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The Trafficking of Women for Prostitution: A Growing Problem Within the European Union

INTRODUCTION

The European Union (EU) has begun to recognize that trafficking of women for sexual exploitation is a grave problem that must be addressed through comprehensive action. Trafficking of women includes arranging a woman's legal or illegal migration from her country of origin to the country of destination and typically involves deceiving or forcing a woman into prostitution through coercion or violence. Trafficking of women for prostitution is part of a larger global problem of trafficking human beings. Each year, between one and two million women are trafficked around the world, according to Non-Governmental Organization (NGO) sources. Within the EU, between 200,000 and...
500,000 women are illegally working as prostitutes. In many EU countries, the number of migrant prostitutes is now much higher than the number of local prostitutes as a result of the significant growth of trafficking.

At both the national and international levels, various legal instruments exist that address the problem of trafficking of women for prostitution. While these agreements provide a starting point, much more must be done in order to deal effectively with such a complex problem. Because of serious enforcement problems with these existing instruments as well as a need for a more coordinated response within the EU, it is imperative that the EU and individual Member States implement additional measures.

Part I of this Note examines the scope of the problem of trafficking of women for prostitution, including the reasons for the recent growth of this problem within the EU. Part II discusses existing EU responses and proposed measures as well as international agreements that address the issue. Part III analyzes the shortcomings of existing laws and responses and provides suggestions as to measures the EU collectively and Member States individually should take to address the problem more effectively. This Note concludes that, in order to combat effectively the problem of trafficking of women for prostitution, the EU must develop a more coordinated response with more effective enforcement mechanisms that involves preventive, deterrent and penal measures, as well as greater assistance to victims.

I. THE SCOPE OF THE PROBLEM WITHIN THE EU

For many years, women trafficked into Western European countries came primarily from developing countries. In recent years, however,

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7 See id., referring to a study issued by the International Organization for Migration (IOM). According to this study, in Germany around 75% of prostitutes are foreigners, in Milan approximately 80% and in Vienna, 90% of "hostesses" in sex clubs are from Eastern and Central European countries. *Together in Europe, EUROPEAN UNION NEWSLETTER FOR CENTRAL EUROPE*, June 15, 1996, at 91. <http://europa.eu.int/en/comm/dg10/infcom/newspace/news-91.html#13>.


9 See id. at 88–89.

10 See CEE STUDY, supra note 3, at 8.
Eastern European women, mainly from Russia, Ukraine, and the Czech Republic, have been the predominant source for traffickers. Several factors explain this recent development. First, as a result of the introduction of a market economy in Eastern and Central Europe, poverty and unemployment are now widespread problems. In addition, travel restrictions from Eastern Europe to Western Europe have been lifted, making it easy to enter these countries. Consequently, many women seek employment in neighboring Western European countries where unemployment is lower and the standard of living is much higher. At the same time, most Western European countries have imposed strict limits on legal migration for employment and, therefore, women are forced to turn to traffickers in order to obtain employment illegally. Second, although migrant women can obtain legal employment as "artists" or "dancers" in the entertainment sector, this type of employment is typically linked to the sex industry and is controlled by traffickers. Finally, it is much more convenient to traffic women from Eastern and Central Europe than women from Asian and African countries since the distance involved is much shorter.

In response to this demand for employment in Western European countries, highly organized and profitable smuggling rings have formed. These rings are often linked to sophisticated international crime networks that have penetrated several countries, are involved in many different areas of organized crimes and, consequently, are difficult to combat. Trafficking in women has become an attractive business because the profits are high while the risks are minimal. For instance, in contrast to twenty-year prison sentences for drug trafficking, traffick-

