices, while a web-site "S.Life", under a subsection "Brothels" included more than 30 entries containing a description of services and a price list.²³³ Similar techniques are increasingly used Latvia and Lithuania.²³⁴

Estimated numbers and main categories of the prostitutes

The study suggests that prostitutes who actually work in the Baltic States are at present the main resource for the recruitment of Estonian, Latvian and Lithuanian nationals for prostitution in western countries. This does not deny the fact that many women prostituting in western countries have been recruited from among the members of other professions or plainly have been forced into prostitution (see section 7).

It follows from the study that a majority of residents of the three countries who had ever prostituted abroad, started their professional career at S&EI in their country of origin, mostly working as a prostitute, and they continued to do so after coming back. Moreover, for most of the prostitutes, the S&EI employment was their first professional experience. This might be distinctly different from the situation observed in the early 90s, when women from

²³³ Interestingly, only one S&EI facility was promoted in the both websites at that time.

²³⁴ Regulations enacted in April 2001 in Latvia prohibit advertising sexual services on the internet but experts are doubtful about their effectiveness.

Central and Eastern Europe working as prostitutes were a novelty and curiosity in the West. Mostly for this reason, competition for jobs among those women was not particularly strong at that time. Thus the chance of being employed by a non-professional was relatively good.

From this point of view, currently the pool of women that can be recruited for the employment in S&EI in the West seems quite large in the Baltic States. Although no overall estimate is available for Lithuania, the most populous country in the region, it might be guessed that there might be thousands regularly prostituting women in that country. According to one source (AIDS Centre), Vilnius alone might provide employment to between 1,000 and 3,000 prostitutes. A monitoring of just one small area (railway and bus station) revealed that it hosted at least 130 prostitutes every day. On the other hand, the services of around 200 prostitutes are regularly offered through press adverts by various escort or massage agencies.

In sharp contrast to Lithuania, Latvia abounds with estimates of the scale of prostitution at the national level. The estimates, however, are far from being consistent between themselves. Various departments of the police suggest that the number of prostitutes for whom this profession is the only source of income might range from around 2,500 to 9,000. Researchers who took into account also seasonal and part-time prostitutes arrived at an estimate of between 10,000 and 15,000 women. The highest of all estimates speaks of some 35,000 active prostitutes in Latvia of whom a little less than 50 per cent are believed to work in Riga.

In Estonia some experts hint that the number of regular prostitutes might be comparable with the number of prostitutes before the Second World War, when around 1,000 prostitutes were registered and apparently around 2,000 worked illegally. This leads to estimated 2,000-3,000 prostitutes in the late 1990s.²³⁵ Neither the police nor researchers, however, attempt to evaluate the magnitude of prostitution in any systematic manner.

In all three countries the prostitutes can be divided into three principal categories:

- street or road (highway) prostitutes;
- prostitutes employed by agencies solely offering (usually in a concealed form) sex services;

²³⁵ Experts in Estonia claim that the number of prostitutes is decreasing in recent years, and currently might be as low as around 1,000.

- prostitutes employed by legal S&EI companies whose official (or main) activity is different than sex services.

Additionally, a category of luxury prostitutes exists in all three countries. Those women render services only to rich customers and usually only those introduced by former customers, or they enter long-term contracts with a very limited number of customers. The number of those prostitutes is certainly very low.

It might be concluded from the study results that the prostitutes move between the categories. Inflows are possible to each category, either from other categories, or from abroad, or from being a non-prostitute. Basically, however, there is hardly any exit from the first category, except for becoming a drop-out. The outflow from the remaining two categories can take place in any direction, including a foreign country. The study shows that foreign prostitutes relatively easily enter the second category. The recruitment for prostitution in a foreign country occurs only from the second and third category (also from non-prostitution, and in such case usually from non-activity).

The connections with criminal structures also vary across the categories of the prostitutes. Street prostitutes are related to pimps only, who usually act individually rather than in a group. Input from a pimp is simple: mainly a protection against dishonest customer. Other categories of the prostitutes depend on criminal underworld, both directly and indirectly, in the latter instance through connections of their employers. Thus the relationships are with organizations rather than individuals. In this case inputs of criminal bosses are diversified and sometimes substantial, and, apart from protection against customer's abuse, include training, living facilities, the promotion of services and recruitment of customers, protection against the police (and security of the S&EI business in general), etc.

International flows for prostitution

Both inflows of foreign prostitutes and outflows of native prostitutes are presently observed in the Baltic States. The inflows are said to be numerically much less significant than the outflows.

The foreign prostitutes originate mainly from the former Soviet republics. A predominant part of this flow is related to the large presence of non-titular

nationalities in Latvia, but also in Estonia and Lithuania. Since a great majority of the non-titular residents (in certain cases being non-citizens) are Russians, Ukrainians and Belarussians, the prostitutes mainly come from the respective countries (i.e. Russia, Ukraine and Belarus). Most of the foreign prostitutes come legally by invitation from their relatives.²³⁶ The administrative rules related to the foreign movement by invitation affect the duration of stay of those prostitutes in the Baltic States, which is usually rather short, up to three months. A majority comes in summer months, when the demand for prostitutes' services is the greatest, and many of migrants directly go from work to summer resorts (or port cities). Some experts suggest that foreigners rarely become street prostitutes. A typical pattern of employment initiation for those persons seems to be, upon the arrival, contacting an (entertainment, escort, fitness, etc.) agency whose whereabouts are easily available (e.g. through press advertisement).

The causes of the foreign prostitutes' inflow are diversified. In Lithuania it is thought that those are "push factors" which bring females, especially from Belarus and Ukraine, to the despair in their home countries and prompt them to seek any decent income abroad. A peculiar factor of this kind in case of women from the Kaliningrad enclave of Russia might be less rude and less demanding clientele in Lithuania than in their native area. Also a strong "pull factor" emanating from S&EI seems of importance, namely Russian speaking prostitutes are in high demand in the sector since they are believed to provide "any kind of service" or to be "more delicate". Moreover, in some summer resorts the demand occasionally rises to the level that cannot be met by the supply of local prostitutes. An example of this might be Paernu in Estonia whose population in the summer grows from 50,000 to 150,000 persons, and where a massive inflow of young women from St. Petersburg follows this huge increase in the population. An additional reason was mentioned by a S&EI insider from Estonia who suggested that foreign prostitutes are easier to exploit and yield greater profits to their employers. Sipavièienė and Turei-kytė (2001: 287) conclude that in Lithuania, as elsewhere, "in such business, foreigners are needed just for a change".

In Lithuania experts estimate the fraction of foreign prostitutes at around 20-30 per cent of the total number of active prostitutes. Also, the number of

²³⁶ A distinct specificity can be noted in case of Estonia who, in addition to the migrants from Russia (and Belarus or Ukraine), regularly hosts prostitutes from northern and northwestern Latvia. Those persons do not need an invitation (nor visa) to enter Estonia. Similarly, Russian citizens (including prostitutes) from Kaliningrad Region of Russian Federation do not need visa for Lithuania.

prostitutes from abroad in Estonia is said to be very high though “far lesser than the number of locals” (Saar, J. et al., 2001: 173). However, in that country, where a large proportion of the prostitutes (and the total population) are non-citizens, the foreigners easily blend with the local non-citizens, which makes any plausible estimate of the share of the foreign prostitutes hardly possible.

It seems that recently the participation of foreign prostitutes in the Baltic States S&EI is slowly declining. Two main causes of this are usually offered: first, a growing competition from local prostitutes, and second, more efficient administrative controls of illegal flows, stay and work of foreigners.

The outflow of prostitutes from the Baltic States is a very recent phenomenon, which emerged only in the beginning of the 90s. According to an earlier study, among those who in the West procured migration and employment of (or trafficking in) prostitutes from Central and Eastern Europe in that period were persons who themselves migrated from eastern countries (and in some case prostituted in Western Europe) before 1989 (IOM, 1995). This, however, does not seem to be the case of any of the three countries under this study.

The geographic pattern of movements of the women from the Baltic States searching for work in S&EI is quite different (except for a flow of prostitutes from Latvia to Estonia) from the directions of prostitutes’ flow to the Baltic States, and this phenomenon hardly has any connection with other former Soviet republics. Almost all known cases of women from that region who prostituted abroad can be attributed to migration to Western Europe. Apart from this, and the above mentioned movements between Latvia and Estonia, there are also indications of migration of young females to North America assisted or induced by persons who belong to a new (post-1990) wave of immigrants from the ex-USSR.

At present, i.e. in around 2000, Germany appears the main country of destination, followed by the Nordic countries, the Netherlands, Switzerland, Austria, France, Italy and Spain. In the early 90s an important role as a host country was also played by Israel, Greece and Turkey (and the United Arab Emirates). To be sure, target countries differ significantly across the Baltic

States. For Lithuania and probably also Latvia Germany is by far the most important, whereas for Estonia such role is assumed by Finland.²³⁷

The magnitude of the prostitution in the West of persons from the Baltic States can only approximately be evaluated. As mentioned earlier in this report, the victims of trafficking in women from the Baltic States identified in Germany (who surely constitute only a tiny fraction of all prostitutes from those countries) account for around 16 per cent of all such cases, which points to a great overrepresentation of persons from those countries compared to other migration statistics in Germany. A predominant majority of those victims originate from Lithuania.²³⁸ On the other hand, domestic sources of the Baltic States offer various indirect estimates of migration for prostitution abroad. For instance, in Latvia it is said that each month around 100 persons depart for Western Europe to work there as prostitutes. According to another estimate, every second day the Vilnius airport receives a flight bringing home women suspect of being engaged in prostitution. Many prostitutes are returned by flights from Amsterdam, Vienna and Paris. All this implies a large-scale of migration for prostitution from the Baltic States to the West.

The flow of women for work in S&EI in Western Europe largely depends on the demand for labour in that part of the world. As suggested earlier, this demand is sharply growing due to, on the one hand, the development of S&EI, and, on the other hand, a relatively weak propensity of native females to compete for jobs in that sector. The latter stems in general from a deep segmentation of labour markets in the West and, in particular, from stigmatising S&EI as a domain of immigrants. This seems to hold also for the migration of prostitutes from the Baltic States. A supplementary cause of the latter phenomenon, however, might be the existence of a well developed domestic S&EI with its large pool of prostitutes for whom travelling to the West usu-

²³⁷ If advertisements suggesting work in S&EI that appeared in Estonian newspaper *Soov* in April 2001 might be considered representative for this issue, 71 per cent of Estonian migrant women might be going to Finland, 12 per cent to other three Nordic countries, 12 per cent to Germany and 5 per cent to all other countries.

²³⁸ Some sources suggest that the proportion of Lithuanian citizens might be seriously overestimated because many supposedly Lithuanians in reality (after being deported) turn out the citizens of other countries (Russia, Belarus, Ukraine, etc.) using a forged Lithuanian passport. From the perspective of CIS citizens, Lithuanian passport is a handy travel document as it enable its holder to freely travel within the whole European Union and Central Europe. Black market price of the forged Lithuanian passport is relatively low (100-700 USD).

ally means the prospects of much higher income for similar kind and amount of work. Finally, the third basic factor seems the combination of a rapid development of networks of intermediaries (in this number professional smugglers and traffickers) and an improvement of the transmission of information on job vacancies or available personnel (including through websites).

Personal characteristics of women

Women employed in S&EI are very young. Estimates for the Baltic States suggest that on the average they might be around 25 years. A survey of a sample of 97 Riga prostitutes conducted in 1997 revealed that a quarter of them were below 18 (Kurova and Zarina, 2000). The results of a study carried out in 1996-1999 in Estonia lead to a similar conclusion, i.e. 26.5 per cent of all prostitutes were under the age of 18 (Kalikov, 2001).²³⁹ Prostitution of minors seems popular in all three countries although it is said to be on the decline, especially in case of street prostitution. A major agent in this decline are adult prostitutes who feel that the youngsters lower the prices and incur a high risk of police harassment on all because of their intensive drug taking, and therefore try to force them out.

Education and social background of the Baltic prostitutes might be situated below national averages in the region but it does not strikingly differ from those averages. In Lithuania, according to the Social Disease Centre "Demetra", most prostitutes have attended a secondary school, and the Missing Persons' Families Support Centre claims that 73 per cent of women who prostituted abroad lived "in normal or good families". A survey in Latvia revealed that only one-third of prostitutes did not complete primary education, and more than a half came from "normal" families. However, all surveys inquiring into any aspect of prostitution reveal some extreme cases of women who in their childhood were not taken proper care of, had alcoholic parents, did not attend school, were sexually abused or forced to earn money

Prostitutes are usually single; the proportion of persons who belong to this category is estimated between 70 and 85 per cent. The share of childless, however, is much smaller (e.g. in Lithuania around 50 per cent). Some estimates suggest that approximately a half of the women might be a mother.

²³⁹ However, Estonian experts think that the share of minors in the overall number of prostitutes is around 5 per cent.

An important finding of the study seems a link between the spread of narcotism and alcoholism among younger generations in the Baltic States and the prostitution. According to the Estonian study, “most of the prostitutes use drugs regularly or randomly” (Saar, et al., 2001: 172)²⁴⁰ whereas the Lithuanian study concludes that “using drugs is quite a common phenomenon among prostitutes” (Sipavièienė and Tureikytė, 2001: 324). In turn, the Latvian study implies a high incidence of regular drinking and smoking but suggests that narcotics use might not be so popular. On the other hand, in that country a rather large group of prostitutes (e.g. those working at central railway station or on street) seem to spend their earnings primarily on drugs or to be directly paid with drugs or alcohol.

Probably the most conspicuous personal trait of the prostitutes in the Baltic States is their ethnic composition. Namely, persons whose native language is Russian are not only over-represented relative to all resident population but those persons clearly predominate among all prostitutes. In Estonia approximately 80 per cent of local prostitutes are non-Estonians²⁴¹ while in Latvia three-quarters are non-Latvian, i.e. native Russian speakers. Only in Lithuania the share of local prostitutes who are members of non-titular nationalities is relatively low, but even there it seems that the Russian-speaking women (including migrants) are as easily available as the Lithuanian. This characteristic of prostitution in the three countries might be pertinent to the reasons of one’s getting involved in S&EI employment. It is, however, only to be inquired whether members of non-titular nationalities, non-citizens or members of ethnic minorities in the Baltic States suffer from relatively worse employment or career opportunities in more respectable than prostitution professions or some other factors are at stake.

Ineligibility of a large part of young women (in this number prostitutes) in the Baltic States to use passports of those states is a source of two important trends related to seeking foreign employment by those women. First, due to a great overrepresentation of non-nationals in the total population of local prostitutes, many prostitutes living in the Baltic States (especially in Latvia and Lithuania) resort to a forged passport. If undetected on crossing borders, this greatly facilitates the entry into almost all European countries and eventually the onset of the professional career in a target country. Second, those prostitutes who do not venture buying a faked passport, contact smugglers for as-

²⁴⁰ According to the head of the AIDS Prevention Centre in Estonia, “almost all the girls use drugs”.

²⁴¹ In the 20s that proportion was only 10 per cent.

sistance in safe passage to a desired destination in the West. For instance, several women investigated in Latvia spoke of their secret trip via Lithuania to Poland where they were organized in groups, and, next, smuggled to Germany or further on. By all means this runs a risk of women being trafficked since during a trip documents might be taken away from the smuggled (and then sometimes many times changed to make it impossible the identification of a potential victim), and women themselves might be stunned with drugs (to make them unconscious), and delivered to a “strange” destination (even located in different country than promised) where they might be sold (against their will) to a brothel owner.

Personal differences between prostitutes employed in their home countries and prostitutes employed abroad

One might expect that the foreign country employed prostitutes would be representing a higher human capital relative to prostitutes working in home country, e.g. relatively higher level of educational attainment, reasonable knowledge of foreign languages or, specially in case of women offering sex services in other places than street or working in facilities of S&EI other than brothels, some professional skills (dancing, massage, etc.). Or, looking at this problem from different perspective, women working as prostitutes abroad would be more often doing that against their will, forced by traffickers. The present study, however, does not bring conclusive evidence related to those hypotheses.

In the light of the study results, it seems, that, on the one hand, for a predominant segment of customers, and consequently for the employers, those personal characteristics of prostitutes do not seriously matter. This is so in spite of the fact that probably among prostitutes who work abroad “extreme cases”, such as being an underage or a middle-aged persons or being uneducated, occur relatively rarely whereas such cases might be more visible among those who work locally, simply because their numbers are much larger. On the other hand, as will be argued later on in the present report, being forced into prostitution is such a rare occurrence in case of women from the Baltic States that this cannot be considered a distinct characteristic of any large group of prostitutes.

The adverts informing about S&EI job openings require from women young age, pleasant appearance (sex appeal) and non-prudishness (for instance, as read in an Estonian newspaper, “we offer work to free-minded women”).

The Lithuania study revealed that in the recruitment for work abroad (even if by deception) no requirement concerning the proficiency in any foreign language is usually mentioned but requirements concerning the appearance are customary and rather elaborate, and they include: complexion, height, hair and body build.

Insiders point to a somehow volatile trait that distinguishes the two groups of women – a “quality”. A brothel owner from Estonia sees it this way: “Those who have more initiative and ambition go [abroad]. The ones who stay behind are weaker”. This corresponds with a police officer’s opinion; “Those who stay here are a couple of times lesser quality” (Saar, et al., 2001: 180).

Reasons for being a prostitute

The Latvian study, which addressed this question more thoroughly than two other studies, unanimously suggests that a primary cause of a growing employment of women in S&EI, with all its forms of prostitution, has been economic factors related to the ongoing transition, mainly a phenomenon called the “feminisation of poverty”. While generally poverty in Latvia has been growing in the 90s, the women tended to earn much less than the men. In 1999 on the average net monthly salary of female employee was from 49 to 28 per cent (depending on the category of education) lower than that of male employee. A striking example is also a recent trend in the rate of unemployment of the 20-24-year old persons. Between 1995 and 1998 it generally decreased from 18.7 to 14.7 per cent while among females it increased from 14.9 to 15.8 per cent.

On the other hand, as pointed out by the Lithuanian study, at individual level, poverty can be considered the main factor leading to prostitution only in case of street prostitutes. Those who work for agencies and other S&EI facilities usually do that for “non-existential reasons”.

Some phenomena associated with social disintegration observed during the transition period might also be relevant. One of them seems a sharply growing use of narcotics and alcoholic beverages among young people. It stemmed from many interviews conducted within the framework of the present study, that drug addiction of a young girl was conducive to her entry into prostitution, or becoming an addict by a prostitute often led to her degradation from the level of regular employee in an agency to a street or road prostitute, relatively more exploited and relatively less likely to exit from prostitution. On

the other hand, life-style patterns created by media accentuating luxurious consumption, by evoking a strong need for “big and fast money”, might have also contributed to the widespread of prostitution among young girls. Young prostitutes often referred to the latter factor as a reason for seeking foreign employment.

Generally in the Baltic States, probably with exception of Latvian women who stay in the home country, prostitution generates much higher earnings than many other professions. This is due to the fast growth of S&EI in the region and elsewhere, and the following job availability and a high demand for female labour in that sector. The estimated monthly income of a prostitute in Estonia (around 20,000 Kroons) is now comparable with the salary of a minister. Despite the fact that incomes from prostitution are rather unstable, and in Lithuania they recently seem to deteriorate, almost all interviewed prostitutes emphasised “money” as a supreme factor of their being involved in the business. To be sure, a considerable number of the interviewees also claimed curiosity and colourfulness of the profession, especially when pursued abroad.

The role of intermediaries

A common finding of this study suggests that the female employment in S&EI (prostitution in particular) is inseparably related with activities of intermediaries. As in case of any other profession, friends and relatives may play a vital role in introducing persons to the business or assisting her in occupational or territorial mobility. The specificity of prostitution, however, is in that as a rule the intermediaries in that sector are highly specialized, they make large profit on intermediating and belong to or are connected with criminal structures.²⁴² Moreover, unlike in case of many other professions, it would hardly be possible to work as a prostitute without an active role of various kinds of brokers.²⁴³

²⁴² In Latvia since the early 90s agencies, clubs and other facilities belonging to S&EI are controlled by criminal structures to whom they transfer a part of revenues, as a remuneration for “protection”. “Respectable” sex clubs, however, can afford to reach an agreement with one of the official security companies, and become more independent from the criminal world. Of course, this does not necessarily mean that the position of prostitutes in such clubs is any better.

²⁴³ Being an independent prostitute is very rare, and usually occurs when a woman works seasonally or even episodically.

As posited in Section 4 describing, among other things, the nature and functioning of modern S&EI, and, in accord with recent experience of the Baltic States, the character of S&EI compels the employed women to close collaboration with and total subordination to the intermediaries. This makes them highly vulnerable to the exploitation, and may be conducive to trafficking. Generally, which has been evidenced by many earlier studies, around a half (sometimes much larger part) of prostitute's earnings goes to intermediaries. In addition, some prostitutes, especially those working abroad, become indebted to (and by this even more dependent on) intermediaries.

By accounts of the interviewed prostitutes, various kinds of intermediaries seem to be closely interrelated. For instance, club and agency owners maintain close links with pimps, cab drivers or hotel maitres. In turn, pimps and owners of the facilities collaborate with traffickers. The connections seem to have a wide international reach.

Ways of becoming a foreign prostitute

For prostitutes in the Baltic States migration to the West means as a rule a desirable change and the improvement of their living standard and financial situation. Some women with the experience of prostitution abroad, however, became prostitutes only after leaving their countries of origin, and a part of them did not plan to be involved in prostitution at all.

The former group, which at present seems to greatly outnumber the latter group, includes women who already, before undertaking their migration, were a part of larger S&EI organization in the country of origin. For those persons the movement to a foreign country for work does not substantially differ from the mobility in the home country. It is most often induced, arranged and facilitated by the organization, i.e. by various intermediaries. What makes a difference is whether a prostitute is a citizen of a given Baltic State or is she a non-citizen. In the latter case, she is to become an illegal migrant, and forged passport or an assistance from the organization of smugglers would be needed.

For several last years now the number and proportion of women from the Baltic States who travel to the West, and who become prostitutes only while being there, has been declining. According to some opinions, mainly expressed by the interviewed prostitutes, the S&EI labour market in western countries has recently stabilised and hardly tolerate amateurship. Anyway,

what the study seems to fully confirm, the Baltic States still send to the West a considerable number of female migrants who did not practice prostitution before. The evidence compiled for the present study suggests that in case of those persons the episodes of getting involved in sex business in a foreign country are case-specific and show no obvious similarities. What seems clear from the study results, however, is that among those women, the deception, violence and abuse, and, ultimately, slavery are more likely than among any other group of prostitutes.

A special case appear foreign citizens who prostitute in the Baltic States. Unlike the residents of those countries who migrate for work in S&EI to western countries, a majority of foreigners prostituting in Estonia, Latvia or Lithuania seem to be amateurs who do the job occasionally. Students from Russia (e.g. from St. Petersburg in case of Estonia) and other countries of the ex-USSR who come to work solely during the summer vacations constitute a considerable share of all those prostitutes.

The study does not yield coherent data on how the transfer of women from the Baltic States to the West for prostitution there is organized. The informants from the government and S&EI generally see it as a natural process, similar to posting workers by a company for work in a foreign country. On the other hand, for the social workers representing various NGOs dealing with human rights violation this is clearly dishonest practices involving a deception, coercion and ultimately trafficking in women concerned. This difference in view stems principally from the diversity of a “mission” pursued by the organizations represented by the respondents and the differences in empirical evidence available to those organizations. It is obvious that the NGOs concerned deal mainly with the genuine victims or persons who for various reasons fell in trouble, and in order to receive assistance pretend to be victims or who consciously exaggerate about their misfortune. In turn, S&EI insiders and the police are confronted with a task of securing the order in or managing the business, they are perceived by the female employees as bosses or control agents, and they rarely hear of violation of human rights.

The prostitutes themselves tend to adjust the narrative stories concerning various episodes or aspects of their life or profession, according to the perceived expectation, curiosity and focus of interlocutor. This is typical of persons aware of being in irregular situation. Thus the prostitutes often offer quite different facts and interpretations to the authorities and the social workers. This strategy of prostitutes also affects researchers and, ultimately, the results of scientific investigations, which run a high risk of becoming biased.

In effect, the opinions concerning peculiarities of the prostitutes' transfer to another country for work and the organization of their work in that country range from pragmatic evaluation of various aspects of the profession ("more money, but much longer working time span and more customers to serve each day", "boring to be away from home", etc.) to dramatic accounts of the series of reselling transaction between various brothels in different countries. Nevertheless the distribution of those opinions, as recorded by this study, is highly asymmetric, much closer to business-like behaviours and relationships.

Incidence of being trafficked

The study brought to the light a body of empirical material, which points to the ambiguity of the concept of trafficking in women. Above all, it should be mentioned that the "trafficking in women" was confined to trafficking for prostitution alone. This was in agreement with the real life because at present (probably in some contrast to the early 1990s²⁴⁴) no other "areas" of trafficking in women seem observable in the Baltic States. Furthermore other forms of prostitution than offering by a women a sexual intercourse to a customer (and buying that service by him) were hardly a focus. Although it became plausible to argue that other forms of prostitution (paedophilia, telephone/internet sex and other forms of "soft sex", participation in peep shows or performing erotic dance, posing or acting in pornographic pictures or movies, etc.) are widespread too in the Baltic States, the study was not capable of adequately capturing of those forms. In the end, the researchers have not been in a position to evaluate incidence (and any other trait) of trafficking in women in general but trafficking in women who happened to be "traditional" prostitutes.

Experts and other key informants, especially officers representing state services designated to combating the phenomenon of trafficking and social workers representing the NGOs involved, tended to equate trafficking with the female employment in S&EI of any foreign country. Different but also deeply rooted meaning of that term was that trafficking denoted the same as exploitation. In addition some experts were influential in arguing that assisted illegal flow to a foreign country to work there as a prostitute constituted the essence of trafficking, and to some extent the researchers seemed to be

²⁴⁴ There exists a scarce (but not necessarily adequate from the scientific view-point) evidence of Baltic women sold as wives to certain "Muslim countries" in that period.

overwhelmed by this. When such a dispersion of views occurs, it is really very difficult to communicate between researchers and the “sources” in the process of data collection.

In the strict sense, justified in this report (Section 2), there are just two attributes of trafficking in women that matter: deprivation of a female of her free will and profiting on her (involuntary) work. The combination of these two attributes turns a woman into a pure commodity or, in other words, a slave. Unfortunately, due to the above mentioned preconceptions and stereotypes, compiling of an internally coherent and comprehensive set of data, which would correspond to such understanding of “trafficking”, was hardly feasible. What remains here, therefore, is a very cautious reporting of bare facts.

What might be considered first is the extent of deception, exploitation and abuse of the prostituting women. The word “extent” is important here because those phenomena (the exploitation in particular) are present to some degree in many (if not all) other professions. The study unquestionably points to uniformly a very high level of exploitation, measured by the proportion of gross income earned by a prostitute taken away from her in the form of various deductions. No pertinent evidence was compiled, however, which would suggest that migrant prostitutes are subject to significantly different (higher) exploitation than the locals. On the other hand, the virtue of the employment in lower segments of the labour market, especially of irregular employment, is disproportionately low remuneration for work in those segments (i.e. high exploitation). From this point of view, bearing in mind that the prostitution is usually performed illegally and it (apart from the “aristocracy” prostitutes) certainly belongs to a low segment of the labour market, the levies imposed on prostitutes’ incomes by their bosses seem conceivable, and cannot by themselves be considered as indicative of trafficking.

On the other hand, deception seems inseparably related to the recruitment of prostitutes, and its incidence is definitely incomparably higher than in case of any other occupation. However, promises made to young women, concerning her life prospects (including affluence and career), which otherwise seem unlikely, look like a rite in the relationship between a to-be prostitute and an intermediary. Deception, however, is totally absent in intra-occupational mobility of the prostitutes. This is because deception is functional when it comes to luring someone in the business but proves idle for personnel management within the business.

Due to its partly (or totally) clandestine character, S&EI requires full obedience from its employees, and in order to achieve that the sector bosses apply coercion. Coercion, in turn, often involves violence and the abuse of personal freedoms. This explains why the prostitutes, in particular those originating from abroad and being in irregular situation, are subject to abuse. Definitely, abusing of prostitutes by their employers (or owners) happens much more frequently than abusing of the representatives of a large majority of other professions.

Forcible work, the second and ultimate aspect of trafficking in female labour, which is generally absent in any other employment relationship, presents much more complicate issue than the exploitation. What is involuntary really remains an open question. By the virtue of her profession, a prostitute cannot reject a customer if he follows the accepted conduct of behaviour. By some accounts, this undermines her freedom. It needs to be mention that the list of free will limitations in case of the prostitutes is rather long. Employees, however, as a rule are not in a position to choose between the orders from their superiors or between the clients for whom they produce goods or render services. This holds irrespective of a profession or sector of economic activity. Then a question arises where lies the threshold (or what is the criterion), which distinguishes between “involuntary but voluntary” employment and trafficking.

Those theoretical considerations seem to totally detract from the real life when the stories of missing persons are heard. Or when one reads an account of a foreign journey of the Lithuanian teacher who was offered a job in her profession in one of western countries but who ended up as a human commodity, being sold several times across Europe, from one brothel to another. Maybe in similar instances moral and aesthetic considerations should prevent a researcher from applying a customary scientific approach?

On the other hand, however, the present study delivered a great deal of empirical material, which compels one to reflect more deeply over the above-mentioned dilemma. For instance, a large majority of the respondents claimed that the rules binding in S&EI, concerning the relationships between an employee and her superior, are relatively stable and commonly known. Cynical respondents (among those persons females themselves) would therefore say that only overly naive women would literally read advertisements concerning employment prospects abroad for “young and pretty”, or, after several years of information campaign exposing the risks for an outsider of being trans-

ferred into a commodity, would believe in their personal unique luck and a chance of outwitting the criminal structures.

Nevertheless we are confronted with the bare facts of trafficking in women. This study leaves no doubts that a number of women originating from the Baltic States are being trafficked. Certainly that number is much lower than the number of women prostituting in those countries (and, also, much lower than the number of prostitutes from the region working in the West).

7. TRAFFICKING IN WOMEN AS CURRENTLY PERCEIVED IN THE BALTIC STATES

The analysis so far revealed a number of striking similarities between the Baltic States. In all three countries, before 1990 prostitution was officially condemned and strictly concealed, and took a very limited scale. Facilities typical for S&EI hardly existed. Practically no cases of international migration for prostitution were recorded, both from and to the Baltic States. Trafficking in women was a virtually unknown concept.

Since around 1990 all the three countries experienced a wave of the popular interest in eroticism, and encountered a rapid development of S&EI, which went hand in hand with a vehement rise in prostitution. In the middle of the 90s, however, this trend pretty uniformly transformed in stabilisation. Moreover foreign prostitutes started to flow into Estonia, Latvia and Lithuania but many more citizens of these countries migrated for work in S&EI to western countries.

A distinct difference between the Baltic States during the 90s, however, seems the way in which the link between prostitution and trafficking in women was perceived by government agencies, NGOs, experts and prostitutes themselves.

Generally speaking, in Estonia the concept of prostitution tends to be seen apart from trafficking. According to this view, being a prostitute does not necessarily mean being subject to trafficking. As a matter of fact, currently, a predominant feeling would see prostitution in Estonia (equally of local residents and foreigners) or prostitution of Estonian residents abroad as an occupational activity (often quite lucrative), which bases on employee's free will, full awareness of job specificity and relative independence of employer. Freedom of international travelling of the Estonian nationals and legality of

their entry or stay in a majority of western countries, together with a high level of organization if not sophistication of S&EI, particularly in Western Europe, might be the main factor that prevents prostitutes from being trafficked.²⁴⁵

In turn, the Latvian study suggests that trafficking in female prostitutes is of relevance, in spite of the fact that the incidence of this phenomenon appears rather low and recently declining, and that practically it is confined to work of Latvian residents in S&EI agencies in certain foreign countries. By this token, prostitution, although as a rule necessary, does not seem to be a sufficient factor leading to trafficking in women. The ultimate circumstance is westbound migration for work in S&EI.

Finally, in Lithuania trafficking in women is largely perceived as an indispensable aspect of prostitution. This pertains to similar degree to prostitution in Lithuania and prostitution of Lithuanian residents in other countries. As the Lithuanian study demonstrates, such view at least partly stems from a terminological specificity. Namely, the concept of trafficking in women, as used by Lithuanian government agencies, NGOs, and certain experts, includes moral tones, and especially refers to inherent indignity of prostituting females.

While in Estonia no traces of trafficking in female prostitutes have been found, the Latvian study concludes that “women from Latvia are sold into slavery for sexual exploitation in other countries, especially Turkey, Israel and western countries. Girls are locked up into bordellos and exploited mercilessly”.²⁴⁶ However, those practices “must be seen separately from the organized sex business in Latvia” because this kind of trafficking in women requires an “external” support, i.e. “people who can supply potential victims

²⁴⁵ In particular, modern organization of S&EI and the functioning of the sector, at least of its considerable part, in the officialdom (formal economy or regular economic activities) might act as a powerful factor that discourage S&EI agents (employers and employment brokers) from such illegal acts as trafficking in their employees. Zarina (2001: 28) suggests that “in the European Union [...] prostitution is subject to the normal rules of the market. This must be remembered if the exploitation of prostitutes and trafficking in women [from Latvia] are to be eliminated”.

²⁴⁶ As a matter of fact, these highly conclusive statements do not result from empirical evidence collected within the framework of the Latvian study but from a journalist assessment published in one of Latvian newspapers.

with documents, including fictional [false, forged, faked] work agreements” (Zarina, 2001: 262).

The evidence, however, is scarce. The record of missing persons²⁴⁷ shows not only that the women are in a minority (a quarter of the total) but also that they might be of various ages (including age brackets not qualified for the employment in S&EI) and might be “lost” not necessarily in other (western) countries (but rather in certain, relatively well-off, regions of Latvia itself). Moreover, Latvian officials claim that “it is all but impossible to take someone out of Latvia who does not want to go” (*ibidem*: 15). In turn, according to the prostitutes (and also to many experts), “the number of women who depart from Latvia without knowing that they might end up as prostitutes has declined since the mid-90s. Women either know or at least sense what they will be doing” (*ibidem*: 12). According to the prevailing feeling in Latvia (“the surveyed respondents all said” – *ibidem*: 12), the employment of women in S&EI should rather be perceived as “work” rather than “prostitution”.

The experience of interviewed Latvian women who have been prostituting in such countries as Germany, the Netherlands or Switzerland indicates that they neither come across coercion nor abusing by customers and employers. Disposing those women of personal documents, limiting their movements, blackmailing them, etc. appears inconceivable to them. For instance, prostitutes who are requested to change their place of work, e.g. from one bar to another bar or even from one country to another country, conceive this as a normal requirement of the business, and hardly see it as a limitation of their freedom. For those women, such “cross-company” movements help to maintain a degree of diversity of the services offered in S&EI.

On the other hand, those women stress the need of continuous alertness. Accordingly, they should strive not to get drunk or drug addicted, and they must not get involved in any conflicts with the police. Otherwise they might become an easy prey to traffickers. The study implies that a key risk factor in becoming a victim of trafficking is the level of woman’s education. Definitely, the less educated are more likely to be the victimised persons. Many interviewed women have heard of stories of getting into the trap of traffickers by women (although not necessarily of Latvian origin) who proved to be

²⁴⁷ During the first three months of 2001 the record contained a little less than 700 persons.

“too naive” or “too reckless” or maybe “too greedy”. In all such cases low level of education seems an important contributing factor.

As already mentioned, and in sharp contrast to Estonia and even Latvia, a prevailing view in Lithuania is that trafficking in women is intrinsically related to prostitution. The Lithuanian study suggests that this kind of trade in human beings pertains, on equal footing, to domestic S&EI (involving both street/road prostitutes and females rendering various erotic services in agencies or bars) and to the export of Lithuanian residents to S&EI facilities in other countries. When addressing the question of employment in S&EI, Lithuanian experts or key informants frequently speak of “selling of women” to brothels or other relevant facilities, as a way of entering the prostitution or intra-occupational mobility. This indeed implies the satisfying of a fundamental condition for trafficking to be recognised as such. On the other hand, a careful analysis of those experts’ views reveals that for them a sufficient condition for someone to be recognised as subject to trafficking is the involvement in erotic services rendered within S&EI. This is so because in that sector, deception, blackmail, compulsion and, generally, disrespect to female employees on the part of their superiors is perceived as a rule.

Contrary to the findings of studies simultaneously pursued in Estonia and Latvia, it has been implied in Lithuania that trafficking in women might be on the rise. Such assessment seems to be shared by the Lithuanian section of Interpol, the Police and the Border Guard. Authorities offer two kinds of indirect evidence to support this view. Firstly, they point to a systematic increase in the number of persons who were recognised as missing. For instance, between 1998 and 2000 the number of missing women aged 30 years or less rose from 205 to 301 (23 per cent of all missing persons in 2000). On the other hand, the number of women who belong to that age category, and who have been found, increased from 176 to 297. In effect, the “recovery ratio”,²⁴⁸ greatly improved in that period (from 86 to 99). No information, however, are available on how many persons were missing due to trafficking. Secondly, it is implied that the growth of expulsions of the Lithuanian residents from other countries over recent years (e.g. by some 80 per cent in 2000 compared to 1999) might also be indicative of the expansion of trafficking in women.²⁴⁹ Unfortunately, official documents issued by countries that

²⁴⁸ The number of the found per 100 missing persons in a given year.

²⁴⁹ The share of women in the total number of persons deported to Lithuania is around 30 per cent, which e.g. means more than 1,000 women in 2000.

execute deportation of Lithuanian residents to justify such act never mention trafficking as a circumstance.

A peculiar trait of the way which trafficking is perceived in Lithuania also seems considering the use of intermediaries in young women migration to other countries or their getting employed in S&EI abroad as an attribute of trafficking. This is common to both experts and researchers. Some opinions seem to imply that the phenomenon of prostituting abroad is inseparable of the phenomenon of trading in women.

All this makes the Lithuanian government agencies, NGOs, and other influential bodies particularly sensitive to the problem of trafficking.

The Lithuanian study sheds penetrating light on a number of so far rather obscured issues related to broadly conceived trafficking in women (*sensu largo*), and indeed contributes to more thorough understanding of those issues. Three of them appear to be of special relevance for the subject of the present study:

- who are the trafficked women?
- which ways those women are getting involved? and
- what is the nature of predicament of the trafficked women?

The trafficked women reveal a number of distinct characteristics. Relatively often they have troubled personal history, which comprises sex abuse in the childhood or adolescence, early initiation to alcohol, drinking or drug taking habit, poor motivation to be educated, bad performance at school and work (prior to the employment as a prostitute), misfortunate family life and acute poverty. To a large degree these characteristics result from the criteria of selection deliberately applied by recruiting agents rather than from relatively high attraction of women with troubled history to prostitution. To intermediaries, to those who trade in these women, human misfits are a valuable target because of their helplessness, limited knowledge, the lack of adequate family support, and their suffering from stigma, social ostracism or exclusion, etc. For instance, as pointed to in the Lithuanian report, “girls with lower education are even better – they present fewer problems; it easier to threaten them” (Sipavièienė and Tureikytė, 2001: 295).

The modes of luring of these women to work in S&EI are diversified, and they continuously evolve towards more and more sophisticated and personally targeted. In the early 90s many affected women got in touch with traf-

fickers in a rather simple way. Namely, those persons responded to newspaper advertisements offering well-paid and interesting jobs to young girls. Frequently the applying women were promised to be employed as a nurse or an “au-pair” girl or a house keeper or an agricultural worker in foreign country. A considerable proportion of these female workers were organized into groups and transported to the destination by representatives of the intermediary. Immediately upon arrival in the target country, however, the women realized that in reality they were sold as a prostitute to one of S&EI facilities. Deception seemed to be a norm in the process of recruitment. Furthermore, the women were made financially dependent on traffickers to whom they had to repay the costs of organizing the trip, arranging travel documents or work permit and sometimes other expenditures (e.g. “proper” clothing). Traffickers, in turn, resorted to a very efficient means of forcing the obedience of their victims, i.e. to depositing their passports.

In the late 90s the recruitment became “more delicate and more personalised” (*ibidem*: 20). Quite often intermediaries acted according to a specific master plan that involved three separate stages:

- identification of an appropriate person;
- establishing friendly relationship with that person and securing her confidence;
- delivery (and disposal) of that person to an ultimate owner.

“Appropriate” person usually proved to be a woman in desperate situation or a young and inexperienced girl with an inferior family background. Recruited females were either pointed (or “recommended”) to traffickers by somebody else, or contacted traffickers by themselves through press adverts. The description of jobs offered often suggested the employment in S&EI, but as a rule it was to be legal employment in the character of a masseuse, dancer or the like. However, rarely any professional training or experience was required. Sometimes applying women were suggested that the offered job nature was to “warm up” customers in a bar.

Friendly relationship between women and trafficker, frequently brokered by a family member or an acquaintance of the victim, was essential in developing woman’s confidence in an agent, and making her trustful in his/her promises concerning job legality, employer’s renown and “artistic” character of work. Principally, it was made clear at that stage of the process that woman was not expected to prostitute. Nevertheless, the final outcome was similar: after an escorted trip to destination place, recruited females got enslaved in various S&EI units and instantly forced into prostitution.

A few stories carefully compiled within the framework of the Lithuanian study suggest that the female victims of trafficking inevitably fall into deplorable if not hopeless situation as involuntary employees of S&EI. Those women “experience physical violence: they are raped, beaten, jeered at. They get a terrible psychological shock, become vulnerable. [...] Apart from the problems that the very engagement in prostitution creates, they are strongly dependent on their traffickers or pimps. They become like things that can be sold, re-sold, and their pimps do whatever they like with them. In most cases trafficked women do not speak the language of the country [of employment], and therefore they are simply manipulated. They are in constant debt – for their living place, their clothes, food, etc., and they work to repay for all that” (*ibidem*: 19). The study concludes that trafficking virtually ruins victim’s life.

Regardless of the magnitude and genuine root causes of trafficking in women, a malicious nature of that phenomenon, as revealed by the Lithuanian study, calls for much more than nowadays awareness of the public opinion and for concerted and inter-sectoral activities of the state to prevent victimisation of women and to rescue, protect and assist the actual (or past) victims.

OVERALL CONCLUSIONS

Starting from a fundamental question: what is a risk of being involved in S&EI employment in case of migrant women from the Baltic States, it needs to be said that such a situation is rather likely. S&EI belongs to those sectors where there exists a structural demand surplus in the national labour markets, all over Western Europe. The sector readily admits foreigners. On the other hands, the citizens of the Baltic States, who by all means might be prone to seek employment in western countries, have limited opportunities to enter regular employment in the West. Provided that the migration networks are well developed or the professional intermediaries (including smugglers of migrants) are active, which is rather likely in case of the Baltic States, the flow of migrants will be sizeable. Therefore, for female migrants from the Baltic States, S&EI appears an attractive career choice.

In the home countries, the Baltic States host a relatively small number of foreign prostitutes. Those women do not present a real danger to local prostitutes but rather play a supplementary role during the peak seasons. For a

majority of them are independent persons (e.g. students), no real market competition occurs between the local prostitutes and migrants.

The personal characteristics, the mode of recruitment and the employment conditions of prostitute residents of the Baltic States do not strikingly differ women among themselves according to whether the prostitutes work abroad or at home. The earnings obtained abroad are higher and also higher is the uncertainty of employment (due to the limitation of legal stay under the cover of a student or a tourist).

Prostitution cannot be identified with trafficking. Some prostitutes, however, might be trafficked, and in the Baltic States, even recently, such cases have been confirmed. In general, a link between being a prostitute and being a trafficked person seems dubious in Estonia in Latvia, whereas it is believed in Lithuania that such a link is possible.

Migration for work as a prostitute cannot be identified with being trafficked either. In Estonia, Latvia and Lithuania a large majority of prostitutes would deny being traded or enslaved but surely the predicament of their work would be close to classifying those persons as a victim of trafficking. The same pertains to migrant prostitutes although clearly some of them might have involuntarily got involved.

With regard to trafficking, the specific pattern of exploitation is certainly related to the profession (prostitution) whereas the remaining constituent attribute of trafficking – involuntary work for someone's benefit can hardly be connected with any specific profession. A similar formula could be applied to quite different professions: employees might be exploited there, which might be a structural characteristic of the profession, and few of them, due to complex individual causes, could be working against their will.²⁵⁰ Therefore the link of prostitution and migration, be it even illegal migration, cannot explain trafficking in women in any satisfactory manner.

²⁵⁰ Interestingly, when Zarina (2001: 28) talks about intermediating in female employment in S&EI, she points to the fact that “the transaction is similar to what happens when highly qualified specialists are seconded to other companies”. On the other hand, “in all of Western Europe there are people from Turkey and the Middle East who seek to tempt women who are already working unlawfully into a situation where they can be sold off for sexual exploitation”. She concludes: “When prostitutes are sent abroad, we see that the sex business is international in nature”, and “trafficking in women is a particularly dangerous international business”.

It remains to conclude that trafficking in women from the Baltic States to work in S&EI is not an invention of criminal organizations (traffickers), and certainly not an invention of migrant smugglers. Those are just intermediaries, nothing else. Intermediaries serve as a lubricating agent, and they do not severely affect the timing and scale of the process. The root causes lie in the structural traits of modern western economy and western liberal (post-modern) society, which tolerates and indeed feeds the development of semi-legal economic sector of S&EI.

The bare truth is that S&EI contributes to the economic growth and to a given country position in global economic competition. S&EI happens to be closely connected with local business, international tourism and some other economic sectors. However, the employment in S&EI that is related to sex appeal of employees, belongs to the secondary sector of labour market. Native labour is reluctant to accepting jobs in S&EI, and by this the sector becomes widely open to foreigners. To foreign women, currently deprived of the right of legal employment in the West (in case of certain countries – except for S&EI), taking a job in S&EI remains the only viable chance for a life career if not survival. This is predominantly why so many women from the Baltic States involve in prostitution. The West, by virtue of its economic system, is luring a cheap labour from outside, in this number women ready to prostitute, to balance its labour market. The present study proves that it works well.

The conclusion of this study is that trafficking in women remains one of the main contemporary social issues. Its cause, however, is not criminality but rather hypocrisy of the officialdom in the West. Ascending, it might be said that, against binding moral code, prostitution has survived for centuries. With the rise of the market, prostitution became a profitable occupation, and continues to be until today. Accordingly, the labour market acts to relocate available resource of female labour in the most effective way possible. This rule affects the cross-border prostitution too.

