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Leslie Holmes (Ed.), *Trafficking and Human Rights: European and Asia-Pacific Perspectives*. Edward Elgar: Cheltenham, UK and Northampton, MA, USA, 2010; 244pp. Hardback ISBN 978-1-848-159-0. £69.95. Reviewed by Antonia Young.

The current volume brings together most of the papers read at the conference ‘Sex ‘n’ Drugs and Shifty Roles’ held at the Contemporary Europe Research Centre, at the University of Melbourne in December 2006, along with two additional papers.

Although there was a Dutch anti-trafficking law as early as 1911 and several of the 30 articles of the 1948 UN Universal Declaration of Human Rights relate to human trafficking, trafficking as a criminal activity has only been legally recognized for a little over a single decade. The Palermo Protocol (addressing this situation) dates from 2000, but did not enter into force until the end of 2003. Of the 155 countries surveyed by the UN, 57 had no specific legislation criminalizing trafficking in persons by November 2008. This may be due in part to the fact that trafficked persons, for several reasons, are in no position to notify authorities. Furthermore, as the editor notes, ‘finance capital enjoys more “rights” than people do’.

The situation of the trafficked person is always of dubious legality from the start of negotiations. Even where trafficked persons enter the situation willingly, or have even sought it out, it is usual that traffickers take advantage of their superior position once the journey places the trafficked person under their control. Even a willing trafficked person is unlikely to know their rights, and in any case would not want to bring attention to their own possibly illegal actions. Factors that emerge worldwide as contributing to women’s vulnerability to exploitation are a lack of education and legal status combined with poverty and difficult home situations. Another factor common to the less developed countries discussed, is their very limited functioning legal systems. There is a contradiction between states and international organizations; commitment to gender equality and their actual policies and practices.

Holmes notes that one of the reasons that trafficking has increased so much in recent years is due to the ‘borderless world’ since the fall of Communism in Europe. Secondly, the massive increase in sex tourism in Asia has had a great impact. Approximately 55% of the world’s trafficked persons are working in the Asia-Pacific region. Criminal gangs have found that they are less likely to fall foul of the law in

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trading in people than in drugs and weapons, and furthermore, where prostitution is concerned, they are able to continue making money from their 'merchandise'. In addition, the supply of women seeking work and opportunities is limitless.

In her chapter on people smuggling and human trafficking around Eastern and Central Europe, Holmes describes three stages in trafficking. These are: acquisition of the traffickee, transportation and exploitation. She uses 13 tables to analyse public perceptions and attitudes towards people smuggling, noting that more empathy was expressed by those in positions of security and that the better educated are able to view the situation more objectively. She attributes the increased volume of trafficking, the ethical vacuum and desperate economic situation to the opening up of so many borders following the fall of Communism and the war in Yugoslavia, causing widespread poverty and despair. Holmes also notes the undermining of religious ethics which, despite repression, had not been abolished under Communism. Lawmakers in all countries could not keep up with the vast scope of change, allowing loopholes for exploitation by criminals. Holmes refers to a 1997 Russian survey of tenth-grade schoolgirls and found that 70 percent wanted to become prostitutes to earn hard currency. She also shows that criminalizing the use of prostitutes can have negative repercussions. She also discusses how victims of trafficking (VoTs) can be doubly, trebly and even quadruply victimized.

Zbigniew Lasocik provides a chapter on human trafficking in the EU and member states, focusing particularly on Poland. He distinguishes eight forms of human trafficking, and considers the fine line between people smuggling and human trafficking, showing that a person willingly being smuggled, may easily be forced to become the latter. He gives an estimated average annual profit generated by trafficked forced labour globally as US\$32 billion. Lasocik discusses popular perceptions about trafficking and human rights, and asserts that schools should face the problem with prophylactic programmes on these issues especially to counteract the 'commercialisation of evil' as he labels the distortion of media on the subjects. The media focuses on saleable lurid stories, sometimes even naming those involved often leaving the subjects unable to escape through anonymity. Although the Convention for the Suppression of the Trafficking in Persons and of Exploitation of the Prostitution of Others was ratified in Poland in 1952, there was little follow up until

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well into the 1990s or even until the Council Framework Decision of 19th July 2002 on Combating Trafficking in Human Beings.