12 See, e.g., CEE Study, supra note 3, at 12-14.
13 See id. at 12.
14 See id. at 13.
15 See id. at 12.
17 See id. at 13.
18 See Stet, supra note 6.
19 See id. For example, Britain recently prosecuted a trafficker who had made a profit of at least five million pounds over five years by trafficking 100 women into Britain. See Alex Duval Smith, Foreign Bodies Forget Drug-trafficking. Europe's Black Marketers Have a Brand New Commodity: Women, Guardian, June 13, 1996, available in 1996 WL 4029167.
20 See Trafficking in Women, supra note 5, at 1; Organized Crime Moves Into Migrant Trafficking, supra, note 4, at 1; 1996 European Parliament Resolution, supra note 4, at 89-90.
21 See, e.g., Trafficking in Women, supra note 5, at 1. Police estimates in Berlin provide a sense of the large profits those involved in the sex-trade industry are reaping. Together in Europe, supra
ing in women is merely a minor offense in most countries.\textsuperscript{22} Moreover, because most of these women are illegal residents, few seek legal recourse against their traffickers for fear of being deported or for fear of reprisals from their traffickers and pimps.\textsuperscript{23} Thus, the high demand for smugglers' services as a result of the economic situation in Eastern Europe, combined with the difficulties involved in stopping these smuggling rings, are predominant factors which have caused the growing problem of trafficking of women in the EU.\textsuperscript{24}

II. CURRENT EUROPEAN UNION MEASURES AND INTERNATIONAL AGREEMENTS THAT ADDRESS THE PROBLEM OF TRAFFICKING OF WOMEN FOR PROSTITUTION

A. Responses by the EU

EU resolutions and laws in individual Member States currently exist which either directly or indirectly address the problem of trafficking of women for prostitution.\textsuperscript{25} As early as 1950, the Member States of the Council of Europe adopted the European Convention of Human Rights (ECHR),\textsuperscript{26} considered the most advanced instrument in the world for the protection of human rights.\textsuperscript{27} All EU Member States have ratified this convention and are, therefore, legally bound by it.\textsuperscript{28} The ECHR is enforced through the European Commission of Human

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\textsuperscript{22} See Smith, supra note 19; \textit{Trafficking in Women}, supra note 5, at 1. In the Netherlands, for example, the maximum penalty for smuggling migrants is one year. See Marlowe Hood, \textit{Trafficking in Humans: Big Business in Europe Light Penalties and Huge Profits Spell a Boon for Organized Crime}, INT'L HERALD TRIB., Jan. 3, 1995, available in 1995 WL 7541426.


\textsuperscript{24} See, e.g., Stet, supra note 6.

\textsuperscript{25} See 1997 Council of the European Union Joint Action, supra note 8, at 1; 1996 European Parliament Resolution, supra note 4, at 88; \textit{INTERNATIONAL ORGANIZATION FOR MIGRATION, TRAFFICKING IN WOMEN TO AUSTRIA FOR SEXUAL EXPLOITATION}, 6 (1996) [hereinafter \textit{AUSTRIA STUDY}].


\textsuperscript{28} See Vincent J. G. Power, \textit{Human Rights and the EEC}, in \textit{HUMAN RIGHTS: A EUROPEAN PERSPECTIVE} 81, 95 (Liz Heffernan ed. 1990). Moreover, in the Treaty on European Union, which confirms the Member States' strict legal obligation to observe the provisions of the ECHR, Article
Rights and the European Court of Human Rights. One of the most significant aspects of the ECHR is that an individual victim can bring a claim against a state for a human rights violation. Although under the ECHR claims must be brought against state parties, it is still possible that a victim's claim against an individual, such as one against a pimp, can be heard if it is framed in terms of a state's failure to implement legislation necessary to protect a victim's right under the ECHR.

Despite the strengths of this human rights structure, there are limitations as to an individual's ability to seek legal remedies against the trafficking of women. In addition to the possible difficulty an individual might confront in bringing a claim against a non-state actor, the European human rights institutions cannot enforce human rights conventions other than those contained in the ECHR. The ECHR does not contain specific provisions regarding trafficking of women. Articles 3 and 4, however, do contain relevant language. Article 3 states: "[n]o one shall be subjected to torture or to inhuman or degrading treatment or punishment." Article 4 states: "1. [n]o one shall be held in slavery or servitude. 2. [n]o one shall be required to perform forced or compulsory labor . . . ." It remains to be seen, however, whether the Commission will interpret these articles to apply to situations involving trafficking of women for prostitution.