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Part III

COUNTRY REPORTS:

Estonia

Latvia

Lithuania

TRAFFICKING IN WOMEN IN ESTONIA: SOCIAL ASPECTS

Prepared for IOM

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THEORETICAL STARTING POINTS

The sex industry (prostitution, pornography) is a fast-developing economic activity. The sphere of commercial sex constantly offers new ways of consumption, in fact, prostitution has become part of the consumer culture that, with the help of advertising and marketing tries to spread commercial sex and create it as an everyday activity. Attempts to normalise commercial sex will inevitably challenge certain social and cultural boundaries even within a lifestyle of consumerism where totally needless desires are created and satisfactions offered. Due to that, the use of the bodies and sexualities of individuals as commodities are not only considered as an economic and health issue, but also as a social, ethical, Juridical and human rights issue.

The present study is based on three general theoretical and conceptual starting points.

Firstly, the social concept of prostitution suggests this phenomenon to derive from the economic stimuli and social factors, not from individual and pathological factors. Commercialisation of human relations and developments in sexual culture towards liberalisation and plurality are just another indication of its socially constructed nature. The phenomenon is culturally and historically determined – in other words, its meaning, expression and experience vary within culture and change with the historical changes. Social factors, such as age, ethnic group and class, influence and shape the specific meaning of being a prostitute, its experience and representation to the other world.

In Estonia, the socio-economic changes of the last decade have to be carefully considered when studying prostitution. The development of economy over social sphere, rapid stratification and drastic changes in mentality, all have their part to play in the transformations of this phenomenon. Also, the global expansion and interlinking of the sex and pleasure business (such as increase of pornography, frequent usage of sexual motives in the advertising

industry, more daring and exposing fashion, invasion of the elements of behaviour and attributes from the sex business in pop music and the film industry) have an influence on these processes in Estonia.

If criminalized, prostitution belongs to the category of so-called crimes without victims. It is societal moral and legal norms that are violated, not specific people and their interests since mostly, both parties participate in the act voluntarily. Traditionally, prostitution is seen as a negative, deviant phenomenon rather than a crime. Its moral damage is considered to be great, independently of whether it is criminalized or legalised as it is seen to demean the meaning of human life and dignity. The moral society sees the person involved in this act as a commodity and the service provided by the prostitute as qualitatively different from other services that have no high social status. Prostitution as a social problem is also considered to draw from the primitive, vile nature of people, which are used and enhanced by this business.

Prostitution is also seen to be related to other social problems such as crime, drug addiction and sexually transmitted diseases (STDs). Not being seen as isolated from other social vices, it often has relations to the criminal world. The extent of that depends on the juridical approach that society has adopted. Different forms of crime prostitution may be related to include pimping, corruption, money laundering, tax evasion, drug dealing, illegal migration *etc.*

The second starting point of the study is the theory of migration. Migration is an increasingly global phenomenon that is related to the globalization of the capital and work market, increase in freedom and possibilities of movement and a tendency to move from the economically poorer countries to those economically wealthier. Migration mainly means the movement of workforces where the relations between supply and demand on the job market and state regulations play a very important role. Whilst part of Soviet Union, Estonia was influenced by intense inner migration. It was not touched by the flows of international migration. Today, the situation has changed drastically. In the context of the European Union, Estonia can be treated as the main source of migration. Along with economic development and the possible rise in well-being it may also become a country of destination.

The third theoretical point of departure is a model of human trafficking which analyses the three stages of its process: a) mobilisation and recruitment of migrants; b) travel to the country of destination; c) entrance and integration of the migrants to the job market and to the society of the country of destination.

Applying this model to prostitution related to Estonia we need to look at two possible schemes: first of all, the recruitment of prostitutes from Estonia and the process of mediating them to Western Europe; secondly, recruitment of prostitutes from abroad and mediating their entrance to Estonia.

Estonia's contribution to migratory prostitution is not particularly noticeable due to the small population. On the other hand, it has become a transit and destination country for those migrants who come from Russia and other ex-Soviet Union countries.

THE OBJECT AND METHODS OF THE STUDY

The aim of the present research is to study prostitution in Estonia, concentrating on the demographic and social characteristics of the persons participating in the sex business, and also on those social factors that increase the likelihood of choosing this business. We are also trying to analyse to what degree the women participating in the sex business are victims of exploitation and violence, and whether that depends on the status of being a migrant. We also aim to study the public representation of migratory prostitution via mass media.

For a full picture of prostitution in Estonia and its relation to trafficking in humans, we have studied earlier materials and reports on the subject, Estonian legal regulations and statistics on crime and migration. Two Estonian dailies and one weekly newspaper were studied, the methodology of which was balancing on the border of content- and discourse analysis, due to the small number of articles and time restrictions. The articles were gathered searching for the terms prostitutes, prostitution, and their synonyms in the leads and texts of the articles.

For the primary data, we have interviewed

- the experts
- the members of relevant target groups.

The experts included

- legal professionals,
- members of different NGOs
- people who had direct relations to prostitutes

Of the target groups, the following were interviewed:

- five women who have participated in the business of prostitution and have worked as prostitutes and/or were working as prostitutes in Estonia during the study.
- we also wanted to interview men who had used the services of prostitutes but had difficulties finding volunteers. We managed to interview one person who had visited a prostitute.

Mostly, we have tied the information from the expert and target group interviews into the text that gives an overview of the results achieved, however, where appropriate, we have used extracts from the interviews.

For more information on the problems with finding informants and building rapport, see the chapter summarising the results of the interviews.

INSTITUTIONS AND EARLIER PROJECTS

Within the Ministry of Interior Affairs, the institutions dealing with the problems of migratory prostitution are the Citizenship and Migration Board, the National Board of Border Guards and the National Police Board. The Ministry of Social Affairs has the Bureau of Equality of the Department of European Integration that has interest in this issue. Estonian police are dealing with the problems of prostitution and trafficking in humans in cooperation with Interpol; in addition, Estonia communicates within the structure of the Baltic Task-Force in Combating Organized Crime in the Baltic Sea Region (BALTCOM).

The following third sector organizations are working on prostitution and trafficking in humans: AIDS Information and Support Centre in Tallinn, which has dealt with the problem of prostitution during the last 5-6 years; also, the Children's Support Shelter in Tartu, and Narva Centre for Community Integrative Initiative that have had connections to this issue.

In 1998-2000, Estonia participated together with Finland, Sweden, Denmark, Germany and Russia in the projects STOP-1 (1998-1999) and STOP-2 (1999-2000), which were funded by the Finnish Ministry of the Interior Affairs, STAKES (Finnish National Research and Development Centre for Welfare and Health) and the Council of Europe. The aim of the projects were "building up network between the authorities of Russia, Estonia, Swe-

den, Germany and Finland for monitoring, analysing and combating trafficking in women and children”.²⁵¹ The report of the STOP-project is presented on the Internet.²⁵²

The AIDS Information and Support Centre has studied sex workers from 1996 to 1999 within the project SEASTAR, working for the prevention of migratory prostitution. This was a Finnish-Estonian joint project, financed partly by EU and partly by Helsinki Deaconess Institute. The SEASTAR project was part of UMBRELLA NETWORK projects, coordinated by SPI (Social Pädagogisches Institute in Berlin, Germany). During the project period (1996-1999), nearly 1200 sex workers were counselled, tested for HIV and STDs, medically treated for STDs and given information on safer sex. A total of 382 sex workers filled in an anonymous questionnaire on their first visit.

The AIDS Information and Support Centre also carried out a project “Training and capacity building against trafficking in women and girls in Baltic Sea region” in 1999-2000.²⁵³ The project was initiated by Kvinnoforum from Sweden and financed by Daphne Initiative and Ligestilling Centeret from Oslo, Norway.²⁵⁴

SHORT OVERVIEW OF THE HISTORY OF PROSTITUTION IN ESTONIA

Since prostitution is a sensitive indicator that develops with changes in the social environment and the state, we can divide the history of this phenomenon from Estonia’s first independence according to the different historical stages of the country. Firstly, the period of Estonian independence 1918-1940, when prostitution in Estonia was legalised. Secondly, the period of Soviet occupation when prostitution was criminalized. Thirdly, since Estonian re-independence when prostitution is neither criminalized nor legalised (that is, the selling of and buying of a sexual service is not a crime but prostitution is not considered a profession either).

²⁵¹ In the spring 1999, a Danish delegate attended the international meeting of the project. Denmark was subsequently accepted as a full participant.

²⁵² <http://www.stakes.fi/sexviolence>

²⁵³ Kalikov, Jury *s.a.* Training and Capacity Building against Trafficking in Women and Girls in the Baltic Sea Region. Country Report. Estonia. – Unpublished material

²⁵⁴ Kalikov, Jury. 2001. Expert View. Situation with Prostitution and Trafficking of Women and Girls in Estonia. – Unpublished material

On the first of June 1919, a so-called morality guarding, or censoring institution in the bigger cities replaced censoring police. Attitudes to the organization of prostitution derived mainly from health considerations. That was not sufficiently successful and in May 1920, obligatory measures to fight prostitution and STDs were issued. Those regulations linked the activities of the “morality guards” to the activities of police, as it was realized that prostitution and criminality were “closely connected”.²⁵⁵ On the sixteenth of December 1927 the Parliament accepted a new law of “Managing Public Health” which handed the fight against prostitution over to the Health and Social Support Department. The police were obliged to give necessary practical help.²⁵⁶

Because prostitution was legal in 1918-1940, the data from that period is remarkably precise and allows us to give an adequate overview of the phenomenon. The number of prostitutes had been relatively stable throughout that period, showing only a slight increase. For instance, in 1919 and 1920, there were 1,187 and 1,141 registered prostitutes in Estonian cities, and the number remained the same until the 1930s.²⁵⁷ Prostitution mainly spread in the greater cities, Tallinn and Tartu, but also in Narva and Pärnu. The proportion in other cities was very modest. There were 387 permanent prostitutes registered in Tallinn in 1920, and 455 in 1940.²⁵⁸ In Tartu, the numbers were 53 in 1922 and 156 in 1938.²⁵⁹ There were also illegal, unregistered individual prostitutes of whom there is very little and non-systematic data. In the mid-1920s the number of Estonian hidden prostitutes was estimated to be up to 2,000-2,500.²⁶⁰ Police measures were predominantly directed to uncovering and registering this contingent, because unlike the registered prostitutes, neither unofficial prostitutes nor their clients went through regular medical check-ups.

Prostituting took place mainly in “pleasure-flats” where the woman was operating as a “free tenant”. Each of these apartments had approximately 4-9

²⁵⁵ Rütman, H. 1922. Prostitutsioon ja tema korraldamine Tallinnas. Eesti Arst Vol. I, pp. 188-189

²⁵⁶ Tervishoiu seaduste ja määruste kogu 1935. Tartu, p. 8

²⁵⁷ Gustavson, H. 1991. Kõige vanem elukutse. – Tallinn: Olion, p. 65

²⁵⁸ ERA, f. 27, n. 3, s. 896, l. 594-600, cited from Gustavson, *op. cit.*

²⁵⁹ Prostitueerivate naiste hulk Tartus väheneb. Vaba Maa, 1923, 04.10., cited from Gustavson, *op. cit.*, p. 68

²⁶⁰ Lembit, M. 1927. Politsei ülesannetest prostitutsiooni ja suguhaiguste vastu võitlemiseks. – Eesti Politseileht No. 25, pp. 365- 367

women. In 1940, there were 47 of such apartments registered.²⁶¹ The majority (90 per cent) of Tallinn prostitutes in the beginning of the 1920s were Estonian, 8 per cent were Russians and the rest other nationalities. Thirty per cent were up to 20 years old, but the largest group was 20-25 years old (about 50 per cent) and 26-30 years old were represented at around 15 per cent. About 30 per cent were born in Tallinn, 60 per cent from elsewhere in Estonia and about 10 per cent from abroad.²⁶²

Along with Estonia's occupation by the Soviet Union, attitudes to prostitution changed drastically. Legalisation of prostitution was replaced by total denial and was made criminal. For instance, Tallinn City Moral Censoring Unit and Ambulatory of STDs which had been controlling the prostitutes and their health, was now liquidated on the sixteenth of November 1940, only a few months after the occupation.²⁶³ Prostitutes who were registered at the police were repressed as "socially alien beings" and were listed, along with thousands of other people, to be deported from Estonia in 1941.²⁶⁴

During the Soviet period, pornography, prostitution and organizing prostitution were criminalized and belonged to the phenomena called parasitic life-style. There were three relevant paragraphs in the Criminal Law: Criminal Code of Estonian Socialist Soviet Republic (ESSR) §200 – preparing or distributing a pornographic item; §201 – keeping a brothel; §201-3 – begging, vagrant or other parasitic lifestyle. Pimping was not considered in the Criminal Law of ESSR. In reality those paragraphs that were related to prostitution were hardly ever used. The reason was absence of prostitution as a mass phenomenon in Soviet Estonia and indifference to it from that part of the government. In Tallinn, only one type of systematically operating prostitutes existed – the so-called "foreign currency prostitutes" who were only serving foreigners. Since the KGB kept a vigilant eye on foreigners, the activities of those prostitutes were only feasible with the knowledge and control of this structure. There are some reasons to suggest that some prostitutes serving foreigners were used as informants by KGB.

Certain changes started in the mid-1980s when the first signs of private businesses emerged. That also brought along differentiation of incomes. The in-

²⁶¹ ERA, f. 27, n. 3, s. 896, l. 426-429, 456, 459, 464, 592, 593, cited from Gustavson, *op. cit.*, p. 64

²⁶² Reek, N. 1921 Eestimaa sõjageograafia. Tabelid XV, XVI, XXII. Tallinn–, quoted from Gustavson, *op. cit.*, pp. 66, 67

²⁶³ Tallinna Linnaarhiiv, f. 1125, n.1, s. 60, l. 1-3, quoted from Gustavson, *op. cit.*, p. 65

²⁶⁴ Tõnismägi, Heino 1996. Lavrenti Beria pole ainusüüdlane. – Luup No. 7, p. 49

crease in the relations with foreigners had a great impact on the following processes. Due to the rise in prostitution, a new administrative liability for the activity was introduced in 1987. In 1988, the militia registered over 268 females who had been caught performing sexual services for money in hostels and hotels.²⁶⁵

THE GENERAL OVERVIEW OF PROSTITUTION AND SEXUAL BUSINESS IN ESTONIA SINCE 1991

Since the collapse of the Soviet Union, unforeseen opportunities for all sorts of activities opened up for the people. The beginning of the 1990s saw the commencement of the first undertakings offering sexual services in rented apartments. Such undertakings offered services on the premises (as a rule, the conditions were rather meagre) or the possibility to order girls by phone to hotel rooms, to private parties *etc.*

Due to the sudden opportunity to talk openly about sexual life, the phenomenon enjoyed a short-term open acceptance in the early 1990s in the form of erotic dancer's competitions being transmitted on national television, rather liberal views spreading not just in the newly founded soft-porn magazines, but even in some newspapers which for instance could contain articles on historical and political matters next to articles recounting the story of Emmanuelle or other similar heroines *etc.*

Uncontrolled sex-business activities peaked in 1994-95 and started to decrease from 1996, in relation to the changes in legislation, formation of a more stable market situation and changes in the public opinion towards the more negative. Also, small firms and undertakings ran out of business and prostitutes had to relocate into hotels, saunas, night clubs and other businesses that officially had other purposes.

The phenomenon has mainly disappeared from the public arena and has been linked to the criminal world. Prostitution and the sex-business tend to be financed, controlled and regulated by organized criminal structures, with the help of corrupt officials, this makes it difficult to identify the houses that accommodate such undertakings. Prostitutes do not reveal much of the background of their jobs, which not only further obstructs the control, but also the study of such phenomena. Classical forms of prostitution combine with other

²⁶⁵ Gustavson, *op. cit.* p. 89.

forms of the sex-business, to such an extent that it is often impossible to draw clear lines between prostitution and such activities as escort services, strip-tease bars, premises providing different types of erotic massage and erotic and pornographic magazines and films.

Also, changes in the geography of the service occurred. The sex-business is now firmly located in Tallinn, other bigger cities (Tartu, Narva) and holiday resorts (Pärnu, Haapsalu) where there are more wealthy clients (tourists, foreigners). Prostitution has crossed the borders of Estonia, with a number of girls searching for a better income abroad (Finland, Germany, Holland). With the development of Estonia's image of economic success, it has also become a target country for prostitutes from surrounding areas, *e.g.* Russia and Latvia. The original intentions of the migrating prostitutes may or may not have been to get involved in prostitution; however, both the immigrants and emigrants may have been involved in different schemes of human trafficking.

THE NUMBER OF PROSTITUTES, THEIR GENERAL SOCIAL AND DEMOGRAPHIC CHARACTERISTICS

There are only very rough estimations of the number of prostitutes in Estonia due to the lack of clear definitions and special studies on the matter. The estimations of the number and characteristics of prostitutes can vary greatly. Since the phenomenon is difficult to study using the quantitative measures in social sciences, the estimations are usually not based on empirical observations. Some experts estimate the number of people involved in prostitution in late 1990s to have been approximately 2,000-3,000, of which minors (16-17 years) represented 4-4.5 per cent. Fifteen years old and younger, that is child prostitutes, were estimated to contribute with a further 0.5 per cent to the overall number. According to police sources, before 1995, juvenile prostitutes were to be found in most brothels. According to the some experts, the problem still exists in the form of 100-120 juvenile prostitutes, most of whom are 16-17 years old.²⁶⁶ According to another non-representative questionnaire, the prostitutes were divided into following age groups in 1996-1999: under 18 – 26.5 per cent, 18-24 – 46.4 per cent, 25-30 – 16 per cent and 11.1 per cent were older than 30.²⁶⁷

²⁶⁶ Nurmela, Elmar 2001. Research, Information and Legislation on Trafficking in Women in Estonia. Project Report to IOM. – Unpublished material

²⁶⁷ Kalikov 2001, *op.cit.*, p. 9

Compared to the mid-1990s, the number of prostitutes has, according to most expert estimations, diminished due to the formation of a relatively stable market situation. Some experts claim that the current number should be around 1,000. According to other estimations, there has been a recent (2000 and 2001) increase in the number of prostitutes due to growing stratification. (Narva Centre for Community Integrative Initiative).

There are general changes, not just in the age structure of the prostitutes, which indicates that the proportion of underage prostitutes is diminishing. Changes also occur in ethnic structure - prostitutes from Russia are taking over the trade. It is suggested that around 80 per cent of the prostitutes are Russian speaking local girls and women. Most of these ladies are not Estonian citizens and own the "grey" (non-citizen) passport, which also limits their possibility to travel abroad. The possibility to become a citizen and to find a steady legal job is obstructed by their lack of knowledge of the Estonian language. This is already a field that is linking migration to Estonia for the purpose of prostituting. One businessman with knowledge in the sex business mentioned during an informal discussion that prostitutes from Russia and other ex-Soviet republics are playing a considerable role in Estonia, the reason being greater profits to be earned from such workers. Such forms of prostitution are in direct conflict with the law, but there is not even the vaguest of estimations or data on the extent of such migratory activities.

A remarkable number of local prostitutes have migrated to Finland, Germany, Sweden, Spain, and Turkey *etc.* where income is considerably greater. The main motives and triggers are knowledge of foreign languages and having citizenship that allows greater freedom of movement. The estimations of the number of such women vary between a few hundred and one thousand. The actual activity abroad is mostly concealed; other jobs are given as the reason for residing abroad, such as working as a dancer or a child tender. In some cases activities such as participating in pornographic journals or films have been uncovered in Estonia (two such incidents were described during the interviews).

LEGAL REGULATION AND CONTROL OF PROSTITUTION BY THE INSTITUTIONS OF LEGISLATION AND LAW ENFORCEMENT IN ESTONIA

In 1993 a public discussion started on whether or not prostitution should be banned in Estonia. A draft of the proposed law on regulation of prostitution

was presented to the Parliament, but encountered severe opposition. Finally it was concluded that neither a ban on prostitution nor its legalisation would be constructive solutions. In 1995, the National Council of Crime Prevention, which has the status of a governmental commission, discussed the possibility of criminalizing prostitution. The Council did not support the total ban on prostitution, even though it expressed the necessity to limit it with all possible means, except by criminalizing it.

An outright ban of prostitution indicated a double punishment and stigmatisation by the state of the women, who are already experiencing violence and demands for money by pimps and racketeers for selling their bodies. Further, the Human Rights Declaration does not allow the state to prevent a person from selling his or her body. On the other hand, legalising prostitution was considered to demean the functions of the state, which would profit from sexual work by taxing it. It was also pointed out that the European Union and the majority of those engaged in prostitution are against the legalisation (according to one study carried out in Estonia, 80-90 per cent of those in the sex-business). This includes underage prostitutes, students, and housewives who hope to give up the profession after having earned sufficiently.²⁶⁸

Estonian legislation has developed since the mid-1990s, in accordance with public and international pressure towards more severe penalties. The main principle that is the basis for change is that having sex for money is not punishable, but prostitution cannot be considered to be a professional activity. However, all forms of pimping and cajoling someone into prostitution are punishable under criminal law. A particularly important development has been the reinforcement of the protection of underage persons under the new criminal law.

Today, there are 3 acts on limiting prostitution within the 11 chapters on the crimes against public order and security in Estonian Criminal Code.

Criminal Code paragraphs (see also appendix 1):

§ 201. Permission to engage in activities prohibited by law on premises belonging to person (entered into force 24.03.1995).

§ 202. Inducing minors to engage in crime or prostitution (entered into force 11.03.1994).

§ 202⁶. Pandering or pimping (entered into force 24.03.1995).

²⁶⁸

Kalikova,

Nelli.

Prostitutsioon

Eestis.

<http://www.aids.ee/est/vagivald/prostitutsioon.html>

TABLE 1

THE NUMBER OF CRIMES AGAINST THOSE PARAGRAPHS REGISTERED BY POLICE SINCE 1995 (ONLY §202.6 IS DEALING WITH PROSTITUTION ALONE)

	1995	1996	1997	1998	1999	2000
§201*	2	5	6	10	3	6
§202**	11	91	99	80	79	54
§202.6	9	10	13	14	17	7

* It is not possible to separate the number of crimes that have to do with prostitution.

** This paragraph is not really implemented anymore since §202.6 came into force in 1995 since prostitution of an underage person is regulated under the latter. (section 3.2).

The majority of the crimes registered between 1995-2000 (§202.6) were concerning pimping or pandering of two or more persons (section 3.3) – see also appendix 2.

The most active period of fighting against pandering or pimping was in 1997-1999. Almost all the cases were registered in Tallinn, which had a special police squad for fighting against prostitution. Due to the reorganization of the police force in 1999-2000, the Tallinn police have no special squad for dealing with prostitution anymore, and the Estonian police do not have a particular interest in this issue. It can also be revealed from the decline in the registration of those crimes and in the number of the convicted in 2000. In 1999, 17 crimes were registered, in 2000, only 7. Twenty-seven persons were convicted in 1999, only three in 2000. The fight against prostitution is far from being considered the most important task for the police, and within stringent economic conditions the police has concentrated on violent crimes and drug crimes. “Police will pretend to look for the services of a prostitute [to catch the pimps] only when there is nothing else to do,” Tallinn Chief Police Officer has said to a newspaper (SL Õhtuleht 10.05.2000).

Relative indifference to the phenomenon in Estonian society today is also revealed in the fact that the attitudes to prostitution and its legalisation have not been studied within representative and regular public opinion polls.

MODUS OPERANDI

Prostitution is a commercial undertaking that has to be profitable to all the parties involved in the business. Specific forms of commerce in Estonia could be divided into three: service at the site (guesthouse, club, strip-tease bar,

sauna); ordering the prostitute to the client's premises (home, party); sexual services in other enterprises (hotel, night club). Street prostitution is not regularly present in Estonia.

1. Service at the site has the highest quality. Since pimping is punishable under criminal law, the brothels are registered as other businesses – as a bar or a guesthouse – which also offers specially furnished rooms if required for sexual activities. In a strip-tease bar, the client may order private strip tease and according to the agreement, the dancer may also offer sexual services. As a rule, the prostitutes act as guests meeting other guests. If required, the house may rent a room to the guests so that two or more of them can spend time enjoying each-others intimate company. Such meetings between “clients” are of course not random, but organized. Nevertheless, none of those enterprises officially offer sex.

Those businesses are adjusted to the needs of sex-tourists mainly from Northern countries (Finland and Sweden). The houses are particularly concerned about their prestige and guarantee first-rate security, making them far safer for the (drunken) clients than public places. Clients are taken to the house and back by the cab drivers with which the houses are in cooperation with. The cab driver gets a specific sum per client. There are around 20-30 bigger houses like this in Tallinn, around 5 in Tartu and a few in other bigger cities. The number of houses is directly related to the number of clients in each city asking for the sexual services and being able to afford it.

The prices depend on the quality of the house, varying between 400 and 1,500 Estonian kroons per hour. A great deal of the income comes from selling alcoholic beverages, which have a remarkably high price (e.g. a bottle of Champagne can cost over 1,000 kroons, compared to the usual price of 50-120 kroons). The most valuable clients are the tourists who sometimes stay in the house for a few days, leaving behind tens of thousands of kroons.

A cheaper version of the in-site service is a flat that a couple of prostitutes rent together. The client gets the number from the classifieds or the Internet – such services are advertised openly. Also, cab drivers are a great source of information. The conditions are agreed over the phone and the client arrives by his own means of transport or by a cab. A client we interviewed, Tõnis,²⁶⁹ described the flat and the process as follows:

²⁶⁹ The names of all the respondents are replaced by a pseudonym. This interview took place by e-mail.

“[...] The girl used a tape recorder to measure the time. Once she had turned it on she went to wash herself, and I had to sit stupidly in the room. [...] And of course the interior of the room was weird, red curtains were drawn, there was no furniture, a mattress instead of a bed, and there was nowhere to put your clothes (and Russian music was in the background [which was there for purpose of indicating when the time was up]). When I left I felt very awkward because in the corridor, there were another pair of shoes belonging to a man, next to my smart shoes (I came straight from work) [...] You know, it was such a different world, I was under its influence for quite a while.”

2. Ordering prostitutes to the client also takes place via phone numbers that have been received from open commercials or from cab drivers. According to requirements, the prostitutes are taken to the client with an escort and after certain time picked up and taken away. This process also usually happens with the help of cab drivers. The escort is usually the pimp who gets money for the service and who guarantees the security of the girls (which is called “the roof”). To provide sexual services more efficiently, the criminal network is organized. There are several phone numbers for the prostitutes, but in fact, the girls are often the same. The “brigade of prostitutes” which may be offering services to the whole town are placed in a few apartments known only to the pimps, and the girls are sent out from there. The prices are fixed and given along with the phone numbers advertised. Ordering a prostitute costs about 300 kroons, but one can also order girls for a shorter period of time. Any special requirements also mean additions to the original price.

3. Prostitutes can be ordered to several hotels, numbers come from the staff in the hotels. Cab drivers and potential clients know of such hotels. Relevant information is given from one person to the other. Hotel administration is aware that prostitution is taking place on their premises but accept it, as they would otherwise lose several clients. The higher the quality of the hotel, the more hidden prostitution is in it.

The organizers of prostitution attempt to actively search possibilities to extend their business. For instance, when a hostel opened in the centre of Tallinn, the pimps offered the administrator phone numbers for ordering prostitutes and possibilities for lasting cooperation.

There are groups of women organized by pimps, but also some women who work on their own, usually episodically. In fact, it can be said that this type of prostitution has the lowest level of organization and therefore the prices vary considerably and depends on how moneyed the prostitute thinks the client is.

Such ladies work in night-clubs, bars, discotheques, where they look for clients and organize the service themselves. In reality, that can only happen if the staffs of the enterprise have accepted it (and has possibly received certain payment for it).

EXPLOITATION OF THE PROSTITUTES

Almost all prostitutes in Estonia are mediated by different interest groups, their superiors, pimps and cab drivers *etc.* – who exploit the prostitutes by taking the greater part of their income (up to ¾). The interviews revealed that in some cases the pimp could be the legitimate husband of the lady.

Under such conditions, prostitutes depend on the pimp. There is no written contract, and if they do not follow unwritten rules, they face financial charges, usually in the form of working for free for a certain amount of time. There are no official records of physical punishment of the prostitutes. However, we have to bear in mind that the people who are involved in this business are a very closed family controlled by unrecorded rules and the violence within the system usually does not leak out.

Becoming a prostitute is usually voluntary and conscious and the motives are material. Some informants from the criminal circles suggest that in some cases where a person has not managed to pay a debt, the debtor or his/her relatives have been taken to work as a prostitute. One of the respondents had heard a rumour about an illegal enterprise in Tallinn that is ruled by a woman, where the prostitutes are forced to work for drugs and are kept in the work by force. Officially, no such incidents have been registered. Police data indicates that there are no concrete cases to the knowledge of the police where someone had been forced or fooled into prostitution.²⁷⁰ The use of violence against the prostitutes during recruitment and whilst working, was also denied by all those questioned. One of the ladies interviewed, Anna, considered the most unpleasant experience to have been included in a group from which the client had to choose the girl. There were several people and she felt embarrassed.

The main motive is the material rewards. Prostitutes can earn about 20 000 kroons in a month, which is comparable to the income of a minister. At the

²⁷⁰ Nurmela, *op.cit.*

same time, the pimps guarantee the prostitute and her client security (from blackmailing, violent clients, and those who try to avoid payment) that makes it less risky for the woman than prostituting without a pimp. There have been no cases registered during the recent years where the victims of grave bodily harm, murder or rape were prostitutes.

PROSTITUTION AND SEXUALLY TRANSMITTED DISEASES, PROSTITUTION AND DRUGS

In the beginning of the century, prostitution was seen mainly as a medical problem, and STDs were considered the greatest negative side effect of prostitution. Today when hygiene is available on a high level, the wide use and treatment of STDs effective, this problem has become less important. All the interviewed prostitutes considered the usage of condoms self-evident and their knowledge of the risks of STDs was considerably higher than the knowledge of other women of their age. However, the results of 788 sex-workers indicate that nearly 45 per cent of them were diagnosed with such diseases as candida and gardnerella.²⁷¹ Thirty-five per cent had one or more STDs. Those who were coming to the check-up the first time appeared to have the following STDs: chlamydeous infection (17%), trichomoniasis (11%), gonorrhoea (6.5%) and genital herpes (0.9%). Sixteen prostitutes (3.6%) were diagnosed with syphilis.²⁷²

The second problem is the spread of AIDS and its relation to prostitution. By now, there are more than 1,000 registered cases of HIV positives. The massive spread started in 2000 from Narva in North-Eastern Estonia. The disease first spread among injecting drug addicts, but has now spread to those who are not using drugs. However, there have been no registered cases of HIV among prostitutes. The relationship between prostitution and AIDS is still indirect and this owes to the fact that several of the prostitutes in Tallinn come from North-Eastern Estonia.

The opinion of some experts is that most prostitutes use drugs regularly or randomly. Of the ladies interviewed, two denied the use of drugs, and one claimed that she uses amphetamines regularly. The data of Kalikov shows

²⁷¹ Kalikov 2001, *op.cit.* p. 10

²⁷² Kalikova, N., Melesko, L., Vessin, T., Kalikov, J. 2000. HIV ja sugulizel teel levivate nakkuste ennetamine prostituutide seas. Presentation at the STLIEÜ Conference in Otepää, 09.06.

that of the 321 questioned prostitutes, 28 per cent use drugs (89 individuals), of whom 57 per cent smoke, 45 per cent inject and 45 per cent use tablets.²⁷³

PROSTITUTION AND MIGRATION

The relations between prostitution and migration can be divided into two depending on the direction of migration: to and from Estonia.

Migratory prostitution to Estonia

Different experts seem to agree that about 80-85 per cent of prostitutes in Estonia are non-Estonian. Usually, they come from Ida-Virumaa (North-Eastern Estonia), Tallinn or outside of Estonia. Local non-Estonian prostitutes do not have citizenship or have Russian citizenship. Some experts estimate that a considerable number of prostitutes in fact come from Russia or other parts of ex-Soviet Union. They come to Estonia as tourists or with primary residence permits. Other experts however point out that the illegal residence and the danger of becoming the target of legal institutions would complicate the situation and therefore it is likely that the number of migrant non-Estonian prostitutes from abroad is far less than the number of locals. There is also no need economically for such a trade as there is a sufficient offer of local girls.

The sex business is characterised by seasonality. It is far more intense during the periods when there are more tourists and holidaymakers. For instance, the summer resort Pärnu which normally has about 50,000 inhabitants, grows to 150,000 inhabitants during the summer. The experts estimated that there is a massive inflow of young women from St.-Petersburg at that time. Often, these are not professional prostitutes but students, workers or housewives who are earning their living for the wintertime in such a manner. The exact number of such people is not known.

The Citizenship and Migration Board data indicates that the immigration to Estonia from Russia, Ukraine and Belarus has been growing during the last three years.

TABLE 2

IMMIGRATION TO ESTONIAN WITH PRIMARY RESIDENCE PERMITS

²⁷³ Kalikov 2001, *op. cit.*, p. 9.

Year	From Russia	From Ukraine	From Belarus
1998	1072	142	58
1999	840	130	43
2000	1710	352	120
2001 first three months	648	241	53

TABLE 3
IMMIGRATION TO ESTONIA WITH WORK PERMITS

Year	From Russia	From Ukraine	From Belarus
1998	347	54	25
1999	174	46	9
2000	309	124	18
2001 first three months	123	172	11

This data does not reveal connections between such immigration and prostitution. There have been no cases where the work or residence permits have been denied on the grounds of a person's activity in the sex business. In 2000, Estonia abolished the family migration from the migration quota, one of the reasons being the lack of problems with bogus marriages, that is, in some countries considered to be an active channel of trafficking in humans. Cases of illegal entrance to the country (secretly or with forged papers) for the purpose of prostitution have not been registered officially. The greatest number of people coming from ex-Soviet countries arrives in Estonia with a guest visa that is accompanied by a personal invitation. This could be the main channel for trafficking prostitutes to Estonia. The client we managed to interview, Tõnis, pointed out that the Latvian girl he received sexual services from in Tallinn, had described how she had come first to visit a friend and had wanted to work as a masseur. As that had not worked out, she needed money and took up prostituting.

The girl had also mentioned that the late middle-aged Russian woman who was keeping the flat-brothel did not allow her to go into town very often. The migrants in Estonia are probably similar in that respect to the Estonian migrants abroad. This girl had said that she wanted to return to Latvia, she planned to take up studies in medicine and claimed that this is what she was earning for by prostituting. But she also claimed to earn to send money to her mother in Latvia, and to buy things. In Latvia, she was living in Ventspils with

her mother. Her mother thinks that she is working as a masseur in Estonia. She also claimed to have a boyfriend in Latvia.

Migratory prostitution from Estonia

According to Interpol, there are about a hundred girls from Estonia who have migrated abroad to work as prostitutes. This number indicates the registered cases; the real number is thought to be greater. Prostitutes from Estonia work mainly in Finland, Germany and Sweden. Some cases are related to Holland, Norway, Denmark, Switzerland and Spain. For instance, Dutch police have identified 3 suspects for women trafficking in 1995-97 who were from Baltic countries.²⁷⁴ According to a survey carried out by Reet Nurmi in the sex clubs of Helsinki in January 1998, of the 179 identified prostitutes, 2 were of Estonian origin.²⁷⁵

Police data suggests that the proportion of Russians and Estonians are more or less equal. In Sweden, however, the Russians are the majority. The ages of the women are between 18 and 30, the majority are 23-27. Their level of education is usually lower – below secondary education, sometimes they have vocational education. Mostly, the girls come from poorer segments of society.

The girls become prostitutes usually via their acquaintances, when their friends suggest taking up an easy and materially rewarding job. In other cases, they find the work via job adverts. Of the interviewed prostitutes, the one who admitted to have worked abroad did that with the help of a friend.

In most cases, the girls are aware of the nature of their future jobs, and the advertisers say it openly when phoned up and asked what kind of work lies beneath for instance an offer “Highly paid work abroad (in Germany, Holland, Finland *etc*). Security is guaranteed.” – the reply is that the work is “intimate” and the choice of the country is up to the girl. Police are aware of

²⁷⁴ Gerben J.N. Bruisma, Guus Meershoek 1999. Organized Crime and Trafficking in Women from Eastern Europe in the Netherlands. In *Illegal Immigration and Commercial Sex. The New Slave Trade*. Ed. by Williams, P. – London: Frank Cass, pp. 105-118.

²⁷⁵ Building up a Network for Monitoring, Analysing and Combating Trafficking in Women and Children. European Commission Stop-project. Project Report, p.41 <http://www.stakes.fi/sexviolence>

only very few cases where the girls have been invited to work as dancers or models and once arrived, forced to prostitute.

The pimps are usually Estonian men or women. One pimp has approximately 10 girls who are regularly changed by new inflow. The freedom of movement is usually not restricted; sometimes documents are taken away for the time they are working.

Once the girls have earned a sufficient amount of money, they quit and return to Estonia. When they need money again, they may go abroad again. Sometimes even the exact period is agreed – a week or two – after which they return home.

The case of Kristjan

By today, only one case is known where Estonian girls were trafficked abroad for the purpose of prostitution. According to Interpol, the incident started more than five years ago. In 1995, an Estonian citizen Küllike started to irregularly and in cooperation with foreign counterparts, intermediate prostitutes to Holland. Since the income was high, the intermediation of girls became regular in 1997.

The victims were usually invited to work as waitresses or dancers. Some went abroad knowingly to prostitute. In Holland, their documents were taken away from them and kept by the organizer. From Holland, some girls were trafficked to Spain. Usually the system worked through acquaintances and since 1995, more than a hundred Russian and Estonian girls have been trafficked abroad to prostitute via that system.

In the latter years, the main organizer was Kristjan, the brother of Küllike, also an Estonian citizen. He had a wife and a child in Holland, who were given as his reasons to commute between the two countries. Dutch police kept Küllike in custody for 9 months in 2000. On the twenty-seventh of March 2001, Estonia decided to extradite Kristjan to Holland as he was accused of being in charge of a group trafficking people. This group had at least 6 victims who were recruited from Estonia to work as prostitutes in Holland. If found guilty, Kristjan faces imprisonment of up to 10 years.

Police have been investigating this criminal group for more than one and a half years. Two organizers have been charged but the investigation has not yet finished.

The case of Olga

On the fourteenth of December 2000, a 35 year old Russian from Estonia, Olga, was killed in Helsinki. The person who had robbed and killed her was her 22 year old client who was unable to give any explanations as to why he had killed her. Olga was single, had a higher technical education and had been working in Finland as a prostitute for the last three years. Usually she worked for a few months. Her permanent residence was in Lithuania, Panevėžys.²⁷⁶

REPRESENTATION OF PROSTITUTION IN ESTONIAN MEDIA

After independence in 1991, the media discovered the new exciting theme of prostitution and published numerous materials on the subject. Not only did tabloids publish classifieds for sexual acts, some of the broadsheets also had relevant sections. For instance, the first Estonian independent weekly “Eesti Ekspress” had in 1992 a section euphemistically called “Lady Companion” (seltsidaam). In 1993 it was renamed as “Intimate Services” – a label that reflected the content of the services more adequately.

The media of the 1990s had a “legalising” attitude to prostitution in Estonia. The dominating picture of prostitution presented in those early years was that of a business-like attitude, with prostitution presented as a business as good as any other, and the prostitutes as sex workers doing a tedious but praiseworthy work. Often, media presented the prostitutes as intelligent representatives of their trade, romantic heroines who, after having acquired sufficient capital, invest it elsewhere. Also, the clients of prostitutes were presented as businessmen, relaxing after a hard days’ work, in the brothels. In the mid-1990s, there were articles also in the media abroad describing the local situation as a paradise of prostitution and sex-business. They were commending the cheap prices of intimate services in Estonia and great opportunities to film pornographic material.

²⁷⁶ Tallinnlannast lõbunaize viimane päev Helsingis 2001. SL Õhtuleht, 07.05.

By now, the media's attitudes have changed considerably. Prostitution is presented in the context of organized crime and prostitutes as the victims of such vices, the clients are eager to hide their interest in such pastimes *etc.*

A preliminary study of the current press indicated that there are 4 types of materials on the matter.

1. Adverts of brothels and personals of the prostitutes working alone. Usually, sexual services are hidden in the adverts. Entrepreneurs advertising salons or offering massage have to add "no erotic massage" to the advert in order to avoid confusion. An advert "Meet a pretty girl for a coffee" however, conceals a prostitute offering services at home.
2. Interviews with the prostitutes and materials on prominent persons who have visited such "dubious" premises. For instance, recently, the Mayor of the capital city Tallinn visited a strip-tease bar "Lily" which also offers intimate services. The Mayor denies categorically having visited a young lady and paying her 1,200 Estonian kroons even though witnesses claim the contrary.
3. Reports on police raids of such premises.
4. Analytical articles that present facts and results of studies on prostitution.

We decided to look more specifically at the articles that included the theme of migratory prostitution.

Migratory prostitution in three Estonian newspapers, May 2000-May 2001

A very general estimation of how many issues of each paper are dedicated to the theme indicates the following:

In the tabloid daily *SLÕhtuleht* (SLO), 14 per cent of all the issues in a year contain articles on prostitution. In one of the two major broadsheets, the most widely spread and read newspaper *Postimees* (PM), the amount is 13 per cent. In one of the major weekly newspapers, *Eesti Ekspress* (EE), known for combining the characteristics of both, broadsheets and tabloids, 36 per cent of the issues contain the theme. That derives partly from the nature of weeklies that have to present all the themes of the week in one paper.

Migration of prostitutes more specifically is very seldom represented in the media. Of the 42 articles on prostitution, 11 (26%) of the tabloid SLO are dealing with the issue of migration and/or trafficking or mention it in passing. PM is represented by 15 (39%) articles on prostitution and migration/trafficking of the 38 articles on prostitution. EE has 6 (33 per cent) of 18 articles that talk about this issue.

Two types of articles could be separated in terms of the space dedicated to the theme – those which were handling specifically with the theme of migratory prostitution (45 per cent in SLO, 40 per cent of PM and 50 per cent in EE) and those which referred to it in passing.

March and May 2001 contained the greatest number of articles on migratory prostitution in all the three newspapers. These had in fact to do with a single event, extraditing the aforementioned man, Kristjan, to Dutch police. Some more articles dealt with the related incident, where the sister of the accused, having spent 9 months in a Dutch prison for helping in the process of trafficking, demanded her child to be given back to her, as the child had been kept by the Dutch authorities during her imprisonment. These articles represent a very interesting feature, which we shall discuss below. In March, there were also several articles on the event of the Tallinn Mayor visiting a strip tease bar, a few of which referred to migratory prostitution.

In what follows, SLO and PM are considered together, as they represent several similar articles. The source is indicated.

The way foreign prostitutes in Estonia are described varies greatly. In an article describing a piquant event where the Tallinn Mayor was found to have visited one of the city's strip-tease bars which is also known to offer sexual services, "the ladies from St. Petersburg" are praised for having "intelligence above Estonian average" and for being "clean". (SLO)

In another article, describing a police raid in one of Estonia's least crime-prone areas, Saaremaa, the girls are described in slightly different terms:

"plump, brunette wearing stockings and pants [...] covers her face and runs to the room in the back of the bar. The police find three strip-tease girls, illegal [immigrants] from there". (SLO)

The overall description is that of dirty, low, even ridiculous illegal activity performed by "illegal people."

INNER MIGRATION

Several of the articles refer to inner migration rather than to migration between the countries.

Here, the girls and their movements are generally put in the context of social vices. These words are quoted from the specialists:

“The person suspected in killing Leo is a Tallinn prostitute who is not, however, from the capital city herself” (head of the crime squad, SLO)

“Almost all the girls use drugs,” the head of the AIDS Prevention Centre characterises the prostitutes working in Estonia whose number changes according to unemployment levels in Ida-Virumaa [North-Eastern Estonia] and Southern Estonia. “Most girls who have arrived in Tallinn from Ida-Virumaa are living in miserable circumstances, many dislike their job which also pushes them to use drugs”. (SLO)

The inner migratory prostitution is caused by unemployment. The articles do not need to refer directly to Ida-Virumaa but mention

“counties with greater unemployment level”. (PM)

The inner migrants are described as of a lesser, or, indeed, dangerous quality. Especially interesting is a quotation taken from the same representative of the AIDS Prevention Centre quoted above. She suggests that most of the girls working in Tallinn are in fact inner migrants, coming from the towns of North-Eastern Estonia, which are considered a problem area and where the urban population is largely Russian. A peculiar geographical mobility of vices is described: the HIV epidemic started in St. Petersburg, from there, it moved to Narva, a border-town with a mainly Russian population. Via inner migration, HIV is now approaching Tallinn – through Kohtla-Järve, Sillamäe and Maardu. (SLO)

FURTHER MIGRATION

While it is HIV that is taken from Russia to Estonia, and from North-Eastern Estonia to Tallinn, it is quality that is taken from Tallinn/Estonia to abroad:

“Most prostitutes working in Tallinn come from Ida-Virumaa – Narva, Kiviõli, Jõhvi and Kohtla-Järve. High-profile prostitutes, mostly Estonians, usually work abroad.” (SLO)

“It is determined, ambitious women who go abroad, want to earn money and are good at their trade,” Tallinn police PR representative admits. “Those who stay here are a couple of times lesser quality.” (SLO)

An anonymous brothel-keeper:

“You can find our girls not just in Holland and Germany now, but also in France and Spain. Those who have more initiative and ambition go there. The ones who stay behind are weaker.” (SLO)

The tendency of (high quality) Estonian girls going abroad is rationalised in the following manner:

A policeman:

“One earns more abroad” (SLO)

A brothel owner:

“Compared to what one can earn abroad, we are really stingy. Even in Finland, one can earn far more working far less” (SLO)

PROCESSES ABROAD

Those of “ours” who have made it abroad are described in relation to crime and pimping, but the descriptions have no attempts to emotionalise the situation, rather, the articles give a neutral overview.