Sanja Milivojevic and Marie Segrave discuss responses to sex trafficking in terms of gender. They note that there are three key areas of concern in anti-trafficking: prevention, prosecution and protection. The authors' concern is with protection rather than prosecution as it is related to the trafficked person. They focus on the 2006 World Cup event which took place in Germany, for which there were some very extreme predictions of how many women were likely to be trafficked in for the event (they found 46 newspaper articles on the topic). This is the background for discussion of the moral panic and the abolitionist agenda. The authors counteract this with discussion of how the situation could have been better handled had the authorities had more concern for the women themselves, and legalizing and thus managing numbers to be involved in prostitution, rather than policing the sex workers and stopping migration. They state that 'the danger of being trafficked and/or exploited has been utilised as a tool effectively to restrict women's mobility and agency, whether in preventing women from travelling or returning them "home"'. This was effected by imposing visa restrictions for non-EU women. As it turned out, the predicted scare was unfounded. The question is raised as to whether, repatriation of trafficking victims (VoT) (following Section 9 of the Palermo Protocol), is necessarily in the best interest of the VoTs. It may rather be a convenience for the expelling country. There is a case study concerning repatriation between Australia and Thailand. The use of the word 'repatriation' is preferred to 'deportation', and there are attempts at reintegration assistance. In conclusion, the authors note the gendered nature of the approach where VoTs are always 'first and foremost, positioned as "other"'; they challenge the logic of making repatriation the final stage in the restoration of order, a situation which may ignore the fact that return may bring the VoTs back to their original place of exploitation. The inequality of border regulation regimes needs to be addressed.

Assertions that peacekeeping forces worldwide (usually paid a higher than usual wage) have increased human trafficking to satisfy their needs are addressed in Olivera Simić's chapter which focuses mainly on peacekeeping forces in Bosnia and Kosovo. Such activity is facilitated by the fact that these forces are given relative immunity for crimes committed during their service. Additionally, each country

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providing peacekeepers has its own code of conduct and disciplinary procedures to which it is difficult to adhere when they are no longer in their own country. The UN responses to media reports of trafficking in BiH and Kosovo took effect from 2001 with their 'Trafficking Project'. The first Office of Gender Affairs was established in Kosovo in 1999 by the Department of Peacekeeping Operations with the intention of assisting victims of sexual violence as well as delivering training to police and officials. By 2004, the UN denied the existence of any criminal case of trafficking of the peacekeeping forces. Furthermore there was a reluctance to investigate allegations.

Stephanie Schwandner-Sievers' chapter discusses the wide range of barriers faced by women trafficked from Albania into the UK. Dr. Schwandner-Sievers is well placed to comment on the situation, having spent years working with Albanians and heading Expert Witness teams on asylum appeal cases and carrying out research in Albania into the situation that deportees face. Dr. Schwandner-Sievers observed that returned asylum seekers are highly likely to follow repeat trafficking patterns and that there is now an increased risk of internal trafficking of these returnees. She also found that older returnees 'both willingly and voluntarily' would re-engage in prostitution (raising the question of whether there really is any free choice for women in such socioculturally restrictive circumstances). Common to most of the accounts in this book, it is no exception to find that the true number of women and men involved or at risk are completely unknown, given that most returnees would try their utmost to avoid identification for a variety of reasons. They all fear falling prey to corrupt police officers and to the government and NGO policies of reuniting them with their families (on whom they have already placed extreme shame). The alternative of placement in one of very few Shelters is both controlling and at the same time stigmatizing and an attraction to potential traffickers. The author notes that although police sources claimed a sharp decrease in trafficking in 2007, NGOs suspected the true situation is hidden. That is backed up by the USAID 2008 Report, and others, that border police referrals were only fully recorded when there were observers clearly in evidence. The Poppy Project in London (which shelters trafficked women pending their appeals), noted that Albanian women are among the majority national groups that they assist. Of these women, over 11% had been trafficked twice, and over 9% three or more times. The Albanian government has taken the situation seriously and

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has worked on a strategy to address the situation. However, implementation of the strategy is seriously lacking, and corruption still prevails at all levels,

Trafficked persons are victims not only of criminal gangs, but also of untrustworthy officials who should be helping them. Another problem with the law as it stands is that trafficked persons are too often treated as criminals, whereas the traffickers have more influence and may bribe their way out of culpability. VoTs can only expect assistance if they will denounce their traffickers; that in turn places them and their families at great risk. There is a Catch-22 situation concerning witness protection: for someone to ask for this they have to prove they are in danger, but the time involved in doing this opens them to greater risk. At the same time, lack of media control can also place the VoT at greater risk. Even the most notorious trafficking ‘Durrës’ or ‘Lul Berisha’ gang managed to evade prosecution for several years due to corruption, and has not received the punishment it deserved. Concerning the shelters, there is only one which is government funded, others depend on donor funding. The object of all Shelters is to see their clients satisfactorily placed in employment. However they have found placement extremely difficult due to extreme stigmatization. Such stigmatization is attached even to single women who do not have the support of family, and particularly at least one male relative who can prove her virtue.

Sweden’s anti-trafficking pioneering regime is seen by some to be thoroughly enlightened, but by others to raise further issues. In 1998 Sweden criminalized the purchase (rather than the sale) of sexual services, thus shifting criminal liability away from prostitutes and trafficked victims of sexual slavery to the purchasers of sex. This is Sweden’s attempt, priding itself on equality between the sexes, to address a manifestation of the power imbalance between men and women. Kevin Leong outlines and analyses the laws and points out that an attempt is made to emphasize trafficked persons as victims of crime, rather than as illegal immigrants. In demonstrating and that these people have rights to social support and assistance, the author quotes the international definition of trafficking, noting that consent is irrelevant where recruitment has been through the threat of force, abduction fraud or deception. Leong finds some difficulty in assessing the success of Sweden’s laws on trafficking particularly as it is hard to acquire evidence for convictions, and also challenging for prostitutes who are not trafficked, to make a living when they cannot

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be seen to have clients. Swedish prostitutes also can only have fragmented support networks and poor access to health care.