30 *Id.* at art. 25.
33 See ECHR, *supra* note 26, arts. 31(1), 32(1), 45, 50.
34 See *id*.
35 See *id.* at arts. 3, 4.
36 *Id.* at art. 3.
37 *Id.* at art. 4.
38 Toepfer & Wells, *supra* note 32, at 121. Based upon recent EU resolutions passed by the European Parliament which have adopted the United Nations definition of forced prostitution as slavery or slave-like practice, Article 4 should definitely apply to these situations. See Resolution on the Exploitation of Prostitution and the Traffic in Human Beings, 1989 O.J. (C 120), EUR. PARL. DOC. (A2–52/89) 352–354 (1989) [hereinafter 1989 European Parliament Resolution]. In addition, it is encouraging that the 1996 European Parliament Resolution calls for trafficking in
A 1989 Resolution by the European Parliament suggested a common strategy that includes both legal and non-legal measures to fight forced trafficking of women for prostitution.\(^{39}\) This resolution urged EU Member States to ratify the 1949 U.N. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others\(^{40}\) if they had not already done so.\(^{41}\) This resolution also recommended that Member States introduce or strengthen legal penalties imposed upon those who exploit prostitution and make the penalties for trafficking in women the same as those for the slave trade.\(^{42}\)

With respect to non-legal measures, the 1989 Resolution urged the EU to support information campaigns in countries where trafficking originates in order to inform women of the risks involved in seeking employment in Western European countries through traffickers.\(^{43}\) The resolution also contained provisions regarding support for victims, including a recommendation that Member States develop rehabilitation measures for the victims such as shelters, employment training and free health care.\(^{44}\)

In January 1996, the European Parliament adopted another resolution on the trafficking of human beings, calling for the EU to take measures to prevent trafficking and to provide victims with assistance.\(^{45}\) It also urged greater cooperation within the EU as well as between the EU and countries where the traffic originates.\(^{46}\) This resolution improves upon the 1989 resolution by including more specific legal and non-legal recommendations and by placing more emphasis on the need for a common EU policy and for greater cooperation among the Member States.\(^{47}\)

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human beings to be covered by Article K.1 of the Treaty of European Union and that it should "fall within the sphere of Community jurisdiction." See 1996 European Parliament Resolution, supra note 4, art. 5.


\(^{41}\) See 1989 European Parliament Resolution, supra note 38, art. 8.1.

\(^{42}\) Id. at art. 8.2.

\(^{43}\) Id. at art. 6.

\(^{44}\) Id. at art. 9.


\(^{46}\) See id. at 91–92.

\(^{47}\) See id. The 1989 Resolution focused upon the action that each individual Member State should pursue as opposed to a common policy. See 1989 European Parliament Resolution, supra note 38, art. 8.2. Moreover, the measures that it urged Member States to take were much more general. Id.
As recently as February 1997, the Council of the European Commission passed a joint action (hereinafter 1997 Council of the European Union Joint Action) on the trafficking of human beings for sexual exploitation, which focuses upon improving judicial cooperation among the Member States.\(^48\) Although not as comprehensive as the 1996 European Parliament Resolution, it provides far greater detail as to the measures each Member State must take in order to strengthen the cooperation among the Member States.\(^49\) It also requires every Member State to ensure that its national laws classify trafficking of humans as a criminal offense.\(^50\) Moreover, it requires Member States to take measures necessary to ensure that victims are available to give evidence in any criminal action, recognizing that such measures may include granting provisional residence status.\(^51\)

In addition, three Member States—the Netherlands, Belgium and Austria—have passed legislation that directly addresses the problem of trafficking of women for prostitution.\(^52\) The Netherlands and Belgium have recently passed legislation which grants temporary residence to female victims of trafficking in order to encourage them to press charges against their perpetrators.\(^53\) Moreover, Austria’s penal code defines trafficking as a criminal offense and prostitution is specifically included within the definition.\(^54\) These countries’ specific laws, combined with the ECHR, the 1989 and 1996 EU resolutions, and the 1997 Council of the European Union Joint Action, provide a framework from which a comprehensive, coordinated plan can be implemented within the EU.