One of the articles explains the rationale behind the migration processes in relation to legal regulations:

“[Once Helsinki city council decided to make prostituting illegal on the territory in their administration,] those offering their service, mainly from Russia and Estonia, travelled out of Greater Helsinki”. (SLO)

“The service has moved closer to Helsinki [from Tallinn where the Finnish men used to go for the service] – we have just arrested a (Finnish) man who operated with a few dozen of Estonian prostitutes in a rented apartment,” [says a Finnish policeman. The man also sold drugs.] (SLO)

One more article relates to the developments in the sex-market to the changes in tourism. There are less tourists coming from Finland to Tallinn than before, and now the sex-service is moving closer to their clients. Finnish pimps hire Estonian girls now in Finland. (SLO)

Police raids that happen abroad and catch Estonians illegally in foreign countries and prostituting or pimping, are connecting the issue to drug dealing. (SLO)

Two articles have more of a tendency to portray the nature of the life of prostitutes abroad as problematic:

One deals with Estonian racketeers/pimps demanding money from prostitutes who are living abroad. The cruelty of the pimps is described, also, these articles describe the process itself – the men have the passports of the women, who are therefore likely to be migrants even though that is not mentioned. (SLO & PM)

An NGO representative claims that girls working in the West have a greater risk of catching HIV since it is more common in Holland and Germany than in Estonia, and when they come back, they spread the disease here (SLO).

But these are in fact the only articles where there is an evaluation of the problematic nature of the migration from Estonia to the West to Estonia and the troubles the girls face. .

EASTERN EUROPEAN SUCCESS

When describing Eastern Europe in general, not mentioning a specific country, the prostitutes seem to be presented as more successful than their foreign counterparts. For instance, one article somewhat proudly presents that East European migratory prostitutes endanger the jobs of Western European prostitutes. French street prostitutes have sent their complaints all the way up to the Prime Minister. The following extracts are quoted:

“The State has to stop the activities of the prostitutes coming from Eastern Europe to France. [...] The girls coming from there are younger, fresher and more beautiful and leave the French women unemployed.” (SLO)

The article does not contain any evaluation of this roundabout praise. The clever means of getting their work and not behaving “properly”, in the way expected from an immigrant, is quoted, too:

“They come to our country as political refugees and then start their sex business straight away.” (SLO)

Estonians who are involved in trafficking

Once they have arrived in the West, this hierarchically higher destination, the descriptions of Estonians seem to background their illegitimate activities. They may even be presented as part of the Eastern European success, even more, as better than the rest of those involved in the business – for instance, pimps and their cultural differences are mentioned, indicating how Estonian pimps are better than other options: (PM)

“The Russians [...] organize work days where the owners of the brothels are inviting their friends and then use the girls without paying. [...] Finns have the same problem which is the reason why Estonians are taking over the elite sex-business in Helsinki” (PM)

EE describes Estonian women offering their services via the Internet in Stockholm. The article refers to an article that was published in Sweden. The article, when referring to prostitutes, uses words that no other article has used – they are called “birds” and “hookers” rather than prostitutes and “joy-women” or “joy-girls”, as the Estonian euphemism puts it. Otherwise, once again there is no relationship between these girls and other social vices or the difficulties the ladies may face when abroad.

A very interesting case of neutralisation is the one that has brought about the greatest number of articles in PM – the one reporting on the handing of an Estonian man, Kristjan, over to the Dutch police with the charges of trafficking prostitutes to Holland from Estonia. In the lead of an article in PM, the accused is mentioned to have led a gang trafficking in humans. The rest of the article, however, has no more interest in this subject and deals with the personal life of Kristjan.

This theme is related to an incident with the niece of the accused man. The child of the man’s sister, Küllike, was kept in Holland foster family while his mother was kept in custody for 9 months. Once she was freed, Küllike returned to Estonia while the Dutch authorities kept the child. The articles dis-

cussing the issue of the child being kept from her mother, have barely made any reference to the fact that Küllike was related to trafficking prostitutes and pimping. In SLO, the articles referring to the incidence are presenting the picture of a heartbroken mother who has lost her child to cruel Dutch authorities. The charges against her are mentioned in passing as complete nonsense. Related articles that have no reference at all to the issue of prostitution are concentrating on the relationship between the mother and the child, and Estonian and Dutch authorities. The charges have no relevance. In PM, Küllike is presented in relation to her child's fate rather than in relation to the reason why she lost the child in the first place.

Other nationalities in the process of migratory prostitution

While migratory prostitution of Estonians and their pimping business are somehow stripped of the illegality and the negative side of the issue, when we deal with the migratory prostitution abroad, the horrors of the lives of the "sex-slaves" are described emotionally and in thorough detail far more often.

In one of the articles, the fate of migrant prostitutes from Eastern Europe to Italy is described. Here, the main sources of problems are the pimps or the smugglers/traffickers. The women are described as being controlled by Albanian mafia (SLO). The relation to such problems as underage prostitutes is discussed. Italian politicians are quoted to say that the process of sex-slavery is a new sort of Nazism. Apparently, the cruel treatment of the migrants even leads to death (SLO). The descriptions in PM are very thorough in one article: the horrors of the process are thoroughly described: how the future migrants are kept literally imprisoned until the date of smuggling, how they are not fed properly, beaten, tortured or raped. Even the possibility of being killed when attempting to get free is discussed. The girls are called slaves; terrifying details of their fate are described. Sex slavery in the Balkans is described as a process where naïve girls, who want to free themselves from poverty, decide to work as au pairs, cleaners *etc* in Italy, Spain and elsewhere. They give their documents and therefore their freedom to the representatives of their employers (PM). All those issues are brought together in relation to migratory prostitution. However, no such perspective and details are given when describing the ambitious Estonian girls going abroad – neither in SLO nor PM.

Therefore, what seems characteristic to those articles is that they are not linking the Estonian prostitutes abroad to problems, as they do when describ-

ing the local inner migration, or when describing migratory prostitution taking place between other countries. The articles referring to Estonian girls who have been caught prostituting abroad are mainly neutral, or background the negative aspects that, on the contrary, are in the foreground in the articles on foreign or inner migratory prostitution. In the articles describing the traffickers from Estonia, their actions are not related to the possibility of the fate similar to the girls from Balkan countries.

The trick lies in the otherness of the country described as the source of the migrants and their pimps. Estonian pimps are, as we saw in one of the previous extracts, decent and polite, and are not indicated to be involved in something so improper. Balkan pimps are described as being involved in extensive and developed cruelty against their victims. There are no such articles where the difficulties of East European prostitutes are described or refer to Estonian girls and their fate or the miserable fate of girls in the hands of Estonian pimps.

In that sense, EE is represented with a very different type of approach. There are only 6 articles that deal with migration and prostitution, so it is even more difficult to generalise, but as an illustration, of the six, two talk about the same trafficking case with Kristjan and Küllike. Of the two, one is an interview with Kristjan who is presented in rather unpleasant and irresponsible terms, - The other is concentrating specifically on the feelings and horrible experiences of a girl who was trafficked and forced to prostitute. Here, the picture in PM and SLO, of a hearth-broken mother who lost her child to Dutch authorities who have got it all wrong is rejected and replaced with a determined lady who participated knowingly in the process of trafficking, using psychological force.

Exceptions

There is one article in PM that is describing a visit of a Danish police mission to Estonia, to report on trafficking in women in Estonia. An Estonian representative of Interpol department is quoted to say that there have been

“a few instances where some Estonian girls have been allured away under false promises to work abroad but later the work turns out to be prostitution”.

He also says:

“The problem is very real, we cannot approach it in such a manner that it is a only problem when there is a thousand victims. Already one case shows that there is a problem.”

There is also one exception that does not really fit into the rest of the picture, presenting prostitutes at the Sydney Olympic games as jolly seasonal workers. Here, no problems are mentioned, the ladies of the trade, travel, not migrate, to Sydney from all over Australia and also from South Africa. In fact, the government supports the business. The prostitutes are compared to fruit pickers or other seasonal workers. (SLO).

Despite the exceptions, we would like to point to the core finding that the articles present, that prostitutes working in Estonia, compared with girls working abroad, come to the conclusion of their superiority and greater opportunities they face. However, the articles actually describing those who have moved out of the country to work abroad are far from presenting them as well off and able to realise their great potential.

There seems to be two tendencies: otherness of the country described and the state of development-underdevelopment. These create a geographical hierarchy of migration of prostitutes, in which those moving from Estonia to abroad are ambitious and determined. Those, however, moving from other East European countries to the West appear mostly naïve, desperate, poor, similar to the girls moving away from unemployment of the countryside to the prostitution business in Tallinn. They spread diseases, some of which come from the country at the bottom of the hierarchy, that is, Russia, use drugs and are abused. The process happening to migrant prostitutes elsewhere is something other than the potentials of our ambitious ladies and their courteous pimps.

PROSTITUTION ON THE INTERNET, ADVERTS FOR WORKING ABROAD AS PROSTITUTES

Estonia has constantly praised itself for being at the forefront of the use of information technology. There is also considerable amount of information on Estonian prostitutes on different websites. For instance, there is a website giving information on “Free time and sexual contacts in Estonia”, of which a section “Free time in Tallinn” is divided into the following categories: saloons, girls, massage, saunas and strip-tease bars. The phone numbers and addresses as well as photos, prices and services provided by the premises are

listed. The names of the houses (Amore Club, Emmanuelle, Nika, Valentina etc) and lists of the services (erotic massage, couple-massage, all types of erotic services, the prettiest girls, only 35-50 year old ladies, gay services 24 hours, anal sex, escort services) do not leave much room for guessing whether it really is prostitution.

Another website, "S. Life", has a section "Brothels" which has 33 adverts. Typical expressions used are: Pleasure for 24 hours, saloon, excellent ladies, joyful and pretty girls, 2 joyful Estonian girls, meeting point, bar, sauna and erotic massage, two young girls ask successful men for a coffee, we could also visit you, all types of erotic services, *etc*. In several cases, the prices are listed – usually, at the clients premises the price is 300 kroons per hour, in the brothel 400 kroons per hour, massage 280-400 kroons per hour, private strip-tease show 500 kroons per hour, anal sex 600 kroons per hour, lesbian show 900 kroons per hour.

Only one undertaking was presented in both websites that gives estimation that there are at least 30 such houses in Tallinn. There were several adverts (more than 50 per cent) that gave the contacts of prostitutes working alone or with another girl. The experts suggest that the number of such brothels where at least 5 prostitutes work is around 15-20. The rest are usually girls working in apartments, they change their place often, work irregularly and can be contacted only via mobile phone. There are around 40 such apartments if we estimate the number of them presented in the adverts. Police sources however suggest that these adverts do not give an adequate basis for estimation of the prostitutes or brothels. Often, the same girls are offered via different adverts. They are all staying together in the same house and go to any clients any of the firms announces.

In the April issues of the advertising newspaper "Soov" (Wish), there were 152 advertisements for jobs for women. 56 of those (36.8 per cent) are likely to be related to the sex-business abroad. Around a half of those adverts were regularly present in all the viewed issues. The text was as follows: "We offer highly paid work to girls from 18 to 30, security guaranteed, work can be started at once", "We offer work to a strip-tease dancer", "We offer work to free-minded women", "Women, 18-35, are offered work in closed clubs as client servers, strip-tease dancers, masseurs, topless waitresses". Finland was one of the countries that were most highly represented – in 49 ads; Germany was represented with 8 ads, Norway with 5 ads. In one or two adverts, the jobs were offered in Denmark, Holland and Spain. In one of the ads, 18-22 years old models were being offered work in an American erotic

journal and in one of the journals an advert was repeated several times; 18-50 year old women were offered work as nude models for photos in Stockholm.

INTERVIEWING THE TARGET GROUPS

During the preparation of the study, we planned to interview the following groups:

- Local prostitutes who are or have been working in Estonia;
- Foreign prostitutes who are or have been working in Estonia;
- Local prostitutes who are or have been working abroad.

The first contacts were established with the representatives of these groups. Interviews were to be carried out anonymously, informally and semi-structurally or without any structure, and accordingly, the results were analysed qualitatively.

The data was gathered about the following issues:

- Socio-demographic data of the respondents (age, ethnic group, education, career, characteristics of the parents and family, economic status);
- Characteristics of behaviour and sexual life (smoking, alcohol consumption, drug use, confrontations with law enforcement institutions, the beginning and characteristics of sexual life);
- Experiences as a prostitute (how, where and when first had contact with prostitution, how long it has lasted, organization and management of the work, degree of personal freedom, the prices of the services, frequency of the work, number of clients per day, profit made from the work *etc*);
- Experiences in interstate migration reasons for migrating, migratory life-history, details of the migration process

METHODS OF FINDING RESPONDENTS AND THE DIFFICULTIES WITH THE INTERVIEWS

We searched for the potential respondents via two sources:

1. relevant NGOs

2. using the snowball sample, questioning any people who might have had any contact with any prostitutes.

1. By suggestion we used the help of certain NGOs that had been working with prostitutes who had returned from abroad. We contacted the NGOs and asked about the possibility of interviewing the girls. The people who already know the prostitutes offered to present this suggestion to them. Since we could not approach the girls directly with the suggestion of attending an interview, we had no control over how the interview was suggested. We managed to get an agreement to interview 4 individuals working as prostitutes in Tallinn and one who had worked as a prostitute abroad. We did get an agreement from persons who were illegally in Estonia to prostitute. All the potential informants refused direct contact with the professional interviewers. Instead, the persons who already knew them interviewed them. We were hopeful that this would facilitate their openness, and instructed the people who were to interview the prostitutes about the interviewing.

All the interviews were carried out according to the given structure and the replies were recorded and transcribed, and finally analysed. The people who were supposed to have a trusting relationship with the prostitutes and were thoroughly instructed to carry out the interviews did so.

However, it has to be mentioned here that the problem of us not being in contact with the respondents includes the problem of NGOs as a certain buffer zone between the outer world and their protégés. That is not to say that NGOs are guarding over the prostitutes and do not allow the researchers to contact them, on the contrary, the NGOs were very helpful throughout the study. However, due to their long lasting relationship with problematic social groups, they have the most relevant data about the individuals on the one hand, which makes them a logical source of information, on the other, they feel that they would break their promise to keep the anonymity of the girls they depend on for their project money and who depend on them for receiving counselling and certain material help. The “outsiders”, that is, the researchers, are to either form a rapport of their own, which would require a considerable amount of time which was not available to us under the stringent time constraints of the current project, or depend on the mediators and their relationship with their clients the prostitutes. This was the approach we were obliged to choose and it proved to be problematic due to the results mentioned above.

2. There was another problem that was already foreseen in the beginning of the study. The nature of interest was such that the most matching respondents were not easily available. Those who were permanently working abroad were obviously not available here. There were problems unfortunately with those who were commuting between home and abroad, too.

A beautician we approached with questions about her knowledge of prostitutes affirmed that she has some clients who have been open about their work as prostitutes. She had passed on the wish to be interviewed to some of those clients. There was one person who instantly agreed, Malle. However, her work cycle was such that during the time of interviewing, she was in Finland, engaging in her work as a prostitute. According to the beautician, she had been particularly open about her work and therefore the little information that was received from the mediator is presented here with the hope that the interview can take place at a later stage of the study.

Malle has completed third level education and worked on the speciality she had studied. She lost her job because of political reasons. It would be extremely interesting to hear how she came to the point when she decided to start working as a prostitute, which took place sometime in the seventies. She worked as a “foreign currency prostitute”, that is, her clients were foreigners visiting Soviet Estonia. Now, at 63 years of age, she is still working. However, it is impossible for her to work in Estonia, she would simply not find clientele. In Finland, on the other hand, the tastes vary more since different age groups can afford the service and have the mentality that allows them to use the service. The job therefore takes her to Finland for certain periods to earn money.

The beautician had no further information, apart from the fact that the lady was indeed very open about her work and very willing to give an interview. Malle would have been an excellent way to built rapport with further prostitutes engaging in similar migratory prostitution, alas; her work did not allow us to use this potentially excellent source of information.

We are convinced that snowball sampling should have been the main source of respondents, however, due to the intimate nature of the issue, this approach required more time.

SUMMARY OF THE INTERVIEWS

To guarantee their anonymity, we shall call the girls with random Russian names: Anna (16), Ekaterina and Evgenia (19), Tanya (26) and Olga (25).

Anna was born in Narva and has by now completed 9 years of education. At the moment, she has given up her studies to work as a prostitute in Tallinn. She is Russian and speaks mainly Russian. Whilst in Narva, she lives with her parents. Nobody knows what she does in Tallinn.

Her sexual life started when she was 15 years old, the first experience was forceful. She gave no further information about her decision to become a prostitute but as a motive, she indicated,

“One needs to buy clothes, isn’t that right?”

Money is one of the valuable sides to her work.

In Tallinn, there are more clients and one can earn more than in Narva. Anna claims that there are several girls from Narva working in Tallinn as prostitutes. She herself comes to Tallinn regularly, for a week or a few weeks, depending on how much she manages to earn. She stays the nights in the firm that she prostitutes for.

When asked about her clients and working conditions, Anna said that it is “a secret”. She is “obviously” using a condom all the time. She admitted that she has a pimp. She thought that her relationships with the clients and the pimps were normal and she considered the experiences in communicating with different people to be another valuable side to her work apart from money.

She also mentioned that she has used several different drugs many times, and she would not suggest to other women to work as prostitutes.

Ekaterina was also born in Narva and had completed 5 years of education. She is Russian and lives with her mother in a tiny apartment in Narva. Her mother is disabled.

Ekaterina started her sexual life when she was 11 and half years old and characterised it as “childish curiosity”. Her mother had beaten her and drank.

“I definitely wanted to leave home and earn money of my own – and what other possibility would there be to earn as an 11 year old child?”

For that she hitchhiked to Tallinn since there were more opportunities and more people. There seem to be a lot of girls from outside in Tallinn, she said. Ekaterina herself has travelled between Tallinn and Narva several times.

She has worked for pimps but thought that it would not be a problem to work alone:

“I would go and find someone who wanted me and we agreed on the price”.

The work was organized in such a way that she could come and go according to her wishes. Her income depends on the number of clients. They are usually over 30 years old and of different nationalities. The income has been good and she can't say she has disliked anything. Her friends in Tallinn and Narva know what she is doing.

While still underage, she was taken to the police a few times. She regularly uses condoms. She has used and is still using amphetamines. She would not advise against or for working as a prostitute – everyone could make up their own minds whether they want to earn money or not.

Of her future Ekaterina said that she would want to go to America and “then she'll see”. She would like to go to America and considers this to be a quite realistic perspective. She would stay there for a year.

Tanya was also born in Narva; she is Russian and has a secondary education. She worked in a factory before taking up prostitution but has kept that work on. Her parents live in Narva but she lives in Tallinn, in a one-room apartment. She started her sexual life when she was 15 and enjoyed it. She went to prostitute abroad because:

“Everyone has a dream, to buy a car, mainly of course for the money...”

She prostituted in Sweden after a friend who is married and is permanently living there invited her. The friend suggested Tanya prostitute. She agreed and was engaged in it for one summer. She had six regular customers, men in their 30s and 40s, simple Swedish people, accountants. The men paid her after the service and came back during this one summer several times.

She does not plan to prostitute abroad again, “that was enough” and claims that she has never worked as a prostitute in Estonia. She found the prostitution itself to have been a negative experience. In the future, she wants to buy a car, marry and have children.

Olga was born in Narva; she is Russian and has completed 9 years of education. She studied but now works as a prostitute. She is married and has one child. She does not like her current living conditions. She has one apartment in Tallinn and another in Narva.

Olga started to work when she was unemployed and there was no food to give to her child. In Tallinn, there are more people, which is why she works there. There are lots of girls from Russia in Tallinn. Her clients, on the other hand, were from Finland, Sweden and Germany. Olga did not want to give information about her clients or pimps, calling it “confidential business information”. However, she admits to having pimps – but she says that she could work without them however, “I don’t need that”.

The money she receives is a positive experience but for the rest of it, all of it is unpleasant. Nobody knows of her work, it is all “behind family locks”. She would want to give up prostitution and work abroad, in Germany for instance.

The interview with Evgenia was mediated to us by an NGO worker without recordings or transcripts and therefore cannot be recounted here.

The age of the respondents was between 16-26; all of them were Russians, 4 of them from Narva, 1 from Tallinn. Four were single and without children, one was married and had a child. Two had a secondary education; one had 5 years of education. Sexual life of the girls had started reasonably early, between 11.5 and 15 years. One of the three who had started when 15 was forcefully taken, for the rest it was voluntary.

Only one of the respondents had worked before becoming a prostitute. The other four studied at school before becoming prostitutes and have not engaged in any other work. The reasons for prostituting were always given as economic. Two of the interviewees were negative about the activity and would not suggest to other women to become prostitutes.

All five had pimps and they all denied there was violence from the clients or the pimps. They also defined their relationships to their co-workers and pimps as “normal”. Their activity was organized according to their wishes or possi-

bilities for a few weeks' period, or one-week period. All of the prostitutes have been using condoms. No one knows of the activity apart from a few friends. The ladies were not willing to offer any further evidence on the details of how the activity is organized, what the price is. They were not very willing to talk about their clients or other details, on the grounds that it is confidential.

One person admitted to having prostituted in Sweden. The workers of NGOs knew that two of the other respondents had worked abroad as prostitutes, too, but they never admitted it during the interview. Olga and Ekaterina who expressed their interest to working abroad – in Germany and America – were in fact the girls who actually had had experience in working abroad as prostitutes. Since they were non-citizens, their stay abroad was illegal, and therefore their fear was understandable.

The interviews showed very well the whole complexity we encountered in interviewing the girls with such background and relation to their work and the country they were currently living in. What they said during the interviews was so carefully calculated that the information given would not endanger the respondents themselves or their professional colleagues in any ways. It seemed from those interviews that the pimps were rather experienced as colleagues and business partners than exploiters.

There were several issues we could not receive further information on because of the mediated form of the interviews and also because of the denial of migration. We are hopeful that the information received from Malle in future interviews will add several details to the issue, and also puts us in contact with individuals who agree to be interviewed, knowing that the reason for their being interviewed is their experience abroad. Such interviews would probe with further questions that have to do with the process of migrating (or, rather, commuting) abroad, for instance, what are the strategies of avoiding close scrutiny by the border guards on their entrance to the foreign country, how the border guards are fooled or influenced to allow their entrance for longer periods of time *etc.*

SUMMARY AND CONCLUSIONS

Prostitution in Estonia belongs to the “grey zone” – it is neither criminalized nor legal. The official attitude to the phenomenon is rather awkward, being limited to moral condemnation. Such undefined legal status causes a situation

where there is no adequate overview of prostitution and its distribution. Were it to be legalised, it would require state control in certain legally specified way (licences, regular medical check-ups *etc*). Were it to be criminalized, it would be systematically observed and controlled, and, as an ideal, liquidated, by legal institutions.

At the same time, mediating prostitution, organizing it and cajoling into prostitution is punishable under criminal law. In reality, all regular prostitution in Estonia is happening via pimping. The individuals who organize, fund and profit from the sex business are part of the world of organized crime that is hidden from state statistics. Therefore, these sources can give us no adequate or sufficient data on the subject, nor can they provide information on trafficking in humans.

All this creates a situation where information about prostitution and even opportunities to work abroad as prostitutes are freely available to anyone but are not used by the state institutions. The only institutions showing interest in what is happening in that realm are a few NGOs, and, by now, a few social scientists.

There is a third institution interested in the subject, the media, which has transformed thoroughly through the last decade. When concentrating on the subject of migratory prostitution, the analysis reveals a tendency to describe the migration of Estonian prostitutes to other countries as an activity of ambitious and capable ladies, but the inner migration (that is, from other, especially poorer parts of the country to Tallinn) as well as the processes of migration between other countries is described as problematic and related to several social vices. The women taking up such migration are described as naïve and poor. It is the mental hierarchies of developed-underdeveloped regions that are at work when migration processes within and between the countries are discussed.

Different types of media are also presenting information and availability on prostitution and potentially, on trafficking, but this information is not being used by the authorities to establish control over the processes.

The number of prostitutes is only very generally estimated and controversial. Interestingly, the numbers that have been offered by different institutions are very similar to the numbers of registered prostitutes in 1920-30s, when there were ca 1,000 registered prostitutes and twice as many illegal prostitutes. The same applies to the number of brothels and flats offering sexual services:

in Tallinn it has been estimated to be between 20-30 houses and about 40 apartments. There has been a considerable change in the nationality of the prostitutes: in the 1920s, 90 per cent of prostitutes were Estonians; now, ca 80 per cent of the prostitutes are thought to be Russian or non-Estonian. Of course, there has also been a considerable change in the proportion of different nationalities in Estonia. From 5 per cent before occupation it has risen to 30 per cent currently.

The range of migratory prostitution is estimated as follows in recent years: there have been a few hundred to a thousand persons who have left Estonia and taken up prostitution abroad. Persons who have come to Estonia to prostitute are estimated to remain within the limits of a few hundred. For the latter group, the information is particularly imprecise.

The base for trafficking in humans in Estonia is the socio-economic situation that puts some groups in society before such a choice. The prostitutes themselves are considering their work to be an inevitability, or work as any other and do not express much emotion about their potentially condemned position. The pimps are not mentioned as exploiters, but it is difficult to judge whether some of the information is censored, and if so then how much of the information is kept due to fear of the pimps and how much due to fear of legal institutions.

The representatives of NGOs have access to the groups more easily. The information that has been received mainly via the NGOs or from them may however be doubly subjective and inadequate; it has been mediated twice: once from the prostitutes to the NGOs, then from the NGOs to the public.

The risk groups in today's Estonia to become prostitutes are

- Non-Estonian (mainly Russian)
- Without Estonian citizenship
- From North-Eastern Estonia or Tallinn
- With high-school education or without finished high-school education.

The problems of prostitution and trafficking in humans' needs further and deeper, as well as more systematic scientific exploration. The hidden nature and the ambiguity of the phenomenon cause a situation where studying it requires considerably more time due to the need to use snowball sampling techniques and to instruct the interviewers far more thoroughly.

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Appendix 1.

THE NUMBER OF PERSONS CHARGED WITH THE CRIMES RELATING TO PORNOGRAPHY OR PROSTITUTION, 1996-2000

(THE DATA OF THE MINISTRY OF JUSTICE)

	1996		1997		1998		1999		2000	
	Guilty	Not guilty	Guilty	Not guilty	Guilty	Not guilty	Guilty	Not guilty	Guilty	Not guilty
§200	-	-	-	-	-	-	-	-	-	-
§200.3	-	-	2	-	-	-	-	-	-	-
Incl. Sect.2	-	-	2	-	-	-	-	-	-	-
§200.4	-	-	-	-	-	-	-	-	-	-
§201*	4	-	3	-	2	-	3	-	2	-
§202**	3	-	8	1	2	1	-	-	4	1
§202.6	7	-	8	4	4	-	27	1	3	-
Incl. Sect.2	-	-	-	-	-	-	-	-	3	-
Sect.2	7	-	8	4	4	-	27	1	-	-

* Not known whether if or how many of the cases were related to prostitution.

** This paragraph is not really implemented anymore since §202.6 came into force in 1995 since prostitution of an underage person is regulated under the latter. (section 3.2).

Estonian Republic. Criminal Code.

§ 201. Permission to engage in activities prohibited by law on premises belonging to person

Permission to illegally use narcotic drugs, psychotropic substances or other narcotic substances or engage in unlawful gambling or prostitution or other activities prohibited by law in residential or non-residential premises which belong to a person is punishable by a fine or detention or up to five years' imprisonment.

(21.02.95 entered into force 24.03.95 - RT I 1995, 24, 336; 11.06.97 entered into force 01.11.97 - RT I 1997, 52, 834)

§ 202. Inducing minors to engage in crime or prostitution

Inducing a minor to engage in the commission of a criminal offence or in prostitution, or exploitation of a minor in prostitution, is punishable by two to five years' imprisonment.

(10.02.94 entered into force 11.03.94 - rt i 1994, 12, 202)

§ 202⁶. Pandering or pimping

(1) Pandering or pimping is punishable by up to one year imprisonment.

(2) Pandering or pimping a person between 18 and 21 years of age is punishable by one to three years' imprisonment.

(3) Pandering or pimping is punishable by three to seven years' imprisonment if committed:

- 1) using violence or other enforcement measures, or
- 2) against a minor, or
- 3) against two or more persons, or
- 4) by a person who has previous criminal record for the same act.

(21.02.95 entered into force 24.03.95 - RT I 1995, 24, 336)

TRAFFICKING IN WOMEN: A PERSPECTIVE FROM LATVIA

Prepared for IOM

by

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1. THE GOALS OF THE RESEARCH AND THE INFORMATION SOURCES THAT HAVE BEEN USED

Goals

The direct goal of the research: To study and describe the individual nature of women who are employed in the sex and entertainment business, as well as to learn about factors which have led women to become involved in this business.

The basic goal: To determine the major causes of trafficking in migrant women and to decide whether the cause is the (unlawful) status of migrant women, or whether it is the nature of the sex industry as such. Another aim is to find out the extent of which both of these potential causes work together in “enslaving” or subordinating women in a way that is a clear violation of human rights.

The materials that have been collected have been analysed and structured in accordance with the concepts of John Salt and Jeremy Stein (Salt and Stein, 1997) about migration and trafficking in women as a business. On the basis of all of the information from sources that have been available, this report provides a look at the way in which the sex industry operates in Latvia. The author will review the way in which sexual services are offered, the role that the sex business plays in the lawful entertainment industry, the kinds of women who are involved in prostitution and other sexual services, as well as the mechanism for employing Latvian women in prostitution in other countries. There will also be a brief look at the economic situation in the country as the prostitution business has developed.

Caveat: Our research in this area indicates persistent and pervasive confusion about the term trafficking in the context of prostitution. Both

informants and experts used the vocabulary surrounding the areas variously. Presumptions, experience, and sensibilities of all kinds seem to effect usage. While it is not within the scope of this study to investigate this complex phenomenon, it might be helpful to keep in mind that people are often speaking about at least three grossly differentiated levels.

- Prostitution as a career choice, in which the work is chosen freely from among other reasonable jobs
- Prostitution as an economic necessity, in which the social and economic alternatives are unreasonable enough to compel the choice
- Trafficking, in which the victim is held by force or trickery without any choice

Sources of information

Because the provision of sexual services is illegal, the author has been forced to use fairly unusual sources of information in studying this issue:

1) Basic information from non-standard interviews:

- Among those people who come into contact with prostitution as the result of their work, the author interviewed ten officials – four from the Criminal Police Headquarters, including the Vice Squad and the Missing Persons Division; one from the Migration Police; four from the Border Guard; and one from the Citizenship and Migration Board;
- Among those people who are involved in legislative and executive authority, the author interviewed MP Imanta Logina, who is a member of Parliament's Defence and Interior Affairs Commission; Taiga Zvejniece of the Citizenship and Migration Board; and Ieva Lapiņa from the Consular Department of the Latvian Foreign Ministry;
- Among the prostitutes, there were in-depth interviews with 21 people – ten active prostitutes who have not worked abroad; ten active prostitutes who have worked abroad in various countries; and one illegal immigrant;
- Among the specialists who deal with various prostitution-related issues, the author interviewed nine people – Andrejs Vilks, director of the Criminology Research Center; Regīna (false name), the owner of a sex club; Judīte Pirska and Ilze Jākobsone, physicians and officials at the National Center for Sexually Transmitted and Skin Diseases; Ailona Dārzniece, a long-time employee of the Vice Squad; Ludmila Laudama, a long-time employee of the National Employment Service;

Gita Miruškina, a lawyer who works at the Labour Inspectorate of the Latvian Welfare Ministry; Maija Pohodņeva, a journalist who investigates organized crime, including crime in the sex business; and Ivan (false name), who drives a taxi cab in Rīga;

- Among the people who represent humanitarian organizations, there were interviews with three people – Olafs Brūveris, who is the director of the National Human Rights Bureau; Tatjana Kurova, director of the “Gender” (counselling prostitutes) NGO; and a volunteer activist at the “Papardes Zieds” (educating youth on reproductive issues) NGO.
- 2) There was a formal survey of ten Latvian women who are in the Netherlands, involved in the prostitution business.
 - 3) The author held in-depth interviews with two former prostitutes, Māra (false name) and Anna (false name). Anna had worked abroad.
 - 4) There was a focus group interview with representatives of a major risk group in this area – young women who work as models.
 - 5) The author obtained unpublished data from the National Border Guard, the Labour Inspectorate of the Welfare Ministry, the National Employment Service, the Information Center of the Interior Ministry and the Vice Squad. These are materials that primarily focus on unlawful migration, on the ways in which people get into other countries, and on violations of the law in relation to prostitution.
 - 6) The author studied articles, facts and commentaries about prostitution and trafficking in women that have been published in Latvia’s leading daily newspapers in 2000 (33 items) and the first quarter of 2001 (46 items).

There is a bibliography of sources at the end of the report.

2. ILLEGAL MIGRATION

There are few opportunities to **arrive in Latvia** by crossing its eastern border unlawfully, because the Latvian border with Russia and Belarus is very strictly supervised. Citizens of Estonia and Lithuania, as well as the citizens of countries with which Latvia has a visa-free regime, can enter Latvia without a visa, and they can usually remain in the country for 90 days. As is the case in the European Union, people who violate regulations concerning the amount of time that they can stay in Latvia are deported to

their home country. This is also usually true if such people come within the purview of Latvia's law enforcement agencies. The number of people who have been deported from Latvia since 1998 has declined (Table 1). People have most often been deported to Russia, Lithuania, Ukraine and Belarus.

TABLE 1
NUMBER OF RESIDENCE PERMITS AND RETURN ORDERS ISSUED IN LATVIA*

	1995	1996	1997	1998	1999	2000
Confirmed invitations	96898	100215	95470	88738	81314	90165
Temporary residence permits	3074	4149	4365	4928	5612	5600
Regular residence permits	612	3545	7180	7634	4944	4496
Return orders	1317	1034	1030	1117	565	396

*Prepared on the basis of unpublished data of the Citizenship and Migration Board

Latvia is unique among the Baltic States in the number of "native Russian speakers" who live in the country – 36.4 per cent of the national population, and 54 per cent of the population of the capital city of Rīga in 2000 (CSP, 2001). This is an inheritance from the Soviet period, when Latvia was flooded with migrants from other parts of the Soviet Union. Since the mid-1960s, migration has represented two-thirds of Latvia's population growth.

People from Belarus, Ukraine and Russia frequently travel to Latvia to visit relatives. The number of temporary residence permits that have been issued over the last two years has remained at a fairly stable level. Such permits allow people to reside in Latvia for six months. The share of temporary residence permits that were issued to someone for the first time was fairly high – around 39 per cent, or 2,183 of 5,600 permits in the year 2000. Temporary residency permits are most often issued because the individual is married to a Latvian citizen or non-citizen, because the person is engaged in educational or scientific work in Latvia, because the person is on a personal visit, or because the person is the head of a company or other structure (the latter group is mostly made up of people from the West).

Most of the people who enter Latvia do so on the basis of confirmed invitations that allow them to stay in the country for 90 days. The invitations tend to be seasonal in nature – there are twice as many invitations in the summer than in the winter, which suggests that Latvia's spas are popular. A person who has taken advantage of an invitation to obtain his or her first or repeated temporary residence permit may live in Latvia for one year and 90

days. This, of course, makes it easier to get married in Latvia, judging from the large proportion of temporary residence permits that have been issued to the spouses of citizens and non-citizens – 43 per cent of all permits in 2000, for example. Fictive marriages are a possibility, but there is no official data about these.

People who are in Latvia on the basis of temporary residency permits can engage in unlawful work. Young women can prostitute themselves, while men such as specialists from various construction-related specialties, often work illegally in the so-called “black” brigades.

Latvia is not, however, a true country of immigration, because the economic foundations of the country are not appropriate for legal work, while the market of illegal work is very limited. The status of the Latvian language is also a problem – in those sectors of business in which immigrants are most likely to work (especially in the service sector), Latvian language skills are almost mandatory. Experts have said, at the same time, that Latvia is a transit country for people who are on their way to the West.

Economic factors, especially problems in finding work, dominate the reasons that lead people to want to live somewhere else. Research about the possibility that Latvia’s residents might move to a different place show that 9 per cent of residents have thought about it, including 23 per cent of people aged 18-24 and 10 per cent of those who are between 25 and 49 years of age (Markausa, 2001). Gender is not a factor here, nor is nationality or citizenship. Most (73%) people who say that they would like to live somewhere else are not thinking about a place outside of Latvia – this means that a bit more than one-quarter of the survey respondents have thought about emigrating. Most of these are non-citizens; Latvia’s citizens tend to attach their future plans to Latvia. Migration data shows that fewer people go to other countries than say that they want to go. In 1999, of all of those who moved to a new place of residence, only 9.1 per cent moved to another country – 5 per cent of those who moved went to the countries of the CIS. Some 1,700 residents from Latvia departed for other countries.

Residents of Latvia who become illegal migrants in other countries usually leave Latvia in a legal way. There are no institutions in Latvia that are responsible for the number and status of people who are in other countries as illegal migrants, who are working illegally, or who are both illegal migrants and illegal employees. The only data to speak of, of the number of unlawful migrants from Latvia, to some extent is data of the numbers of

people who have been deported to Latvia. According to the Immigration Police, 70 women were deported back to Latvia in 1997, 251 in 1998, 245 in 1999 and 273 in 2000 (Kamenska, 2001).

People from Latvia who want to leave, set their sights on economically developed countries, and for many, the main reason for leaving home is to go abroad and earn some money. There are very few legal opportunities to work, so most people end up working unlawfully in Western countries. It is only with Germany and Sweden that Latvia has bilateral agreements on the work of Latvia's residents in those countries. People who travel on the basis of these agreements, however, must meet very stringent labour requirements, and the quotas that have been awarded in both cases are not really taken into account. The number of people who actually receive work permits, thus, has remained fairly stable over the years and is not particularly large (Table 2). The National Employment Service is the institution that finds jobs for Latvia's residents on the basis of the aforementioned agreements. People who travel abroad under this status do not usually find themselves in a risk group.

TABLE 2

LATVIAN CITIZENS' WORK AND PRACTICE IN GERMANY AND SWEDEN (NUMBER OF PEOPLE)*

Year	Latvian citizens employed in Germany				Latvian trainees employed in Sweden		
	Guest workers		By contract		Stu-	Quota	Employed
	Quota	Employed	Quota	Employed			
1992	100	2	380				
1993	100	54	370	178			
1994	100	24	380	242			
1995	100	9	380	159	12		
1996	100	8	380	178	43		
1997	100	13	338	274	90	300	7
1998	100	23	240	167	81	300	24
1999	100	33	273	178	126	300	31
2000	100	49	370	195	113	300	53

* Unpublished data of the National Employment Service

Since 1993 there have also been private companies in Latvia that help people find work abroad. Companies engaged in this business must receive an annual license from the Labour Inspectorate of the Welfare Ministry.

Between 1997 and 1998 licenses were issued for three years, and from 1993 until 1996 they were handed out for five years. Companies have to submit reports about the number of people whom they have placed into jobs, but this is a formality, and the numbers cannot be checked. Even incomplete information, however, tells us that private companies found jobs for far more people in 2000 than the National Employment Service did (Table 3).

TABLE 3
NUMBER OF PEOPLE ARRANGED IN WORK ABROAD BY PRIVATE COMPANIES IN
LATVIA*

Country	2000	By quarters				1999**	By quarters		
		I	II	III	IV		II	III	IV
UK	36	10	8	8	10	113	76	30	7
Ireland	769	53	148	200	368	100	17	12	71
Switzerland	31	5	16	3	7	14	5	7	2
USA	33			12	21				
Austria	9				9				
Portugal	4				4				
Norway	10	9	1						
Total	892	77	173	223	419	227	98	49	80

* Unpublished data of Labour Inspectorate of the Ministry of Welfare

** Year 1999 includes data from April until December

Data about the gender of people who have found work in these ways are not always reflected, nor is there always information about the area of activity in which work has been found; the latter factor can only be determined by the license that is issued to the relevant company. At the end of March 2001 there were 22 private companies in Latvia that were licensed to find jobs for people abroad. Most of these companies specialize in one particular country – 13 find work in Ireland, for example, two look for jobs in Switzerland, and others have agreements with a variety of countries.

These private activities are virtually unsupervised, although over the last two years the lawyers of the Labour Inspectorate have begun to look for better ways to control the process. The only area in which there is a clear and strict procedure is in the issuing of licenses, but the licensing procedure does not put any responsibility on the private companies when it comes to what the

people actually do when sent abroad. In practice, many companies provide people with fictional employment addresses, and they do not reimburse people for the money that was paid for those addresses. Clients lose not only what they paid to the company, but also the money that they spent on travel; the result is that they often have no job and are out of cash. These are people who find themselves in a risk group – people who are looking for unlawful work. For women, prostitution often is the easiest way to make some money. Those who traffic in human beings seek out victims who can be moved to yet other countries.

Young people can also go abroad legally through companies that help them to find places in educational institutions. This project is not aimed at learning about the work of these companies, but interviews with experts suggest that young women use this process in order to work unlawfully in families for one year. They, too, are a risk group. Particularly common is work from rich families in the United States who have recently emigrated from Russia.

People who wish to seek out illegal work often go to other countries as tourists. Most of the people who leave are already aware of the place where they are going to look for a job. They learn these things from acquaintances, various companies and Internet advertizing. If the employer and the potential employee cannot reach an agreement, the traveller goes to look for different work. This puts him or her at risk of becoming entangled with criminal structures. Women who leave Latvia with the intention of becoming involved in the sex business are automatically part of a risk group. They most often go abroad with the help of their pimps, or at the recommendation of other prostitutes who have been abroad and have come back.

Illegal migration, the development of the sex business and the organized way in which this business has become global, develops from the same foundations.

3. PROSTITUTION AND THE SEX BUSINESS IN LATVIA

During the 50 years of Soviet government in Latvia, there was usually full employment for women. There was prostitution in Soviet Latvia, but it existed in forms other than streetwalking, which was uncommon. Rīga is a port city, and with a wink from the state, to a certain extent, the International Maritime Club made sexual services available. A prostitute with years of experience dating back into the Soviet Union says that prostitutes were

usually found in restaurants and hotels, where the personnel protected them. Society scorned prostitutes, although sex in return for presents, career opportunities or “romance” during vacations was not seen as prostitution; prostitution occurred only when money was paid for sex.

On 4 May 1990, Latvia announced the restoration of its independence, and it acceded to the United Nations convention on discrimination against women. The economy of the restored country was put on a market track, and the first elements of law were developed. Private initiative was popular, and people began to proclaim the slogan that “everything that is not prohibited is permitted”. Everything, including human bodies, came to be seen as a product, and prostitution grew up very rapidly.

Prostitution appeared on the streets of Rīga in the early 1990s. According to the owner of a sex club who was interviewed, the sex business really began to develop quickly in the summer of 1992. Sex clubs were organized, and they began to advertize openly in the mass media.

According to the Narcotics Office of the Criminal Police Board of the National Police, there were between 2,500 and 3,000 people in Latvia who were engaged in full-time prostitution in Latvia in 1999 and 2000. The Vice Squad, however, has said that the real number of prostitutes in Latvia is probably three times higher – some 9,000 people. Given that prostitution is a way for students to earn a bit more money for example, other experts have written that the total number of prostitutes might be between 10,000 and 15,000 (Kurova, Pirsko and Zariņa). This number was cited in a study that was run by students at the Attīstība University in the mid-1990s. One can presume that the number of prostitutes in Latvia has been around the same in 2000 and 2001. Some Latvian prostitutes are active in the West, and they are replaced in Latvia by a new generation of local girls, as well as young women who arrive from Ukraine, Belarus and Russia on the basis of temporary residency permits usually related to visits to relatives.

Other experts have said that there are actually as many as 35,000 prostitutes in Latvia, while the aforementioned 10,000 or 15,000 prostitutes work only in Rīga (A. Vilks). This calculation is based on the assumption that the number of prostitutes in the capital city of Rīga and in other towns and areas in Latvia is roughly proportionate to overall population numbers. Local government leaders, however, have said that if prostitution is present in small rural communities at all, then it is not nearly as common as in Rīga. Women from small towns and rural territories who wish to engage in prostitution

normally go to Rīga – first and foremost, so as to hide this fact from their relatives and acquaintances. It’s also true that the number of potential clients for prostitutes is immeasurably larger in Rīga – not just locals, but also foreigners. The same considerations lead some women in Northern and North-western Latvia to go to the Estonian capital of Tallinn to engage in prostitution. This is not difficult, because visas are not required among the Baltic States, and transportation is easily available.

Prostitution on the streets

There are several kinds of prostitution in Latvia. The Vice Squad has said that streetwalking is the most common form of prostitution, because it is open to just about anybody who wants to get involved. Interviews with prostitutes and people who are engaged in the sex business, however, suggest that streetwalking is not the most common form of prostitution, even if it is the most visible and the most annoying form of prostitution as far as many residents are concerned. Highway prostitution is a subsector of this “industry”.

Streetwalkers in Rīga can be divided into several levels, to some extent, taking into account the money which they receive:

- Streetwalkers on streets where prostitution is common;
- Prostitution on highways;
- Prostitution near the train station and the port;
- Prostitutes at the market.

Prostitutes in the traditional locations get the best money – usually Ls 15 per hour (All monetary representations are approximate and will be expressed in either Latvian lats (Ls) or United States dollars (USD): 1 USD = Ls 0.63, and if the client is satisfied, the prostitute doesn’t have to spend the whole hour either. The prostitute gets Ls 10, while the pimp gets Ls 5. Traditional streets for prostitutes are found mostly in Rīga, as well as in the relatively large towns of Daugavpils, Rēzekne and Liepāja. In Rīga, the focus is on Ēka Street almost all along its length, as well as in the Grīziņkalns and Pērnavas Street neighbourhoods, and in Maskavas Street and its many side streets. Highway prostitution can be found around Rīga and elsewhere in Latvia. Prostitutes who work the highways usually get less money than those who work on the traditional streets, but they also have to turn over some of their income to a pimp.

Prostitutes who work the central railroad station usually get just a few lats for their services – often only as much as they need to buy another hit of drugs. Sometimes prostitutes are paid with drugs or alcohol, or a combination thereof. Sex services at the marketplace are usually provided in return for alcohol or food – sometimes as little as a bowl of soup.

The **mechanism of streetwalking** is described in this report on the basis of the way in which it works in the Latvian capital city of Rīga. On all of the streets where prostitutes offer services, there is strict delineation of “our” territory and “their” territories. Pimps show the girls where to stand, and it is all but impossible to work the streets without a pimp. Even if a woman who only wants to come to Rīga from some small town a few times a month, she cannot simply take up a position on the street and wait for clients; this will be unacceptable not only to the pimps, but also to other prostitutes in the territory. The pimp gets money from all of the women who are offering services on the streets. Prostitutes in Rīga do not address clients or make offers to them. Rather, the client drives up in his car or approaches the prostitute. The two reach an agreement on the type of sex and the money. The prostitute usually takes the money in advance and, usually, gives it to another prostitute at the same location. In other cases she turns it over to the pimp, or pretends to give the money to someone else. Sex takes place in all kinds of places – in the stairwell of a nearby building, on the street, in a yard, in a car, at the client’s home, etc. The pimp is usually invisible, but the client can be sure that he’s nearby. Prostitutes who work the streets have mobile phones for protection. If there is a problem, they call for the pimp or for guards, if some have been provided. There is one specific advantage to streetwalking – women can avoid specific clients such as aggressive men, or those who are known to be rough or shameless.