Using the situation of Laos and Cambodia, Susan Kneebone and Julie Debeljak analyse attempts to combat transnational crime in the Greater Mekong Sub-region of six countries and administrative regions (GMS). Here in particular a map would be especially helpful.

The authors note that, common to most other countries with trafficking problems, the GMS legal responses until the late 1990s were focused primarily on criminal justice and anti-immigration. They describe the changing situation of Thailand first as a labour-exporting country in the 1970s, reversing in the 1990s to a worker reception country; this was at a time that Cambodia and Lao were opening up, and migration was unregulated. Alongside this was the rise of sex tourism in Thailand, and by the end of the 1990 concern for the situation gave rise to the Association of South East Asian Nations Declaration on Transnational Crime.

Several studies resulted in the recognition of the connection between trafficking and labour migration policies. One study suggested that 200–300,000 women are trafficked into Thailand annually for sexual exploitation. Lao is mainly a country of origin for trafficking, and a transit country en route from China to Thailand. Cambodia, with its turbulent recent history and rapid change from a rigid Communist regime, has left a large proportion of its 14 million inhabitants in poverty and lacking in education, both factors contributing to vulnerability for exploitation.

Women are trafficked to Taiwan for false marriages; children to Vietnam and Thailand to beg. Once trafficked they are forced to work long hours for little or no pay, they are also exposed to other risks: rape, drug use and debt bondage. The cult of virgin sex results, one interviewee reportedly suggested, in 30–40 percent of parents selling their children for sex. There are currently several organizations addressing these serious situations by both legal and criminal justice means. In Lao the 2004 Law on Women's Development and Protection (applying only to trafficking in women and children), provides not only 15 years' imprisonment penalty for the trafficker, but also civil rights and remedies for the victims. However, as in most countries, it is hard to apply the laws. Also there remains a grave lack of public awareness of both the meaning and criminality of trafficking issues. Additionally, it is frequently difficult to obtain the co-operation of victims (as other authors also describe pertaining to other

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countries). Cambodia suffers a further complication of having too many anti-trafficking organizations (seven) resulting in legal confusion.

Sallie Yea's chapter results from spending a month, resident, with her own baby, in a Philippine Shelter for trafficked women, several with their babies or children. The facility provided a 2-year rehabilitation programme. The Philippines has prolific prostitution districts, many concentrated around US and Philippine military bases, ports and tourist areas, with estimations of between 8,000 and 10,000 prostitutes (around 40% of them under 18) in Cebu City alone. The author names as many as ten different manifestations of prostitution, the most exploitative being *casas*, which are closed houses usually containing young women who have had their freedom removed. Yea notes that sex trafficking is only one of the four internationally recognised forms of human trafficking. Among those with whom she lived she had a chance to talk through such options as legal prostitution (a position rejected by anti-prostitution and abolitionist feminists), as a situation which allows for improved conditions for prostitutes. Out of such debates three strands emerge: agency versus victimhood; structure versus agency; and innocence versus guilt. Yea follows up with discussion of these strands.

Yea, whose husband is from the region, was able to gain special insight for her study with particular interest in the residents' negotiations of post-trafficking futures. She interviewed 28 programme participants between the ages of 13–29, noting that approximately 15% left without permission, and another 15% left with permission before completing the programme. In follow-up interviews it became evident that these VoTs, all of whom expressed a desire not to return to prostitution, nevertheless found for various reasons that it was the only possible way to earn a living. Several failed to overcome drug addiction or the lifestyle of prostitution. Economic marginalization combined with a lack of integration options on completing the programme became evident. Most came from troubled families to which a return was out of the question.

Whilst this is an important specialist book (with an extensive bibliography), for anyone dealing with immigration and trafficking, it could also be of interest to a more general reader, highlighting many issues of great concern following major political changes worldwide. It could be seen that it is these changes which have allowed loopholes for much global criminal activity; lawmakers follow behind, and

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further behind are the practitioners to enforce the new laws. However, Holmes concludes with some optimism, observing that with the recent growth in awareness of these global problems, along with improved means of communication, they will be more effectively addressed in the future. A world map identifying particularly the borders of interest in the text, would have considerably eased understanding in several of the chapters.

Antonia Young is author of the annotated bibliography *Albania* (ABC-Clio, 1997), also the essay 'Albania' in the *Encyclopaedia Britannica* (2010), as well as 'Bloodfeud Mediation' and 'Peace Parks' in the *Oxford International Encyclopedia of Peace* (New York, 2010). She is Honorary Research Fellow in the Department of Peace Studies at the University of Bradford.