B. Proposed Legislation and Action Plans by the EU

In addition to the existing instruments that address the problem of trafficking of women for prostitution, the EU has also recently held conferences and issued reports on this subject.\(^55\) As a result of these

\(^{48}\) 1997 Council of European Union Joint Action, supra note 8, at 2. Unlike the 1989 and 1996 European Parliament Resolutions, this Joint Action is binding as to its result. Member States may simply choose the form and methods for adaptation into their national legal systems. Id. at 2, 3, 6.

\(^{49}\) Id. at 3–5.

\(^{50}\) Id. at 3.

\(^{51}\) Id. at 4.

\(^{52}\) See CEE Study, supra note 3, at 24, 26; Austria Study, supra note 25, at 6.

\(^{53}\) See CEE Study, supra note 3, at 26.

\(^{54}\) See Austria Study, supra note 25, at 6.

\(^{55}\) See, e.g., 1996 Vienna Conference, supra note 2.
activities, action plans have been developed and countries have agreed to take specific steps to combat the trafficking problem.\(^{56}\)

During a meeting in Dublin in September 1996 (hereinafter Dublin Meeting), the EU Ministers of Justice and Home Affairs agreed on three joint actions pertaining to the trafficking of women.\(^{57}\) First, the joint action plan calls for the expansion of the Europol Drugs Unit to cover trafficking of humans, making this organization responsible for collecting data on the trafficking problem.\(^{58}\) Second, the plan mandates the creation of a directory of specialists from each of the Member States who are involved in fighting all areas of organized crime.\(^{59}\) Third, the plan establishes a research and training program for judges, prosecutors, police officers, and scientific experts.\(^{60}\)

The European Conference on Trafficking in Women, which was held in Vienna in June 1996, has adopted the most comprehensive measures to date.\(^{61}\) The recommendations from the Conference cover four different areas: Migration Policy, Judicial Cooperation, Law Enforcement and Police Cooperation, and Social Policy and Protection.\(^{62}\) Thus, this 1996 Vienna Conference is a further demonstration that the EU rec-

\(^{56}\) See European Conference on Trafficking in Women, IOM NEWS (International Organization for Migration Newsletter, Geneva, Switzerland), June/July, 1996, at 1, 4 [hereinafter IOM Newsletter].


\(^{58}\) See id. The Europol Drugs Unit, which is based in the Hague, has been operating since 1994, and has been responsible for exchanging and analyzing data on unlawful drug trafficking, illicit trafficking in radioactive and nuclear materials, illegal immigration networks, illegal trafficking of motor vehicles, and money laundering. See Free Movement of Persons within the European Union - EUROPOL, <http://europa.eu.int/en/agenda/europol.html> The mandate given to the Europol Drugs Unit was formally expanded to include trafficking in human beings on December 16, 1996, through a joint action adopted by the Council of the European Union. Council Joint Action 31/12/1996, 1996 O.J. (L 342) 4. On July 26, 1995, Member States signed the Europol Convention, which consists of three conventions, including the Europol Convention on drug trafficking, illegal immigration, vehicle crime and trafficking in human beings. HOME OFFICE: A warning to criminals across Europe - three conventions signed, M2 PRESSWIRE, Aug. 9, 1995, available in 1995 WL 10415751. Europol was created as a means of exchanging information between Member States and strengthening cooperation between Member States' police forces. Free Movement of Persons within the European Union - Europol, supra. Under this new convention, each Member State will create a national unit and will assign a liaison officer who will represent the State's interest within Europol. Id.

\(^{59}\) Dublin Meeting, supra note 57.

\(^{60}\) Id.

\(^{61}\) See 1996 Vienna Conference, supra note 2; IOM Newsletter supra note 56, at 1, 4.