Women who walk the streets usually rest their feet in local cafes and bars, usually with the complicity of bartenders who sometimes also work as pimps. Clients often seek out girls in bars and cafes, in and near the traditional streets for streetwalking.

The streets are a place for both prostitutes who earn money only that way, as well as for women who engage in the business only occasionally to earn a bit of extra money. Prostitutes on the streets are usually younger, on average, than other prostitutes, and for many the streets are the first place to gain experience. Girls usually end up in prostitution through acquaintances – friends who are already working. On the streets one finds both women from Rīga and prostitutes who come from small towns and rural areas.

Prostitution in clubs

According to the National Police, “club prostitution” is the second major form of prostitution. The police generally classify intimate clubs, escort services, and nightspots that allow prostitutes on their premises as club prostitution. These mechanisms appeared in the first half of the 1990s. Despite the legal veneer of the club activities that may be registered as a business, prostitution is still illegal and cannot be formally treated as a business. Judging from the fact that sex clubs are closely linked to the legal entertainment industry (Section 4), as well as from the fact that there are many different intermediaries in this process, it is likely that club prostitution may be the most widespread form of prostitution in Latvia. The process can be masked in various ways. Sex club prostitution usually involves sexual services that are provided in rented apartments or at the client’s home, but sometimes they are also offered at the club. The cost is usually no less than Ls 15-20 per hour. The prostitute usually gets half of the money at the lower fees; however, as the fee goes up the prostitute gets a lesser and lesser percentage of the money. The rest of the money goes to the intermediaries, and there are more of them than is the case with streetwalking. A more or less legal form of sex club services is telephone sex. This is a service that is openly advertised in the press and on late-night TV. At the same time, however, it is a fact that the same telephone can be used to summon a prostitute for a rendezvous. Sex on the phone is a relatively expensive service, because it involves special telephone numbers where the cost is Ls 1 per minute or more.

Prostitution in clubs can probably also be divided up into levels on the basis of payment, but in this study we did not succeed in making note of those various levels. One dividing line might be between those sex clubs that regularly provide services to foreigners and those that do not. In that case the real difference lies in the payment that is received, because foreigners, on average, pay more.

Club prostitution **functions on the basis of specific mechanisms**, with various modifications. Some clubs place classified advertisements in the press in which they declare themselves to be escort firms that can provide escorting services for example. The companies have a small office where a madam or an experienced prostitute handles the phones. The person who accepts the orders on the phone must be experienced enough to find out what the client wants without the client being aware that he is being pumped

for information. This is so that the right girl can be sent. If the process is successful, that means that the client will be back. A madam who was interviewed said that there is massive competition among the various clubs.

A prostitute can visit the client's home or provide services in apartments that are specifically rented for this purpose – usually at a location that is not far from the office. The girls often live near the office, too. Prostitutes sometimes apply for work at sex clubs that are close to their homes. This is particularly advantageous for women who have children or who work at legal jobs and pick up extra cash through the sex club. Clients are almost never serviced at the office.

Sex clubs usually have an automobile and driver to bring the prostitutes to the client and then to pick them up at the agreed time. Prostitutes often take taxis, too. Most sex club prostitutes also have a mobile phone to use if there is danger. Sex club prostitutes, unlike streetwalkers, cannot refuse a client – if the order has been taken, the services must be provided. There are several ways, however, in which sex clubs protect their prostitutes. Some clubs have their own guards, but a second option – finding a security company from the outside – is more economical. In the early 1990s these services were usually offered by criminal structures, which were paid to provide security, but “respectable” sex clubs these days are more likely to reach agreement with official security companies. The agreements are either based on a fixed monthly fee, or on the payment of Ls 50 for each time that the security firm is summoned. When a company has to free a prostitute from an aggressive client, it usually also punishes the client for his poor behaviour, extracting another payment from him for the trip.

Sex clubs usually employ more intensive prostitutes than those who are on the street, but as mentioned above prostitutes in sex clubs get a lower percentage of the money than is the case among streetwalkers – only 30-50 per cent of what the client pays. The rest of the money is used to finance the office, to pay the phone bill and the rent, to provide a salary for the driver, to finance the security services, and to provide bribes to policemen so that they warn the club if a raid is approaching. The fact is that sex clubs turn a tidy profit even with all of these expenditures. The average club has between two and ten women, each of who can earn between Ls 300 and 500 each month. The sum depends on the number of clients, of course, and the purchasing power of those clients. Those clubs, which provide services to foreigners, earn relatively much more money, so there is reason to believe that there is

significant differentiation among the various clubs in terms of income levels and the quality of services.

While the study has described the so-called escort services, businesses like intimate clubs and nightspots with prostitution are for the most part simply variations on a theme.

Solo prostitution

Individual prostitution is an area of activity about which little is known, and the police have little information about it. Nobody has tried to count up the possible number of solo prostitutes in Latvia, and this study failed to obtain any more or less concrete information about this issue. Neither experts nor prostitutes who were interviewed could speak of this, because women in Latvia who work as solo prostitutes were not available. This is a form of activity that suggests that the prostitute works without any intermediaries, but in fact this doesn't really seem very possible in Latvia. The concept of "individual prostitution" probably more often refers to prostitutes who have a limited and stable range of clients. This may include elite prostitutes who provide services to very wealthy clients. The same is true when it comes to high-level male prostitution (see below). One suggested scenario for solo prostitutes might involve a young woman from a substantial family. She has all she needs, but she wants more enjoyment and tries drugs. Parents, of course, won't finance this process; however, girls from good families usually don't walk the streets, working instead among their acquaintances. That doesn't seem to them like prostitution; they're maintaining their environment, after all. If the girls truly fall out of the environment, however, they can even end up at the lowest level of prostitution, selling their bodies for drugs at the train station.

Most individual prostitutes are nevertheless dependent on intermediaries. If prostitutes seek out their own clients in nightclubs, bars, expensive hotels and casinos, which they enter as ordinary visitors, they often have to pay money to the personnel of these institutions. Women who want to spend time in nightclubs, bars and expensive hotels where rich clients can be found need sufficient education, social graces and a good wardrobe. Such matters have much to do with the amount of money that the prostitute can earn; they represent prerequisites in terms of their ability to exhibit "professional" qualifications at an acceptable level. The study does not indicate how much money prostitutes have to pay for the right to hang out at these various locations, but

it appears that maitres d'hotel and security employees can demand a much higher percentage of the fee than the prostitute herself gets, making her profit as little as she might get on the streets.

Solo prostitutes can also find clients by passing out their phone numbers to maitres d'hotel, security officials, bartenders and taxicab drivers.

If in advertisements, which offer massage services one finds the age of the masseuse stated, that is almost certainly a hidden offer of sexual services. Interviews with prostitutes, however, suggest that it is not possible to provide individual sexual services for any long period of time without intermediaries. Soon enough a pimp will show up and demand money from any solo prostitute.

Individual prostitutes are less protected against aggressive clients than are those who work in clubs with their security or on the street with pimps.

Prostitution among minors

A survey of 97 randomly selected prostitutes in Rīga in 1997 showed that approximately one-quarter of them were younger than 18 (Kurova, Zariņa, 2000). This can be assumed to be a realistic assessment, because the girls who could be seen on the streets in the early 1990s and in the mid-1990s included some very young prostitutes, indeed. Experts from the National Centre for Sexually Transmitted and Skin Diseases confirm that these girls usually came from families in which the parents drank, in which the children were not given any attention and in which poverty and despair were the norm of life. This was frequently the result of unemployment, which was something completely new in post-Socialist Latvia (J. Pirsko, I. Jākobsone).

It can be assumed that prostitution among minors has not declined, but it certainly has receded more into the shadows. It has tragically even become a quiet inducement for the sexual tourist to come to Latvia. Published materials indicate that Sweden, the United States and Denmark are the countries of origin for this type of tourism, but there is no indication that it is limited to them (Vaivars, Fridrihsone, 2000). The government adopted regulations on limiting prostitution in 1998 and 2001. At the same time, however, the circumstances that force young girls into prostitution have become more severe. The rapid spread of narcotics use is a major issue here, and a particular "leap" in numbers in this area took place in 2000. There are also street chil-

dren in Latvia, including some who do not attend school. Experts have said that minor prostitutes of both genders who are, on average, between 13 and 16 years old, almost always come from so-called unfavourable families, are street children or are drug addicts (Vâvere, Mozai evskis, 2000). Minor prostitutes of both genders can be found at the train station, in parks and in markets, and they offer services for truly negligible payment – food or drugs, in many cases.

The involvement of minors in prostitution: Prostitutes who were interviewed in the context of this project usually had their first sexual experience at the age of 16 or 17, but that does not mean that they became involved in prostitution at that age. Only two of the 31 women who were surveyed began to have sex as a way of earning money. Nearly half (14) said that they engaged in sex because they were in love. The desire to become adult and general curiosity was also mentioned as reasons for having sex.

There are structures in Latvia that specifically foster the involvement of children in prostitution. This became evident in the so-called “Logos” scandal in 1999, which was the result of active and targeted work on the part of the Vice Squad. Logos was a modelling agency that had been in operation since 1994 and which involved underage girls and boys in prostitution and pornography and advertising the models on the Internet. Children were solicited at school; they received 100 USD per hour. A very narrow and elite range of clients in Latvia took advantage of these children; between 500 and 600 active “models” were discovered in the Logos affair.

The situation began to change in the late 1990s, for several reasons. In the latter half of the 1990s, the press often carried disgusted articles about teenagers on the streets, even though there were no real investigatory articles about the issue as such. Information about the Logos scandal was also published in the media. It is also true that adult prostitutes began to become increasingly aggressive against the minors, because they were offering sexual services for a price lower than the “accepted” price. Minor prostitutes increasingly turned to drugs, and the police became more active in this area once the government adopted regulations on limiting prostitution. These regulations, which were first adopted in 1998, put a tool in the hands of the police in terms of fighting against minor prostitution.

Interviews with prostitutes, a taxi driver and the madam of a sex club disclosed that minor prostitutes work on the streets under the special protection of their pimps. They do not stand on the streets; rather, they are found

nearby in a bar or cafe. The pimp provides clients and usually delivers the minor prostitutes to the clients.

Clubs try not to employ minor girls – occasionally there are girls who are just a few months short of their eighteenth birthday. The main reason for this is that clubs don't want to attract the attention of the police. Young girls in a club make it more likely that the club will fall into the range of police interest. This is partly because younger girls are hard to keep from drugs, and also because they don't have the necessary experience in providing services to clients.

Male prostitution

The Latvian Association for Safe Sex, working on HIV and AIDS-related projects with financing from UNAIDS and “Youth for Europe”, surveyed and interviewed approximately 800 men who provide sexual services for money in a three year period between 1997 and 1999. The first published results of this research provide us with some understanding of male prostitution in Latvia (Vâvere, Mozai evskis, 2000). This is the only study of its type in Latvia at this time, and it is useful to remind readers of the results of this study in a paper that is devoted to female prostitution and trafficking in women. This is particularly true because the reasons why people become involved in prostitution have very little to do with gender, and it is also true that male prostitution reveals certain specifics about the prostitution business.

According to the study, the main difference between female and male prostitution is that the latter is much more hidden. Both service providers and clients, in around 70 per cent of the cases, engage in heterosexual behaviour in their everyday lives (Vâvere, Mozai evskis, 2000). It is hard for this study to determine why it has been relatively difficult to get good information about the extent of these activities from either informants or experts. The fact that there is much less likelihood that any intermediaries would be involved does seem to hide the activities a little more, but we are left with the one study, which seems to give some insight into the phenomenon. The authors of that study divided up male prostitutes into two segments:

- 1) **Men who provide services to women** – i.e., “gigolos”, who are very presentable with excellent manners, found in places where wealthy women are often to be found; these relationships are often not just sexual in nature; there are also gigolos who try

to find wealthy women who can “keep” them – this is done through classified advertising and on the Internet. This is a fairly large group of men – students and the unemployed. Women often become clients in this area without being aware that this has happened.

2) **Men who provide services to men.** This is a much larger and more varied group of prostitutes. The authors of the study have divided the group up into substrata:

- The lowest level is made up of **minors at the age of 13-16**, who usually come from very hazardous environments (unfavourable families, street children, drug addicts) and are fighting for survival. Many of these kids see clients as potential saviours who can change their lives. Clients, in turn, are usually poor or nearly poor men who pay between half a lat and Ls 2 for the services. Sometimes they feed the kids or provide them with shelter for a while. Eventually these young men become immune to their surroundings in this search for “saviours”, and they begin to suffer from depression.
- **Young men for whom prostitution is work** – these are men who are usually between 17 and 24 years old, many of them without other job skills. These are men who have a stable life, albeit without a steady income. Young men, indeed, make up the largest share of all male prostitutes. Clients are sought out in parks, bars, public lavatories, with the help of pimps and advertising, and by working in sex clubs. These prostitutes cost between Ls 5 and 15, and they handle one or two clients per week, on average.
- **“Sunday prostitutes”** are young men aged 16-22, who spend more money than they have available to them at home. These are young men who don’t have to worry about food or accommodation, and their finances are generally stable. They come from well situated or average-income families, and they engage in prostitution irregularly and on the basis of offers. They are very careful to hide this fact from others. These are usually young men who are students, and they charge between Ls 20 and 60 for their services.
- **Those who are looking for sponsors** – young men who are trying to improve their living conditions by finding and making use of permanent clients. Usually these are gay men who are looking for someone who can finance their education, take them on a trip, or provide a well-paying job. The search for a sponsor usually begins at the age of 19-22, and the sponsors are usually older homosexuals or bisexual, usually

married men. The relationship lasts until a new and richer sponsor turns up, or until the young man becomes independent from the sponsor.

- **The highest level of prostitution** – elite prostitutes who are found at events organized by embassies, government institutions and businesses and who attend various receptions and presentations. Here the services do not always involve money, but they can help in shaping a career. Elite prostitutes are young men at the age of 18-25, usually handsome and well presented, often with a university education. Their services, on average, cost between Ls 100 and 300.
- **“Little tricksters”** make up a specific category – these are young men aged 15-17 who seek out wealthy and more or less well-known men. They purposefully seek to engage the men in sexual activities, then blackmailing them with the statement that if the client doesn't pay up, the young man will accuse him of pederasty and solicitation. The client usually pays to keep the young man's silence. This is a form of prostitution that has become rather popular among young people, but its spread is very difficult to determine, given that both sides of the process are very interested in keeping quiet about it.

According to Vâvere and Mozaï evskis, their study shows that the incidence of male prostitution is on the rise from year to year. Some young men consciously become involved in prostitution in order to earn money for survival or to improve their lives. Gay youths sometimes become involved in prostitution because they are simply interested in the process. A second group of youngsters become involved in prostitution while in the hands of others. Initially they are asked to reveal their genitals for payment; then someone asks them to be photographed nude; and finally they are offered money if they will engage in sex. This is the usual pattern for young men from poor families, but also sometimes from ordinary families, to become involved in prostitution.

When it comes to male prostitution, the authors do not mention intermediaries in contacts between clients and prostitutes. One must presume that there are such intermediaries, however, especially when it comes to minors. Generally speaking, the role of intermediaries does not appear to be as great as is the case with female prostitution.

4. THE SEX BUSINESS AND LEGAL FORMS OF BUSINESS

The best source of information about the way in which the sex business is related to the legal entertainment industry, surprisingly, turns out to be an annotated map, which is distributed in expensive hotels as a guide to the sex business in Rīga (Riga, 2000). The information is only in English and Russian, which points out the target audience – wealthy clients such as businessmen and tourists from Western Europe and Russia. The map of the centre of Rīga usefully points out where all of the adult institutions are located; there are also lists of the services provided. Many of the descriptions of these services are closely paraphrased below.

Thus, for example, **nightclubs with erotic programs** offer services that are unmistakably sexual in nature. The “Aladins” nightclub, for instance, offers all kinds of “nice” services from 8:00 PM to 4:00 AM. Between midnight and closing time there is an arousing erotic show, individual dancing at tables and various other kinds of entertainment. The possibility of striking up a pleasant acquaintanceship is not excluded. The club has taxi services. Tickets cost Ls 10.

The “Labi” nightclub offers strippers; 12 different girls dance for clients in 10-minute intervals, costing Ls 4.90. There is a room for erotic massage, and the client can select any of the dancers for this purpose. The massage lasts for 40 minutes and costs Ls 19. Ladies who wish an erotic massage must call in advance, but they can choose from several masseurs. Confidentiality is guaranteed. The massage lasts for an hour and costs Ls 25.

Intimate saunas with relaxation rooms offer not only saunas, but also a nice place for intimate closeness around the clock. This is true of the “LUX” sauna. “Lâèu muiþa” offers massage and relaxation rooms.

Nightclubs for gays have discotheques, games and other forms of entertainment, including dark rooms for intimate purposes.

There are **sex shops**, which offer various kinds of products, allowing people to watch pornographic movies and striptease performances, and to receive a massage (the “Labi” store).

Disco bars and **disco clubs** offer people a chance to become acquainted and to relax.

In **restaurants, cafes** and **bars** open at night; there are places where one can encounter prostitutes.

There are **casinos** that advertise a homey atmosphere. There are halls for intellectual and physical activities, including gaming machines, bowling lanes, pool tables and other games. There are always bars.

Since **escort services** are essentially only a telephone number, they do not appear on the map.

The guide for adults lists 12 nightclubs, 6 “intimate saunas”, 2 nightclubs for people with a “different sexual orientation”, 6 sex shops, 5 disco bars and disco clubs, 7 night time restaurants and bars, 6 casinos and 6 gaming halls. On the map, white pussycats are even used to show the places where streetwalkers can be found in Rīga city centre.

The fact that the businesses which are shown on the map and which offer legal entertainment opportunities also engage in the illegal business of prostitution to a greater or lesser extent was confirmed through expert interviews. An interview with an experienced taxi driver, for example, revealed that prostitutes could be found in all kinds of health clubs, massage salons, saunas, bars, restaurants and hotels. Experienced taxi drivers become intermediaries in this business to a certain extent. Quite often clients will ask taxi drivers for advice when seeking out sexual services. An experienced taxi driver will chat with the client to learn about his purchasing power and the level of services that he wants. Then the driver can select the location where the client is delivered. Foreigners are usually taken to clubs where there is both legal business and separate rooms for sexual services. Clients are also taken to hotels and saunas. A taxi driver who has brought a client to a place where services are offered usually gets Ls 2 or more, usually from the maitre d'hotel or a security officer. Sometimes a driver can deliver the client directly to a prostitute, first ringing her up on the phone.

The maitre d'hotel and other people who work in hotels can also recommend prostitutes to guests. If a potential client is seen walking nervously in the lobby, the maitre d'hotel or a guard usually asks whether the client has any special interests. If the client makes it clear that he wants a prostitute, the maitre d'hotel or guard calls an escort service or a prostitute who is known to him. If the client has money, then sometimes several girls will arrive in order to provide the client with a choice. In some cases the go-between can receive considerably more money from the client than the prostitute does.

It is difficult to determine how much money entertainment institutions receive from illegal activities, and this question is not a part of this study. There are, however, several advantages that are offered to clients – a certain number of drinks for a limited sum of money, for example. The institutions themselves increase the amount of money that they make from illegal activities at the expense of the legal business, thereby even paying less in taxes.

There is no information in Latvia that describes prostitution from the perspective of an illegally organized business. The structures in the Criminal Police that work against organized crime and drug smuggling, collect various information about the existence of the illegal business of prostitution, but this is often operational information that arrives in the context of drug smuggling. The Economic Police, who work to fight against unlawful business, also receive only incidental information about prostitution in relation to specific clubs. The Vice Squad has a database on prostitutes, but it lists only those who have run afoul of the law in one way or another. The prostitutes are only one part of the structure that is involved in the well-organized prostitution business, even if they are the most visible part.

There is also no statistical data about the way in which the legal businesses, which are closely related to illegal prostitution have developed – clubs, escort services, saunas, restaurants, bars, cafes, modelling schools, etc. Statistics about the number of such facilities can be used to come up with an approximate evaluation, as can data about the number of people who have worked there over the last several years. There's also information that is completely hidden – it deals with business activities that basically cannot be related to prostitution at all (Table 4).

TABLE 4

SOME LEGAL KINDS OF ENTREPRENEURSHIP MOST OFTEN CONNECTED WITH THE ILLEGAL PROSTITUTION BUSINESS; 2000, LATVIA

Branch by NACE (NACE Rev.1. Statistical Classification of Economic Activities in European Community)	Code of branch	Number of entities	Average number of principle occupied people	Of which	
				Men	Women
BARS (include: selling drinks for using on the spot; that can be added with entertainments offered by bars, nightclubs, beer-houses ...)	55.40	204	1046	418	628

GAMBLING (including distributions of lottery tickets)	92.71	57	2291	1221	1070
IMPROVEMENT OF FEELING OF PHYSICAL COMFORT (activities, realized by Turkish bath, sauna and steam bath, sundecks, balneology health resorts, massage salons and fitness centres, etc.)	93.04	107	255	39	216
ELSEWHERE UNCLASSIFIED SERVICES (activities of astrologists and spiritualists; public activities, such as escort services, ..., genealogical search organizations; boot cleaners, door-leasers services, and others)	93.05	28	90	14	76

* Prepared on the basis unpublished data of CSBL

Data in the table are presented in terms of the main type of activity of each business, as defined in the NACE classification, so the numbers in the table provide only a partial reflection of what is happening. There are actually more companies than are shown in the table, because there are some enterprises for which the running of a bar is only the second or third form of business. The number of people who work in these places is also larger, because in addition to those who have permanent jobs, there are also seasonal workers, as well as employees for special events such as an inflow of tourists.

The Latvian Company Register, for a fee, will provide the following information about any registered company: equity capital, type of operations, officials, a list of employees, balance sheet data about the current and previous year, a report on cash flow and profit and loss data. The cost of information about one company ranges from Ls 4 to 16, depending on the number of indicators that the client wishes to receive. This information could be used to analyse the legal entertainment business to some extent, but one assumes that the results would be fairly negligible in comparison to the cost of extracting and analysing the information.

5. WOMEN FROM LATVIA WHO WORK AS PROSTITUTES ABROAD

According to the Vice Squad, some 100 women and men depart from Latvia each month to go to various European countries to work as prostitutes. The police tend to have only fragmentary information about what these people are actually doing abroad. It is usually extracted from prostitutes who have been deported back to Latvia.

Among the 33 prostitutes who were surveyed in this project, 23 had foreign experience (two were former prostitutes and one was an illegal immigrant). Ten were surveyed in Latvia and ten in the Netherlands. The interview in the Netherlands was formalised and involved a questionnaire (Appendix 1). During interviews with prostitutes in Latvia, particular attention was devoted to a concrete range of questions. In all cases, however, the interviewed prostitutes were asked to provide demographic information – age, education, language skills, etc. (Appendix 2)

This project views prostitution as a business, and this had an influence on the content of the interviews. We looked at the way in which the work was organized, the amount of money that was earned, the intensity of the work, etc. Thus the work of Latvian prostitutes abroad is described as seen by the prostitutes who were surveyed.

According to the prostitutes, as well as several surveyed experts, the number of women who depart from Latvia without knowing that they might end up as prostitutes has declined since the mid-1990s. Women either know or at least sense what they will be doing. The surveyed respondents all said that prostitution in other countries was nothing more than work through which money could be earned – no other arguments were mentioned by anyone. For this reason, the phrase “engaging in prostitution” in this text is called “work”, as it has been interpreted by the prostitutes. The respondents worked in Western Europe – Germany, Switzerland, the Netherlands and Italy.

In all of the countries to which women from Eastern Europe who wish to work as prostitutes have gone, they became involved in the same kinds of prostitution which had historically developed there.

In almost all of the cases, prostitutes are given information about employers or pimps while they are still in Latvia. The fee for this is either a specific sum (1,000 USD), or a share of money from each client. The person who sends the prostitutes to the West usually gets some money from the person who is interested in hiring the girl. Sometimes the prostitute herself makes the payment. Depending on the country and the type of work, the debt can be repaid

in as little as one to three weeks. A woman who works in Switzerland can manage it in just three days.

Bars and clubs are fairly closely related in terms of work, because prostitutes often use the two words as synonyms when discussing their work. Relatively small clubs and bars employ 6-10 girls as prostitutes. Women from Latvia who went to **Switzerland** worked mostly in bars, and their typical pattern follows. Girls are put in rooms on the upper floor of the bar, two in each room. The owners of bars in Switzerland allow the girls to choose their own roommates. Girls room with other women from their own country, feeling that this is safer. The cost of the room is 55 USD per 24-hour period – the same amount of money as is received from one client. If a woman can handle five or six clients per day, she can clear 275 USD. The girls keep their own documents. One girl who was interviewed said that a prostitute in Latvia gave her an address, and the prostitute demanded money for this. The bar in which the girl worked had no local prostitutes. Most of the girls were from Brazil, Hungary and Latvia, but there were also a few women from Lithuania. The Brazilian and Eastern European women hung out in different corners of the bar, but generally speaking the women all defended each other if a client proved to be dishonest.

The prostitutes in Switzerland are mobile in the sense that they go from bar to bar every few weeks, with pimps helping the bar owners to handle this process. This means that each bar can offer “fresh meat” on a constant basis, and that means more clients. Clients are mostly men from Italy, Yugoslavia, Albania and Turkey who work in Switzerland. If a bar owner is satisfied with a woman’s work, she can be invited to return to the bar, with the requirement that she notify the bar owner two weeks in advance of this intention. Of course, it is easier for a prostitute to receive such an invitation if she has learned the local language to some degree and is a good worker. This means never avoiding work, behaving with each client in a way that encourages him to return to the bar, refraining from excessive drinking, and full abstinence from the use of narcotics.

Prostitutes also tend to travel not only within a country, but also from country to country with the help of pimps. Girls who had worked in Switzerland later went to Germany where, as in Switzerland, prostitutes work in both bars and in clubs.

Clubs and bordellos in Germany maintain ongoing contacts with clubs and pimps in Latvia, and women go to Germany on demand. Most of the sur-

veyed girls travelled legally and made an effort not to violate restrictions on residency so as not to damage their documents and to be able to go to Germany repeatedly, or even regularly. Most of the prostitutes said that the burden of working in a bar or club could be sustained physically for two months, while in the third month many girls feel very homesick and want to go home and relax. Some return to Latvia a week in advance.

One expert told the researcher about a girl who herself looked up an entertainment facility in Germany on the Internet and received an invitation to go there. She was greeted at the airport and brought to a club where she was housed in a room with a German girl – she had no choice about the matter. On the next day 20 girls arrived – Russians, Latvians and others. They were all inspected and divided up for various jobs. Three of the girls, including the interviewed girl, were selected as being appropriate to spend time with guests. It's possible that she won one of the positions because of the fact that she spoke good German. All three of the girls were given vocal and dance lessons at the owner's expense, and they were given time to go swimming. The only rule was that they were allowed to spend time only with the guests of the club, and they could not earn money in any other way. The other 17 girls remained at the other side of the club and were used exclusively for sexual services. This shows the admixture between every legal type of activity in the entertainment industry and sexual services that are involved to a greater or lesser extent.

When a woman works in a bar, she averages five or six clients a day. Working with a pimp at a bar, hotel or bordello, the number of clients is great – between six and ten, or even more (Section 7).

Streetwalkers work only with pimps. Of the ten Latvian women who were interviewed in the Netherlands, two were working the streets. They too serviced clients in bars or other indoor spaces. Prostitutes who work with a pimp also tend to provide services to clients in hotels. Streetwalking is all but non-existent in the Netherlands, where pimping is a criminal activity, while streetwalkers basically can't work without a pimp. Perhaps this is why those girls who worked the streets avoided the interviewers.

“Windows” are one of the ways in which Latvian prostitutes work in the Netherlands on the basis of individual work agreements. Of ten of the prostitutes who were interviewed in Holland last March eight were working windows – a legal process. Working a window really is solo work, because the prostitute works only for herself. A woman who decides to work a window

signs an agreement with the owner of the facility in which the rules of the process are described in her own language. Women who fail to obey the rules are immediately fired. A prostitute may not drink or use drugs, she must have no weapons of any kind, she may not invite friends to visit, etc. The woman who is in the window must work and pay rent – between 60 and 155 USD per day. The owner of the window provides protection against unruly clients or extortionists.

If the prostitute has problems with housing, she can pay additional rent and live in the “window”, which is actually a room with a bed, television, video system, music system, clean laundry, etc. There is an ancillary room with toilet and shower facilities. How much money a prostitute earns is entirely up to her. If a prostitute wants to work a lot – i.e., without any days off – then she can clear between 7,000 and 18,000 USD in a month.

One of the surveyed prostitutes worked on the basis of **phone contacts** in Denmark. She visited an acquaintance that had gone to work as a prostitute in the mid-1990s, had married and had launched her own sex business. The structure of the business is one in which prostitutes (mostly from Eastern Europe) live in rooms and wait for calls from clients, as issued by a dispatcher, who is a Danish woman. The interviewed prostitute paid one-third of her income to the dispatcher, and another third to the friend she had visited. This reminds us once again that prostitution is a hard-nosed business.

All of the described instances involve prostitutes who lived in foreign countries legally but worked illegally (except for those who worked the windows in the Netherlands). The likelihood of getting entangled with the police largely depends on the owner – the way in which he organizes the work, and the extent to which his facility disturbs the neighbours with noise. Women can find themselves in the clutches of the police for the same reasons that exist in Latvia, for instance, if they lose control of themselves, get drunk or use drugs.

According to the interviews, the prostitutes are very much afraid of getting caught by the local police. There are several reasons for this. Deportation is one; the fact that the passport is then “damaged” is another, with the woman not being allowed to go back to the West to work. Others reported that the police confiscate all of the money that the prostitute has earned. Some prostitutes said that local police usually don’t want to interact with foreign prostitutes, which basically leaves them at the mercy of the criminal world.

Ideas about trafficking in women and risk factors

Without exception, all of the **interviewed prostitutes** with experience in Western Europe said that girls who end up in the hands of traffickers usually find themselves in that situation because they have been stupid. The work is dangerous in the sense that a woman must never lose alertness, and she must never lose control over herself. This means never trusting unknown people, never getting drunk or using drugs, never turning over one's documents to someone else, and never walking around alone. It's much safer to work with a girl you trust – preferably one who is from your own country. Another safety ingredient that was mentioned was the requirement that someone in Latvia must know where you are and what you are doing.

All of this is far more difficult for young girls who have little experience and a poor level of education. Education seems to be of particular importance – all of the interviewed prostitutes who were working with relative success in foreign countries had no profession, but they did have a solid general education (Section 6).

When we interviewed **experts and prostitutes**, we posed the same question to all of them – do women who end up abroad face the risk of ending up in the hands of traffickers of women and being lost without a trace in the Middle East or somewhere else. We also asked whether sometimes girls are sold off without their own knowledge by people who organize the process in Latvia.

We didn't get responses to these questions predicated on direct experience, but we were told that there are people in Latvia who make sure that they meet young girls in a variety of places and situations. These people display a great interest about the girl's material situation and family – how large is the family in which the girl lives, does she have many relatives, where do they live? The questioner tries to learn as much as possible about the girl's parents – do they drink, do they quarrel, what are the girl's relationship with her parents? If it turns out that the girl has no relatives in Latvia who are interested in what happens to her, then she may become a "product" which is sold or forced to work in bordellos and elsewhere. The inquirer promises the girl that he will find a job for her and then forwards her to others who prepare the travel documents and cover the costs. This suggests that there are good contacts among traffickers in various countries.

Nearly all of the prostitutes said that they had heard of women who were sold. The expository comments sounded like this: “Young and inexperienced girls are sent from Latvia and sold to Turks. The fee is 500-700 USD. The girl may not drink.” “If a girl uses drugs or alcohol, she has problems. She falls into debt, because she doesn’t work well or doesn’t work at all. Then she is resold.” “If you want to avoid this, question girls who have already been abroad, travel with two or three others and work hard.” “I’ve heard that Lithuanian girls are sold from bordello to bordello”. “The girls are sold because they’re stupid.” “The intermediaries know the candidates [naive girls who are trustful and unthinking, all of which is exacerbated by drinking and drugs] for this process.” “I read in the papers that girls are sold, and I thought that this happened because they were naïve: they turned over their documents to strangers.” “I think that girls are fooled into this business through promises of work as a model or dancer.” “I’ve heard of girls who have been sold because they couldn’t repay the debt.” “You can get entangled with bad people – it’s better not to travel anywhere.” “If you use drugs or alcohol, then the worst will happen.” “I’m amazed that they allow girls who are not dancers to travel to other countries as dancers. I’ve never heard of anything bad happening to a professional dancer.”

One interviewed prostitute told this story: “I had a friend who left in 1993 to go to Yugoslavia and work as a prostitute. She returned 2.5 years later from Italy. I can’t tell you what she suffered there – she was sold from bordello to bordello-countless times. My friend was travelling with a forged passport, because she was not yet of age. As soon as she was there, they took away her passport and made her work.”

At the same time, there is no reason to say that trafficking in women in the extreme sense of the word is particularly widespread. As was noted before, there is little information in Latvia about people who work abroad in illegal jobs, including those who are forced to work. We can only get a vague sense of the latter group if we look at the number of people who are lost and for whom a search is going on. Unpublished data from the relevant division of the Criminal Police show that in the first three months of 2001 there were 689 people who were being sought, including 178 women. There is no summary data about the age of these women, and their age has to be determined from individual case files. Among people of both genders, there are more lost people from larger towns; more from South eastern Latvia, where ever since the restoration of independence there has been serious unemployment; and more from regions in which there are predominantly Russian speakers.

All of this, however, does not suggest how many of the people who are lost should be sought out in foreign countries. What's more, the people who are being sought are the ones with respect to whom someone has filed a request with the police. If nobody is interested in the destiny of a girl who has disappeared, then the police have no information about that. Since the Latvian Criminal Law has been supplemented with an article on sending someone to be used sexually (Article 165'), there has only one criminal investigation in 2000 in relation to this.

According to various sources of information, people who traffic in girls in Latvia receive between 1,000 and 7,000 USD for each victim, provided the girl is young, pretty and "clean". A study done by the International Human Rights Law Institute of DePaul University in the United States found that the usual price for a woman or child who has been smuggled to another country for sexual use is between 12,000 and 18,000 USD (Paparde, 2001). The price difference indicates that the chain of international intermediaries in the process of trafficking in women is quite long.

Officials from the Border Guard, however, have suggested that it is all but impossible to take someone out of Latvia who does not want to go. Young people are the subject of particular attention in this area. This means that the potential victims of traffickers leave voluntarily. What's more, the women who depart from Latvia with the intention of prostituting themselves inevitably give the appearance of legality. Of course, departing "legally" does not necessarily mean that the woman is travelling with proper documents.

As was noted before, since the late 1990s there have been fewer occasions when women are fooled by being promised work at a hotel or bar abroad, but in fact being engaged for prostitution. Women who leave Latvia usually know that they'll be working as prostitutes. Girls hear from prostitutes who have come back home, they learn that they can earn regular money as prostitutes, and they hear about the work conditions in foreign countries and the amount of money that they can earn.

Women who leave to work in other countries

On the basis of information that was obtained from prostitutes who talked about the way in which they or other women travelled to foreign countries, we can draw only general conclusions. It is assumed that prostitutes do not receive accurate information about the way in which the relevant documents

are produced. This protects intermediaries, as well as the prostitutes themselves. Prostitutes typically try to learn all about their own business, but they are not particularly interested in what others in the business are doing. The less you know, the safer you are.

The **basic model** here is that the prostitute leaves Latvia with the help of an intermediary. The intermediary provides documents that allow her to exit the country legally, as well as the tickets, information about where to find the employer and pocket money if necessary. This is most common among prostitutes who are going to work for three months in another country – the maximum amount of time that a person from Latvia can reside in another country.

Most commonly the prostitute receives one-third of what she earns. In Germany, for example, she pays one-third to the club where she works, and another one-third to the intermediary in Rīga. If the intermediary himself pays the employer in another country, then the intermediary receives two-thirds of what has been earned. It can also be that a pimp in the foreign country handles the entire process, and in that case he receives two-thirds of the money.

Depending on who the intermediary is, there are various modifications on this basic model:

- The woman is assisted by others who have come home and can provide the woman with contact information for an employer; if money is borrowed, it can usually be repaid in two weeks. If an intermediary has lent the money, then he receives one-third of everything that is earned from a client.
- The woman travels on the basis of an invitation from acquaintances abroad, who lives in a stable situation and has a legal source of income. Then, too, there are options, depending on where the woman borrows the travel money. Usually prostitutes themselves pay for the trip and for the documents that are needed. Depending on the country, the sum is between 500 and 1,000 USD (1,000 USD most commonly cited).
- The woman travels with a tourist visa and knows the address of the employer from a previous visit or through a pimp. If the trip is arranged through a company and the company lends the prostitute money, then the interest rate is 200 per cent.
- The woman travels while pretending that she is going to work as a companion for someone who is sick, a fruit-picker or a model. In this

case there may be involvement of private companies that are licensed to find jobs abroad (Section 2).

Surveyed prostitutes in Holland who had worked there for more than a year, all said that they departed from Latvia with the help of friends and acquaintances. One had used the services of a company.

Among the surveyed prostitutes who had once worked abroad, half worked the streets with pimps in Latvia, while the other half worked in clubs. The prostitutes who work in clubs in Rīga usually use tourist visas to go to Germany, Switzerland and Italy, and they less commonly use the services of intermediaries. It's possible that in such cases the clubs themselves serve as the intermediaries. Streetwalkers from Rīga more often go to Germany to work in bars. Intermediaries develop contacts with the streetwalkers and offer them their services.

During the interviews, the prostitutes sometimes went to surprising lengths to emphasise that they have travelled to other countries legally. In fact, there is reason to think that prostitutes often use forged documents, especially in the case of those women who do not have the passport of a citizen of Latvia. The Latvian Border Guard has said that Latvian and Lithuanian passports are very easy to forge – the passports themselves are real, but the data is “corrected”, and a new photograph is inserted. A passport of this kind cost between 200 and 300 USD, and it is the job of the intermediary to supply it. Such passports are used by non-citizens and citizens, whose own documents have been “spoiled” (i.e., there are notations in the passports which prohibit them from entering a specific country).

A partial look at the age of the women who use forged documents can be obtained from Border Guard data about people who have been detained at Rīga Airport for entering Latvia without valid travel documents or on suspicion of a forged passport. Also there is data here about people who have been deported from other countries for not having valid documents or for being in the country illegally (Table 5).

TABLE 5
THE AGE OF WOMEN WHO HAVE RETURNED TO LATVIA WITH INVALID

DOCUMENTS, 2000 AND FIRST QUARTER 2001 (INDIVIDUALS)*

Year	By age groups (years)					
	Total	Under 18	18 - 19	20 - 29	30 – 39	40 and more
2000	57	5	3	23	10	16
2001, I-III	10	-	1	5	2	2

* Unpublished data of Latvian Border Guard

Of all of the 67 women in Table 5 who were detained at Latvia's border, two-thirds were coming from Germany, Denmark and Great Britain (21, 13 and 11 respectively). The place from which the women arrived, however, doesn't tell us much about where she actually worked, because both Frankfurt and Copenhagen are widely used by transit passengers from Rīga who are actually going somewhere else.

The women leave Latvia legally, usually travelling by bus through Lithuania. A non-citizen enters Lithuania with her non-citizen passport, and then she goes to Poland, Germany and Switzerland with a forged citizen's passport, which does not require a visa.

There are other options too. Some prostitutes spoke of a forest path in Lithuania via which one can get to Poland on foot. Several of the women said that the main thing is to get into Poland, where girls are organized in groups and sent off to Germany. None of the survey respondents had actually walked the forest path, however, saying that they had simply heard of its existence. The women said that they would not consider such a process to be safe, because it could easily lead to a woman being sold to a bordello.

Experienced border guards say that there is a great difference between an external and an internal border. Latvia has an external border, and it is difficult to leave Latvia illegally. A trip from Germany to other European Union countries, by contrast, is seen as an internal trip. A girl can be given drugs or alcohol to stun her and then be taken to Greece, Italy or elsewhere. Documents are replaced and changed several times, and after that visual identification is the only way of determining her identity. This is obviously one of the ways in which people can traffic in women, who are being sold against their own will.

6. PEOPLE INVOLVED IN THE SEX BUSINESS AND ADVERTISING IN THE BUSINESS

Those providing sexual services and those receiving them – supply and demand.

Prostitutes, if we look at them in business terms, make up the supply end of the business when it comes to the sex industry. **Socio-demographic** indicators about prostitutes were extracted from the information that each surveyed prostitute gave, irrespective of how deep or formal the resulting interview was. Respondents were asked to provide information about education, the language in which the education had been pursued, age, family status and a brief description of parents and other family members. Information was collected from 31 prostitutes, among whom ten had worked only in Latvia, while others had worked both in Latvia and abroad. Among the latter group, ten were working in the Netherlands during the survey, and this is where they were interviewed.

Half of the survey respondents were younger than 25, while 20 per cent were younger than 20. The average age was 25. One-third of the girls had ended schooling at the seventh, eighth or ninth grade, one-third had a full high school education, and the final one-third had more than a high school education. Three of the girls (10%) had a higher education. Among the prostitutes who work the windows in the Netherlands, none had anything less than a secondary education. Those with a higher education were also working in the Netherlands.

Ten per cent of respondents said that they had lived in residential facilities while going to school, while the others had lived at home. Forty-three per cent of the girls said that they had fine and normal families, but in nearly 30 per cent of the families the parents were heavy drinkers and often fought. Three girls (10%) spoke of ongoing poverty in the family. The most commonly cited factors of family descriptions included the absence of a father, a drinking stepfather, and many children in the family: “we had three children in the family” (which is a lot for Latvia), “my parents didn’t see me for days at a time” and “my parents were always working”. Some of the answers were touching in their attempt to justify the behaviour of parents – “my parents sometimes drank, but they are not drinkers”, for example.

Of the 31 prostitutes, 23 were single, 3 were divorced, 4 were married (the husband of one of the respondents was in prison), and one had a boyfriend. Twenty-one of the prostitutes had no children, five had one child, two had two children and two had three children. One of the prostitutes was pregnant at the time of the interview. The children ranged in age from 2 to 18, with the majority being younger than ten.

None of the respondents spoke of violence during early sexual contacts. Sexual experience was most often begun at the age of 16 or 17 for reasons of love or attraction, for reasons of curiosity or because the girl wished to feel adult. In two cases of the 31, the first sexual experience involved an exchange of money. One prostitute reported first having sex at the age of 13 (she grew up in a large family and wanted to be adult), several said that it happened when they were 14 (the parents drank, and other girls set an example; the parents drank and the three kids in the family were all sent off to a residential school in the countryside), and several others started at the age of 15 (orphan; alcoholic mother, deceased father; a normal family, but the girl wanted to do better than another girl; a bad relationship with the mother).

Most of the survey respondents had been involved in prostitution for 35 years, approximately one-third had been in the business for 6-8 years, and a bit more than 10 per cent had between 1.5 and 2 years of experience.

Approximately three-quarters of the survey respondents were “Russian speaking” women, while one-quarter had attended Latvian schools. According to the responses, there were 19 citizens of Latvia and 12 non-citizens, but it’s possible that the number of citizens has been exaggerated. Both the prostitutes and the experts said that non-citizens most often travel to foreign countries with Latvian passports. In an interview that was conducted in Latvian, a prostitute was asked about the nationality of other girls with whom she had worked abroad, and she answered: “Who knows? They all had the blue passports [Latvian citizen passports].”

When the prostitutes were asked about **why** they became involved in prostitution, all of them said that the need for money was the primary and determining factor. In the interviews we also heard other secondary motivations – a sense of freedom (2 mentions), curiosity (8), the fact that the work is easy (6), the fact that the work provides the prostitute with enjoyment and she is paid for it (3) and the thought that one doesn’t need a speciality to engage in prostitution (1). Asked why they went abroad to work, the prostitutes all said

that they could earn more money that way. They also cited wanting to get married abroad (2), wanting to learn a foreign language (2), seeking to compare the situation with what happens in Latvia (2) and because in other countries prostitutes can work in rooms and the clients are more polite (3).

Of all of the surveyed prostitutes, 19 (61%) did not look for **other work** before becoming involved in prostitution. Those who had sought work said the following: I could get work at a market, but only for Ls 2 per day; I was offered a job at Ls 60 per month, but that's not enough to pay for housing and for the rest of my life (2); I looked at help wanted ads, but in the end they all ended up offering sexual jobs; I worked, but I left the job because the salary was too small to live on (2); there were no interesting jobs; the only available opportunity in Rīga is to work as a saleslady. Others said that employees are cheated – that the owner says that your cash register came up short, or else he simply refuses to pay you. One of the girls said that an older friend took her along on the streets, and she decided to try it. It went fine, and since then she hasn't looked for any other work.

Two of the surveyed prostitutes hold other jobs but walk the streets to earn more money.

Asked about their **future plans**, 15 of the prostitutes said that they would keep on working in the industry and were thinking of nothing else. Others were more hopeful about their future: I'm going to study; I want to live in the Netherlands; I want to get married abroad (2); I want to work as a model; I want to arrange my life in Latvia and find my place in the world (2); I want to open my own company (2); I'm going to keep working because I want to buy an apartment; I'll keep working until my son finds work; I want to find a job which would allow me and my children to live well; I want to go abroad, and I want to earn more money. Others were more pessimistic: I feel empty inside, and I'm afraid that I won't be able to pay for my apartment; I'm afraid of the future; I try not to think about it, because I don't know what else I could do (3).

Harmful habits are common among the prostitutes at various levels. All of them smoke, and most of them reported smoking regularly, especially at bars where they are waiting for clients. Few use drugs, and those who do use only light narcotics. Some with a high level of income sometimes use cocaine and say that it relaxes them. One can assume that drug addicts were not among the interviewed prostitutes, because all of the respondents were highly experienced, and it is presumable that the club owners or pimps who run them

do not allow drug addicts to keep working, so as to avoid the attention of the police. Most of the prostitutes drink, but try to do so at a very moderate level. In bars, especially abroad, there are various ways to get the clients to drink while they avoid alcohol themselves. There are also prostitutes, however, for whom alcohol helps in overcoming the barrier that is present when clients are serviced. This is most common among prostitutes who service between eight and ten clients each day, as well as those who work the streets.

The surveyed prostitutes had spent various amounts of time abroad. Each trip usually lasts either three months or a few weeks. The total amount of time spent abroad ranged from one month to three years. Most often prostitutes cited 12, nine or six months, which are combinations of the three-month period that a Latvian citizen can spend in one of the countries which is party to the Schengen Agreement.

Asked whether they wanted to come home after their last tour abroad, four prostitutes said no, and seven said yes. Some were homesick and missed their friends; others were simply tired of the foreign environment. Of the prostitutes who are working in the Netherlands, however, only two said that they are not sure about whether they wanted to come back to Latvia, while the remaining eight said that they definitely do not. Some said that they would not return under any circumstances, others said that they would come back home if life were more like it is in Western Europe. One reported that she would not want to live in Latvia under any circumstances, but she would very much like to come to Latvia for a visit.

Information that was collected from prostitutes about their **income** in Latvia and elsewhere is described in the section that deals with the economic environment in Latvia (Section 7).

Given that money is important in terms of motivating women to become prostitutes, the respondents were asked how they spend their money. All of the prostitutes who live in Latvia said that they spend money on everyday needs such as housing, food, clothing and cigarettes. Four reported helping their parents, one said that she gives money to her younger brothers and sisters, and one said that she is paying school fees for her children.

Asked whether they can put any money aside, most of the prostitutes said the same thing. Of the respondents who live in Latvia and have had no experience abroad, nine of ten work the streets, and eight of them said that they cannot save any money, or they can save money with great difficulty. Two

respondents said that they can save some money in the summer, when there are more clients and the cost of heat and other utility services at home is lower. The prostitutes in Latvia who do have foreign experience mostly work in clubs, but they have the same views about the ability to save money. Several said that as long as one works in Latvia, one couldn't save any money.

The prostitutes who are working in the Netherlands, mostly in windows, have a different way of spending their money, and they have a different view about saving money. The prostitutes said that income in the Netherlands depends on the girls themselves. In Holland the view prevails that prostitution is the fastest and easiest way to earn a lot of money. There's another problem, though. As soon as the women get large sums of money, they start to spend it extravagantly – on bars, restaurants and cocaine. Many of the women in the Netherlands use drugs, said the prostitutes, and virtually all of the money is spent on having a good time. The women don't even think about tomorrow. This was seen once again when the respondents were asked about their future plans. Only three of the ten women talked about a future that did not involve prostitution. The others want to keep working.

When it comes to **clients**, they represent the demand side in the sex business. We did not receive much information about clients from the experts. The anonymity of clients is apparently protected much more diligently than that of the prostitutes when it comes to specialists who deal with the supply and demand in the sex industry. The description of clients, therefore, is presented through the eyes of the prostitutes, both in Latvia and abroad.

Clients in Latvia, as noted by the interviewees, are of different nationalities – mostly Russian-speakers, quite a few ethnic Latvians and some foreigners. There are both married and unmarried clients, and they range in age from 20 to 60. One thing that all of the clients have in common is that they tend to be well off. Some have medium levels of income, and only a few are on the poor side.

Clients seek out prostitutes around the clock, but the streetwalkers said that the busiest period is between 7:00 PM and 2:00 AM. Sometimes there are more clients during the day, however, and that is particularly true among married men. Married men do not tend to look for prostitutes after 10:00 PM.

Those girls who work on the basis of phone calls said that they are relatively often in demand between 1:00 and 3:00 PM – lunchtime when civil servants tend to order the services of prostitutes.

Clients have different professions, but the prostitutes could only guess at what their clients do for a living, because clients try to remain as anonymous as possible. The girls most often spoke of businessmen, people who work in companies and civil servants. This is in line with the idea that clients tend to have money.

The behaviour of clients differs, and some can be aggressive. Streetwalkers can reject unpleasant clients, but it is also possible that a client becomes aggressive later. Those who work in clubs have to service every client, but clubs provide better protection than the streets do.

Sex tourists belong to a special growing category, who, come specifically to take advantage of the sex businesses in Latvia, including access to minors. Unfortunately this indicates more and more organization of the businesses as was even suggested by Andris Bērziņš, Head of the Saeima's Sub commission on Children's Rights (Vaivars, Fridrihsone, 2000).

Latvia's prostitutes said that clients abroad are also usually between 20 and 60 years in age, although sometimes there is someone younger or someone considerably older than 60. Clients differ from country to country. The one thing, according to the prostitutes, that they usually have in common is that they have a lot of money or at least a medium level of income. **Swiss Clients** are usually men who are married and see contacts with a prostitute as entertainment. At the same time, however, there are many guest workers in Switzerland from Italy, Yugoslavia and Turkey; they work in pizzerias as drivers, etc., and they are more often the clients of these prostitutes. **Clients in Italy** are usually married. **Clients in Germany** range in age between 20 and 60, are usually unmarried Germans or sometimes men of other nationalities. Turks in Germany, oddly enough, are purported to behave much more poorly toward prostitutes than do Turks in Switzerland. Talking about clients in Switzerland, Italy and Germany, the respondents unfailingly spoke about how polite the clients are. Some of the women said that the clients treat them "with respect". Clients do not harm the girls and sometimes give them extra money.

Clients in the Netherlands were described somewhat differently. First of all, prostitutes from Latvia in Holland have mostly worked only with tourists – from various countries and of different ethnic groups, including many black men. The prostitutes all claimed that client attitudes largely depend on the prostitutes themselves, but there are all kinds of clients. A prostitute with ex-

perience in **Denmark**, when asked to compare clients in Latvia and those in Denmark, provided a good summarisation: 1) Clients in Denmark are more polite; 2) Clients in Denmark never fuss over money and pay the fee, while men in Latvia often try to get a “discount”; 3) Clients in foreign countries are mostly workers, not intellectuals, while in Latvia they are most often businessmen, company employees and civil servants.

In March of this year, a Russian newspaper in Latvia published an article in which a professional prostitute who said that she has serviced more than 10,000 clients provided a certain classification of clients (Mihailova and Marahovski, 2001). The prostitute said that she has developed this classification through experience, and that it helps her in her work, because she now knows how to behave in risky or even life-threatening situations. She divides her clients into five groups:

- 1) **The normal ones:** Sex, champagne and good-bye. These are usually clients without any special requests, and they pay the Ls 15 per hour. This represents approximately half of the clients in Latvia.
- 2) **The sadomasochists:** They're turned on not by sex, but by fear, irrespective of whether the client or the prostitute is afraid. This is very dangerous, but experience helps in knowing what to do.
- 3) **The crazy ones:** These include men who are peculiar in terms of their work or their leisure activities. They are usually harmless, but the prostitute has to be ready for anything.
- 4) **The ritualistic ones:** These are men who need prostitutes not for sex, but for some kind of ritual, such as killing an animal. These are very dangerous clients.
- 5) **Those who are sex-dependent:** This is the most dangerous type, because an experienced prostitute can recognise someone who wants to engage in a ritual, while those who are dependent on sex cannot be recognised at sight. These are incalculable and therefore dangerous men.

The professional prostitute told the newspaper that, girls who are younger than 21 should not be permitted to become involved in prostitution, because the profession is altogether too dangerous from a variety of perspectives.

Presumably a prostitute in a foreign country is less likely to find herself in a helpless situation, because protection is comparatively better. If however, a

young girl with little experience is sent abroad, then she is always in danger of falling into the hands of perverted clients.

One of the experienced prostitutes who were surveyed for this project gave a pointed description of a “good” client – a good client is one who has his orgasm quickly and pays well. This indicates that prostitution is clearly a business, in which maximising profit is the aim.

People who ensure the functioning of the sex business

From the perspective of the sex business, the role of the intermediary is to ensure a transaction between the service provider and the service user. In countries that have legal sexual services, society more or less accepts the services that are involved, and there is a good understanding of **who provides the services and where**. Everyone knows who is involved in the services, and the process functions legally.

When the activities are unlawful activities, they can be classified as crimes and they involve additional income for the organizers – if only because taxes are not paid. The people who ensure that such operations can function are anonymous. The only ones who are relatively visible in the sex industry are those who actually provide and use the services. All of the other anonymous people are behind the scenes, as an experienced intermediary from Denmark put it in describing those who organize and support criminal business. The same is true when it comes to prostitution in Latvia. They can conditionally be divided up into various groups:

- Various kinds of intermediaries, whose aim is to bring supply and demand together both in terms of space and, frequently, in time;
- People who are indirectly involved in the sex business in terms of trying to reduce the harm which the sex business has on society, and who have professional links to prostitutes and their clients;
- Clients in a secondary role – on the one hand clients create demand, but at the same time each individual client can use his resources to support the business or to remain neutral when decisions are taken in this area.
- A fourth large group who support and sometimes profit from the business without committing illegal acts – can include lawyers, hoteliers, taxi drivers, almost anyone in the service industries. The study briefly exemplifies this with doctors, security guards and the business of ad-

vertising.

Intermediaries are people behind the scenes. They are happy to earn money in any way possible and have no real moral barriers in this process. They are necessary for the business, and they are at the right place at the right time.

Those who work most closely with prostitutes and clients are pimps. Those pimps who carry out intermediary functions in a way that is acceptable to the prostitutes can, to some extent, be called **professional pimps**. Surveyed prostitutes in Latvia said that they divide up the streets, assign specific numbers of prostitutes to specific territories and thus ensure that prostitutes do not have to quarrel with one another; that they ensure that prostitutes don't use drugs and protect the prostitutes; that they take the prostitutes to the doctor once a month and let her keep two-thirds of what they earn from clients. A good pimp in other countries, according to the prostitutes, is one who receives a specific sum each month – 500 USD per month in Germany, for example – instead of taking a cut from each client's payment. The pimp ensures that the prostitute has a different bar to work in every two or three weeks, and discusses any problems that the prostitute may have in a foreign country, including health-related problems. The naiveté of these girls about the pimps was frankly surprising in some cases, but given that the women tend to have language problems, one can understand the development of a positive attitude for whoever is there for you and whoever helps you when you need it. As is the case in legal work, it's always sensible to listen to what the employer says. In foreign countries, the owner of a bar or club is often less important to the prostitute than the pimp – the owner is only interested in receiving his cut of the money, while in case of real problems, it's the pimp whose function it is to solve the problems.

Pimping may be the only job that a professional pimp has. Prostitutes have made their peace with these people, but the fact is that professional pimps are a danger to society in that they have experience, a great many formal and informal contacts in various social groups, and all of the knowledge that is needed to bring new women into the prostitution sphere all the time, making them capable of great control over the illegal enterprises.

Of course, there are shameless and aggressive people in the pimping industry – people who rob the prostitutes by demanding more money, who sometimes beat prostitutes up and who do little or nothing on behalf of the prostitutes. These are **violent people who only want money**, and they surely cannot

be called professional pimps. These are people who take advantage of the illegal nature of prostitution to make victims of the prostitutes.

The function of a pimp is people who work in places where there are both clients and service providers, or at least one or the other. They tend to be **representatives of specific professions** – bartenders, maitres d’hotel, security officers and taxi drivers. These kinds of intermediaries are paid on the basis of the number of clients that they attract.

Also involved in the sex business, as intermediaries, are **private apartment owners who rent out their apartments to prostitutes** or to sex clubs as a place where services can be provided. The rent does not depend on the number of clients – it is usually a fixed fee.

Those who own clubs and various legal entertainment institutions are often both employers and pimps, and they usually receive money from each client, allowing the prostitute to keep no more than one-half. If a client pays more, the prostitute receives a smaller percentage. Club owners tend to have links with partners abroad, and they often send “their” prostitutes to work abroad. This is an ongoing and lucrative source of income.

Prostitutes said in their interviews that the sexual relationship between a prostitute and her employer (a club owner or pimp) is very important – the better the relationship, the more chance the prostitute has to get a job abroad.

Women can become involved in prostitution by anyone in the sex business and at any time, but the prostitutes said that there is a special group of pimps who offer streetwalkers the ability to work abroad. Among them, it is assumed, are men who look for young and inexperienced girls who can be put into circulation in foreign bordellos without their own agreement – who traffic in women, in other words.

People behind the scenes who **provide the passports, visas and travel documents** that allow prostitutes to travel abroad usually do not have any direct contacts with prostitutes. These are specialists who are known to the pimps and the various club owners and managers. It’s possible that these people work in tourism agencies or employment agencies, and they have contacts in the various necessary institutions. They receive a fee for every service. There is probably a specific ranking of specialists, and the people who provide forged passports work individually. Then, too, someone has to deal with the stealing or obtaining of valid passports.

People who are indirectly involved in the sex business are, to some extent, the doctors who deal with venereal diseases, as well as those who are employed by security companies. These are people who allow the sex business to function in a way that is less harmful to society. The doctors provide for the health of the prostitutes and their clients, and the security officers ensure that the people who provide the sexual services are safe.

Experts said that approximately one-half of the prostitutes have their own doctor, and another half are tested at the Centre for Sexually Transmitted and Skin Diseases. Doctors, of course, know what their patients are doing.

It is to be presumed that the illegal nature of prostitution means that prostitutes pay more money for various services than do people who are not involved in prostitution. This is probably specifically true when it comes to security services.

The role of individual clients in ensuring or protecting the sex business can only be guessed at. There have been various manipulations with the Vice Squad in Latvia, for example – it was shut down at a time when prostitution as a business was booming. It is also true that the elaboration of laws aimed at limiting prostitution in Latvia has proceeded very slowly. This suggests that there are people in Latvia who do not want the existing order of the sex industry – including prostitution – to change, because this is a very important source of income for organized crime. Sad to say, the laws were only really put into effect after the aforementioned paedophilia scandal in Latvia.

Advertising provides a special intermediary and form of support for the sex business. Advertising in Latvia is based on the principle that everything that is not prohibited is allowed. Advertising normally helps to orient the client towards the services that he wants to find, but in Latvia advertising also serves to bring women into the sex business. The open and partly hidden advertising of sexual services allows women to apply for work as prostitutes, and it also promotes the involvement of women in prostitution against their own will when they apply for jobs which initially seem not to be related to sexual services.

The main types of advertising for the sex business are advertising in newspapers, advertising on television after 11:00pm, and advertising on the Internet. There are great differences between Latvian and Russian publications when it comes to advertisements for sexual services. The Russian-language *Rek-*

lama has nearly two pages of open and masked offers of sexual services, as placed by the legal entertainment businesses. The same is true in the free newspaper *Santîms*, which is delivered to people at their homes. The Russian language version also has a page of acquaintanceship and marriage ads in English, which are placed by men in the West.

In the Latvian language newspaper *Latvijas Reklâma*, there are far fewer direct and hidden advertisements for sexual services than is the case in Russian newspapers. Individual offers are more common. In the “contacts” column in the Latvian language advertising newspaper, there are mostly individual ads seeking new contacts, as well as advertising from dating services.

On television, one sees advertisements in which telephone numbers are presented along with short and challenging advertising clips with sexual subjects.

All kinds of advertising can be found on the Internet. If in the newspapers and on TV one primarily finds offers of sexual services, including individual services, then on the Internet one can find offers from Latvia, as well as requests for sexual services either individually or in terms of work from Germany, Denmark, Norway, Sweden and other economically developed countries. There are requests from individuals, as well as requests from various nightclubs for young girls from Latvia.

New regulations aimed at limiting prostitution were adopted in April 2001, banning the advertising of sexual services on the Internet, in the press and in the other mass media (except in erotic publications) (Appendix 3). One doubts whether this will have much effect on the well-developed process of hidden advertising for sexual services.

7. THE MAIN ECONOMIC FACTORS WHICH PROMOTE THE PRESENCE OF PROSTITUTION IN LATVIA

All of the surveyed experts said that the rapid growth of prostitution in Latvia has been caused primarily by economic factors such as unemployment, low salaries - which do not allow someone to earn a proper living, as well as the rise in poverty amongst the female population. Economic problems lead individuals to be dissatisfied with their place and role in society at a given time, and often people seek out behaviours that are anti-social in nature. There are several other factors in this process – a pseudo-understanding of freedom

and democracy; the idea that under a free market system one can trade in everything, including traditional honour, respect and sexual inviolability, as long as someone is ready to pay for it; and the slogan that everything that is not prohibited is allowed. Reality shows how these ideas are put into practice. There are people, including officials and politicians, who use loopholes in the law for their own personal interests, and help to protect anti-social activities (this is indicated by the high proportion of the “shadow economy” in Latvia’s GDP – around 30 per cent, although various methodologies have determined that the proportion is between 16 per cent and 40 per cent (Rozenbergs, 2001)). Along with these factors, prostitution is also promoted in Latvia by the rapid spread of narcotics use among young people, as well as the traditional high level of alcohol consumption. These are destructive factors at all levels, but at the level of the individual they serve to destroy one’s personality and to alter one’s scale of values.

The prostitutes who were surveyed in Latvia said that they engage in prostitution because they need money and a source of income. A look at the economic environment in which women choose prostitution as a source of income, is provided by data about the standard of living in Latvia. An analytical evaluation of living conditions in Latvia was recently done on the basis of data from a study in 1994 and another in October 1999, and was run by the Latvian Central Statistical Board (CSP) and the Norwegian Institute for Applied Social Research (CSP, 2001). The research was done in all three Baltic States under the auspices of the NORBALT II project.

The overall level of welfare among Latvia’s residents is stable with some slight tendency upward. This is indicated in regular household budget studies that the CSP runs. It’s also true that per capita GDP indicators in Latvia have been on the rise – in fixed prices, per capita GDP was Ls 934 in 1995, Ls 1,136 in 1996, Ls 1,327 in 1997, Ls 1,466 in 1998 and Ls 1,603 in 1999.

Despite these favourable macroeconomic indicators, however, poverty data shows that poverty is becoming more widespread, and there is increasing inequality in Latvia (Table 6).

TABLE 6
POVERTY IN LATVIA, PER CENT OF ALL EQUIVALENT CONSUMERS

	Poverty Index			
	1996	1997	1998	1999
Latvia, in average	32.9	35.7	37.5	37.3

Urban	30.8	32.0	31.5	29.6
Rural	37.8	43.3	51.2	54.8

Source: CSP 2001:101, where the poverty threshold in 1999 was Ls 53.97. The value of a full survival minimum "basket" of goods and services was Ls 83.18 per month.

Between 1996 and May 2000, the registered unemployment rate in Latvia has ranged from 7.1 per cent to 10.1 per cent, according to the National Employment Service. A better idea of the situation is provided by CSP labour force studies, which focus on the proportion of job seekers who are not working, as measured against all economically active residents. The proportion in November 1996 was 18.3 per cent and has declined gradually since then – since 1998 it was ranged between 13.8 per cent and 14.4 per cent (CSP, 2001:94).

The proportion of people, who were looking for work between 1995 and 2000, when divided up into age groups, shows that among women the proportion of job-seekers is somewhat lower among all age groups than is in the case among men (Table 7).

Women in the age group 20 to 24 were most active in looking for work in the survey period, and the proportion of women in this age group who were looking for work ranged from 13.7 per cent to 15.8 per cent. That is a comparatively higher percentage than is found among middle-aged women. It is also true that there were high indicators in this area when it came to the parents of the younger women – those who are aged 40-49 (Table 7). This means that parents have comparatively fewer opportunities to support their children while they are studying or not working.

Among women who looked for work in 2000, nearly 19 per cent were 24 years or younger, approximately one-half had no job experience, and 20 per cent had an elementary education or less (CSP/CSBL, 2001a:D-1, D-3).

The standard of living studies that were done in 1994 and 1999 revealed the deleterious effect of the Education Law, which was adopted in Latvia in 1991. Afterwards it was no longer mandatory to get a secondary education, and the only mandatory level of education in Latvia now is an elementary education. In the 1994 study researchers found many people who had dropped out of school before the age of 20, and in 1999 this was seen in the form of a lower level of education among many people in the 20-30 age group (Rungule, 2001:76). Given that among the unemployed there are relatively fewer people with a higher or a specialized secondary education, one

might conclude that the new education law narrowed the availability of choice for young people in the labour market, largely excluding many legal alternatives.

TABLE 7

THE PROPORTION OF PEOPLE WHO ARE LOOKING FOR WORK AS COMPARED TO ALL RESIDENTS, BY AGE GROUP IN LATVIA,
%

	1995		1996		1997		1998		1999		2000	
	Aver.	Wom.	Aver.	Wom.	Aver.	Wom.	Aver.	Wom.	Aver.	Wom.	Aver.	Wom.
Total	12.8	10.7	11.0	9.1	8.6	7.6	8.1	7.1	8.4	6.7	8.3	6.8
Of which												
15 – 19	12.9	11.6	11.1	9.9	7.9	5.7	7.0	6.8	6.2	5.5	4.1	3.1
20 – 24	18.7	14.9	17.2	14.7	14.8	15.2	14.7	15.8	14.6	12.7	13.6	13.7
25 – 29	16.5	14.0	16.3	16.0	10.9	10.5	9.6	8.8	11.9	10.0	11.9	9.9
30 – 34	14.4	13.4	15.7	15.5	11.8	14.0	11.1	10.6	12.3	12.1	11.4	9.3
35 – 39	13.1	12.5	14.8	13.0	12.5	13.4	12.0	11.9	14.0	9.8	11.6	9.8
40 – 44	13.1	10.4	13.6	11.8	11.1	11.1	10.2	10.1	10.7	10.7	13.5	14.5
45 – 49	13.4	12.3	12.7	11.4	11.2	8.4	13.1	13.0	11.3	9.3	12.2	10.1
50 – 54	13.2	10.8	12.3	11.7	12.6	13.2	10.6	9.3	11.4	9.9	11.4	8.6
55 – 59	9.6	7.7	8.4	4.6	6.0	3.2	5.9	2.8	4.4	2.8	6.2	3.8

Source: CSP annual bulletins "The labour force in Latvia: research results".

The standard of living study provides a look at the relationship between wages and the level of one's education, as well as between wages and gender (Table 8).

TABLE 8
THE AVERAGE NET MONTHLY WAGE OF INDIVIDUALS BY EDUCATION AND GENDER, 1999, LS/MO.

Education	All	Men	Women	Women's wages as a per cent of men's wages
Basic, comprehensive	75.4	83.5	58.7	70.2
Basic, professional	80.5	92.1	58.9	64.0
High school, comprehensive	106.9	143.1	73.0	51.0
High school, professional	105.4	128.2	84.1	65.6
University	156.3	186.1	134.3	72.2
Average	111.1	130.7	90.9	69.5

Source: Rungule 2001:75 Table 15

The data shows that poverty in the female population in Latvia is on the increase, and this was seen as the main problem for Latvian women at an international conference on the status of women in the Baltic States (Eglîte, 1999).

Without going into details, we can look at the income levels that the interviewed prostitutes cited. A common streetwalker, for whom prostitution is the main source of income, can earn up to Ls 300 per month in Rîga if she services two clients a day. This excludes the lowest category of prostitutes – those who work at the train station or the market in order to get drugs or food. A woman who works intensively at a club can earn between Ls 300 and 500 per month (3-5 clients per day).

Prostitutes who work only in Latvia tend to spend all of their money on everyday needs. Cigarettes can be seen as a luxury item, because they represent a large line item in the budgets of prostitutes. Women who work in Latvia can save up a bit of money only in the summer, when there are more clients, including foreigners.

Only those prostitutes who periodically work in foreign countries can hope to save up money for serious needs that exceed elementary survival requirements. Germany can be used to represent the average income, because that's where Latvia's prostitutes go most often. If a prostitute works as scheduled, does not avoid work, does not get carried away with alcohol and

drugs and otherwise controls her behaviour, then she can earn around Ls 2,000-2,500 per month, when servicing six or seven clients per day. It was only these prostitutes who in the survey talked about their future intentions – saving up money to buy an apartment, to go to school or to start a business. The monthly income of prostitutes varies from country to country, and it depends in large part on the amount of money that has to be paid to intermediaries. Most commonly the Ls 2,000-2,500 represents one-third of the money that a prostitute has collected from clients. This means that the pimp or club in Latvia who sent the prostitute abroad receives an equal sum. . Among the interviewed women there was one prostitute who does not work in Latvia, but she does have direct contacts with a pimp in Germany and travels abroad twice a year.

The share of wages that is represented in the tax system in Latvia basically was frozen in place when Latvia moved to a market economy (Table 9).

TABLE 9
CHANGES IN RETAIL TURNOVER AND INCOME IN LATVIA, 1996-2000.

	1996	1997	1998	1999	2000
Retail turnover (including wholesale of cars, parts and accessories), fixed 1999 prices, per cent compared to previous	89.0	121.5	126.5	112.0	109.0
Average net monthly wage of workers , per cent compared to previous year	107.0	112.0	110.0	105.0	106.0
Disposable monthly income of average household member, per cent compared to previous year	...	107.7	112.4	103.9	106.9

Source: CSP data

Statistics show that the average member of a household in Latvia in 1998 had access to Ls 62 per month; while in 1999 the figure was Ls 65. The net average monthly wage of working people was Ls 73 in 1995, Ls 97 in 1998 and Ls 103 in 1999 (CSBL, 2000). High-ranking government officials in Latvia, who receive money from the national budget, receive approximately half as much money as an average prostitute who works in foreign countries. Prostitutes who work exclusively in Latvia earn two to three times more than the average monthly wage, and in many cases they get two times more money than specialists with a higher education.

When asked about their reasons for working in prostitution, several prostitutes in addition to the ability to earn money spoke of satisfaction or curiosity. Experts have differing views about these secondary motivations. Expert and prostitute statements about this matter suggest that approximately 20 per cent of prostitutes work in the business at least, in part, in order to satisfy their

own sexual needs. The madam of the sex club who was interviewed said that approximately 75 per cent of Latvia's prostitutes would stop working in the business if they could earn Ls 150 per month at a legal job. That's about one-half of the average wage of a prostitute, and it's the wage that the average specialist in Latvia (not counting the grossly underpaid teachers and nurses) earns. With a wage of Ls 150 one could enjoy a very modest standard of living in Latvia. The madam said that prostitutes would be willing to lose half of their income in order to be able to sleep peacefully at night and to live in harmony with themselves. This argument is bolstered by the fact that many prostitutes said in their interviews that they do everything possible to hide the fact that they are prostituting themselves from their relatives. Only a few prostitutes said that their relatives know what they are doing. Far more often the women tell their families that they're working as waitresses or hotel employees abroad. The comparatively enormous amount of money which prostitutes earn who work on a contractual basis in the Netherlands, (12,000 USD and more per month if the woman services ten or more clients per day) is often spent on entertainment needs; perhaps this suggests that women who have trouble in finding self-affirmation need to find some sort of compensation.

The fact that retail turnover in Latvia has increased more rapidly than the income of working people, suggests that there is money in circulation which is outside of the tax system. It also shows that there are some people who receive regular unlawful income (Table 9). Some of this money is money that prostitutes earn abroad, and it is basically split up half-and-half between the prostitutes and those who run them in Latvia. The Vice Squad has said that approximately 100 women leave Latvia each month in order to work in prostitution. If one assumes that each of these women has a pimp or an "owner" (such as a club) and that the average prostitute works in the West for two months while earning 2500 to 3000 USD each month, then the result is that intermediaries in Latvia receive at least 100,000 USD each month. The more girls who are appropriate for travel abroad, the more money one can earn. The intermediaries receive this share of income from those prostitutes who are abroad legally. In fact there are many more prostitutes in foreign countries than those who travel regularly without violating residency requirements. According to the Narcotics Office of the Criminal Police Board of the National Police, of 1,000 known prostitutes who are working in a single canton in Switzerland, 300 to 400 are from Latvia. This shows that there are many women who are working as prostitutes in economically developed countries without legal residency status. We cannot know how many of them are working for themselves and their foreign pimps, nor is there information about how many of them send money back to intermediaries in Latvia. Presumably, however, sex businesses in Latvia are interested in finding as many direct and permanent contacts with club and bar owners in other countries as

possible, so as to limit the individual initiative of prostitutes and to beat the competition.

The office director of the Economics Police, Viesturs Briedis, has said that it is hard to fight against prostitution as long as the laws are not in place. There are various economic crimes in the “shadow economy” in Latvia which Briedis arranges in the following order in terms of their extent and development: smuggling, the sale of drugs, fraud, money laundering, and modified forms of racketeering (Rozenbergs, 2001).

The main reason for the presence of unlawful work in Latvia is the fact that there are limited opportunities for legal work – there are only a limited numbers of jobs available, and young people have problems in terms of choice of jobs because of their educational levels. There is also a major difference in income between lawful and unlawful business in modern-day Latvia. The distribution of income between the service provider and the person who ensures that the service can be provided in the prostitution business is such that, each of the service providers receives enough money to survive, but not to save money. This suggests that the principle in all forms of organized crime are one and the same – those who do the work get enough to survive, those who organize it get all of the profits. The result is that there is a small group of people in Latvia with enormous resources at their disposal – these are the ones who direct the process of organized crime.

8. THE ATTITUDES OF GOVERNMENT INSTITUTIONS AND THE PUBLIC TOWARDS THE LIMITING OF PROSTITUTION

When Latvia restored its independence, it acceded to the United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of Others of 2 December 1949, doing so on 13 July 1992. With financing from the Rīga City Council, a Vice Squad of 15 officers was set up in April 1993. Despite certain shortcomings in the law, the Vice Squad worked to check the documents of prostitutes and to ensure that they underwent medical examinations. The Vice Squad had a register of prostitutes, which listed approximately two-thirds of all prostitutes in the mid-1990s, according to police experts. In April 1996 the financing was withdrawn, and the Vice Squad was shut down in July 1997. Four people continued to do the work under the auspices of the Narcotics Office of the Criminal Police, but they were fairly circumscribed in terms of the work that they could do. In other words, little hindered the further development of prostitution into a well-organized business.

In November 1998 the Cabinet of Ministers adopted new regulations aimed at limiting prostitution, but these have had virtually no effect. Since March 2000 the law has provided for an administrative punishment for violating rules concerning the limitation of prostitution, but in the year from March 2000, administrative punishments were levied against only 79 prostitutes. In 1999 there were 13 administrative cases involving pimping and one (the Logos scandal, which involved 2,000 individuals) about the involvement of minors in sexual activity. One criminal investigation was launched on the trafficking of women in 2000.

The laws were improved and the activities of the Vice Squad were reinstated and expanded only after information about organized paedophilia in Latvia came to light. In May 2000 Parliament amended the criminal law to address the issue of involving minors in prostitution, adding Article 165', which deals with the sending of an individual to be used sexually. In April 2001 the Cabinet of Ministers adopted new regulations on limiting prostitution (Appendix 3). A Vice Squad expert feels that the new regulations will really be a tool in limiting prostitution only if a network of Vice Squad officers is organized in all of Latvia.

It's hard to talk to police officials about prostitution as a form of business. The police closely link prostitution with a deterioration of the situation with criminals in Latvia, especially in terms of many latent crimes. The crimes that prostitutes commit most often are theft against clients (they sometimes add sedatives to a client's drink, for example), and providing information to other thieves about a client's apartment, which can be burgled. Victims, fearing for their reputation and family scandals, keep quiet or lie to the police about what has happened.

The new rules on prostitution say that in local government territories that have more than 20,000 residents, local governments must specify locations at which prostitutes can ply their trade. The restrictions also seem to indicate that the prostitute can provide services in her own apartment or in the apartment of a client, but only if there are no minors in the facilities and if others who live in the relevant apartment or home, do not object.

The national police have said that in their view the optimal system exists in Helsinki, where there is a street in a peripheral industrial area where prostitutes are allowed to offer and provide services. The police are on hand to ensure order, and they do not allow minors to enter the street.

The Interior Ministry of Latvia and other ministries in 2000 elaborated a programme to limit and control prostitution. Elements in the programme include:

- 1) The establishment of a special police unit for this purpose;

- 2) Making sure that medical institutions engage in preventive care and issue health cards to all prostitutes;
- 3) Ensuring social rehabilitation for minor prostitutes
- 4) Reopening special educational institutions
- 5) Updating laws and regulations on social rehabilitation programs;
- 6) Informing the national police about every prostitute who has become infected with a disease that is on a list of diseases prepared by the Ministry of Welfare
- 7) Engaging in informational work and campaigns
- 8) Improving cooperation among social aid services and NGOs
- 9) Interviewing people who leave Latvia and enter it;
- 10) Doing explanatory work at schools and universities and producing informational brochures
- 11) Providing shelter and rehabilitation of HIV-infected former prostitutes and those who are suffering from AIDS
- 12) Elaborating norms to regulate the provision of sexual services such as erotic massage, escort services, etc.
- 13) Licensing the right to produce and distribute erotic and pornographic materials.

Elements 1, 4 and 11 in this programme require financing, while elements 12 and 13 are to be put in place by the end of 2001. Separate work is to be done on all of the other elements.

Regulations about prostitution have always said that prostitutes must have a health card, but the fact is that no more than 200 prostitutes have had the document since 1998. That is a tiny amount when compared to the number of active prostitutes in Latvia. The prostitutes who were surveyed have differing views about these cards. Most feel that they regularly visit the doctor for a health inspection, and they do not need the cards. Most said that the card really is needed only so that it can be displayed to the police, because clients never ask to see it. The main argument against the cards is that prostitutes are afraid of being registered in some database where information is stored and which could be used for blackmailing purposes in the future. The health card has medical information, an identification number and a photograph.

Latvia's law enforcement structures mostly encounter prostitutes and others who are involved in prostitution when conflict situations arise, or when there are situations that are close to being criminal in nature. The Vice Squad and other police units, for example, sometimes respond to complaints from residents about prostitution activity in their neighbourhoods. Prostitutes are usually judged on the basis of moral categories – she sells her body for money, and that's bad. Some don't care at all. Prostitution is not seen as a problem for society as such, because everyone knows the history of prostitution – fee-based sexual services are ancient. Prostitution becomes a problem in

those societies in which people, who have no alternatives, become involved in the business, while others in society use the situation in order to exploit the providers of sexual services. The spread of prostitution and the level of crime in Latvia suggest that the economic situation in the country is still fraught with problems and that there is a lack of far-sighted policy thinking at a national level, which keeps the government from adopting optimal economic decisions. When it comes to trafficking in human beings, for example, there was a clear lack of serious thinking in the Saeima when there was a debate on whether laws should be changed in this area. The initial approach was unforgivably simplistic – deputies said that the existing laws on moral crimes and gender inviolability must be reviewed, and harsher punishments must be introduced. The Interior and Defence Commission of Parliament set up a committee of experts who rejected the simplified approach and drafted the new Article 165' to the Criminal Law.

Judging from press publications, people are interested in articles that represent various aspects of prostitution. This interest can be compared to the focus that readers and TV viewers devote to articles and movies about other crimes. Unfortunately, serious articles about the subject appear without any regulations in those press outlets that have the largest circulation. There are, however, several journalists who speak to their readers seriously, adding factual materials to support their arguments (Pohodņeva, 2000, 2001; Pāparde, 2000, 2001).

There were more articles about prostitution in the first four months of 2001 than there were in all of 2000, and the reason for this was the production of a scandalous documentary by the Swedish director Paul Hollander, which was called “Bye Buy Beauty”. Some people in Latvia perceived the film as an insult to the country, while others said that the film simply revealed that “the emperor has no clothes on” – that the foreign filmmaker was simply speaking the truth. Still others in the press talked about the issue of prostitution as such. The fact that the movie led to debates in society is a good thing from the perspective of publicity.

The fact is that the public does not have sufficient information about prostitution or about the role of organized crime in this area. Interviews with risk-group girls – those who regularly work as fashion models – confirmed that the public doesn't know much about prostitution and the malicious use of women. Girls had heard something, somewhere about instances of people being defrauded when they went to work abroad, but two of the three girls in a focus group could name several close friends and relatives – girls who had worked unlawfully but successfully in families in foreign countries. The girls also all knew that prostitutes earn a lot of money. At the same time, they did

all say that prostitution would not be an acceptable form of earning money for them.

One can agree with several experts that the best way to limit the number of people of both genders who are victimised by human traffickers is public information. This means that in each instance that a prostitute is used maliciously must be described and analysed in great detail in the press, including instances when various governing officials and various entertainment institutions have been involved. Extensive publicity is a true resource in fighting against any kind of organized crime – smuggling, the spread of drugs and prostitution, too. It must be noted, by the way, that any successful fight against the first two listed forms of organized crimes would help to eliminate the root causes of prostitution, and the number of people who can potentially become the victims of traffickers in human beings would immediately decline.

There are only a few non-governmental organizations in Latvia that are directly related to prostitution or risk groups. The **“Gender” NGO** has the closest links to prostitutes. Its office is on Ēaka Street in Rīga, which is a major place for prostitutes to congregate, and this makes it easier to undertake contacts with prostitutes. The centre provides education to prostitutes right on the street, as well as in seminars. Prostitutes can receive health check-ups at the centre, as well as help from a psychotherapist. With the support of the Soros Foundation Latvia, the centre has opened up a well-appointed facility where two or three people can find shelter. It is meant for victims of human trafficking when they return to Latvia (Paparde, 2000). Like most NGOs in Latvia, **“Gender”** has received absolutely no support from the national and local government. All of the medical services, facilities for seminars and offices for a few permanent employees have been obtained and maintained thanks to the active participation of the centre, in various projects that have received support from foreign partners. This IOM project has also been elaborated with the help of **“Gender”** activists.

The NGO **“For Safe Sex”** works to educate prostitutes, mostly under the auspices of various projects that are aimed at limiting the spread of HIV. Support from foreign partners is received for these projects.

The NGO **“Skalbes”** provides psychological assistance over the phone to women who have suffered from violence.

We can also mention the NGO **“Papardes Zieds”**, which has been set up on the basis of the model of the International Family Planning Federation and which is active in providing education to school students about reproductive issues.

The readiness of the national police to work with NGOs in fighting against the trafficking of women is certainly a good thing.

The analysis of prostitution in the context of the sex business under the auspices of this project allows us to doubt whether the things that the government and the police are planning to do in order to limit prostitution in Latvia will be of much effect. The police activities will be threatened by the fact that those who are interested in the prostitution business are also interested in the continuing existence of that business. Some can receive sexual services that are otherwise unavailable, while others can keep earning money of the kind that cannot be obtained in a legal way.

If we look at prostitution as a business, we also see an important difference between people who are sold into slavery and people who work as prostitutes in Latvia. As far as the law is concerned, both groups of people are related to the exploitation of human beings in sexual terms, and both face criminal sanctions if caught. This approach actually hinders attempts to eliminate trafficking in human beings. The law enforcement institutions in Latvia are focusing on surface phenomena such as street prostitution and the lowest order of prostitutes – those who sell their bodies for drugs, alcohol or food. This is a caste that is closely linked to organized theft and robbery, and it really has little to do with the sex business as such. The only link is prostitutes who become “unnecessary” to the sex business – those who are sick, who are drug addicts or who have become too old – can descend into this level, too.

If we look at the reasons why prostitutes become involved in the business, we can see that they are “working” - they provide a service, they get money for it, and they want to do the work in conditions that do not humiliate them. They want to travel abroad to earn money, because income is far greater and working conditions are better; many prostitutes do so. Because the workload abroad is much greater, prostitutes who do not want to move out of Latvia altogether spend brief periods abroad. There are prostitutes who prefer to work in Latvia because they cannot handle a greater workload or simply do not want to do so.

Someone who regularly sends prostitutes abroad to earn money is working on the basis of a mutual agreement, and little about the work that is to be done is truly hidden. That person is interested in the profit-making travel of prostitutes abroad. The transaction is similar to what happens when highly qualified specialists are seconded to other companies. When prostitutes are sent abroad, we see that the sex business is international in nature.

On the other hand when women are sold into slavery, the law may see this as voluntary travel by women with the help of an “owner”. The conse-

quences of slavery, however, cannot be compared to the consequences of prostitution as such, because they are far more dangerous. We can only surmise about the suffering that women who have been sold into slavery undergo. The information that has been received in Latvia about this process suggests that the women who have managed to escape their enslavement for various reasons are unable to talk about the terror, which they experienced for years and years. The worst experience, according to the modest amount of information that is available, was undergone by women in Turkey, Israel and Western Europe (for example Denmark), when women were locked up in bordellos (Pohoddeva, 2000a). This means that people in Latvia are involved in international trafficking in women, and they have contacts with “colleagues” in other countries. Prostitutes have told us that in all of Western Europe, there are people from Turkey and the Middle East who seek to tempt women, who are already working unlawfully, into a situation where they can be sold off for sexual exploitation. Trafficking in women is a particularly dangerous international business.

Categorising the standard sex business as illegal understandably drives the enterprises away from high visibility, and putting trafficking on equal footing in terms of criminal liability confuses the two connected but separate problems. The more heinous trafficking hides below the culturally and economically ambiguous sex businesses. In order to eliminate trafficking, society will have to understand the difference.

In the published materials that have looked at the relationship between prostitution and migration, countries have been divided up between those that export prostitutes and those that import them. These countries differ significantly in terms of their standard of living. When we think about the free movement of labour in the European Union, we see that prostitution is subject to the normal rules of the market. This must be remembered if the exploitation of prostitutes and trafficking in women are to be eliminated. The materials, which we have developed in this project in terms of differences among clients in different countries, suggest that in evaluating the directions in which prostitutes flow, we must also look at the nature of the potential clients. In fact, we can speak of several approximate models for prostitution associated by the informants with various kinds of countries:

- 1 There are highly developed countries in which clients are local residents, guest workers from countries that export labour and tourists. Prostitutes from other countries compete with local prostitutes in servicing local clients and tourists, while guest workers are entirely at their disposal. This is typical in countries where there are many guest workers and tourists (Switzerland, the Netherlands, etc.).
- 2 There are highly developed countries where clients are local residents and tourists, and foreign prostitutes compete amongst themselves (Italy).

- 3 There are economically developed countries where most clients are local residents. Foreign prostitutes compete with local prostitutes and amongst each other; foreign prostitutes use these countries for transit to other Western countries (Finland).
- 4 Post-Socialist countries:
 - a) where clients are local residents and tourists. Foreign prostitutes compete with local prostitutes and each other. Prostitutes use the countries for transit to other Western countries. Local prostitutes also seek profits in Western Europe (Poland, the Czech Republic, Hungary).
 - b) where clients are local residents and tourists, including sex tourism, but where most of the prostitutes are local, and there is great competition. There are few foreign prostitutes, unless one counts those who are seeking to use the country for transit to Western Europe. Local prostitutes are very active in travelling to Western Europe to earn money (Latvia).
 - c) in which clients are local residents and tourists, and virtually all prostitutes are local. There are no foreign prostitutes there, but many women go to Western Europe to work in prostitution (Ukraine).

We can expect increasing labour mobility in Europe, as well as greater mobility of prostitutes. Many of our informants expressed a desire to stay in their own country if their living conditions were modestly better, not unlike most other economic migrants. We could therefore expect that the numbers of migrating prostitutes would decrease if economic and social conditions were minimally raised in their country of origin.

Some might argue that European countries must find ways of providing sexual services without threatening public health, while limiting opportunities for the malicious exploitation of prostitutes. One model can be found in Germany, where prostitutes work in special buildings in a separate territory behind closed gates. Women and minors cannot enter. If prostitution is controlled in a way that the public accepts, it also becomes easier to provide social protection of prostitutes. Germany is thinking about making changes to its prostitution laws, and this may have been encouraged by a professional consolidation of local prostitutes against “guest prostitutes” for whom Germany is a major target country.

If we look at migration and prostitution and the relationship between these two things, it is possible to conclude that each European country should find a way to make migration legal and easily controlled. The activities that are declared illegal will have to be controlled with an eye to consequences, intended and unintended. The conditions of illegal residency and unlawful work are both feeding troughs for organized crime, and human trafficking is greatly facilitated in their context.

CONCLUSIONS AND PROPOSALS

1) There is an organized sex business in Latvia that has close links with the legal entertainment industry. The business began to organize itself in the very early 1990s, when a very rapid shrinkage occurred in job opportunities. The organized sex business exists on the streets and through clubs where the process is masked behind the appearance of a legal business. Individual prostitution is closely linked to the entertainment business and seldom exists on its own. Irrespective of the form of activity, however, the organized sex business, including individual prostitution, is of an international nature, and there is close cooperation with partners in Poland and the economically developed countries of the West. Latvian prostitutes regularly travel legally on tourism trips, to visit friends, to study or to work, when in fact their goal is to prostitute themselves. The legality of this process depends on the country. Prostitutes work most commonly in Germany, Switzerland, Italy, Denmark, the Netherlands and other Western countries.

2) Women from Latvia are sold into slavery for sexual exploitation in other countries, especially Turkey, Israel and western countries. Girls are locked up into bordellos and exploited mercilessly. Trafficking in women involves individuals who have links to people who can supply potential victims with documents, including fictional work agreements. Because this is an anti-social and involuntary activity, it must be seen separately from the organized sex business in Latvia. The fact that the law sees the organized sex business and the process of human trafficking on equal terms makes it very difficult to eliminate trafficking in human beings.

Law enforcement agencies are mobilising all of their resources in battling against the external manifestations of the organized sex business and in fighting the lowest stratum in prostitution. This is not so much the organized sex business as it is the link to the criminal structures that distribute drugs and rob people and apartments.

3) Prostitutes who go to earn money in foreign countries usually leave Latvia legally, but once they get to the West they usually use forged Latvian or Lithuanian passports that allow them to stay in the country for three months. There are illegal ways of crossing the Lithuanian-Polish border, too. The routes make it fairly easy for prostitutes to go abroad illegally. It's possible that those who traffic in women use this route, too. The girls who are taken away in this system have all of the necessary documents, but they may well be forged.

4) No matter which form of prostitution is considered, all prostitutes say that they need money and a source of income, and that is also true among those who engage in prostitution while also working at a legal job. More than one-half of prostitutes come from “normal” families, and only one-third have less than an elementary education. One-quarter are ethnically Latvian, and three-quarters are Russian speakers. Approximately two-thirds claim to be citizens of Latvia, but the claims to citizenship give enough advantage to the non-citizens in this situation so that some of our informants habitually lie about the fact. Almost all of the prostitutes smoke regularly and drink regularly, but not usually to excess. They seldom use drugs, except for the marginalized bottom rank of prostitutes.

5) Without going into great detail, we can look at the income which prostitutes say they earn, and we can conclude that the most ordinary streetwalker for whom prostitution is the main source of income can earn as much as Ls 300 per month in Rīga (two clients per day). This excludes the lowest category of prostitutes – those who work at the train station and market to get drugs or food. Girls who work intensively at clubs earn Ls 300-500 per month (three to five clients per day). The person who runs the prostitute receives at least as much money as the prostitute does, and sometimes more.