\(^{62}\) 1996 Vienna Conference, supra note 2.
ognizes the severity of the problem of trafficking of women for prostitution and is prepared to take concrete steps to combat it.63

C. Relevant International Agreements

Many EU countries are signatories to several international agreements that call for the elimination of trafficking of women,64 two of which deal explicitly with prostitution.65 On December 2, 1949, the United Nations General Assembly approved the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (hereinafter 1949 Convention).66 The 1949 Convention consolidated four other existing international instruments that already addressed aspects of this problem.67 Under the 1949 Convention, states are obligated to take measures to punish those involved in the trafficking of women.68 In Article I, the parties agree to punish any person who "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."69 In Article II, the states agree to punish owners, managers or persons involved in the financing of a brothel as well as individuals

63 IOM Newsletter supra note 56, at 4. In addition, a ministerial conference of the European Union on the trafficking in women was held in April 1997, which resulted in recommendations aimed at providing greater protection for women who have been victims of trafficking. EU:EU/SOCIAL—Recommendations for European Action to Fight Against Trafficking in Women, AGE­ENCE EUROPE, Apr. 29, 1997, available in LEXIS, Intlaw Library, EClaw file. As recently as December 1997, the European Parliament's Committee on Women's Rights adopted a report on combating the trafficking of women, which included urging all Member States to apply in full the measures adopted by the 1997 Council of European Union Joint Action. Women's Rights Committee Passes Trade in Women's Report, EUR. RPT., Dec. 3, 1997, available in LEXIS, Intlaw Library, EClaw file.


66 1949 Convention, supra note 40.

67 The International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, as amended by the Protocol approved by the General Assembly on 3 December 1948; the International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, as amended by the above-mentioned protocol; the International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, as amended by the Protocol approved by the General Assembly on 20 October 1947; and the International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, as amended by the above-mentioned Protocol. See 1949 Convention, supra note 40, at preamble.

68 See id. at arts. 1, 2; Toepfer & Wells, supra note 32, at 96.

69 See 1949 Convention, supra note 40, art. 1.
who rent a facility for the purpose of prostitution.\textsuperscript{70} States are also required to participate in cooperative efforts with other signatories, including extradition of traffickers\textsuperscript{71} and exchange of information regarding trafficking.\textsuperscript{72} Finally, the 1949 Convention also obliges states to enact social measures to prevent prostitution and to help with the rehabilitation and social reintegration of its victims.\textsuperscript{73}

The 1949 Convention, however, has been criticized because of inadequate enforcement mechanisms.\textsuperscript{74} Although it is legally binding, several countries have yet to ratify it.\textsuperscript{75} In addition, the enforcement provisions themselves are inadequate.\textsuperscript{76} For example, an individual victim cannot bring a claim against her trafficker or pimp, only a signatory nation can bring a complaint against another signatory.\textsuperscript{77} Also, the victim cannot require the signatory nation to bring a claim on her behalf.\textsuperscript{78}

Despite its drawbacks, the 1949 Convention is recognized as an important instrument because its terms are more explicitly defined than most international instruments.\textsuperscript{79} It also includes all the major components of a comprehensive solution by calling for the prosecution of those involved with trafficking,\textsuperscript{80} requesting the creation of programs aimed at reducing the incidence of prostitution through victim-assistance programs,\textsuperscript{81} and urging greater cooperation among nations.\textsuperscript{82}

Another important international instrument which directly addresses the problem of trafficking in women for prostitution is the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (hereinafter CEDAW).\textsuperscript{83} CEDAW requires state parties to “take all appropriate measures, including legislation, to suppress all forms of

\textsuperscript{70} See id. at art. 2.

\textsuperscript{71} See id. at arts. 8–10.

\textsuperscript{72} See id. at arts. 13–15.

\textsuperscript{73} See 1949 Convention, supra note 40, at art. 16.

\textsuperscript{74} See Toepfer \& Wells, supra note 32, at 105.

\textsuperscript{75} Id. at 106.

\textsuperscript{76} Id. at 105.