6) Prostitutes in foreign countries earn an average of Ls 2,000-2,500 per month (six or seven clients per day). The pimp or club in Latvia which sent the prostitute abroad gets at least as much money.

7) Statistics show that the average member of a household in Latvia had Ls 62 of disposable income per month in 1998 and Ls 65 in 1999. The average net monthly wage of working individuals in Latvia has been Ls 73 in 1995, Ls 97 in 1998 and Ls 103 in 1999 (CSBL, 2000). The highest-ranking government officials in Latvia receives two times as less money, on average, than the average prostitute earns abroad. Prostitutes who work in Latvia have an income that is two or three times higher than the average monthly wage. Their income is two times higher than the wages that specialists with a higher education receive on average.

8) Women in the age group 20 to 24 were the most active in looking for work between 1995 and 2000, and the proportion of all women who are looking for work has ranged between 13.7 per cent and 15.8 per cent – a higher proportion, on average, than exists among middle-aged women. The generation that is made up of the parents of these younger women also had a higher proportion of job seekers throughout the period (Table 7). This means that parents have had very limited opportunities to provide financial support to children who are studying or not working.

9) There is an obvious need to reduce the gap in living standards between economically developed countries and the world's post-Socialist countries. Those circumstances that might limit the desire of Latvia's residents to go to Western Europe to earn money might well be similar to the ones, which, according to surveys, would lead approximately three-quarters of prostitutes to quit the business:

- The minimal wage would have to be no less than Ls 150 per month – this is equal to approximately twice the value of the minimum “basket” of goods and services;
- Unemployment would have to be reduced through the creation of new jobs in Latvia.

10) Even if the number of jobs were to increase, they would be primarily available to those who have a higher level of education. There are a much lower proportion of unemployed people in Latvia who have a higher education than there is of people with a lower level of education. The share of GDP that is devoted to education must be increased significantly and in a targeted way so as to:

- Halt the rise of poverty in the female population, allowing wages to increase in the health care and educational sectors, which primarily employ women;
- Improve the quality of education for young people significantly, ensuring that all children go to school and that teenagers either study or work when they are 15 to 17 years old and are at risk of becoming the victims of organized crime when they are left to their own devices;
- Expand adult education about the marginal phenomena in society that threaten children and people who are at risk.

11) Everything that has been said in the previous two paragraphs is aimed at creating greater choices and greater opportunities for members of the public. Education and minimal economic satisfaction are the main requirement for protecting individuals and the public against anti-social activities. This is also a way to battle against organized crime in a realistic way.

12) When it comes to the free movement of labour in the countries of the European Union, prostitution is also subject to the rules of the labour market. This must be remembered if we are to halt the malicious exploitation of prostitutes and the sale of prostitutes into slavery. When we look at the flow of prostitutes, we must also look at the flow of clients – the flow of guest workers and tourists. In order to do this, we must look at the models for prostitution in various countries.

13) The negative consequences of the sex industry largely have to do with the fact that prostitution services have not been evaluated adequately in society. Because society is not informed, people are not ready for radical decisions in this area in Latvia. There are specialists (A. Vilks) who feel that sexual services in Latvia must be organized in a way which allows the service provider to keep the money that is received from the client, paying the social tax in order to provide for the service provider's health and old age at least to a minimal extent (Orleâna, 2000). Prostitutes could go abroad on the basis of legal contracts with employers, undermining the basis that traffickers have for their activities. Economically developed countries are working actively in this direction, as has been seen in Germany in the last few months. There is no reason to think that if greater order were imposed on the prostitution business, this would increase the number of prostitutes. The fact is that there are limited numbers of potential clients, and there are also certain moral norms in this area in Europe, including in Latvia.

14) Education and information for the public would be promoted in every instance when there is trafficking in women, where it should be analysed in detail in the press. For instance, our journalist informants regularly receive requests for advice and help after they run stories on these subjects. Support must also be given to the NGOs that provide education to risk group members.

15) There must be laws and regulations that would serve to increase the mutual responsibility of those who receive and those who provide sexual services. The introduction of a social tax for prostitutes, which would be in the interests of prostitutes and the public at large, should be considered.

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Appendix 1

YOUR ANONYMITY IS GUARANTEED.

Please circle and fill in as appropriate.

1. How old are you? _____

2. Where did you go to school in Latvia?

1. Riga
2. Another city
3. In the country

3. Where did you live predominately when you went to school?

1. With family
2. At boarding-school
3. With friends
4. In a rented room / apartment

4. What is your education level?

1. Below high school: finished grade _____
2. High school
3. High school with specialized training
4. Some university
5. University diploma

5. What was the language of instruction in your school?

1. Russian
2. Latvian
3. Some Latvian
4. some Russian

6. Please characterise in brief the family you grew up in. Circle all appropriate choices.

1. The atmosphere was overall warm and friendly.
2. There was often quarrelling.
3. There was often drinking.
4. There was generally a feeling that there wasn't enough money.
5. I had a cool relationship with my mother; if mother not there, please indicate
6. I had a cool relationship with my father; if father not there, please indicate
7. I saw little of my parents, because they had little time for me.
8. I had warm and friendly relationships with my siblings.
9. I had warm and friendly relationships with my grandparent(s).

7. What is your family status?

1. Unmarried
2. Married
3. Unregistered cohabitation
4. Divorced
5. Widowed

8. How many children do you have, and how old are they?

- No children
1 child
2 children
3 children
More than 3 children

Your children's ages _____

9. At what age did you first have sexual intercourse?

10. What caused you to start sexual relationships? Please indicate causes.

1. I was curious what it was about.
2. A partner chose to do it.
3. Both partners were willingly to do it.
4. I needed money.
5. I was forced into the act; please indicate who forced you _____
6. I didn't know how to refuse.
7. Other; please indicate _____

11. What plans brought you to a foreign country?

1. Work
2. Studies
3. Marriage
4. Others; please indicate _____

12. Why did you decide to work in a foreign country? Please circle appropriate answers.

1. I wanted to earn money.
2. I couldn't find work sufficient for living in Latvia.
3. I couldn't find any work at all.
4. I couldn't find work because:
 - I don't have a profession.
 - I don't know Latvian.
 - For another reason; please indicate _____
5. I wanted to acquire a foreign language.

6. What other reason? Please indicate _____

13. At what age did you go abroad to work? _____

14. What work did you do in the foreign country? What work did you believe you would be doing when you left Latvia? Please circle choices in both columns.

Work	Actual Work Abroad	Imagined Work Abroad
- show business	1	1
- modelling	2	2
- hotel	3	3
- sexual business (brothel, on the street, other; please indicate _____)	4	4
- bar, restaurant	5	5
- nanny in a family	6	6
- domestic in a family	7	7
- other work; please indicate _____	8	8

15. By what means did you come to the foreign country?

1. I went abroad as a tourist, using a firm's services.
2. I went abroad to work, using a **firm's services**.
3. I went abroad to work, using an **agent's services**.
4. I went abroad with the help of friends.
5. I went abroad to relatives.
6. I went abroad to friends (acquaintances).
7. I was forced to go abroad to work; please indicate who forced you ___
8. What other means? Please indicate _____

16. What was the cost of the fare from Latvia, including travelling expenses?

(in \$ please) _____

17. How much money did you have to live on when you arrived in the foreign country?

(in \$ please) _____

18. Where did you get the money for travelling?

1. I had my own money.
2. I got it from friends.
3. I got it from relatives.
4. I got it from a firm.

5. I got it from an agent.

6. Other sources? Please indicate _____

19. What percentage did you have to pay on borrowed money?

Please indicate _____ per cent

20. How long did you work abroad in the sex industry?

_____ years _____ months

21. How much were you paid for your services abroad? Please indicate approximately:

1. Per day _____

2. Per month _____

22. How much did you personally receive? Please indicate approximately:

1. Per day _____

2. Per month _____

23. What percentage of your total pay did you have to pay to bosses or intermediaries?

Please indicate _____ per cent

24. How many clients did you usually service per day?

1. Less than one

2. 1

3. 2-4

4. 5-10

5. More than 10 clients

25. How many hours a day did you work on average? Please indicate

—

26. Did you have the right to refuse to service drunk, abusive, or similar clients?

1. Yes

2. No

3. Sometimes

27. How did you work?

1. Alone

2. With a pimp

3. In a brothel

4. In another way; please indicate exactly how _____

28. How do you think prostitution differs between Latvia and abroad?

Comment briefly.

Differences in fees:

.....
.....

Differences in circumstances:

.....
.....

Differences in relationships with pimps:

.....
...

Differences in relationships with clients:

.....
.....

Who were your clients abroad? Please describe them by profession, age, nationality, economic circumstances, marital status :

.....
.....

29. Who in Latvia knew about your work abroad?

1. Parents
2. Other relatives
3. Friends
4. Who else? Please indicate who _____
5. Nobody knew.

30. Has your work abroad created any danger for your family in Latvia?

1. Yes
2. No
3. Possibly
4. Don't Know

31. Do you wish to return to Latvia?

1. Yes
2. No
3. Don't know

32. Under what conditions would you wish to return to Latvia? Explain briefly.

.....
.....

33. What are your current intentions? Indicate whatever else you might wish.

.....
.....

THANK YOU FOR YOUR COOPERATION!

Your participation will help clarify a complex social situation.

February – March, 2001

Appendix 2

SOME GENERAL INFORMATION ABOUT YOU

1. How old are you? _____

2. Where is your place of birth _____

3. Where did you go to school in Latvia?

1. Riga
2. Another city
3. In the country

4. Where did you live predominately when you went to school?

1. With family
2. At boarding-school
3. With friends
4. In a rented room / apartment

5. What is your education level?

1. Below high school: finished grade _____
2. High school
3. High school with specialized training
4. Some university
5. University diploma

6. What was the language of instruction in your school?

1. Russian
2. Latvian
3. Some Latvian,
4. Some Russian

7. Please characterise in brief the family you grew up in. What kind of mutual relationships were in your family?

8. What is your family status?

1. Unmarried
2. Married
3. Unregistered cohabitation
4. Divorced
5. Widowed
6. With a boyfriend

9. How many children do you have?

10. What are your children's ages?

THANK YOU FOR YOUR COOPERATION!

Your participation will help clarify a complex social situation.

February - April, 2001

Accepted by the Cabinet of Ministers on 2 April 2001, Rīga

REGULATIONS TO LIMIT PROSTITUTION

1. These regulations set out the order whereby the provision of sexual services with the intention of thereby receiving compensation (hereafter – prostitution) is to be limited and controlled.
2. Engaging in prostitution shall be forbidden for minor persons and all persons who do not have a health card. A health card, the sample for which shall be approved by the minister of welfare, shall be issued by a certified dermatovenerologist upon an initial examination of the relevant individual.
3. Local governments in territories with more than 20,000 residents shall specify locations at which physical persons who engage in prostitution (hereafter – prostitutes) may offer sexual services or accept commissions for sexual services. Other local governments shall specify the said locations upon being asked to do so in writing by the National Police.
4. Prostitutes shall be forbidden to offer sexual services or accepting commissions for sexual services outside of the locations that are specified by local governments, or in an apartment or home which does not belong to the prostitute or with respect to which the prostitute has not concluded a rental agreement.
5. Prostitutes shall be forbidden to give sexual services:
 - 5.1. In an apartment or home which does not belong to the prostitute or the relevant client or with respect to which the prostitute or the client has not concluded a rental agreement;
 - 5.2. In any apartment or other space within which a minor person is present;
 - 5.3. In any apartment or home where other residents of the said apartment or home object to the prostitute's providing sexual services.
6. Prostitutes shall be forbidden to gather in groups to offer and provide sexual services or to accept commissions for same.
7. Each prostitute shall undergo a health examination upon a monthly basis. The extent of the said examination shall be specified in instructions that shall be approved by the minister of welfare. The health examinations shall be done by and relevant notations on the prostitute's health card shall be made by a certified dermatovenerologist.
8. Where a prostitute has been determined to be suffering from an illness or disorder that is included on a list that has been approved by the minister of welfare, the said prostitute shall be forbidden to engage in prostitution while treatment is being given and/or while medical or serological observations are being made. The said ban shall remain in effect until

such time as the certified dermatovenerologist has determined that the prostitute is completely well.

9. Persons in whose blood antibodies to the HIV virus have been specified or with respect to whom the diagnosis of AIDS has been determined shall thereafter be forbidden to engage in prostitution.
10. Sexual services shall not be offered or advertised on the Internet, in the press and in other forms of mass media (except for publications of an erotic nature), nor shall they be offered or advertised through the involvement of other persons.
11. No activities in which a third person engages with the intent of promoting prostitution shall be permitted.
12. A prostitute shall display the prostitute's health card where asked to do so by a client.
13. A dermatovenerologist who has issued one or more health cards to one or more prostitutes shall once a month submit to the commander of the National Police a list containing the registration numbers of all health cards that have been issued.
14. Upon receiving a written request from the National Police, a medical employee who has issued a health card, has examined a prostitute or has assigned treatment to a prostitute shall provide the National Police with the requested information within 3 working days. The National Police may issue similar requests to the national register of sexually transmitted and contagious skin diseases, the Latvian Infectology Centre (the AIDS Division), other medical institutions, which specialize in the diagnosis and treatment of sexually transmitted diseases, and the Centre for AIDS Prevention.
15. The implementation of the terms of these regulations shall be supervised by officials as assigned to do so by the commander of the National Police, doing so in collaboration with the relevant local governments. The order whereby prostitutes must undergo health examinations shall be supervised by the Inspectorate for Control over the Quality of Medical Care and Expert Analysis of Working Ability.
16. Where an individual fails to observe the terms of these regulations, the said person shall be held liable in accordance with the procedure referred to in the law.
17. Cabinet of Ministers Regulation No. 427 of 4 November 1998, "Regulations to Limit Prostitution" (*Latvijas Vēstnesis*, No. 336, 1998) shall hereby be declared null and void.

The prime minister
The interior minister

Andris Bērziņš
Mareks Segliņš

TRAFFICKING IN WOMEN IN LITHUANIA: MAGNITUDE, MECHANISM AND ACTORS

Prepared for IOM

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INTRODUCTION

Trafficking in women for the purpose of sexual exploitation, nowadays, has become a serious problem all over the world, since the 1990s it has also affected Central and Eastern European countries, Lithuania among them.

After fall the down of the Soviet regime in Lithuania and opening of its borders, all problems typical for neighbouring countries manifested themselves also in Lithuania. One of the most characteristic problems – unemployment, mostly affected women, including those with small children. Trying to survive, women undertake any job, sometimes even providing sex services. Human traffickers take advantage of the situation and try to sell women as cheap labour force in Lithuania or abroad, pushing them into modern slavery. One of most widespread forms of this new type of slavery is trafficking into prostitution. Unfortunately little is known about this phenomenon, about its mechanisms and participants. Available information is quite fragmentary and usually reflects the attitude of the organization – a rather negative attitude from law enforcement institutions and a very sympathetic attitude from NGOs. However little is known about its magnitude, structure and mechanism. The present research is an attempt to look at the problem from different points of view - official and unofficial, from inside and outside.

Due to a high complexity of the subject, the project draws on three different theoretical streams: theory of migration (by Massey in his cumulative causation theory), a model of human smuggling/ trafficking (by Salt and Stein) and social concept of prostitution (by Bernsdorf).

Trafficking in women as a social phenomenon can only be adequately understood in a broader international context. Currently, international migration is modifying and acquires new features, since different countries are becoming more and more interrelated. Even though the main migration reasons – that is geographical differences in labour supply and demand – persist and define migration of people from less developed poor countries to developed countries with high living standards, increased mobility and more liberal migration

policies predetermine establishment of broad international contacts between people of different regions and the creation of worldwide social migration networks. D.S. Massey et al. define social migration networks as interpersonal contacts connecting migrants, past migrants and non-migrant population in countries of origin and destination through kinship, friendship or belonging to certain community relations (Massey, 1999). Creation of such migration social networks enables people to put into practice migration intentions, which otherwise (i.e. through official state institutions) could not be realized and migrate illegally, i.e. violating the laws of destination countries.

No less an important feature of current international migration modifications – it becomes a global business, which develops in both, lawful and illicit forms. Social scientists define the migration business as “a system of institutionalised network with complex profit and loss accounts, including a set of institutions, agents and individuals each of which stands to make a commercial gain” (Salt, 1997). This commercial gain becomes an independent factor stimulating migration, trafficking first of all. Institutional agents control knowledge about the risks and disappointments of international migration, but it is obviously in their interest to hide these and to promote the advantages of overseas labour (Gross, 1995). This is especially true when recruiting women for the purpose of trafficking them abroad for the purpose of sexual exploitation.

Trafficking in women – is an illegitimate side of the global migration business with a complex intrinsic structure. Three stages in this migration business could be singled out: the mobilisation and recruitment of migrants; their movement en route, and their insertion and integration into labour markets and host societies of the destination countries. Therefore, to understand the problems of trafficking in women one must evaluate all three interrelated processes- reveal their dimensions and concrete forms of manifestation. In this study, analysis of the situation in Lithuania was directed towards investigating the situation of a country, which at the same time serves as a source country of trafficking in women as well as a transit and destination country.

On the other hand, if we are to explain an individual's decision to migrate on a micro level then we must combine accounts of structural context (structure seen as both constraining and enabling) with situational, micro-level understanding in a gendered way. Gender role, ideologies and practices are an integral part of all social structures and face-to face encounters and impact upon all aspects of trans-national population movements (Phizacklea, 2000). With regard to female migration, many studies report that, “sex work or domestic work are the only channels for employment for women entering affluent countries”.

The third theoretical basis of our study is related to definition of trafficking in women as a “white slavery”, i.e. exploitation of women, violation of their human rights. One of the illicit forms of women’s exploitation is sexual compulsion, trafficking of women for the purpose of prostitution. Such trafficking definition is emphasised in “The Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Person, especially Women and Children, Supplementing the United Nations Convention against Trans-national Organized Crime, 18 May 1999”.

In Lithuania trafficking in women manifests itself in all mentioned forms: Lithuanian women are trafficked to other countries and are forced into prostitution, women from neighbouring countries are brought to Lithuania for the same purpose, locally, women are engaged in prostitution as well.

METHOD

Complexity of the problem, which in addition includes many elements of illegality, predetermined that several data gathering techniques and research methods were used. Research methods applied are predominantly qualitative.

Information sources used in this study:

1. Statistical/ archival data

- 1.1. Official statistics on migration, illegal migration, detention of migrants
- 1.2. The labour force, employment and unemployment Results of a labour force survey: 1997-2000
- 1.3. Lithuanian Border Police’s data on Lithuanian citizens’ deportations from abroad
- 1.4. Lithuanian Ministry of Interior data on missing persons
- 1.5. Data from Consular departments
- 1.6. Lithuanian Labour Exchange data on foreigners employment in Lithuania

2. Expert Surveys²⁷⁷

- 2.1. Experts providing shelter, assistance, service to trafficking victims and/or Sex & Entertainment industry workers, Reception Centres personnel

²⁷⁷ Full list of experts surveyed – see Annex 1.

- a) Representatives of NGOs, Consulting/ counselling services agencies
- b) Women's associations/ organizations
- c) Crisis centres
- d) Shelter/ reception organizations
- e) Health institutions – AIDS Centre

2.2. Experts from State institutions, dealing with trafficking matters

- a) Police Department, Organized Crime Investigation Service, Criminal unifications' investigation board.
- b) Ministry of Interior.
- c) Aliens Affairs' division, Migration Department.
- d) Operational Service and Border protection services, Border Police Department.
- e) Border guards of Vilnius airport.
- f) Consular Department, Ministry of Foreign Affairs.
- g) Police Attaché, consular staff of Foreign Embassies residing in Lithuania.

Even though experts represent very different spheres and organizations, interviews were carried out based on general guidelines, as to have a balanced view on different aspects related to trafficking. Expert Survey guidelines included:

- 1) Evaluation of illegal migration, trafficking and prostitution processes
- 2) Dimensions, dynamics, causes and consequences of illegal migration in Lithuania
- 3) Dimensions, dynamics, causes and consequences of trafficking
- 4) Dimensions, dynamics, causes and consequences of migration, related to prostitution
- 5) Principal means of struggle against illegal migration in general, migration of women and migration related to prostitution
- 6) Situation of women in Lithuania in general, if it stimulates the migration or not
- 7) Situation of a separate group of women (unemployed, graduating schools, socially supportive) and its influence on migration and engagement in prostitution.
- 8) Peculiarities of the entertainment industry in Lithuania nowadays (dimensions, dynamics, legality and connections with criminal world)

- 9) Influence of the entertainment industry to the development of prostitution
- 10) Forms and efficiency of the assistance to women engaged or forced to engage in prostitution
- 11) Institutions, providing assistance for women
- 12) Attitude towards legalisation of prostitution.

3. Interview with trafficking victims and voluntary sex workers in Lithuania²⁷⁸

- a) Lithuanian girls/ women currently working as prostitutes in Lithuania (11 interviews)
- b) Foreign (Russian, Belarussian, Ukrainian) prostitutes working in Lithuania (11 interviews, of which four were interviewed in detention centres before being returned/ deported home)
- c) Lithuanian nationals – trafficking victims, who have been involved in prostitution abroad and are currently returned home (three cases)

4. Practical experiments – telephone inquiries:

- A. Male inquiring among escort/ call-girl agencies about:
 - Socio-demographic characteristics of offered prostitutes
 - Variety of services
 - Prices for the services

- B. Female inquiries among employment suggesting agencies about labour opportunities, including job in entertainment business and employment (legal and illegal) abroad:
 - Type of employment, duties
 - Qualification requirements
 - Payment
 - Legality

5. Media analysis

- three of the biggest nation wide dailies – “Lietuvos rytas”, “Respublika” and “Lietuvos žinios” for the period 2000.01.01 – 2001.03.01
- three regional dailies “Vakarø Ekspresas”, “Panevėžio balsas, and “Kauno diena” for the period 2000.01.01 – 2001.03.01. Regional dailies were selected as to have a possibly wider geo-

²⁷⁸ Questionnaire/ interview guidelines - see Annex 2.

graphical distribution and to get insight information from the most problematic areas outside the capital – Vilnius.

- one weekly – “Akistata”

6. Secondary data analysis – available articles, reports and materials of other organizations, institutions, NGOs, including programmes for needed activities.

MAGNITUDE OF TRAFFICKING IN WOMEN AND PROSTITUTION

It is quite complicated to speak about scope and dynamics of trafficking in women and prostitution, due to its largely clandestine character. Therefore only indirect evaluation is possible about the numbers. Rather, it is possible to speak about the mode, i.e. “how it happens” and “why”.

In general, trafficking in women is closely interrelated with the prostitution business: the local sex industry and trading women abroad are two parts of the one phenomenon.

Different sources indicate that trafficking in women develops in three main directions: 1) street prostitution; 2) women working as prostitutes at clandestine agencies, brothels; 3) export of women to other countries.

Street prostitution. Street prostitution is considered to be the “lowest” category, but more or less “open” and “free”. Evaluation of the number of prostitutes working on the streets all over Lithuania is hardly possible. However we are speaking not about solitary instances. According to social decrease consultancy Centre “Demetra” data, in the region of the railway and bus stations alone, no less than 130 prostitutes are providing sex services every day. In addition there are prostitutes who do not work permanently, but only in between two “normal job”. And this is data only on one quite small area in Vilnius. According to some experts, street prostitution forms up to 50 per cent of the sex business, though many others think that its share is much lower.

Even though street prostitution is considered to be rather “free”, prostitutes cannot choose another region/ street since prostitutes’ work places are under the control of criminal elements. In addition there is big competition between prostitutes themselves, which does not allow newcomers to enter this “market” freely. According to some prostitutes, the supply and demand is currently more or less balanced, all places are distributed and all “decent” prostitutes have enough work.

Street prostitutes include Lithuanian nationals, as well as immigrants from neighbouring countries, mainly CIS.

Among the street prostitutes there are also minors. The number of minors could be even higher, if other prostitutes would not fight against them. We were told by one prostitute:

“Those minors they spoil all of our business. Firstly, they knock down the price. Secondly, we do not want any trouble with the police. If the police detain us, we usually pay them something and they let us go. But if there is a minor, then all this uproar starts and the police have to take action, etc. - and we are normally not able to work for several days. Therefore if I see a minor, I go to her pimp and tell him to take the child away from the street, otherwise, he himself will have problems”.

Sex services providing agencies, brothels. The biggest share of the prostitution business is well organized and controlled by agencies. According to the AIDS Centre’s evaluation, in Vilnius alone, from 1,000 to 3,000 women may be engaged in prostitution. The profit from this business in 1997 was estimated at 12 million. USD.

Police experts were trying to make an evaluation of the scope based on agency advertisements. According to them, on average, there are around 30–40 advertisements every day, 6-8 prostitutes work in every agency. But the agencies do cooperate between themselves and the prostitutes may be borrowed and sold at any time - it depends on current demand.

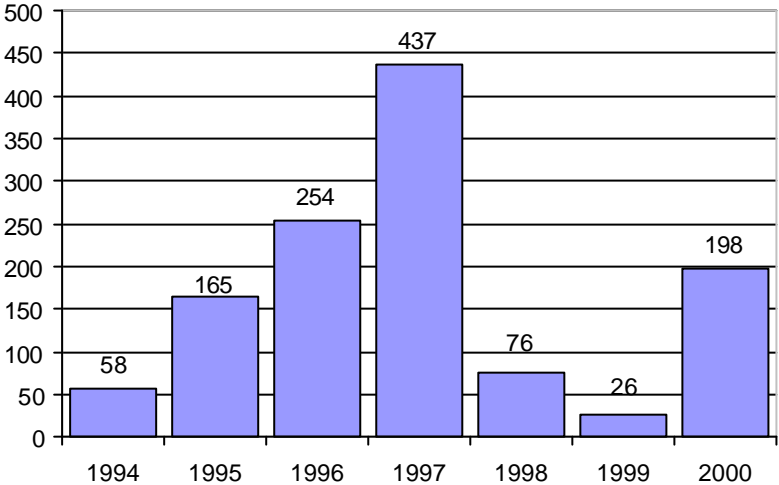
According to the information from the Ministry of Interior, in Vilnius alone there are 15-20 well-established firms, with more than 1.5 million USD income per year. Unofficial expert opinion indicates that the yearly turnover of the prostitution business in Vilnius alone is no less than 5 million. USD. More than a half of all income is the profit of the owners of agencies and pimps; the rest goes to prostitutes, call girls and drivers. Approximately a half of Vilnius prostitutes work in agencies.

Since prostitution in Lithuania is forbidden, official advertisements sound like “flowers to your home”, “massage”, “soft massage”, “escort services”, etc. However it is enough to call them and all the services with their prices will be at your disposition, - i.e. most agencies operate quite openly. In addition to the above-mentioned agencies, there are so called “closed” or “private” agencies, which do not advertise in public in any way, and provide sex services only for clients with “recommendations”. We were not able to identify even the approximate number of such firms and prostitutes working there.

Therefore direct evaluation of the scope of prostitution in Lithuania is hardly possible. Indirect figures, e.g. data of the Ministry of Interior on dynamics of the registered administrative cases for prostitution (Graph 1), to our opinion, more reflect changes in methods of work (or attitudes) of police towards combating prostitution, not the prostitution business itself. According to experts from the Police Department Organized Crime Investigation board, a drastic increase in the number of administrative cases against prostitutes in 1997 is due to high police activity and a big number of special operations in 1997, whereas a subsequent decrease was probably caused by reorganization of police and reduction of relevant police staff. I.e. the dynamics of cases against prostitutes does not correlate with real prostitution dynamics.

GRAPH 1

REGISTERED ADMINISTRATIVE CASES FOR PROSTITUTION IN 1996 - 2000



Source: Ministry of Interior

On the other hand there are prostitutes who work individually (not in the agencies, but not on the street either), those who work from time to time. According to police evaluation, numbers of individually working prostitutes, i.e. those who do not pay pimps, is increasing. In addition there is also the so-called “higher category”, those who work in hotels and bars, those who work with a few permanent clients, etc. In general, with regards to the scope of prostitution, different sources indicate that numbers have stabilised since the market is saturated. Still there are seasonal fluctuations, since this business responds to changing market requirements. During summer period it increases and shifts from big cities to resort areas. Even the smallest resorts are becoming a target of prostitutes during high season.

With regard to “labour force” supply, foreigners including illegal (or even exclusively illegal) are an integral part of it. Apart from push factors in their home country, which force women from Belarus, Ukraine and Russia to seek their fortunes abroad, there are also pull factors in the Lithuania entertainment business - “Russians” (usually all Russian speakers are called this way) are in demand since they provide “any kind of services”, “have less requirements”, “more delicate”. On the other hand, in such a business, foreigners are needed just for change.

Most experts indicate, that even though the number of foreigners is still significant (expert evaluation vary of about 20-30 per cent), - it has decreased. There are several reasons why the number of prostitutes trafficked into Lithuania has fallen down. First, the introduced visa regime with CIS countries and improved border control, as well as strict punishments for smuggling and trafficking in human beings to a certain degree, discourage traffickers. Secondly, locals frequently coming from small provincial towns or villages push out foreign prostitutes. Whereas others use Lithuania just as a transit country (frequently it is the trafficker’s choice) for only a temporary stay and at the first opportunity move further to the West.

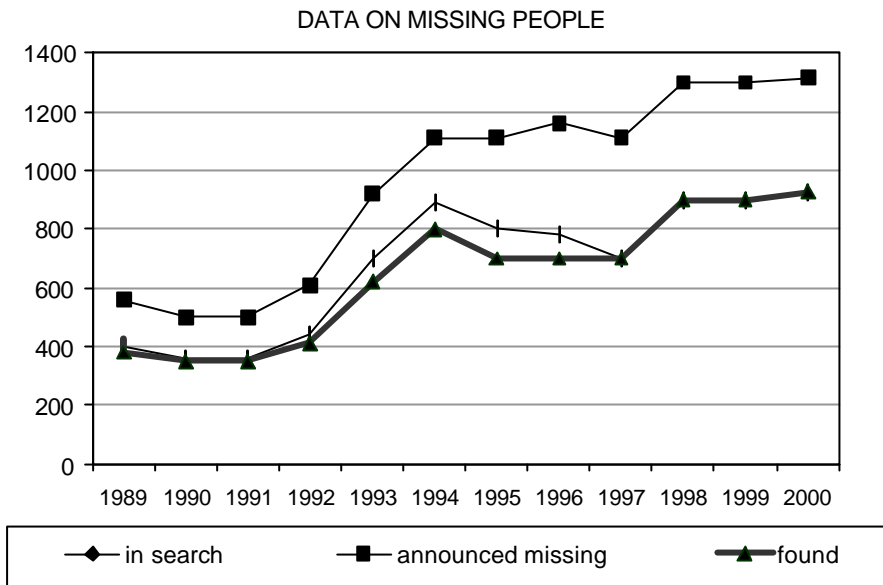
In general, according to Organized Crime prevention specialist,
“all prostitutes want to move abroad, but not all succeed”.

However, despite existing different obstacles, trafficking (and re-trafficking) from Lithuania or so-called “export of women” is quite significant.

Trafficking of women across the borders/ Export of Lithuanian women. Trafficking of women from Lithuania to foreign countries is quite a new phenomenon, quite a new problem for society and law enforcement institutions. Therefore quite little is known about its status and development. Although there is no official statistical data on how many women were trafficked for the purpose of prostitution, according to Lithuanian Interpol information, there is no doubt that trafficking in women conducted by organized criminals is on the increase. Experts from the Police Department and Border Guards are of the same opinion. On the other hand, some indirect evaluation on the scope and especially dynamics of this phenomenon can be derived from the data on missing people, including young women/ girls and on the data about deportations of Lithuanian citizens from other countries.

As it can be seen from graph 2 since the beginning of 1990, the numbers of missing people in Lithuania has increased significantly and for the past few years have stabilised on a rather high level. Regretfully, numbers of those “not found” has also stabilised at about 400 persons per year. With regard to missing young women under 30, the tendency is similar - over the past few years, numbers have increased, as well as those “not found” (Table 1).

GRAPH 2.



Source: Ministry of Interior

TABLE 1.
DATA ON MISSING YOUNG WOMEN UNDER 30 YEARS OLD

Years	Missing	Found	Still in search
1998	205	176	29
1999	293	242	51
2000	301	297	52

Source: Ministry of Interior of the Republic of Lithuania

Of course only part of the missing women are victims of trafficking. On the other hand, a minority of trafficking victims do not inform their relatives /friends about the departure (usually not mentioning or not knowing themselves the real purpose of travel). Therefore the above data may be relevant only in several cases. Data on deportations of Lithuanian citizens from abroad may appear more informative, since most of the prostitutes / trafficking victims detained abroad are deported.

First of all a significant increase in numbers of deportations is observed over the past few years. If in 1999 the total number of deportations to Lithuania amounted to 1,928 people, then in 2000 it has nearly doubled (3,498). The first four months of 2001 continue this tendency of increase.

Real numbers of expulsion of Lithuanian citizens from foreign countries may appear much higher, since only expulsions with formally issued deportation documents are fixed. Whereas, those who are only issued an order to leave the country do not appear in any statistics at all. One example: according to the Border Guard service data during 2000, there were ten people deported from Spain, whereas according to the Lithuania Embassy in Spain no less than 200 were issued an order to leave the country in September - i.e. at least 20 times higher than the officially fixed deportations.

In addition, different international agreements, e.g. Vienna Convention of 1963 regarding consular relations (Lithuania ratified it in 1991) indicates, that if a person does not inform his/ her Country's Consular services about the fact of the deportation, then local law enforcement institutions have no right to forward any personal information about the detainee nor about his/her detention reasons and circumstances. I.e. even information from Consulates is not fully reliable. But the tendency of increase is visual even from official figures on deportations.

As it can be seen from Table 2 most people are deported due to overstaying, or their presence becomes illegal because of illegal employment. Trafficking as a reason is never mentioned, even if it is known. Besides, women form only 30 per cent of people deported to Lithuania.

With regard to countries of destination - United Kingdom and Germany are the absolute leaders, followed by Nordic countries and the Netherlands (Table 3).

According to experts' evaluation, similar countries are identified as main targets of trafficking in women from Lithuania. If some years ago the main trafficking flows were directed to Israel, Greece, United Arab Emirates and Turkey, then recently prostitution business has turned to Germany, Holland, UK, France, Sweden and Spain. Some of these countries, e.g. Germany, also serve as a transit country, where victims from Lithuania are resold to brothel owners from other, mainly southern, countries - Italy, Spain, Turkey, etc.

TABLE 2

DISTRIBUTION OF DEPORTED LITHUANIAN CITIZENS BY THE REASON OF DEPORTATION

Reasons of expulsion	2000 01 01 -2000 12 31				2001 01 01 - 2001 04 30			
	TOTAL	Men	Women	Sex not indicated	TOTAL	Men	Women	Sex not indicated
Provided fraud documents	28	14	14	-	9	6	3	-
Not allowed to enter the country	486	307	178	1	194	112	82	-
Arrived legally, but stay became illegal because of other reasons	1148	767	355	26	462	307	155	-
Illegal employment	963	704	253	6	307	217	89	1
Committed a crime/ violated other laws	231	212	19	-	105	93	11	1
Other	642	471	150	21	164	126	33	5
Total	3498	2475	969	54	1241	861	373	7

Source: Border Guard Service, Ministry of Interior

TABLE 3

DEPORTED LITHUANIAN CITIZENS BY COUNTRY

Countries	2000 01 01 -2000 12 31				2001 01 01 - 2001 04 30			
	TOTAL	Men	Women	Sex not indicated	TOTAL	Men	Women	Sex not indicated
1. Neighbouring coun-	328	233	90	5	90	59	26	5
Belarus	147	106	39	2	39	25	9	5
Latvia	95	70	24	1	23	18	5	-
Poland	26	12	14	-	19	8	11	-
Russia	60	45	13	2	9	8	1	-
2. Other countries	3170	2242	879	49	1151	802	347	2
United Kingdom	1351	913	427	11	351	223	128	-
Germany	688	445	222	21	289	168	121	-
Sweden	412	378	34	-	113	103	8	2
Norway	152	133	19	-	107	90	17	-
Denmark	151	115	35	1	110	97	13	-
Netherlands	126	59	67	-	67	42	25	-
Finland	47	21	10	16	10	8	2	-
Belgium	43	40	3	-	16	13	3	-
Greece	37	16	21	-	5	-	5	-
Switzerland	23	21	2	-	18	16	2	-
Austria	16	11	5	-	4	2	2	-
Ireland	14	13	1	-	11	8	3	-
France	13	12	1	-	6	5	1	-
Italy	13	5	8	-	5	-	5	-
Spain	10	8	2	-	14	11	3	-
USA	10	9	1	-	8	7	1	-
Israel	8	2	6	-	-	-	-	-
Czech Republic	8	7	1	-	-	-	-	-
Other	48	34	14	-	17	7	8	-

Source: Border Guard Service, Ministry of Interior

The German side expressed a similar position also. The information provided by the Police Attaché from the German Embassy in Lithuania indicates, that among officially registered trafficking victims all over Germany in 2000, Lithuanians form 14 per cent and according absolute numbers are in the fourth place, after Russia, Ukraine and Poland. However, proportionally, i.e. evaluating the number of the country's total population - Lithuania may be considered as an absolute leader.

According to the Vilnius Airport Border Guard service, experts now say every second flight from Germany brings women who are suspected of being engaged in prostitution. In general, most frequently, trafficking victims are returned from Frankfurt, Berlin and Amsterdam. Vienna and Paris flights sometimes also bring trafficking victims, whereas the return of victims from Israel has decreased.

Deportation from the U.K., even though the numbers are really high, is rarely related to trafficking or prostitution. The majority of Lithuanian experts consider U.K. to be a target country of "ordinary" illegal employment. However messages received from the opposite side indicate that the U.K. has also become a target country for trafficking in prostitution. IOM Vilnius office has recently received a few calls from the BBC and other British journalists asking about details on trafficking in women from Lithuania since the numbers of detained Lithuanian prostitutes is increasing. Similar attitudes were confirmed by H.M. U.K. Consul in Lithuania as well as by an official of the London police - Lithuanians form a significant share of trafficking victims in the U.K., mainly in London. On the other hand, there are cases, when totally innocent unsuccessful tourist women are deported with the notice "suspected in prostitution" (Box 1.)

Box 1

From the words of Lithuanian Border Guard officials:

"On arrival to London one Lithuanian woman was not allowed to enter the country, and it was suggested that she stay in a hotel until her flight back to Lithuania. On the way to hotel, she was kidnapped and then raped, this continued for several days. She managed to escape and addressed police. No translator was offered, and the police only scoffed at her. The attitude was the same at the airport. In addition, on her return documents it was indicated "suspected of being engaged in prostitution". On her return she was so depressed that she absolutely didn't know what to do or how to explain everything to her husband, family..."

One additional problem - identification, since in the majority of cases, victim's are deprived of their own passports and either do not have any documents or are afforded with false passports. There were many cases, when deported "Lithuanians" appeared to be Russians, Belarussians, Ukrainians, etc. holding false Lithuanian passports.

Lithuanian passports are considered to be good, since they open the border to CIS citizens and allow them to "legally" stay in the EU. In addition, they are cheap (average cost vary from 200 DEM to 700 USD), and can easily be falsified. Lithuanian passports are not very familiar to local police, therefore until they are detained for some illegal activity, holders of such passports can easily live and travel all over the EU. However, when detained, such foreigners are fixed as "Lithuanians", and official figures increase.

In sum, it is possible to assert, that most official numbers are quite contradictory. On the one hand, they do not include the big portion of returned trafficking victims; on the other hand, foreigners holding false Lithuanian passports are included. Despite all these contradictions, experts are convinced that trafficking in women from Lithuania is increasing and becoming a real urgent problem.

To prevent and combat it, more and deeper knowledge is needed. Therefore in our study we tried to analyse those who are real and potential victims, how they get involved in the traffickers trap, what are the mechanisms of recruitment, insertion into the foreign sex business and conditions. And what potential victims should know to be able to undertake an informed decision about migration, how to resist traffickers and how to escape if trafficked. Since trafficking in women inside the country, the so-called "domestic", and trafficking across the borders are two parts of one phenomenon, the following analysis will include the prostitution business in Lithuania, as well as "export" abroad.

SOCIAL DEMOGRAPHIC CHARACTERISTICS OF TRAFFICKING VICTIMS AND WOMEN ENGAGED / FORCED TO ENGAGE IN PROSTITUTION

Different sources, including direct telephone inquiry among escort/call-girl agencies showed that very different women engage in illegal prostitution, however, it is young girls who form its basis.

Age. Young women between the ages of 18 and 30 years dominate in the supply of prostitutes, however, different agencies provide somewhat differing age ranges: 18-22; 18-25; 18-30; 19-21; 21-23; 19-25; 25-27. This leads to the supposition that the age of the prostitutes decide a certain specialisation of the agencies. Though, this might be accounted for by the contingent of prostitutes recruited at the moment.

Having inquired during this survey among different escort/call girl agencies whether minor prostitute of 16-17 years of age was available, a negative answer was given. One can suppose that no official information is provided about the minors on account of fear. Cases described in the media allow one to guess that minors also engage in prostitution, a fact which has also been confirmed by the sex workers / trafficking victims interviewed in our survey.

Experts also emphasise the fact that among the prostitutes, the number of local minors is on the increase.

According to the data presented by the Social Disease Centre “Demetra”, not only young but also much older women engage in prostitution. Women between 14 and 53 years of age were among the 142 interviewed street prostitutes (the average age 24.5 years).

Distribution of the prostitutes/ trafficked women interviewed within the framework of this project by age is indicated in table 4.

TABLE 4
DISTRIBUTION OF THE PROSTITUTES/ TRAFFICKED WOMEN BY AGE

Age	Local prostitutes	Prostitutes immigrants
Under 26 years of age.	6	6
26-30 years of age	2	3
31 39 years of age	2	2

Source: Survey data and Social diseases Centre “Demetra”

Education. When analysing the data obtained from different sources one can draw the conclusion that the education of both voluntary prostitutes and trafficking victims is lower than the average in the country, however, they are by no means illiterate.

According to the data presented by the Social Disease Centre “Demetra”, most of Lithuanian prostitutes, even street prostitutes (that is, those who belong to the lowest category) have incomplete secondary education.

Thus, almost all the interviewed prostitutes attended school. Some of them went to school for a short time, others finished 8-10 classes and some of them have a college education. However, as conversations with prostitutes indicate, they, as a rule, were not interested in education and their grades were often quite low:

“I remained for the second year in the sixth form. Somehow I managed to finish eight forms”.

The prostitutes who were trafficked abroad by force have a similar education. According to the data of the Missing Persons’ Families Support Centre, **the trafficked women had secondary or incomplete secondary education:** based on the data presenting about 20 women: ten of the women had incomplete secondary (one never attended any school on the whole) and ten women had secondary education – table 5.

TABLE 5
EDUCATION OF THE INTERVIEWED WOMEN ENGAGED IN PROSTITUTION

Education	Local prostitutes	Prostitutes immigrants
Did not go to school	1	-
Incomplete secondary	7	3
Secondary and college	2	8

Source: Survey data and Social diseases Centre “Demetra”

However, there are trafficking victims who have a high education too. Sometimes, as for example, Marija²⁷⁹, who we interviewed, got into the trap of the traffickers precisely because she was offered a job in Germany according to her speciality as a mathematician-pedagogue, which afterwards turned out to be prostitution.

However, in essence, education of the girls was of the least interest both to the traffickers and to the pimps (they consider girls with a lower education are even better – they present fewer problems, it is easier to threaten them) as well as to the customers/ clients.

²⁷⁹ All the names specified have been changed

Indirectly, this was also confirmed during the time of a telephone inquiry: in listing the abundance of various characteristics (height, weight, nationality, size of breast, etc) education of the prostitutes was never mentioned..

Nationality. Different sources, including recent telephone inquiry among escort/call-girl agencies in Lithuania showed that most often Lithuanian and Russian prostitutes/ trafficking victims were offered. The word “Russians”, as a rule, refers to the Russian-speaking women, that is, the Russian, Belarussian and Ukrainian or even Moldavian women. Representatives of exotic countries are not numerous, however, there are some, for example there was one “Lithuanian” girl whose father was Egyptian and mother – Indian. However, according to some experts, high-ranking closed brothels can provide "anything you wish".

TABLE 6
THE DISTRIBUTION OF THE INTERVIEWED PROSTITUTES BY NATIONALITY AND THE COUNTRY OF ORIGIN

Nationality	Local prostitutes (absolute number)	Prostitutes immigrants (absolute number)
Lithuanians	7	
Russians	1	7
Poles	2	
Belarussians	-	2
Moldavians	-	1
Place of birth		
Vilnius	5	-
other Lithuanian towns	1	-
Village in Lithuania	4	-
Belarus	-	4
Kaliningrad Region	-	3
The Ukraine	-	1
Other part of Russia	-	1
Estonia	-	1

Source: Survey data and Social diseases Centre “Demetra”

Local/immigrants. As was established during our study in the local sex industry, Lithuanian local women/ prostitutes were most often offered, however, prostitutes from Russia and elsewhere were available too. The method used in our survey did not allow establishing the exact percentage of locals and that of those who arrived from other countries.

According to experts, currently in Lithuania about 20 per cent of women engaged in prostitution are from other countries (Russia, Belarus, the Ukraine). There are prostitutes who have been engaged in that business for ten years already, they always earn a living, have regular customers, though they have no permit either to live or work in Lithuania. According to experts from the Migration Department, even the most popular striptease dancers – foreigners, who appear in public every day, have never applied for any residence or work permit and are most probably here illegally (but nobody checks them). So, if it is possible for women on the stage, why should it be different in the "shadow"?

In general, the attitude of Lithuanian official institutions towards illegal migration is dubious: there is no policy on what to do with illegal migrants who are already in the country, no strategy on trying to detect and detain them, and on the other hand, quite strict controls on the borders (though again, stories of some illegally trafficked women do not confirm this optimistic attitude). Nevertheless, in general, at present due to the visa regime and better protection of the state boarder, the number of prostitutes who arrive from other countries is decreasing and that of local prostitutes is on the increase.

However foreigners from the Kaliningrad district of the Russian Federation with which a visa-free regime still exists, have quite an easy access to Lithuania, especially the neighbouring Klaipėda region. Even though precise numbers are unavailable, Klaipėda seems to be the town with the highest share of foreigners engaged in the sex business, - both trafficking victims and voluntary prostitutes. Through a well-established network, pimps go on recruiting women in Kaliningrad, who even after deportation easily reappear in Lithuania (Box 2).