\textsuperscript{77} See 1949 Convention, supra note 40, art. 22.

\textsuperscript{78} See id.

\textsuperscript{79} See Toepfer \& Wells, supra note 32, at 98.

\textsuperscript{80} 1949 Convention, supra note 40, arts. 1,2.

\textsuperscript{81} Id. at arts. 13–15.

\textsuperscript{82} Id. at art. 16. Moreover, despite the fact that not all countries have ratified this convention, it now reflects the philosophy of the overwhelming majority of members of the international community. Demleitner, supra note 23, at 172.

\textsuperscript{83} CEDAW, supra note 65.
traffic in women and exploitation of prostitution of women."\textsuperscript{84} CEDAW is significant in that it provides a formal mandate to supervise the implementation of international provisions relating to the traffic and prostitution of women.\textsuperscript{85}

Notwithstanding this mandate, there are serious enforcement difficulties because implementation of CEDAW is left to U.N. committees that are unable to effectively ensure enforcement.\textsuperscript{86} In addition, CEDAW’s enforcement problems are exacerbated because of the document’s vague language.\textsuperscript{87} Despite the serious limitations of international agreements such as the 1949 Convention and CEDAW, the fact that these instruments exist demonstrates the international community’s commitment toward addressing the problem.\textsuperscript{88}

\section*{III. Analysis—Shortcomings of Existing Responses and Suggested Approaches in Order to Combat the Problem More Effectively}

The relevant international instruments and EU documents do not provide a sufficient means of combating the problem of trafficking in women for prostitution.\textsuperscript{89} As discussed in Parts I and II, serious enforcement problems, obstacles that victims face in bringing claims against individuals, and a reluctance to do so for fear of being deported are factors that undermine the efficacy of these instruments.\textsuperscript{90} In order to effectively combat the trafficking problem, the EU must develop a

\textsuperscript{84} Id. at art. 6.

\textsuperscript{85} See Reanda, \textit{supra} note 3, at 218.

\textsuperscript{86} See Toepfer & Wells, \textit{supra} note 32, at 92.

\textsuperscript{87} See Reanda, \textit{supra} note 3, at 219. For example, CEDAW fails to specify the measures governments must take to comply with the requirements stated in Article 6. See CEDAW, \textit{supra} note 65, art. 6.

\textsuperscript{88} See Toepfer & Wells, \textit{supra} note 32, at 91 n.42. The U.N. Charter, for example, states that the United Nations “shall promote . . . universal respect for, and observance of, human rights and fundamental freedoms for all . . . .” U.N. CHARTER, art. 55(c). In the \textit{Declaration on the Elimination of Violence against Women}, violence against women is defined to include “trafficking in women and forced prostitution.” Declaration on the Elimination of Violence against Women, G.A. Res. 48/104, 48 U.N. GAOR Supp. No. 49, art. 2, at 217, U.N.Doc. A/48/49 (1993). The Platform for Action from the Beijing World Conference on Women includes a provision on the trafficking in women. \textit{Trafficking in Women}, \textit{supra} note 5, at 6. It urges states to strengthen legislation punishing the perpetrators and protecting the victims. See id. It also addresses the needs of the victims by urging states to allocate resources to develop rehabilitative, educational and training programs for victim support. See id.

\textsuperscript{89} See Reanda, \textit{supra} note 3, at 224.

comprehensive, multi-disciplinary response, which incorporates specific binding legal and non-legal measures.\textsuperscript{91} The legal response must include the enactment of legislative, judicial, and law enforcement measures.\textsuperscript{92} With respect to non-legal measures, social programs that are designed to prevent prostitution, deter women from seeking employment as a prostitute in the EU, and rehabilitate the victim must also be implemented.\textsuperscript{93}

Moreover, the EU alone cannot successfully combat this problem.\textsuperscript{94} Unless individual Member States as well as regional and international organizations also respond to the trafficking problem, any efforts taken by the EU will achieve only minimal success.\textsuperscript{95} Finally, greater cooperation among Member States and between the EU and countries where the trafficking originates is also necessary.\textsuperscript{96}