Box 2

From the interview with a woman trafficked from Kaliningrad, currently in the process of at least a second deportation from Lithuania.

"One of my friends who "worked" in Klaipėda suggested that I join her and go to Lithuania. At first I refused, but the next time she came with 2 men - and they offered me a "good job" in Klaipėda. So I agreed (I had other offers, e.g. to move to the "West", but since I did not know those "agents" well, I rejected their offers).

We do not need visa to enter Lithuania, so we got in the car and in few hours we were in Klaipėda. I came to Lithuania four years ago. During one police operation I was detained and got a stamp in my passport "order to leave the country". But I did not leave, so during the next "operation" I was deported. But at home I simply changed my passport to a new one and in January I came back to Lithuania. <...> For us from Kaliningrad it is really easy. Now others come, I don't know, but there are quite a lot of foreigners in Lithuania".

On the other hand, a decrease in the number of foreigners can be explained by the fact that many of them use Lithuania only as a transit country.

"If someone reliable suggested I go to Germany, I would go there. But with unknown pimps I am afraid. I have heard so many stories about women who are sold, resold, beaten, etc.: so I'd better stay here in Lithuania"

Marital Status. According to the data of a telephone inquiry among escort/call-girl agencies, the majority of prostitutes are single women, however, married and divorced women engage in prostitution as well. According to the data of the survey, of 142 prostitutes conducted by the Social Diseases Centre "Demetra", 75 per cent of the prostitutes are single, however as much as, 52 per cent have children. Sometimes, engagement in prostitution is explained (or justified) precisely because of necessity to support children. The situation of those who were trafficked to foreign countries is a bit different. The data provided by the Missing Persons' Families Support Centre shows that the majority of women trafficked to foreign countries are **single** (according to the data – 84 per cent, about 43 women). Many of such women, 73 per cent, lived in **complete i.e. the so-called "normal or good" families** (which is not typical for women voluntarily engaged in prostitution).

As far as the information gathered permits to conclude, urban population dominates among the women who were engaged into prostitution or were trafficked abroad. For example, the data available at the Missing Persons' Families Support Centre indicates that **urban women** constituted the greatest percentage among the trafficked women (as much as 80 per cent or 35 women). However, as is clear from recent media publications and some ex-

pert evaluations - the situation is changing: more and more frequently girls from rural areas become trafficking victims.

Religion. When asked about the religion they practised, the prostitutes sometimes attributed themselves to Catholics or Orthodox believers, however, even in those rare cases they noted that in essence they did not adhere to any religion and were not firm or ardent believers, they simply added it was “*customary to say that, like all other people*”.

All the interviewed women-immigrants engaged in the prostitution business, with the exception of one prostitute, had greater or less experience in their **work activity**. Prior to becoming prostitutes they worked at different places: in the kitchens of kindergartens, at a sewing factory, as waitresses in bars, one of them had a certificate of a medical school and had worked as a nurse. There are women who engage in prostitution only temporarily, i.e. when they have no other employment and no source of any other income.

Language. According to the data of a telephone inquiry among escort/call-girl agencies (at least this is what the advertisement says) all prostitutes speak Lithuanian. However, in practice (this is confirmed by our interviews with the prostitutes-immigrants) hardly any foreigners can say more than one or two sentences in Lithuanian, they do very well with the Russian language alone. On the other hand, there are prostitutes who can speak several foreign languages and some prostitutes speak English quite well.

As to the girls trafficked to foreign countries by deception, no requirements concerning languages are set to them. No language requirements are established even to those who go to foreign countries being well aware of what kind of activity they are going to engage in. It is possible to suppose that traffickers and pimps may even be interested in recruiting women who do not know a foreign language. This places women into even more vulnerable situations, since, even in case of escaping from "owners", they will not be able to seek assistance, to address police, NGO, etc.

Other requirements that are emphasised in the supply of prostitutes are as follows: **complexion, height, and hair, build**. Fair or dark hair (natural and dyed), the colour of skin; long or short hair, tall (170-185 cm) and short. The size of the breast is often specified, which varies greatly – sizes 2/3, 3/4 etc. In general the range of requirements is really broad and any young girl may attract pimps/ traffickers attention, and is potentially in danger of being deceived.

REASONS OF WOMEN'S MIGRATION, TRAFFICKING IN WOMEN AND PROSTITUTION

Reasons of women's migration – experts' opinion

According to experts, the main reasons of migration are **economic** reasons. Firstly – a high unemployment level in Lithuania. When people have no employment they have no means of sustenance. Poverty makes them look for the most elementary source of income. There are many single, divorced women who have nobody to help them. Then, as they say “one would clutch at straws to survive”.

TABLE 7

UNEMPLOYMENT LEVEL OF THE POPULATION ACCORDING TO THE LABOUR FORCE SURVEY DATA (%)

	1999	2000 (May)
Men	14.3	16.4
Women	11.7	12.9
The total	14.1	16.4

Source: The labour force, employment and unemployment (results of the labour force survey): 1997-1999, 2000 (May). V.: Department of Statistics, 2001

Secondly – the absence of any perspectives. Even employed people have hardly enough means for a modest living. Wages are low (in addition, women earn 1.4 times a lower salary than men) and a young girl without higher education has very little possibilities to earn money, for example, to buy a flat. Therefore, she loses hope of having a future in her country.

Positive examples of some migrants encourage people to migrate at their own expense. Many people who left for a foreign country returned materially provided for their future. Rumours are going around about how much one can earn abroad during a summer, a year. This is also an incentive to go and look for a better life in foreign countries.

Another reason of women's migration is searching for happiness. The women leave their native country dreaming of finding a husband and to get married abroad. Hence, they look for their own “opportunity”. It has been from the oldest times that Lithuanians, and not only Lithuanians alone – this is

characteristic of all nations – went to look for luck elsewhere. The effect of successful examples is undisputed.

In the opinion of experts, discrimination as the incentive of migration is of no significance in Lithuania, its manifestations can encourage only one or another woman-specialist, as well as women-students who are graduating from a higher institution. Officially women's discrimination does not exist in the country. It should be noted that on 1 December 1998 the Law on Equal Opportunities of the Republic of Lithuania was adopted and the office of the equal opportunities Ombudsman was established. However, unofficially, for example, in employing a person one can encounter discriminatory acts. For example, a man rather than a woman, especially with small children, would sooner be employed, though nobody speaks about it openly. Without doubt discriminatory acts manifest themselves in a very subtle way and they are often difficult to identify/ prove.

Reasons of trafficking in women

The main reason of trafficking is money, big money. All the experts were of the same opinion: craving for money makes people forget and disregard moral standards of intercommunication, nobody thinks of the harm done to others. As compared with other countries of Central Europe, Lithuanian women are cheaper and do not know their rights so well, they cannot defend themselves. Therefore they are in great demand.

In the opinion of experts, the old patriarchal culture of Lithuania has a certain effect on the development of the business of trading in women in Lithuania. Many men have a deep-rooted attitude towards a woman as an inferior human being. It seems quite normal for a man to have the right to dispose of a woman in the way he wants, as he feels superior to her. Hence, if he thinks that a woman can provide pleasure to a man, he finds it quite natural to make use of it. Moreover, if he can make a profit out of it, why not do that. Women from asocial families are treated in the worst possible way, and they easily become a target of the trafficker.

Trading in women exists for another reason as well, because practically nobody is punished for it. The number of cases against traffickers in the court is really insignificant. It is quite seldom that women, who managed to escape from the trap of pimps, dare to appeal to court. They are ashamed of what happened to them, and are frequently frightened and threatened. It takes a

long time for the case to be investigated in the court and the traffickers often manage to get away clear. Those who engage in trading in women and trafficking feel that they can also evade criminal liability.

Reasons of engagement into prostitution – experts’ opinion

One of the main reasons women turn to prostitution is bad economical living conditions. This is mostly true when we speak about street prostitutes. Street prostitution is more often than not related to economic reasons, with female unemployment, in particular. The unemployed women start engaging in prostitution because they have to feed themselves, to feed the family and children. The survey of 142 sex workers conducted by the Social Disease Centre “Demetra” showed that prostitution was the only and the main source of living for 93.4 per cent of the interviewed women who engaged in street prostitution and not only for them, for their families as well.

On the other hand, speaking about the reasons of prostitution, experts do not relate them to economic reasons alone. Only “street” girls start to engage in prostitution on the account of poverty. Prostitutes who work for agencies engage in that business not because of poverty. These are non-existential reasons. It has been noticed that once a girl starts engaging in prostitution on account of economic reasons, with time she gets used to it. Both in her way of thinking and the way she assesses the situation change. As the experience of the Women’s Crisis Centre shows, after the news about deported prostitutes and their settlement in the Centre spreads, their customers start visiting them right away and they resume their “work” providing “services” even in a Crisis shelter. Thus, it is not so simple to do away with and overcome the involvement in the prostitution business. On the other hand to get involved in this kind of business is sometimes quite easy, especially in a foreign country where nobody knows you. According to experts, cases are common when, for example, women leave for another country to work as dancers, masseuse, etc. The employers suggest that the girls should dance without any clothes on for a double payment. The next step is providing sex services – the payment increases even more. Thus, gradually a woman becomes involved. And further she relies on luck. If her owner is good – she will work as a prostitute and is sure to earn a living – though such cases are rare. If she fails – she can be sold, re-sold and there is no hope for her to break away.

Other reasons of engaging in prostitution are found in the family. Parents using alcohol, asocial way of life and the surroundings in which loose morals of a growing girl are factors that push the girl into prostitution.

Traumas of sexual violence suffered in early childhood are listed as one of the very important reasons of prostitution. It goes without saying that most often the girls from asocial families who experience them. As has been noted by experts, if a girl of 9-13 years of age has been raped, more often than not by her father, stepfather or mother's cohabitant, the effect of that horrible experience on her mental state will remain with her for the rest of her life. Unless she is cured of this trauma, there is only one step to prostitution.

In the opinion of some experts, the fact that society tolerates cohabitation has some impact on pushing women towards prostitution. Young people meet and their reasoning goes like this: we shall live together and everything will be OK. The man, having lived with a woman for some time, begins to look for something new. He finds a younger and more attractive woman. It does not matter that the woman cooked, cleaned, gave up her studies for him. She is left without anything. In this respect women are very vulnerable. If common life were legalised, the woman's situation would be different. It is very important that a woman and man who start to live together without marriage should conclude a contract.

The effect of the media is assessed controversially. On the one hand, cases, life experience and situations covered by the media in which both persons illegally employed abroad and trafficked women find themselves, make everyone think twice before accepting different proposals of work in a foreign country. On the other hand, the image of a prostitute formed by the media is quite attractive and admirable – she is nice, pretty, carefully tended.

What do we see in films? A girl prostitute is pretty with long legs, she meets a millionaire. The latter falls in love with her – everything is simply fantastic. Young girls, especially from asocial families, children's care homes think that this will happen to them too. They start looking for a millionaire. The press, instead of making the problem of prostitution clear, puts the label and that is all. In one of the programmes it was said: well, a prostitute! Then she's a bitch.

According to experts' from the Ministry of Interior, evaluation, direct reasons why women are engaged in prostitution are different: 15 per cent are en-

gaged in order “to have a nice and joyful life”, 15 per cent - because of curiosity, 13 per cent - as not to work, 11 per cent - to have additional earnings.

Experts also recognise that there are cases when girls enjoy being prostitutes. There are girls who think that this “job” is quite good, if compared to others they can get, there are also women who are governed by insatiable sexual desires. It is true, but the percentage of such women is quite small. No matter what you offer to such women they will always be prostitutes. There are cases when a woman marries and still does not give up her former occupation.

Reasons of engagement into prostitution - view from inside (prostitutes' point of view)

As the interviews with prostitutes showed, they often explain their going onto the street to engage in prostitution by material deficiencies:

“I went came to the railway station because I needed money and I had nowhere else to get it from”, “I come to Vilnius, go to the station, stay there a week, or so, then buy products.”

They relate their difficult material condition to unemployment:

“I have not always been a prostitute. I had a job as an office-cleaner. Now I am unemployed. Therefore I go to the railway station”.

Another reason is also money, however, it is needed for buying drugs. According to one of the interviewed prostitutes

“Drug addicted girls sooner or later become prostitutes. Money. I need a lot. Mother sometimes thinks that the 10 Litas she gave me is enough. She says that 10 Litas a day makes 300 Litas per month, and it should be enough, whereas I need 100 Litas or more per day”.

There is an interrelation between prostitution and taking drugs. Sometimes girls start with prostitution and move on to taking drugs; sometimes – the other way around – they start with drugs and become prostitutes later. On the one hand, once a prostitute starts taking drugs, a constant need for money makes her engage in prostitution. Prostitution is a mean's for drug addicts to get money, so prostitution is as if “a possible way out of the situation”:

“ I tried drugs at the age of 16 and tried different kinds of them... I needed money, so I started engaging in prostitution. Now I have been doing it regularly for 1.5 years”. On the other hand, to those who engage in prostitution “drugs help, because without having taken them it would be difficult to do that. One must be under a slight effect. Many do that”.

Prostitutes-immigrants, who came to Vilnius by themselves, explain their arrival by several reasons. They usually complain about poor living conditions in their own country:

“Conditions are difficult”; “Sometimes things were so bad that we ate unpeeled potatoes for weeks”.

Those who had a job earned very little, others became unemployed.

“In my native town in Russia, the salary is around 20 USD. To live on such money absolutely impossible. In addition I have mother, who is seriously ill, my son needs medical assistance.”

In general women-immigrants are convinced that life in Lithuania is better than in their home countries.

Though the majority of the interviewed (8) characterise life in their native country as bad or very bad, others (3) maintain that they lived quite well and had everything:

“We lived quite well. My parents were good, they did not drink”.

The girls who came from the Kaliningrad region pointed out special reasons. Apart from economic difficulties they, as a rule, indicated fear of contracting AIDS. In their opinion, to engage in prostitution in the Kaliningrad region equalled a suicide. (According to experts of the Lithuanian AIDS Centre, up to 80 per cent of prostitutes in the Kaliningrad region are infected with HIV). On the other hand, customers in Lithuania are much better than those in Russia:

“One can beat you so much that you are black and blue all over, even on your tongue”.

There are prostitutes who expected indefinite success:

“maybe I shall have better luck here”, “I want to have a family”.

Finally, there are girls who look for “something” extraordinary, unusual:

“I simply wanted to leave home, ... wanted strong impressions”; “...our town is small and boring, I like Vilnius”, “I love Vilnius”.

CONSEQUENCES OF ILLEGAL MIGRATION, TRAFFICKING WOMEN AND PROSTITUTION

Experts' opinion

Illegal migration reduces the work potential of the country. Gifted and more talented specialists leave Lithuania. Very few return. The capital invested into training of young specialists is not reproduced. Lithuania loses people with initiative.

Another thing is when young people leave for studies. Young people acquire international experience, get acquainted with other cultures and broaden their horizons. Upon their return they contribute to the progressive development of their country.

Illegal immigrants are socially unprotected and they have no rights. They are exploited at work: they work more than others and are paid much less than the local labour force. They have nobody to complain to and nobody defends their elementary human rights. The situation is even worse in trafficking victims.

Forceful trafficking of women means ruining women's lives. They experience big traumas, which they feel till the end of their life. Women who are trafficked by force or fraud, experience physical violence: they are raped, beaten and are jeered at. They experience terrible psychological shock, become vulnerable and are easily drawn into the activity of different organizations and sects. These women have a constant feeling of guilt – I was bad, now I am neglected, nobody needs me, etc. their families also have psychological problems.

Even, if the trafficked women know beforehand that they are going to work as prostitutes and voluntarily agree to that, they are exploited all the same. Apart from the problems that the very engagement in prostitution creates, they are strongly dependent on their traffickers or pimps. They become like things that can be sold, re-sold and their pimps do whatever they like with them. In most cases trafficked women do not speak the language of the country and therefore they are simply manipulated. They are in constant debt – for their living place, their clothes, food, etc. and they work to repay all that.

The most threatening consequence of prostitution is human health. Prostitutes are often infected with different venereal diseases. They pass on these diseases to their customers, and the latter pass them on to their families. According to experts from the Ministry of Interior, up to 60-80 per cent of clients

are married men. Nobody knows in what way consequences of prostitution or drug addiction will come into his/her family and who will be affected. Most people think that such things will never affect them. Many people in society fail to realise the threat this problem poses, they do not think that very soon they might be affected by it themselves.

According to the data provided by the Social Disease Centre “Demetra” 20.4 per cent of the 142 prostitutes interviewed had syphilis and 23.9 per cent had positive serologic reactions for syphilis, 14.8 per cent were ill with gonorrhoea; 14.8 per cent had chlamydia; 12.7 per cent - trichomonosis; 59.8 per cent - bacterial vaginosis; 29.0 per cent - HCV; 12.7 – per cent - HBV; 1.4 per cent - HIV. According to experts, at present at least two HIV infected prostitutes “work” in the area of the railway station. No legal basis exists for isolating or at least prohibiting them to engage in such kind of work. Therefore all customers are subject to real danger of becoming infected, and consequently, there is also a danger that their innocent family members will become infected too.

WAYS OF BEING/GETTING INVOLVED

Recruitment of trafficking victims – experts’ opinion and victims’ stories

Currently one of the main ways of involving women in the prostitution business abroad is deception or promises. This is done through advertisements published in newspapers, which offer services to employ girls in foreign countries to work as nurses or do agricultural work. Upon arriving by themselves, or having been trafficked there, they find out that the work they had been offered is in reality prostitution.

Women who, prior to being taken away know that they are offered work as prostitutes abroad, are lured by high wages and the possibility to see the “wide world”.

It should be noted that various jobs abroad are offered and most often the offers are presented in a very convincing way. A small experiment was carried out within the framework of this project. One of researches, having pretended that she wanted to get employed, called different organizations according to advertisements published in the newspaper “Alio reklama”. In

most cases it was assured that the organization offering the job had licenses and guaranteed legality. Only in very rare cases was it acknowledged that the job was “semi-legal”. For a more concrete conversation, women had to present themselves personally. Sometimes it was already clear from the advertisement in the newspaper that something was wrong there: for example, in offering a job of a dancer abroad no special training or experience in dancing was required. Or the job offered was to “warm up” customers in bars. If a masseuse was offered a job and no experience was required, the question arises – what was she going to do there? And so on and so forth. However advertisements in the newspaper is not the only way to get into the trap of pimps or traffickers. A greater part of the girls find themselves in such a situation through their acquaintances, friends or even close relatives. And most victims say that they would never be deceived, if the offer to work abroad had come from someone they don’t know and don’t trust.

In general, there are two ways of recruiting women for the purpose of subsequent trafficking abroad:

- a) group recruitment
- b) individual recruitment

Group recruitment. In many cases, group recruitment is more or less a straightforward method, when women know or guess the real purpose of the trip. Sometimes recruitment is done under the cover of dance groups. Advertisements are published in the newspapers, however when inquiring about the job details, usually some hints regarding sex services, or regarding striptease is dropped. On arrival at the destination country most women are deprived of their passports, frequently raped by the traffickers and then forced to prostitute themselves.

In other cases, recruitment is organized using the cover of tourist firms, sometimes non-existent. In this case traffickers are searching for women who want to work as prostitutes abroad, form the group and move as if a group of tourists. As not to attract attention, especially when moving to a country known as a target for trafficking, women are asked to put on unfashionable dresses, glasses, etc. – i.e. to try to look as bad-looking as possible, as not to attract the attention of the border guards. When already at the destination – women are sold to bars, brothels, etc. And first of all must repay the debt for travel, clothes and also “their own price paid by the owner”. Their subsequent life depends a lot on fortune, i.e. who is the owner. According to many sources from different countries the worst owners are Albanians, Turks, Georgians and Arabs. Whereas those who work for ex-

Russians and Germans have a much better life, they are rarely beaten and can even earn quite a lot of money. On the other hand, there are cases, when the women, immediately after repaying their debt are resold to another brothel or the owner himself addresses the police and informs them about “illegal foreigners”.

In general, group recruitment is now becoming more and more risqué therefore is seldom used. Rather wide spread is individual recruitment.

Individual recruitment. Individual recruitment may be done on an accidental basis, or it may be targeted. In both cases women may or may not be informed about the real purpose of the trip, though officially offer sounds like “working as au-pair”, as a “house keeper, in the cleaning services”, etc.

In some cases recruitment is still organized using advertisements in newspapers, where non-existent firms offer non-existent work abroad. However, this type of recruitment is becoming less and less popular. Nowadays recruitment becomes more delicate and more personalised. Traffickers either search for women in desperate situations (Case 1) or young girls who may be cheated, especially from asocial families. Another way, traffickers try to “become friends” and only then offer a “good job abroad and only for you since they need a reliable person” (Case 2). In both cases the consequences are more or less similar.

Case 1.

Once I was going with a minivan. The driver was Russian, he began to talk to me. When he found out that I knew English, he told me that his mate could offer me a housemaid's job abroad. I gave him my telephone number. The next day some guy called me. We met near a shop, another guy came too. They explained to me how much I would earn. I was supposed to work for three months and earn 1000 DEM per month. I agreed. After two weeks (during that period of time a second girl was found) they took me from home. Some guys arrived with a small bus with bed on the top. They took us to Warsaw in Poland, one guy explained: “Stupid girls, what housemaids can you be. There are enough local housekeepers. You will have to make love.” Then they gave us bus tickets and put us on the Warsaw – Barcelona bus. They reminded us that they had paid 500 USD for each ticket. They also gave 100 USD to each of us.

Why did I not run away when I found out where I was going and for what kind of “job”? Well, I thought that I would trick them somehow and I would earn some money. You won't get any job in Lithuania. But afterwards I ran away because they did not pay me, just like the other girls, they just sold me. “Why do I have to work for them? I can work alone”, I thought.

Two Yugoslavians met us in Barcelona. They took us to their flat, which was 500 kilometres away. They bought us some clothes. We lived in the same club where we were working from 5 p.m. to 4 in the morning. There were 30 girls: 16 from Mexico, 8 from Russia and 4 from Lithuania. In January 2 Belarussians arrived. According to their story, they were trafficked to Lithuania first, only then were they sent to Spain.

If the client was not satisfied the girls were beaten severely. Once I was also beaten badly, but the next day had to go to “work” as usual. When a girl did something wrong, she was taken to a special flat for “educating”. One time the pimps took another girl and me. When my friend was locked in the other room, I snatched a few things and jumped through the window. I ran to the police department, which was not far from the flat. I began to cry and told a policeman how I was tricked: I was promised housemaid’s job, but I had to work as a prostitute. I can speak English, I have also learned Spanish a little bit so I could explain everything to them. They felt pity for me and drove me to Madrid in their own car. And from Madrid I came back to Lithuania.

Ingrida, 19 years old. Based on publication in daily “Lietuvos rytas”

Case 2.

I graduated from university, but could not find job relating to my speciality – pedagogue in physics-mathematics. I also have a secretary’s diploma. However only temporary unqualified jobs were available from time to time. Economic conditions were really bad and my parents could not support me. So for some time I was unemployed.

One day one my friends offered me a job in Germany. I knew him for some three years, he has a nice family, children. I did not suspect that he might deceive me in any way. Therefore I accepted his offer, more so than that, the offer was relating to my speciality, I was offered a job as a housekeeper on au pair, my supposed duties also included teaching children mathematics. I was told that the owners/ employers were very rich, therefore they did not want anyone from the street, and they needed a reliable person, who could also teach children. Therefore a promised salary of 2000 DEM per month did not seem unrealistic.

I’ve heard all these stories about trafficking, but even then it did not occur to me, that I would fall into that trap. I did not trust all these advertisements, I did not move with unknown people, I thought I knew where I myself was going and what I would be doing there. I moved to Germany together with my “friend”. On arrival four Albanians met us and my “friend” sold me for, I think, 1000 USD.

He took money and left me without saying a word. Later these Albanians explained that I was sold and I would have to work as a prostitute to repay the debt. Of course I opposed and wanted to leave, so they beat me so severely that only after ten days I recovered. During those ten days they kept me at their place and I was raped many times. I was alone and no one could help me. Afterwards they drove me to Rome and I was re-sold to other Albanians, who took me to some Italian provincial town and immediately onto the street. All the time they were watching how I

was working and took all my earnings. They only let me buy some clothes, so that I looked more attractive.

In general there are lots and lots of women working as prostitutes on the streets in Italy. And this was my life for 5.5 months: 9–10 hours on the street, working with a short skirt all over the winter. All this work is simply disgusting, anyone does with you what he wants, you are like a thing. I only have bad memories about the pimps, about this work. In fact there was also some Russian guy, who acted like a middleman, and according to me, he is the real boss, he is the most important. If I could go back to Germany, I think I would be able to find those Albanians. After that first time I was never beaten again, but they were threatening me constantly. Clients, no, they were quite nice, sympathetic.

The most interesting thing is that my mother knew that I was in Italy, but she thought I was working in a factory. Those Albanians even insisted on me calling home, so that my mother would not start searching me. They seemed to be really afraid of the police. But they threatened me and gave me instructions, what I should say – that everything is O.K., that I am working in a factory and would send her some money. Indeed they allowed me to send 1000 USD to my mother, that is approximately how much I could earn at the factory in two months. I myself, even though I was talking to my mother and could tell her the truth (I was talking in Lithuanian and those Albanians did not understand a word), I could not even imagine how to do this – it could be a deathblow to my mother. Therefore I lied according to instructions. Even now she doesn't know the truth and I hope she never will know.

In January I was detained by carabinieri and accommodated in the Illegal Migrants' Camp. I did not want to be deported (I wanted to return on my own, as not to close the door to all EU countries), so I pretended to be Russian from Moscow (Italians do not deport to Russia) and after keeping me for 30 days in that camp, they had to release me. I planned somehow to return to Lithuania. However, when I was released, the Albanians were already waiting for me and it all started from the beginning.

One day I heard that the pimps were intending to take another girl to the hospital. So in the morning I pretended to be asleep, and when everyone left, I snatched all my belongings and escaped – to the train station.

When I was in the Detention centre I got acquainted with one man, who later helped me a lot – it was he who called the NGO (in fact it was IOM Rome office), who provided protection, shelter, food, and a ticket home. I am very grateful that I could return home voluntarily, and was not deported. But now I am afraid that someone may find out what has happened to me, I am afraid of public opinion. On the other hand there are security problems – those Albanians promised to find me anywhere. Health problems, and so on, and so on. To sum up, this is something so awful, so horrible... Legalisation of prostitution? – no, never.

And it is very important that all women should know – do not trust anyone, even your best friend (only family members - maybe). For jobs abroad - only deal legal firms, only with job visa, with all legal documents. And do not go to Italy. Even if you want to work as a prostitute, you will never be allowed to earn – maybe

10 per cent. If you are threatened – do not oppose – they will beat you. Better be silent and pretend that you obey, - then it is easier to escape.

Now that I am back home, I don't know what my future is. Of course, I have dreams like from soap operas, but...

Marija, Lithuanian, 24-year-old, high education, plus secretary's diploma.

Involving women in prostitution: searching for local victims and "import" of girls from abroad

Inside the country the situation is quite similar - it is often friends who encourage girls to engage in prostitution. Girls who grew up in asocial families, in particular, and who have no strong foundation of real values in life, easily yield to the influence of their acquaintances. Prostitutes become kind of procuress to each other. After they share their money problems with acquaintances, the latter advises to go to the street/ station and earn some money, or suggests addresses of a certain agencies. As such advice is often given by their acquaintances, they take it.

There also exists another way, which can be called “taking advantage of the situation”. Young girls come to town from the country without any means; they spend the night at the railway station or on some staircase. After a few such days they are tempted by anything. Here pimps present themselves. Many prostitutes tell of similar stories themselves. For example, a girl went to the station, sat down on a bench. A man came up to her and asked if she would like to work for an agency. As there was no other option, she agreed and was immediately employed. However, this is only the mechanism of involvement, whereas the more urgent question is - why it works?

Stories told by women engaged in prostitution indicate that the routes of this phenomenon lay much deeper.

First of all it is necessary to stress that in many cases initial reasons lie still in the childhood, when young girls of 10-12-14 have their first sexual experience either because of the moral surrounding in which they are brought up or such behaviour is taken as a norm. Or, vice versa, young girls-children experience sexual violence against their will, after which it is not easy to recover.

Therefore in general, to start sexual intercourse at an early age is characteristic of women engaged in prostitution:

“I had my first intercourse in my childhood. I do not remember with whom”, “... I had it for the first time when I was 12”

Prostitutes do not remember much about the first intercourse, unless it was related to sexual violence. They look upon it as a natural thing and take it as a matter of course. Having such an attitude – prostitution seems a “normal job”.

Early sexual experience is related to severe shocks in life or the experienced sexual violence.

“My father was a drug addict, therefore we moved from one place to another quite often, my mother tried to hide that fact. Later my parents divorced. My father committed suicide, to be more exact, he overdosed on drugs. Then I went astray. I started playing truant, got acquainted with all kinds of riffraff and the like. Mother began to live with another man whom I disliked. I hated him. I was 15 years old when he raped me and even then he would not leave me alone”.

“When I was 13 years old my brother raped me, I suffered from nerves, and they took me to Naujoji Vilnia (hospital for people with mental problems). Then I went to the children’s care home. My foster-mother loved my brother dearly and always defended him, but she did not love me and she blamed me for everything”.

Reasons for trafficking/ polling into traffickers’ trap are more pragmatic. However the targets of pimps are also mainly vulnerable girls.

Conversations held with the women who were trafficked to Lithuania also show that pimps who recruit and traffic women to Lithuania make use of social insecurity of the women, their difficult economic conditions and promise them a better everyday life, as well as a job. Marina from Belarus:

“I was sold by a woman whose goods I was trading in. Earlier she used to go to Lithuania to bring the goods. She had acquaintances in Lithuania to whom she sold me. I do not know for how much. But I had to work for a very long time to repay it. Thus, I live half-starving once again. The only difference is now that it is in Lithuania. But again, no money. One has to pay for everything”.

Another woman who had been trafficked to Lithuania together with her friend, as they were promised employment here, tell of a similar story:

“In the summer of 1994 I went dancing to a discotheque with my friend. We got acquainted with two fellows from Lithuania. They suggested that we should go to Vilnius. They promised to find us a job as fashion models or secretaries. We

left that very same evening. We only dropped in at home to get our passports. This is how my friend and I found ourselves in Vilnius where we were sold for 100 US dollars to one of the agencies. Later we had to make up for that amount by working hard”.

It is difficult to say to what extent involvement in prostitution is, in fact, determined by economic living conditions. On the one hand, all the local prostitutes interviewed said they engaged in prostitution because they had no other source of income. They said that they started going “onto the streets” because they failed to find employment and they had to live somehow. On the other hand, speaking about the present time and the future they referred little to other possible alternative work. Prostitutes often dream of finding a husband who would take care of everything. One can suppose that prostitution “draws the girl into it” and they start thinking that this activity is also work.

“... I would not be able to do anything else. I cannot and do not want to live differently”.

There are cases when economic difficulties as the reason of prostitution sounded more convincing. One interviewed woman (33 years old), though she has been engaged in prostitution for a long time already, said she did not do that continuously. Sometimes she found a job:

“...I have already said, – not all the time. I do it when I need money. Then I find a job and do not go to the railway station. I do not need that. Do you think it is a pleasant occupation?!”

The comment provided by that woman on her business colleagues is quite interesting. Speaking about other prostitutes she notes:

“ Those who say that they cannot find a job are lazy, they simply do not want to work”.

This statement can be regarded as the substantiation of the earlier expressed idea that having started to engage in prostitution, one gets involved in it and many things are valued from a different point of view.

**Trafficking in women – According to the data presented by
the Missing Persons’ Families Support Centre
(one of the main Lithuanian NGOs dealing with trafficking issues)**

Since the very first days of its establishment the Centre focussed its main attention on the provision of concrete practical help for women, thus, social information about the women who appealed to the Centre was not systemati-

cally recorded. By the way, there were neither sufficient funds nor sufficient staff or adequate experience for documenting data of such a nature. Therefore only 52 files were taken for analysis. As these files have been compiled in a free non-standard form, they could be analysed on the level of general tendencies only. There is no sufficient data there to carry out an in-depth statistical analysis.

Having in mind the fact that none of the files contains complete data on all the issues being discussed, each time we shall indicate the number of women about which information related to the issue under discussion is available.

The file contains the most exhaustive information about the countries to which women have been trafficked and their age (table 8). Such information is available about 77 per cent of the women who were earlier trafficked and who managed to return in one or another way.

TABLE 8
AGE OF TRAFFICKING -VICTIMS AND THE COUNTRIES TO WHICH THEY HAVE BEEN FORCEFULLY TRAFFICKED

	Absolute number	Per cent
Age		
16 – 18	3	7.5
19 – 20	12	30.0
21 – 30	22	55.0
31 years of age and older	3	7.5
The total	40	100.0
Countries to which women have been trafficked		
Germany	22	55.0
Spain	7	17.5
Macedonia	4	10.0
Turkey	3	7.5
Israel	2	5.0
America	2	5.0
The total	40	100.0

Source: NGO “Missing Persons’ Families Support Centre” files

On the basis of this data, which is far from abundant, one may maintain that most often Lithuanian women are trafficked to Germany and Spain. One can guess that it is between these countries and Lithuania that an active network of criminal links formed and illegal trafficking started. As many as 10 women out of the 13, about whom information is available, indicated that they were

trafficked illegally. By the way, the data available is insufficient to draw conclusions about the manner in which women were trafficked: individually or in a group. Seven women out of the 14 known cases specified that they had been trafficked individually and other seven women said they had been trafficked in a group.

Judging from the information at our disposal, most often women fall into the trap of pimps through their **friends and acquaintances**. Restaurants, cafes and similar places, as well as the street, are not the main places where pimps look for and recruit their victims. From the data about 21 women, one can see that 67 per cent, or two-thirds of the women fell into the trap of pimps through their friends and acquaintances.

Most often pimps lure their victims into a trap by offering to help them find a job abroad. Out of the 25 women about who information is available, 18, or 72 per cent, were deceived namely in such a way. In fact, restaurants and cafes where people gather to relax and enjoy themselves, is not the best place to offer a job. An offer to help find a job made by a friend or an acquaintance sounds much more convincing and natural. Therefore, trusting women are cheated namely in this way.

Four out of the 22 women say they knew that they were going to work as prostitutes abroad. The main part, however, of the trafficked women (18) did not know about that. These figures, of course, are very scarce. However, they are interesting by the very fact that pimps succeed in persuading young women with higher secondary or education, to believe their promises in helping girls find a job. Only very few women were cornered while still in Lithuania, that is, they knew or suspected their future occupation prior to being trafficked.

On the basis of the information available one can draw the conclusion that traffickers most often see to it that the women being trafficked should have valid documents. All 22 women, about whom information of that kind was available, had documents: 20 of them had valid documents, and two of them had forged ones.

PROSTITUTION BUSINESS IN LITHUANIA

Openness/ closeness of the prostitution business. “Agencies”

One can judge about the spreading of prostitution by closeness/ openness of the places where these services are provided and by their abundance and accountability. Though prostitution is prohibited in Lithuania, judging by advertisements published in the newspapers about “massage relaxing the whole body”, services provided by prostitutes are quite easily accessible. It is true, the magic words “massage”, “escort”, etc. are often used in these advertisements, however, they are used in a very broad sense. A small experiment that we have carried out allows us to maintain that.

A telephone inquiry among escort/call-girl agencies was conducted to find out to what extent services of prostitutes were accessible, what services were provided and what women were engaged in this sex business

Having pretended to be customers, several phone calls were made to the advertisements in the newspapers to inquire about what services “relaxing erotic massages”, etc. were done. The advertisements were chosen at random from two newspapers “Lietuvos rytas” and “Kauno diena”. Two interviewers – males, made the calls. They called at about midnight and inquired about the services provided by the prostitutes in Vilnius and Kaunas. The number of telephone calls made totalled 17.

Telephone conversations showed that illegal brothels really abound in number and they function quite openly in our country. The contact was established during almost every telephone call when the desire to have a prostitute was expressed. Though the word “massage” was used in advertisements and sometimes with the postscript that “no intimate services were provided”, the person who answered the phone was not surprised at all and the conversation was very concrete.

Only two telephone calls ended in a failure. In one case a woman who answered the phone said that we had got the wrong number. She stated that she “understands what we are looking for and that it was the wrong place”. In the second case the woman who answered the phone asked if the customer had already made use of the services provided by the prostitutes in other places in Kaunas and angrily told him to go and make use of the earlier services. Several explanations of these two cases can be provided. In Lithuania there are sometimes situations when the owners having rented their flats do not know that their flats serve as “meeting places”. After the rent has been cancelled customers keep calling for some time. It might be that in

the second case the interviewer really got the wrong number or the owner / mediator suspected that this wasn't a "real client".

The supply of women-prostitutes is really abundant. In describing them, two groups of characteristics are used: 1) specifying their social demographic characteristics and their appearance and 2) specifying the sexual services they provide.

Main parameters mentioned are as follows: age, nationality, the colour of skin, height, the colour and length of hair, body proportions and the size of breasts. The portrait of prostitutes by their social demographic characteristics and appearance is really accurate. And, what is most important, according to the description of those who "offer" – the girls are pretty and the customer is sure to like them.

Prostitutes can be delivered to the customer's place or some other desirable place and the customers can be serviced at the "place provided". In case a prostitute is ordered to provide her services at the customer's place, the time within which she can be delivered is specified (20 minutes or so)

The customer is always informed that the girl will be provided with the necessary contraceptive devices. Or that the "place provided is tidy, safe and confidential". Upon inquiring during one interview whether the girls were healthy, the customer was assured that he would have safe sex.

When asked about the services provided by the prostitutes, in most cases it was emphasised that they "*do everything*", "*all kinds of sex is possible*". In this respect one case was quite interesting. The interviewer, having heard during one of the conversations about "Mexican" sex, inquired at another agency if he could have it. The answer was that the telephone girl herself did not know what kind of sex it was but their girls "*do absolutely everything*".

In most cases though, it was said that having bought a girl for one hour or another time, the customer had the right to do whatever he wanted except for anal sex. However, even in that case it was often added that should the customer insist on it, it was possible to get it, provided that he paid extra.

Prices are the most interesting part of the conversation. Though the level of prices, one can say, is similar, some fluctuations do exist depending on the agency. Besides, there are plenty of different discounts and bonuses to the

general price. At the moment the most general price is 100 Litas. No lower price for a girl from “agency” was mentioned over the telephone.

Fluctuations of prices can be as follows:

- If the customer arrives to the prostitute’s place, the price fluctuates from 100 to 150 Litas for the first hour with 100 Litas for every following hour. If a prostitute is delivered to the customer’s place (another place), the price of the first hour is 100-140 Litas (if 30 minutes – 70 Litas). This is the price of one prostitute per customer. By the way, the price of the first hour depending on whether the customer comes to the prostitute’s place or the other way round might be quite different at different agencies: some agencies charge more when a prostitute is delivered to a customer’s place, other agencies – when a customer arrives at the prostitute’s place. One may suppose that this depends on the place that the agency has at its disposal.
- If two prostitutes are ordered at a time, the price is 200 Litas for the first hour and every following hour is 100 Litas. In other places considerably lower prices were indicated: one hour one - 120 Litas, and in case of two a 20 Litas discount plus taxi expenses.
- Prices according to different types of sex are as follows: oral sex - 60 Litas; Mexican - 40 Litas; petting - 50 Litas.

People answering the telephone calls are an important element of the prostitute supply chain. Both women and men answer the telephone. However, in most cases so-called “operators” “telephonists” are women who, in the opinion of the interviewers, and judging by their voices, are young women. They provide information only and fulfil the function of controllers. During one of the interviews, with the conversation having become somewhat longer, the interviewer tried to find out if she herself would not agree to come to his place, and she refused categorically saying that she did not engage in that.

“I do not sleep with customers. My work is to answer the telephone calls and that is all”.

“Telephonists“ do their best to be very polite and pleasant and give answers even to the most unexpected and awkward questions. They are extremely patient: during one of the interviews efforts were made to talk as long as possible taking interest in the minute details and inquiring about them, and the so-called operator patiently carried on the conversation. On the other hand, they know very well what they can speak about and what they are supposed to tell. When the interviewer tried to find out the number of prostitutes working for the agency, the ways in which they were found and recruited, the

name of the owner of the agency, the operator politely refused to provide this kind of information and, on the whole, she refused to speak about such matters saying “I do not know”, “I am sorry, I cannot say that”.

Locals engaged in prostitution: life situations

The way of life. 10 local prostitutes were interviewed, which have worked “on the street” or serviced truck drivers. Earlier some of them used to work for agencies. Many of them took drugs or have tried or taken them before.

Apart from drugs, theft and conviction is a constituent part of prostitutes’ life. It should be noted that speaking about theft cases, prostitutes present them as insignificant, minute, “undeserved”, minor and petty offences for which they were punished. They avoid speaking about the severity of punishments.

“There finally comes a time when you start to steal”, “then I stole something, and was sentenced to 4.5 years of imprisonment. Spent 2.5 years in Panevėžys prison”. “I started shoplifting. They caught me – I did not steal much then ... a packet of Jacobs coffee and something else. I was sentenced to four years imprisonment. I served the sentence in Panevėžys prison”.

Drinking alcohol is also a usual thing in the life of prostitutes. They drink often and heavily, in the company of “friends”:

“Oh! I love it. There were cases when I got blind drunk. Then I would fall down, and get a good sleep. It is for some two weeks now that I haven’t touched a glass. I drink at home. Friends, acquaintances come ...”. “I love liqueur. Neighbours gather, my brother-in-law comes – then we have “booze-ups”, “I had a “torpedo” sewn up inside me”.

It was, however, pointed out that when the girls “work” they try not to drink or “*just a little*”.

It is common for prostitutes to have men, who they support, using their jargon “gigolos”. Well, during conversations they were most often called “friends”, “husband”. Such supported men are often changed, but at the moment of speaking they were always referred to as “my boy”, “my fellow”. Prostitutes are ready to fulfil all their desires and wishes and speak about them with pride and satisfaction. “*I have a boyfriend now...*” They take the fact that those men do not work and are supported by them as a matter-of-course

thing and do not complain about it. The fact that the man has more than one woman is of small significance either:

“I got acquainted with a friend and we lived together for about a year. He had a cohabitant with children from earlier times, so he migrated – now with me now with her”.

Prostitutes do not tell their newly found “friends” about their occupation and they are sure that the men do not know about what they are engaged in.

“At the moment I live together with my cohabitant, ... we rent a flat. He does not know that I engage in prostitution. I hide everything”.

The women try to hide this fact from their acquaintances too:

“Once I walked around the railway station, waiting for client. All of a sudden one of my acquaintances appeared and said: “Hello, what are you doing here?” – “Well, I am looking for a job”, I answered. “Here? At the railway station? Then I answered: “No, here I am only waiting for a bus”.

In general, most prostitutes would like to conceal their occupation from friends and relatives. Most of all they are afraid that mothers can find out how they are earning their living. Therefore, even if saying that prostitution is a “normal” job, in their heart they despise that occupation and their way of life.

Customers. When asked about the customers, the trafficking victims usually gave the following answers: “there were many different kinds of customers, and many things happened”. It is obvious that all the prostitutes experienced the sneers of the customers and violence of one or another kind. On the other hand, prostitutes especially those who agree to do this job voluntarily take violence as an unavoidable part of their profession: “*We ourselves chose such a profession*”. Besides, they say that one must know how to extricate oneself from different situations, how to be clever, then everything will be easier. Misbehaviour of clients is evaluated as a “professional risk” (more about customers – see further).

Prices of services. The prostitutes interviewed mentioned very different prices that were paid for their service. But it is clear that street prostitution is much lower paid, as a rule, younger prostitutes mentioned higher payments, whereas older prostitutes spoke about really low prices. The appearance also plays an important role here – better-looking prostitutes earn more than those who have worse looks.

“Customers pay differently. Some give 10 Litas, others – 20 Litas”. “Oral sex is 30 Litas now, whereas ordinary sex is 50 Litas. Earlier I received 150-200 Litas”, “50 Litas per hour, though earlier we were paid more”.

There is one more characteristic: whether a prostitute is a novice in that activity or already has some experience: “the beginners are cheaper, those who have been engaged in that occupation for a longer period are more expensive”.

“Prices” of prostitutes have obviously been on the decrease recently:

“Earlier petting was 80 Litas and ordinary sex – 100 Litas. Now you can get 20 Litas and 50 Litas, respectively”.

Some prostitutes are convinced that the cut in prices has been caused by the fact that today more and more prostitutes start taking drugs:

“It is those drug addicts that have brought down the prices. They would make love for a couple of Litas. And then nobody would pay us, the normal girls, more”.

Competition. There does exist fierce competition among the prostitutes. Different measures are taken to overcome it:

“...Of course, competition exists. We know each other quite well. When a novice appears, we try to drive her away. Though they stay all the same. There is competition. I heard that sometimes they even come to blows”; “Well, it’s a cut-throat competition! All places have been distributed. Sometimes I come and find a novice and immediately I make short work of her. Everyone wants to survive. Once I was ousted too, beaten by the abettors of one prostitute. The next day I took my brother together with my abettors and they thrashed her so much that nobody dared to touch me again”.

Some prostitutes say that they

“are on their own, work individually”: “I never walk in a crowd, I like to do everything individually”,

however, they must fight for that “individuality”, must protect it and naturally they cannot help making their relations clear with each other.

“It goes without saying that there are cases when we have a fight. I am strong, others are scared of me”.

One can say that this type of prostitute has a negative attitude to making their business legal. They recognise that they are “of an inferior quality”, for whom there will be no room, they will never become accepted:

“...Nonsense! There is nothing good here. Girls like us are not needed there”.

Those who take drugs, in particular, emphasise that their situation will surely get worse:

“it is too late for me. I shall never give up taking drugs. ...I don't know if it is going to be all right”.

They see danger for themselves even in the legalisation of gambling:

“There will be a casino there. I heard that they would have their own prostitutes. Our situation will become much worse”.

Relations with the police. At one time or another all the prostitutes inevitably had something to do with the police. As has already been mentioned, many of them were caught stealing. They were also detained and punished for engaging in prostitution.

“I was arrested on the street several times”, “... I have been there hundreds of times. I was detained for days and nights, and paid fines”.

Sometimes the prostitutes pay the fines that are imposed on them, however, in most cases they do not, saying that they have no money to pay them:

“They imposed a fine of 360 Litas. I did not pay it. I have no money”. “Recently they imposed a fine again. I did not pay. They can't do anything to me!”