A. Legal Measures

Unless individuals (including traffickers, brothel owners and pimps) involved in the actual trafficking of women are prosecuted and given harsh punishment, traffickers will not be deterred.\textsuperscript{97} Under current international conventions, particularly the 1949 Convention, laws already exist which require the prosecution of traffickers.\textsuperscript{98} Member States, therefore, should implement these agreements by passing appropriate domestic laws.\textsuperscript{99} These laws must go beyond simply implementing the provisions of the 1949 Convention; they must also include provisions that specifically allow victims to prosecute individuals directly, as opposed to having to prosecute a signatory nation.\textsuperscript{100} If the victims are able to press charges directly against the individual, it will

\textsuperscript{91} See 1996 Vienna Conference, supra note 2.

\textsuperscript{92} See id.; 1996 European Parliament Resolution, supra note 4, at 90–92.

\textsuperscript{93} Id. To date, only one such pilot program exists, known as La Strada. Katherine Butler, \textit{Tricked, beaten and sold as a sex slave - the diary of Mia, aged 14}, \textsc{Independent}, Oct. 12, 1997, available in 1997 WL 12350635. This program is funded by the EU and operates in the Czech Republic and Poland. \textit{Id}.

\textsuperscript{94} See, e.g., 1996 Vienna Conference, supra note 2.

\textsuperscript{95} See CEE STUDY, supra note 3, at 34. For example, if only a few Member States strictly enforce legislation against traffickers, such measures are likely to simply displace traffickers to another country where they can operate more freely. \textit{Id}.

\textsuperscript{96} See 1996 Vienna Conference, supra note 2; 1996 European Parliament Resolution, supra note 4, at 90–92.

\textsuperscript{97} See CEE STUDY, supra note 3, at 35.

\textsuperscript{98} See, e.g., 1949 Convention, supra note 40, arts. 1, 2.

\textsuperscript{99} 1996 Vienna Conference, supra note 2.

\textsuperscript{100} 1949 Convention, supra note 40, at art. 22.
make it easier for women to pursue legal action, thereby facilitating prosecutions of traffickers. For example, Austria’s Penal Code includes a provision which makes it a crime to lead or recruit someone into prostitution in a country other than the person’s own.\footnote{Austria Study, supra note 25, at 6 (citing Austrian Penal Code (Strafgesetzbuch-StGB) Section 1, § 217).} As a result, there have been several convictions for trafficking in Austria in the past five years.\footnote{Id. at 7.} All other Member States must pass similar laws and those convicted must be given tough sentences.\footnote{Id. at 10; 1996 European Parliament Resolution, supra note 4, art. 22. Although there have been several convictions under § 217, the majority of the sentences have been suspended sentences and, consequently, the punishment has not been severe enough to serve as a deterrent.}

To encourage victims to press charges against traffickers and their pimps, women should not be treated as criminals and deported.\footnote{See, e.g., Trafficking in Women, supra note 5, at 2.} This only serves to further marginalize them, making them even more fearful to press charges and increasing their dependency on their pimps.\footnote{See CEE Study, supra note 3, at 25.} Instead, victims should be granted permission to remain temporarily in the country in order to give them time to decide whether or not to press charges.\footnote{Id.} Belgium, the Netherlands and Austria have introduced measures which prevent victims from being immediately deported in order to encourage them to report cases to the police.\footnote{CEE Study, supra note 3, at 25; EU is Taking Action to Close Down the Business of Trafficking in Women, Trafficking in Migrants (International Organization for Migration Quarterly Bulletin, Geneva, Switzerland), Sept. 1995, at 6.} For example, the Netherlands recently passed a law which grants victims of trafficking temporary residence permits “until the whole juridical process has been completed.”\footnote{See CEE Study, supra note 3, at 26 (citing Dutch Aliens Law, ¶ B22).} Other EU countries should add similar provisions to their migration laws, as has been urged upon them in numerous EU documents, including the 1997 Council of the European Union Joint Action.\footnote{See id.; 1997 Council of the European Union Joint Action, supra note 8, at 4.}