Fines do not frighten them, they are used to them. They do not even get indignant, as if they understood that it is the duty of the police to check and arrest them. And they carry on with their “work”. Of course, in the case of cross border trafficking the situation is different.

TRAFFICKING TO LITHUANIA - ASSESSMENT FROM INSIDE

Women trafficked to Lithuania: assessment of themselves and their business

Eleven women engaged in prostitution, who came to Lithuania from neighbouring countries, were interviewed. This analysis will focus on such issues as in what way and why they came to Lithuania, as well as on the peculiarities of their business.

All of them are currently single, three are divorced and the others never married. Some women interviewed have their own children who were left in their native country. Grandparents bring them up.

Ways of arriving in Lithuania and the documents. Not all interviewed girls were smuggled to Lithuania. Some of them came on their own though, ongoing, not always legally. Those who come on their own legally are in the minority, though such cases do exist:

“I have a visa. I open it for three months. Now perhaps I shall receive a visa for a year”. “While in Belarus I made a passport with visas and everything, but then overstayed...”

However, most come illegally:

“...we came on foot through the forest. Then we hitchhiked to Vilnius”. “From Belarus one can cross the state border on foot. We go by car as far as the state border. We cross the border and the posts on foot. Then we walk onto the road and by hitchhiking we travel further. Sometimes we meet men who help us and give us a lift. Only we have to repay it later”.

Trafficked women also enter Lithuania both ways - either after their documents had been put in order by the trafficking people or illegally, without any documents:

“the man who trafficked me did everything. We crossed the state border at night. I had a visa and a passport”; “We crossed the state border without any documents. By car. However, it was in 1998. I have already forgotten all the details. I did not have a Belarussian passport. I had an old soviet passport”.

Some trafficked women are in Lithuania for the first time, some have stayed already for quite a long time: two of them have been in Lithuania since 1997, one - since 1998, one - since 2000. One has been to Lithuania several times, however,

“...if you have in mind engaging in prostitution – then it is my first time“.

Other prostitutes came to Lithuania a long time ago, have been deported several times already, however but, they somehow managed to return again:

“I can say I have been in Lithuania since 1994. I have been deported many times. Was imprisoned in Lukiškio prison for illegally crossing the state border. Also in Pabradė. But I always returned. How? On foot”; “I have been in Lithuania illegally since 1992. Have been deported three times. However, I always come back through the forest. Nobody helped me“.

To tell the truth they are not afraid of deportations, they are convinced, that in any case will manage to return. Sometimes you have to pay. 300-400 Litas

is paid to those who help to cross the state border. If a passport is needed the price is, around 1,000 Litas.

“Work“ conditions. Trafficked women start “work” at agencies, they are provided with a place to live and they are made to service customers without delay.

“I was being trafficked straight to the agency, so I was given everything at once, where to live and for whom to work”. “I was brought directly to the flat. And immediately started work. I went to the customer’s place”.

Those who arrive on their own find agencies by themselves:

“I arrived and I bought the newspaper “Alio reklama”. I called and they sent for me. This is how I found my first agency”.

And it is not difficult to find an agency:

“I arrived and settled down. This is quite simple. He who wants always finds”.

One can settle down without the help of agencies, through customers:

“I made a man’s acquaintance. He helps me a lot. He rented the flat in which I live. He pays for it”.

Having started work for agencies, later the prostitutes are often resold:

“At the beginning – during some 2-3 years I was sold from one agency to another”. “When you are in this business, you can be resold at any time. If you misbehave they will sell you into a firm, where you will never be allowed to go out even for a short while, like in prison”.

If prostitutes start using drugs they are simply kicked out and then they become “street” prostitutes.

The way of life. Using drugs is quite a common phenomenon among prostitutes, though these two things may not necessarily be related. It should also be pointed out that prostitutes-immigrants that have been interviewed started taking drugs later, after they had begun to engage in prostitution. Some of them say that it was prostitution that made their lives so ugly and encouraged them to take drugs:

“This exhausting work took my best friend’s life away. And it put me on drugs too”.

According to the trafficked women-prostitutes-immigrants interviewed, they do not communicate with one another, they do not like to speak about them-

selves with other prostitutes; everyone takes care of themselves.. As they live in Lithuania illegally they are afraid of being reported to the police:

“... we are afraid. Many of us work – gather information – for the police. Therefore we trust nobody”.

However, many of them think that earlier the number of prostitutes who came from abroad was bigger, whereas recently it has decreased. It is decreasing

“because it has become more difficult to enter the country”,

and besides

“now even local prostitutes have nothing against such an occupation”, “now there are a lot of local prostitutes”.

Experts also indicate, that local prostitutes try to push out immigrants. However, the situation is different in closed agencies – Lots of illegal women come from Russia and Belarus to work there, especially in private firms. They come to Lithuania for different purposes, but when getting involved in prostitution there is no way out:

”the pimps take their passports and check every step. Only if one does not have clients – the pimps could then kick her out, but it never happens”.

Pimps. Most prostitutes speak very little and unwillingly about pimps, though during the conversation many nuisances in their relations have been revealed. Usual answer is:

“I’d rather say nothing about that”, “I prefer not to speak about them...” etc.

However, at the same time it is always emphasised their broad relations and possibilities

“there are always guys who will traffic you to any part of the world within two days”.

In the opinion of prostitutes-immigrants, they have few possibilities to work independently, without any pimps:

“It is impossible to work independently. They will catch you. They will make it hard for you. I saw them punish young girls. Well, I myself used to get from them too”.

Only very sly and cunning prostitutes can behave like that. Once they get into the hands of pimps, they have difficulties in extricating themselves. Firstly, because their documents are taken away, secondly, they are almost always indebted to their bosses. If smuggled through the state border – they have to

repay for it; they are provided with living space – again, pay large amounts for the premises and public utilities; ... get out of trouble with the police – again repay. In this way victims fall into such debts, which they are unable ever to repay.

It should be noted that though prostitutes say that they are saving up, in principle, most of them are extravagant, they do not know how to save and have never saved anything:

“I failed to save any money during a period of five years”. According to the prostitutes, “Our work demands large expenses”.

They spend as much as they earn – on clothes and other things, and do not save for a rainy day.

In the conviction of the prostitutes their ranks are enlarged with new volunteers, however, they are “organized”

“there are people, mostly men, who spot girls in bars, restaurants and offer them a job. They see to whom they can offer a job, they traffic anybody by force. However, they earn a lot from us”.

When asked if, in their opinion, there were women in Lithuania who were trafficked by force to work as prostitutes, the interviewed women answered that they had only heard of such cases, however, they did not believe that. In their opinion, everyone knew what kind of job they were supposed to do:

“By force? I don’t know. How can this be done by force? I don’t think so. You are offered a job and at once told what you will have to do”.

And even if it is true for most of trafficking cases, but not for all physical force is rarely used, but deception is all around (Box 3).

Box 3

Irina, aged 27, born in a provincial town in Russia (not the Kaliningrad district), single, has a child.

"In our town there are no jobs. Even if I have one, I cannot survive to support my son and my mother. At first I moved to Moscow, there I worked unofficially, illegally. My job was to search for clients for my boss's shop. Sometimes earnings were quite good, I could even send some money home. However other times – nothing, sometimes for two weeks nothing. I needed something more solid, a permanent job. So I found an advertisement, something like: "Employment in Sweden, domestic workers are needed". I called the agency and was told that since Russian citizens need a visa to visit Sweden, it would be better to move through Lithuania. The travel agency provided a Lithuania visa (for 70 USD, since I needed it urgently) and I boarded a train. In Lithuania other people met me, took me to some kind of hostel or motel, then to some flat. Nobody talked about Sweden any more. Those who met me at the station afterwards sold me for 200 USD to some new guy and then I was told that I would have to repay everything – dwelling, food, everything. They took my passport and money. At first they simply locked me up and did not ask me to do anything. Later I understood that they were simply searching for the best place to resell me. I think that those who bring you to Lithuania and those who afterwards force you to work as prostitutes – are two different groups of people. I.e. those who recruit women in Russia, they are only responsible for travel. I heard that they are also involved in smuggling of gold and cigarettes, not only women. To my understanding lots and lots of women are trafficked by this firm, but I can only speak for Russia alone. Directions are different – Lithuania, Italy (prostitution, striptease). But Italians only require very nice and young ladies. There are cases, when it is suggested that you take a "job" in Turkey or Italy, but traffickers take you to Dagestan and resell in the mountains. I wonder if anyone ever returns from there.

I personally "worked" in the agency. Pimps would call and say when and how long I have to do. They also provided drivers. Besides, it was driver, who paid afterwards (never the clients) a fixed price – 40 litas. As far as I know the clients pay 150 litas. And on this money I had to live and repay debts.

Luckily I worked only for one week, and then was detained by the police. Since I did not have a passport, the police would deport me. The only thing I am afraid of – is if someone in my native town and especially mother may find out what happened to me.

(From the conversation it became clear that, even though she is a real victim, she will never ever give evidence at home or in any other way speak the public about what had happened to her and not because she is afraid, rather because she is ashamed).

Prices. Prostitutes-immigrants who work for agencies earn more than do the prostitutes working on the street.

“I earn from 50 Litas to 1,000 Litas per day. However, there are days when I earn nothing“.

However, a large amount of money goes to pimps and others:

“At our agency the order costs 100 or 120 Litas. Half of this amount goes to the owner, 20 or 15 Litas – to the telephonist. You have to pay for the flat, for public utilities, for advertisements”. “The order is 100 Litas, the night – 400 Litas. Half this amount goes to the pimp. We live on what remains”. “My rate is high. 200 Litas per hour or 300 USD for the night – however such cases are rare“.

Customers. First of all it is necessary to stress, that when speaking about trafficking problems with experts - customers are usually never mentioned at all. There are problems with traffickers, with pimps, with girls - voluntary prostitutes or trafficking victims, but never the client. As if they are not an integral part of the whole process, as if it is not them who create demand. Customer’s responsibility for buying a person is not on the agenda, not discussed even between NGO’s and feminist activists (with very sole exceptions). Trafficking victims, they also do not see the problem in such a way: they can blame pimps, traffickers, clients’ bad behaviour, etc., but never the fact of buying a person/woman as such.

On the other hand, women engaged in the prostitution business gave quite a broad characteristic view about who their customers are and their behaviour. According to local prostitutes interviewed, customers are very different:

“I had all kinds of them – respectable, solid, lame, and what not!” “All, all kinds!”

Some prostitutes said they had regular customers:

“I do not have to look for them, I have regular customers. However, sometimes I go to hook”.

Prostitutes often suffer from customers’ violence: they are raped, beaten jeered at.

“I had a concussion of the brain about nine times. Some customers beat you so hard that you are happy to remain alive. There are all sorts of bastards among solid and respectable customers as well. They do not treat you as a human being. Once I had a narrow escape just because I told my client that I breastfed a child. Should you meet a mentally deranged man he would beat the living day lights out of you!” “I had customers who beat. Once I was taken out of town, to some allotment. There were lots of men there. They jeered at me, raped, and beat me black and blue. Then let me go in the morning. They took away the clothes that were better and told me to dress in torn ones”.

There are prostitutes who say that nobody beats them or, to be more exact, they succeed in avoiding that:

“They don’t beat me. Others say that they get thrashed. Once I was taken to a hotel. At some point the customer lifted his hand and said that I was a prostitute was about to be hit. I explained to him that if it were not for us he would have to pay the agency 100-150 Litas, however, he get the same for 50 Litas. “Don’t you think it is better when we are around?” - I asked him. He did not beat me”.

Prostitutes never feel safe:

“...You never feel safe. You get into a car and never know what is going to happen to you, where you will be taken, what they are going to do to you, whether they are going to pay you”.

Different things happen to them: they are beaten, they are not paid for their services:

“It sometimes so happens that the price has been agreed upon, however, after making love they say “Thank you. It was fine and that’s all”. It does not happen to me often. Maybe two or three times: I went to client and was not paid”.

According to the prostitutes, younger customers are the cruellest, whereas older ones are kinder:

“I do not go with young customers. I am simply afraid. The older ones are not so cruel”. “I do business only with old men, I am afraid of young men. Young men are angry, they can beat you”. “I love old men more. Well, those who are 40 and over 40. They are kind. They even feed you. Sometimes they even give you a drink. It is easier to work with them”. Young men are more cruel and worse. “I am afraid only of the minors. They are extremely cruel and brutal. Especially when they get drunk or smell of all kinds of drugs. I am also afraid of bandits – those who belong to gangs.”

Prostitutes say about customers-Lithuanians the following: are

“ kind, handsome, ...I like it here in Lithuania”, “Lithuanians are good men, however, they are stingy. They can bargain over 10 Litas”.

Wealthier men are more popular among the prostitutes.

“I prefer the new Russians. They do not grudge money”

Another favourite category of customer is foreigners. Again, this is so because they pay more.

In the opinion of the prostitutes, “business” conditions in Lithuania have deteriorated.

“You won’t earn much in Lithuania. Men have become impoverished. Sometimes they ask us, prostitutes, for a cigarette”.

However, in general, the attitude towards customers is rather positive and the more the customer pays, the better he is. In this way, the very fact of trading in human beings becomes not so important. The attitude, that it is the customer with his money who creates the demand, and subsequently creates trafficking problems is not yet on the agenda, and most probably will not be dominant in the foreseeable future. Trafficking remains mainly the women's problem.

Relations with the police. According to the prostitutes-immigrants, they often get into the range of vision of the police and fall into their hands:

“They catch us, hunt for us”; “It is impossible to count how many times it happened. Both the prison, a solitary confinement cell, and the custody, and Pabradė prison... Many a time. I have been deported several times. I have been arrested. I have been in prison for illegal persons”.

In the opinion of prostitutes, the arrested ones sometimes manage to avoid deportation and free themselves from the police by paying a ransom:

“I paid a ransom, to be more exact, the owner paid it”; “They know that it is impossible to draw money from us. Sometimes we even have to move our legs apart. Like that”.

It is difficult to say to what extent it is practised and whether it is possible to fully believe the prostitutes' words, however, one may suppose that, unfortunately, such cases do occur.

The prostitutes-immigrants interviewed would like prostitution to be legalised, contrary to what the local prostitutes want. One of the arguments is that it is widespread and time has come to legalise it.

“There are so many of us. Something must be done”; “It is already time. Though everything does exist in any case. Brothels, parlours, flats. Everything is in place, except for the law”.

The main reason of such an attitude is the desire that relations with the police should be changed: on the one hand it would not be necessary to hide from the police, which is of paramount importance to the prostitutes-immigrants. Strange, but none of them seem to realise, that even if legalised it will not be open for illegal foreigners. On the other hand – they would not have to pay a tribute to the police.

“Things would become easier for women. They will not have to be scared of the police”, “We are sick and tired of the police. Of paying them”, “We could work quietly. We pay the police more than we do to our pimps”.

Visions. Desires and dreams of the prostitutes are focused on their wish to be successfully married, to have a loving and well-earning husband, children and a nice home.

“A husband, children, a little house in a warm country on the seashore. And me, loving and being loved”; “I would like to have a family. A husband and children ...”; “I want to marry and have a family”.

It should be noted that only one interviewed prostitute referred to an alternative job:

“Of course, I would like to have a profession, a job. A husband, children, a house”.

Some trafficked women dream of starting their own business, maybe a small trading firm.

There are gloomy views of the future either, even in those cases where the prostitutes speak about their dreams. A prostitute who takes drugs says:

“What future can a drug addict have?! Either death caused by blood poisoning or an overdose of drugs”.

The best reminiscences of the prostitutes are related to their customers. Usually they remember those customers who treated them well, gave them expensive presents, took them to resort places with them:

“I had one customer who gave me a fur-coat, and used to take me to Nida. I will always remember him with a kind feeling”; “That customer was from Latvia. He treated me especially well. He felt sorry for me”; “Once a customer took me to Palanga with him. We spent two days there. It was wonderful! I simply fell in love with him. However, he is a very important man. It will not work out with him. However, those were very happy days”.

Piquant episodes are also attributed to positive impressions: “Well, it is really funny when wives find us. Once I was caught by a wife right on top of the customer. Nothing tragic, we drank a bottle of vodka with her in the kitchen afterwards”.

The most unpleasant reminiscences again are related to the customers:

“When you fall into the hands of drunk bandits, one orders you. Upon arrival you find ten of them there. They all make use of you in a row, and then jeer at you. It goes without saying that they do not pay you. They can only make you drunk”. “I was beaten by brigadiers, I do not know what for; I sat with handcuffs on in the cellar for three days and nights. They beat and raped me”. “My friend died from drugs. She was beautiful. I found her in the bath. It was horrible”.

The prostitutes can tell plenty of similar stories. They remember the bad things more than good ones.

Some of the interviewed prostitutes-immigrants dream of the future in their native country:

“perhaps I shall go home. I want to get married and have a family”.

However, it is quite seldom that their native countries and close relatives living there occupy the dreams of the prostitutes-immigrants.

WAYS OF ASSISTANCE AND HELP

Main trends in the activity of non-governmental organizations are of a preventive nature: education, information and consulting of the public, as well as real assistance provided to women-victims and those who engage in prostitution. However, so far this assistance has been very limited and has been accessible only in Vilnius and it is clearly insufficient.

Firstly, this is assistance by telephone. Several telephone help lines for women operate in the country when women can call should a problem arise. Trafficking victims, as a rule, know little or nothing about such telephone lines.

Secondly, dissemination of relevant information. Most information is not directly linked to trafficking problems, rather in one or another way related to it. For example, the Women’s Information Centre collected information about missing women and girls. This information has been forwarded out to consular missions and embassies of different countries and various women organizations in other countries. There are cases, though unfortunately only single ones, when concrete assistance was provided. The case with Oksana was widely publicised in the country. She was trafficked by force to Israel and was made to become a prostitute there. After her case had been made public, the Women’s Information Centre helped her return home.

The Women’s Consulting Centre collected information about where a woman can appeal and receive assistance when she is forced to engage in prostitution or when similar problems arise. It published a brochure, which contains telephone numbers of the institutions, which can provide help:

- AIDS anonymous centre

- Vilnius Narcologic Centre
- Vilnius Youth line
- Consultation by Vilnius psychologists over the telephone
- Kaunas Psychological Assistance
- Klaipėda telephone of comfort

Also, this Centre together with the Polish organization “The Centre of Women’s Progress” and representatives from France carry out the project “Work over the telephone: a new opportunity for women”.

On 24 September 1998 associations of advisers to the residents of Lithuania with its central office in Vilnius was established. Advisory offices were opened in Anykšėiai, Elektrėnai, Marijampolė, Pasvalys, Ėirvintos and Prienai. These organizations provide information for women about human rights, duties and possibilities.

Third - practical assistance for trafficking victims. The Missing Persons’ Families Support Centre within the framework of its financial resources available, organizes practical assistance to the women who managed to escape from being forced to engage in prostitution abroad: a shelter, food and some other foods are provided. Also, the Centre has published several brochures containing warning information – “You might be one of them” and encouraging to appeal for assistance, if need be. The Centre has published 60,000 brochures. However, according to the head of the Centre, the activity of the Centre is limited by a shortage of funds, human resources are also scarce.

Fourth – assistance in the sphere of health. The Social Disease Centre “Demetra” under the AIDS Centre of Lithuania provides all kinds of assistance for trafficking victims, as well as women prostitutes working mainly on the street. Currently the programme aimed at reducing the harm done by LPI, HIV and AIDS to risk groups is being carried out: condoms, sterile syringes and needles, as well as consultations are provided. Once a week a physician-gynaecologist works at “Demetra” for two hours. However, this is the only such centre in all of Lithuania.

According to the physician-gynaecologist working at “Demetra”, street prostitutes often do not have a permanent place of residence, they do not only work on the street but they also live on the street. They are deprived even of

the most elementary conditions – they have no place where they can wash or have a bath. A shower is installed in the Centre. There the prostitutes are taught the basics of hygiene and safe sex. Their health is also examined. About 92 per cent of the prostitutes who have visited “Demetra” for the first time were infected with different venereal diseases. After they were treated at “Demetra” incidence within that area decreased by 40 per cent. This fact clearly shows that problems of prostitution, forced prostitution, in particular, and health are closely related and in the future a much greater attention should be paid to health problems.

Currently work at “Demetra” Centre is organized in groups. The following groups have been distinguished: drug addicts, prostitutes-drug addicts, also, the fact of whether they work with a large number of partners and they often change partners, was taken into consideration. There is also a preparatory group at the Children’s Care Home. Since it is quite often that girls of 12-13 years of age begin to engage in prostitution, dangers of prostitution, its harm to health and personality, etc. are discussed when working in this group.

The Social Disease Centre “Demetra” at its own expense carries out social studies of its contingent. Basic information is collected by filling in a questionnaire containing 43 questions. The Social Disease Centre “Demetra” also distributes brochures: “A Talk about Condoms with the Partner”, “Should the Condom Slip off or Get Torn”, “Hepatitis B” and others.

The employees of “Demetra” communicate with the prostitutes in a humane and sympathetic way. Different events are organized, gifts at Christmas and other occasions are given. Efforts are made to help women rather than moralise them. The prostitutes go there like it’s their own home, to find what every human being needs. They trust the Centre and are not afraid of being reported to the police.

In the opinion of a consultant working at “Demetra”, people who come to the Centre need someone to talk to, they need a shoulder to cry on, as nobody cares for them elsewhere. What do they want to talk about? Do they want to tell that they have escaped prison and that they have been beaten and that it still hurts? Sometimes they stand, say something or try to explain. They are simply waiting for attention, for sympathy. On the initiative of the employees, AIDA, the association of women and their relatives affected by HIV/AIDS, has been established, whose objective, apart from other goals, is to help women feel that they are not completely isolated and left alone with their problems.

Fifthly – publications, educational activity. Since 1999 the non-governmental organization “Praeities pėdos” has taken part in the project devoted to the problems of prostitution. In 1999 the book “Trading in Women” was published. A new book summarising studies of prostitution in Lithuania, which should be published this year, is under preparation. Due to this organization the film “Girls” has been shot. A campaign to visit all the districts of Lithuania and hold discussions and show the film at schools is being planned.

Another form of activity is addressing these problems at scientific conferences. For example, on 18 November 2000, on the initiative of the Women’s Union of Lithuania, with the support of Ebert Fund in Germany, the conference “Threats of Prostitution” was organized in which a lot of burning and urgent issues were discussed, i.e. a prostitute – a victim of a criminal, prostitution and organized crime, prostitution of minors and the criminal world, prostitution and health, etc.

Sixthly – cooperation between non-governmental organizations and a network creation. Thus far cooperation of the non-governmental organization has been inactive and the network creation is making its first steps and needs further strengthening. Cooperation with foreign partners could open up wider possibilities. Non-governmental organizations take part in various international projects and programs. For example, the Social Disease Centre “Demetra” takes part in the international programme “Tamtep”, in the joint Lithuanian-Polish project “Tada” and others.

EFFECTIVENESS OF COMBATING AGAINST TRADING IN WOMEN AND TRAFFICKING AND STRENGTHENING ASSISTANCE TO VICTIMS

Experts acknowledge that current methods, which are used both to fight against trading in women and their trafficking and to provide assistance to women/ victims are not sufficiently effective. The results are far from excellent.

In experts’ opinion, the following directions to combat trafficking in women could be distinguished

- 1) Prevention of trafficking in women through a wide-scale information campaign.

- 2) Social assistance to trafficking victims, as well as women who are already involved in the prostitution business, strengthening of relevant NGOs
- 3) Severe punishment for pimps and traffickers, including economic sanctions
- 4) Increasing the responsibility of the customer as a participant in prostitution
- 5) Strengthening of morals and implementation of the true human values in the society through education and training.
- 6) Forming the public opinion of intolerance to violence against a woman and trafficking in particular.

Rendering the ways of fight more effective

Pimps, traffickers have to be punished. Fight of the police and other structures against pimps must be made more active. The firm opinion of punishment for such an activity must be formed. Then victims will have more courage and will not be afraid to give evidence. And the pimps will realise that they will be subject to punishment for such an activity. Consequently, repressive measures against pimps and traffickers must be made stricter.

Strengthening protection of the state borders. Should a prostitute be caught, she must be deported and measures should be taken to assure that she is not able to come back. Protection of state borders should be similar to that in Europe.

A preventive activity against violence on the whole and sexual violence, in particular, should be developed. Prevention of sexual traumas in childhood must be especially activated. It is necessary to bar the way to sexual violence in families and elsewhere.

It is necessary to draw attention to the fact that when speaking about prostitution, customers are absolutely ignored. The customer is as if a saint, the prostitute even a victim of trafficking is responsible for everything. The second part of that deal – a male is left aside altogether. If a man wishes to have sex without a condom, he pays some extra Litas and gets it. He does not care about anything else. The problem of sex is understood in a distorted way. The fight is waged only against women, whereas men are left intact.

An individual activity of different institutions and organizations should be co-

ordinated seeking to make it systematic. It is important to achieve a closer cooperation between non-governmental and governmental organizations, it is necessary to create and strengthen the network of non-governmental organizations.

Fight against prostitution, as well as trading in women and their trafficking must be arranged on a governmental level. It is necessary to adopt the Government's programme to fight against prostitution and trafficking in women as soon as possible.

Strengthening of assistance to women

Legal, social, moral and medical assistance to trafficking victims who get into the trap of trafficking in women by force must be assured and coordinated. It is necessary to overcome a currently prevailing attitude that "women are to blame themselves", "it serves them right. For what did they move abroad?" etc. Special training for social employees of all levels is necessary, training and assistance to the non-governmental organizations, which encounter trafficking victims in their practical activity. Much greater attention must be devoted to the resolution of health problems by making them easily accessible and by increasing social security.

On the other hand, it is necessary to improve the fight against pimps and traffickers – punishments must be made more severe and perpetrators must be punished.

A wider and more versatile social assistance to women is needed. It is especially important to disseminate information in all possible ways about where and how women who encountered trafficking problems can appeal for help and receive it. Such information must be available at the state border, in airports, in labour exchanges and other public places.

It is important to strengthen educational work aimed at dispelling myths about prostitution, as well as about prostitution in foreign countries. At present quite a favourable and tolerant opinion prevails in the society. A young person, even a student, sees neither evil nor danger in prostitution.

One can see that prostitution actively makes its way into the public life. The idea is entertained that striptease and prostitutes are a natural attraction of the event. For example, in describing the bikers' holiday, it was announced in

the press that the Prime Minister had arrived at the holiday and that a surprise awaited the bikers – the “the red lights” street. In two rooms of a small house several prostitutes, for money, were ready to satisfy carnal desires of those who were willing (Lietuvos rytas, 7 May 2001, page 1,3). The representatives of the authorities, who participated in that activity, showed no response.

Educational work among young people, as well as in individual risk groups, must be developed.

Different posts of assistance must be established. Health and social assistance centres similar to that of “Demetra” are necessary. They are especially necessary in Klaipėda, Kaunas and Panevėžys. They would provide all kinds of assistance to women involved in prostitution. At least small premises with a shower and a social worker are necessary, where women could receive condoms, and, what is most important, where women are not afraid to come. Since free medical assistance is provided at such centres, they are often the only public institutions that pimps permit their victims to visit.

Special courses where women are taught to turn over a new leaf in life, to struggle for their life, to respect themselves should be organized. On the other hand, it is necessary to provide assistance to trading and trafficking victims who try to resume a normal way of life after the experienced stresses. It is not only a shelter and comfort that such people need; they need encouragement and restoration of self-respect.

CONCLUSIONS

Trafficking in women is one of the most recent problems that Lithuania faced after the re-establishment of independence. The fact that women are trafficked from Lithuania to other countries, mostly to highly developed Western countries to engage in prostitution makes this problem especially acute. Also, women from neighbouring countries are trafficked to Lithuania to engage in prostitution here. There are international networks covering different activities, ranging from the involvement of women in prostitution, various sex services within “institutionalised” places to trafficking them abroad and insertion into the local system of sex services. A separate kind of “business” has formed in Lithuania – the sex industry, groups of people have appeared, who organize and make a profit out of this “business”. And at the centre of this

industry is a woman who becomes a sex “employee” for one or another reason.

In Lithuania prostitution is forbidden - the industry of “providing pleasure” functions on an illegal basis. This makes it difficult to assess both the level of the development of the local sex industry and present volumes and dynamics of trafficking in women. One can judge these things from indirect sources of information only (cases against prostitutes, data on missing persons, data on deportations, etc.), and one can sooner speak about tendencies rather than accurate data. For example, according to experts from the Police Department Organized Crime Investigation board, a drastic increase in the number of administrative cases against prostitutes in 1997 could be accounted for by police activity and a great number of special operations in 1997, whereas a subsequent decrease was probably caused by the reorganization of the police and the reduction of the relevant police staff. This means that the dynamics of cases against prostitutes does not correlate with the real prostitution dynamics. The data about trafficking victims is not exact either because the majority of women who manage to break away from the traffickers do not report to the police.

Though some prostitutes work in the local sex market individually, they do not abound in numbers. Women working as prostitutes at clandestine agencies or brothels constitute the main part of all the prostitution business. Both local prostitutes and prostitutes immigrants from neighbouring countries work at different agencies, which hide behind such names as “massage”, “soft massage”, “escort services”, etc. It is quite easy to receive information about prostitutes and the services that they render if you call the telephone number given in advertisements published in the main dailies. Street prostitutes who are regarded as the lowest class prostitutes constitute another part of the sex providing industry. And on the contrary, there are so-called prostitutes of the “highest category” working at hotels and bars. They usually work with a small number of customers.

From the social demographic point of view the contingency of prostitutes is very mixed: Lithuanians, Russians, Poles, Belarussians, Ukrainians, etc., married and single, with different educations and from different backgrounds. As to the age, mostly young women, with few exceptions, dominate. The underage also work as prostitutes, however, it is very difficult to receive information about their engagement in this business. The greatest numbers of prostitutes-immigrants are from neighbouring Belarus, Russia and the Kaliningrad region, etc.

Prostitutes often come to Lithuania from neighbouring countries in a legal way with visas issued for a long or short period, and as a rule, overstay. Some of them return to Lithuania again, even after having been deported. Prostitutes often want to get back to Lithuania because it is also regarded as a transit country. Here they look for ways of how to move for “work” to Western countries. In addition to voluntary migration (for the purpose of prostitution), there also exists trafficking of Belarussian and Russian women through Lithuania. Contacts that had been established as long ago as in the soviet times serve these purposes.

Friends and acquaintances are an important institution of trafficking in women and prostitution. Encouraged by friends, girls make up their minds to go onto the street, with a friend’s advice it is easier for them to apply to the agency or pimps. Traffickers also find it easier to lure friends. Advice of a “friend”/ acquaintance is often a deciding factor for naïve and gullible girls to start the life of a prostitute.

Prostitutes, street prostitutes in particular, account for their engagement in prostitution by difficult economic conditions and unemployment. In the opinion of experts, causes of prostitution are not always of an economic nature alone. Sexual violence and compulsion experienced in childhood cripple still immature girls both physically and morally and often push them towards prostitution. Use of alcohol, to which children in dysfunctional families get accustomed to at an early age, is also an important contributory factor. Prostitution is closely related to drug addiction. Prostitutes often start taking drugs (“otherwise it is not possible to work”), and, visa versa, drug addicts become prostitutes (Otherwise it is not possible to get money for drugs).

As a rule, prostitutes from Lithuania want to move to Western countries to continue their “work” there due to higher payment. Relatively better conditions in Lithuania are often listed among the reasons on account of which why prostitutes from neighbouring Belarus and Russia arrive in Lithuania. By the way, according to experts, as well as the street prostitutes interviewed, the number of prostitutes-immigrants in Lithuania has been on the decrease recently. This is accounted for by strengthening of control at the state borders of Lithuania, as well as the increase in the number of local prostitutes and, consequently, the growing competition between local prostitutes and prostitutes-immigrants.

On the contrary, according to experts, trafficking in women from Lithuania, which is organized by criminal structures, is on the increase. As volumes can be assessed from indirect data only, an ever-growing number of missing people, including women/young girls, as well as the increasing number of deported citizens of Lithuania partly testify to that. The latter data is more informative because the detained women-prostitutes are usually deported. However, it is only in a very general way that one can judge what part among the deported individual women – trafficking victims constitute.

Germany and the United Kingdom are the main countries from which currently the greatest numbers of Lithuanian inhabitants, including women, are deported. In the opinion of experts, Germany, the United Kingdom, France, Sweden and Spain are the main countries to which the flow of trafficking in women is directed at present. The directions during recent years have changed. Earlier women were usually trafficked to Israel, Greece, United Arab Emirates and Turkey. Currently, some countries, e.g. Germany, also serve as transit countries, where victims from Lithuania are resold to brothel owners from other, mainly southern countries - Italy, Spain, Turkey, etc.

At present trafficking in women abroad to work as prostitutes is often disguised as a job offer. With the level of unemployment being so high, traffickers manage to tempt women by promises of high payment in well-developed foreign countries. It is only after they arrive in those countries or on their way that the women learn about the real work of prostitutes abroad. However, then the women are already in the trap of traffickers. There are also cases when some women start “to sense” the nature of work before leaving, however, they hope to break away from the traffickers upon arrival in a foreign country. If they do succeed and manage to come back, such women avoid reporting to the police and suffer in silence because of their carelessness and credulity. They avoid reporting to the police for another reason too – thus far none of the traffickers has been punished. All of the detained traffickers managed to clear themselves.

Principle trends of the fight against prostitution and trafficking in women for the purpose of prostitution, on the one hand, is to strengthen control of the state borders of Lithuania and bring criminal action against the traffickers and the organizers of the provision of illegal sex services, and on the other hand – to provide support to women-trafficking victims, as well as to women who are involved in prostitution here in Lithuania.

Currently discussions about legalising prostitution liven up then peter out in Lithuania. On the one hand, the legalisation of prostitution might solve the problem of the prostitutes' health and reduce the incidence of sexually transmitted diseases and decrease the number of cases of rape of women. But on the other hand, the status quo of prostitution is recognised: it is said that this would allow control of sex services and would enable to direct the income from the illegal business of prostitution to the state budget. Controversial arguments are presented in the polemics and the discussion continues. In the opinion of many experts, the legalisation of prostitution would not resolve problems or, having resolved some of them, would give rise to others.

Non-governmental organizations in Lithuania provide some support to women in accordance with the nature of their activity. Certain assistance to women-trafficking victims is provided, consultations and medical aid is offered to women-prostitutes, few research projects have been carried out, conferences are organized, etc. However, it is obvious that their activity is insufficiently coordinated, their economic base is weak, and the possibilities of support are faint.

Lithuanian society is poorly informed and is not really concerned about either trafficking of women, the spread of prostitution or about the consequences of the existing situation. In many cases these processes seem to be taking place somewhere with somebody, it is not realized that they might affect every family, and very soon can come close to each member of the society. The formation of public opinion, intolerance to the people engaged in trafficking in other individuals – women in the present case – is urgent and important without any doubt. It should also be mentioned that when speaking about prostitution, its other side, that is the customer, is usually ignored on the whole.

Experts give a very controversial assessment of the role of the mass media. On the one hand, it is condemned for the creation of the image of a “long-legged, pretty, young” prostitute who is sure to meet a customer-millionaire who falls in love with her and with whom she has a happy family life. On the other hand, a very important role of the mass media is recognised in providing information to the public about prostitution, trafficking in women and tragic and crippled lives of the women who found themselves at the hands of traffickers. Recently TV programmes, radio broadcasts and the press teem with descriptions of concrete cases, however, the analysis of the mass media shows that serious analytical in-depth scientific studies investigating prostitution as a social phenomenon and the problem of trafficking in women in detail are still lacking.

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LIST OF EXPERTS

A. Women's organizations, NGOs:

- 1) Dr. Giedrė Purvaneckienė – Chairwoman of the Women's Information Centre's Board, Lithuanian Seimas
- 2) Ona Gustienė – Head of Missing persons' Families Support Centre (NGO)
- 3) Dalia Marcinkevičienė – Head of Vilnius University Gender Studies Centre; former head of NGO "Praeities Pėdos" (until September 1, 2000)
- 4) N.Steponkutė – Head of Women's Consultation Centre; Chairwoman of the Board of Lithuanian People Advisers' Union

B. Reception Centres, Crisis Centres/Shelters:

- 5) Nijole Diršienė – Director of Women Crisis Centre
- 6) Marija Zablockytė – Deputy director of Women Crisis Centre
- 7) Alfredas Nezabitauskas – Deputy director of Rukla Refugee Reception Centre
- 8) Algimantas Varnelis – Director of Pabradė Foreigners Registration Centre
- 9) Renata Kuleš – Chief of Investigation Department of Pabradė Foreigners Registration Centre

C. Health institutions – AIDS Centre:

- 10) Saulius Ėaplinskas – Director of AIDS Centre
- 11) S. Kulšis – Head of Social Diseases consulting-room "Demetra" under AIDS Centre
- 12) R. Jaračiūnienė – gynaecologist of Social Diseases consulting-room "Demetra" under AIDS Centre
- 13) Janina Kulšienė – consultant of Social Diseases consulting-room "Demetra" under AIDS Centre

D. Migration Department:

- 14) Antanas Turėinas – Chief of the Aliens Affairs Division
- 15) Irina Kuranova – Chief specialist of the Aliens Affairs Division

E. Border Police Department:

- 16) D. Bortkevičienė – Chief specialist of the Border Guard service

- 17) Ramunė Kazakauskienė – Chief specialist of Border guard service
- 18) Vaidas Druktenis – Chief specialist of the Operational Service

F. Vilnius Airport Border guards:

- 19) Gintautas Zinkevičius – Chief of airport Border guards
- 20) Auðra Valaitienė – Chief of the shift, airport border guards
- 21) Žygimantas Jakonis – Operational service, Vilnius airport

G. Police Department:

- 22) Vytautas Giržadas – Commissar of Organized Crime Investigation Service, Criminal unification Investigation Board
- 23) Zenonas Albertynas – Commissar-inspector of Organized Crime Investigation Service, Criminal unification Investigation Board

H. Ministry of Interior:

- 24) Rimas Pukanasis – Chief, Public Security Department

I. Experts from Foreign Embassies residing in Lithuania

- 25) Rudiger Richter - Police Attaché of German Embassy in Lithuania
- 26) Jorn Lunde Haugard - Detective Chief Superintendent, Police attaché, Embassy of Kingdom of Denmark
- 27) Stephen Norman Tarry - Deputy head of Mission and HM Consul of the United Kingdom of Great Britain and Northern Ireland Embassy in Lithuania

J. Consular Department of the Ministry of Foreign Affairs, Consuls working/ worked abroad:

- 28) A. Žurauskas – Director of Consular department, Ministry of Foreign Affairs
- 29) Jolita Buėytė – Consular information and analysis division, Consular Department, Ministry of Foreign Affairs
- 30) Dalia Uppalienė – Second Secretary of Consular Assistance Division, Consular Department, Ministry of Foreign Affairs
- 31) Antanas Muralis – Consular Assistance division
- 32) Vytas Veliėka – Lithuanian consul in Poland
- 33) Kėstutis Lanėinskas – former Lithuanian consul in Israel, currently working as Commissar for International Cooperation service, Police Department

**QUESTIONNAIRE/ INTERVIEW GUIDELINES FOR
INTERVIEWING GIRLS
(PROSTITUTES AND TRAFFICKING VICTIMS)**

1. Age
2. Place of birth
3. Family of parents
4. Education
5. Profession, work in home country
6. Religion
7. Nationality
8. Your own family
9. Living and other conditions in home country
10. What were you doing in your country (status of employment, salary)
11. Why did you depart from your country (were you trafficked)?
12. Why did you come to Lithuania?
13. How did you depart (itinerary, documents, information, transport, payment, visas)? Did somebody help? How?
14. How long have you been in Lithuania?
15. Did you have information about Lithuania, about this job?
16. What are you doing/ did in Lithuania? How did you “get” into this job? If there were elements of compulsion?

- 17. Are many women coming illegally? From which countries? How are they arriving most frequently?**
- 18. Do any intermediaries exist? If yes, what are their functions? (are they the same, who helped you to enter the country, or others?)**
- 19. Relations/ connections with:**
- Police
 - NGO (which?)
 - Health institutions
- 20. Working/ living conditions in Lithuania:**
- Payment
 - How colleagues, clients, police treated you?
 - Where and how you worked: in firms or independently?
- 21. Why you came namely to Lithuania (but not to Germany or other country)?**
- 22. Where and how were you detained? (how long did you stay in Lithuania before being detained?)**
- 23. Return to your country: do you want to return, or are you afraid? Do you expect some problems in your home country?**
- 24. What are you planning to do after your return?**
- 25. What would you like to do? Why are you unsuccessful in your wishes/dreams?**
- 26. Are there many women who come (or are trafficked) for prostitution? More “foreigners” or local?**
- 27. What do you think about the legalisation of prostitution?**
- 28. Is it possible to be engaged into prostitution independently, without intermediaries?**
- 29. Are there any advantages of this profession? Do you have any nice recollections or episodes from your job?**

30. What are your most terrible recollections, episodes?

31. What should other girls - potential victims - know?

- **Those, who would like to be engaged in prostitution?**
- **Those who were trafficked by force or fraud (do such girls exist in Lithuania)?**

32. How do you see your future?

CONCLUSIONS

The insights that resulted from this research project, covering both sociological and legal dimensions of the phenomena, offer a comprehensive and systematic picture of trafficking in women in the Baltic States, and suggest some practical measures that would contribute to effective prevention. The sociological reports, in particular, provide a multi-dimensional analysis of the societal and historical developments and of the impact of these trends on the increase of prostitution and trafficking in women in the Baltic States since the early 1990s. The legal research departs from the overview of the international human rights law and the *acquis communautaire* related to counter-trafficking measures, moving to the analysis of relevant empirical developments in the Baltic States and identifying remaining legal gaps.

As well demonstrated, prostitution is no way identical to trafficking in women, although these two areas overlap in many ways. Insights into the dynamics of prostitution in the Baltic States are useful for understanding trafficking in women in the region. Both stem from the same social reality and economic hardship that many women have experienced and still do in the Baltic States and elsewhere.

Long lasting efforts are needed in attempt to improve women's position in the labour markets in the Baltic region, with a special attention on education at all levels and on the labour market integration of ethnic minorities in these countries. IOM, in particular, has organised courses for Russian women in Estonia, in order to improve their competitiveness in the labour market, but much more remains to be done. Regardless the views that the governments take on prostitution - prohibitionist or more tolerant - such measures are needed to prevent women's propensity to prostitute themselves or to fall victims to traffickers. The analysis of empirical developments in the Baltic States suggests that the authorities need more information and training in order to develop

sufficient administrative capacity in dealing with prostitution and related more damaging phenomena, first of all, trafficking in women.

As far as the status of prostitution in the Baltic States is concerned, the research offers clear picture of the state of play, provoking suggestions about main gaps and ways how national administrative capacity could be strengthened. In Estonia, prostitution appears to be neither illegal nor legal in practice, and perhaps a clearer stance will be needed in order to have a longer-term strategy how to manage it properly and prevent it from degenerating into trafficking and other more dangerous manifestations. In Latvia, a regulationist approach is used where prostitutes are required a health card. However, statistics cast some doubts to what extent this approach works in practice: out of estimated 10,000 or so prostitutes in the country, only about 200 such cards have been issued. In Lithuania prostitution is illegal, although not a criminal but rather an administrative offence.

Trafficking in women is a multi-faceted phenomenon with implications to human rights and migration law violations, gender issues, globalisation, labour markets, social policy, societal stability, prostitution, crime prevention and health concerns. Dealing with such a complex issue requires clear definitions and conceptual clarity both in research and in practical action.

The Baltic States have been developing their counter-trafficking national legislation taking into account relevant provisions of international law and the evolving *acquis* in this area. However, as it comes clear from the results of the research, much more remains to be done in this area. In Estonia, currently there are no provisions against trafficking in persons in the legislation, but actions deemed trafficking related offences are partly covered by legislation criminalizing smuggling of persons, belonging to a criminal organisation, taking hostages, illegal deprivation of liberty, rape and buggery, and other related criminal activities. In spite of confirmed trafficking cases, the Estonian police has not investigated any cases. Both Latvia and Lithuania have criminal laws addressing trafficking but some time will be needed to see whether they can lead to successful prosecution wherever appropriate.

From the legal perspective, a number of recommendations for further measures in the Baltic States can be drawn from the legal reports. These measures include further need for legal approximation with the relevant international and European norms, including the newly evolving *acquis*; protection and permit arrangements to support counter-trafficking prosecution,

instead of penalisation and expulsion of victims; voluntary assisted return, with reasonable flexibility in the duration of permits

It has been well demonstrated by the Baltic States' EU accession preparations that only legal approximation and the adoption of relevant legal norms is not sufficient. More is needed: sufficient administrative and law enforcement capacity that ensures that legal provisions are implemented in practice. In this respect, the research identifies and suggests a number of areas that would benefit the prevention of trafficking in women in the Baltic States. In particular, need to keep official statistics on trafficking with effective information search and exchange facilities exists, and this is an issue that will have to be further addressed by the Baltic states in the framework of creating and elaborating their migration-related registers. In addition, the creation of specialised police units, with specialised expertise relevant to trafficking and prostitution, appears to be needed. Finally, the trans-border nature of trafficking in women and related crime suggests that these challenges cannot be effectively managed by unilateral national efforts: effective coordination and cooperation between national authorities, and across borders in the region is needed, including promoting enhanced working contacts between law enforcement officials and embassies. In practical terms, this raises the need of targeted training and study visits provided for staff in embassies, for police and judiciary, especially in dealing with the victims of trafficking. These appear to be areas where continued co-operation and mutual support is needed among national authorities, NGOs and international organisations.

Finally, the multi-faceted nature of trafficking in women suggests that, besides damaging implications to the state, trafficking threatens individuals and societies, thus preventive measures cannot be regarded as sole responsibility of authorities. The role of civil society is crucial, especially as far as the rehabilitation of trafficking victims is concerned, which raises the need of developing and empowering national NGOs, as well as promoting and enhancing their links with trafficking-related NGOs in the new enlarging Europe. Another key measure that involves the civil society is the prevention of trafficking through information campaigns, in order to raise the public's awareness about the dangers of trafficking, and promote educated responses. In particular, the targeting of the information campaign is important, in order to make sure that the message reaches the most vulnerable and high-risk part of society.

This is a big work that remains to be done, a work that has already been started by the joint efforts of the Baltic States and the international community. Challenging as it may be, it is indispensable and, when carried out, will strengthen the Baltic States' European values as well as their place in the enlarging EU in the foreseeable future. In particular, enhanced cooperation with EU member states, especially Nordic ones, is needed, also attracting international organisations that have a proven record of technical cooperation delivery in the Baltic region.