Effective prosecution also requires cooperation by law enforcement units.\footnote{1996 European Parliament Resolution, supra note 4, arts. 20–24; 1997 Council of the European Union Joint Action, supra note 8, at 4, 5.} Some Member States do currently have laws which prohibit forced prostitution.\footnote{CEE Study, supra note 3, at 28.} Trying to determine what constitutes force, how-
ever, is difficult and, as a result of such confusion, police do not readily enforce such laws.\textsuperscript{112} Member States, therefore, should develop a unified definition of trafficking which does not focus on the coercive aspect of prostitution so each country's law enforcement body can apply the laws consistently.\textsuperscript{113} Moreover, programs that raise awareness of the victim's situation must be initiated within police forces.\textsuperscript{114} Specifically, officials must realize that these women are victims, not criminals.\textsuperscript{115} Otherwise officials will continue to show reluctance in arresting alleged traffickers.\textsuperscript{116}

As discussed in Part II, international conventions and EU legal instruments exist which specifically address the problem of trafficking of women.\textsuperscript{117} For one, Member States should implement what these various instruments urge them to do.\textsuperscript{118} While the 1997 Council of the European Union Joint Action is a good beginning, the EU should also pass binding regulations that address the problem in a more comprehensive manner in order to force Member States to respond actively to the problem and to ensure compliance. Similarly, expanding the Europol Drugs Unit to cover trafficking of humans is a positive step, but Europol itself must also be fully established to combat effectively all areas of organized crime.\textsuperscript{119} Thus, as agreed upon at the Dublin Meeting, the remaining Member States must ratify Europol's founding conventions so this body can become fully operational.\textsuperscript{120} The EU could also either incorporate language specific to trafficking of women within the ECHR or it could urge the courts to interpret Articles 3 and 4 to apply to such situations so victims can bring claims before the

\textsuperscript{112} Id. at 28.
\textsuperscript{113} 1996 European Parliament Resolution, supra note 4, art. 22. The 1997 Council of the European Union Joint Action does provide a general definition of trafficking to be used as guidance for each Member State. 1997 Council of the European Union Joint Action, supra note 8, at 3. The definition, however, still only focuses primarily on the coercive aspects of trafficking. \textit{Id.}
\textsuperscript{114} 1996 Vienna Conference, supra note 2.
\textsuperscript{115} \textit{See} Trafficking in Women, supra note 5, at 2.
\textsuperscript{116} \textit{Id.}
\textsuperscript{117} \textit{See, e.g.}, 1949 Convention, supra note 40; 1996 European Parliament Resolution, supra note 4.
\textsuperscript{118} \textit{See} 1996 Vienna Conference, supra note 2.
\textsuperscript{119} \textit{See} Neil Buckley, Ministers Widen Europol Powers, \textit{FIN. TIMES}, Sept. 27, 1996, at 3, available in 1996 WL 10615881. The power under Europol mandates this body to facilitate greater cooperation between national police forces, which is imperative to fight these highly organized smuggler rings that operate across borders. \textit{Free Movement of Persons Within the European Union - EUROPOL}, supra note 58.
\textsuperscript{120} Buckley, supra note 119.
European Court of Human Rights pursuant to the ECHR. Moreover, given that the 1989 Parliament Resolution adopted the definition of forced prostitution as slavery or a slave-like practice, the ECHR should definitely apply to trafficking in women for prostitution according to this resolution.

B. Non-Legal Measures

While legal measures are critical in order to combat this problem successfully, it is imperative that the EU also adopt social programs to address the plight of the victim. A victim’s need for social services, such as shelter, emergency health care, and counseling, is particularly acute given most victims’ isolation and dependence on their pimps. By receiving social services, victims will have much more incentive to testify and, ultimately, less fear about returning to their country of origin. The Ministry of the Interior of Austria, for example, has formed an inter-ministerial working group to develop measures to assist victims in hopes of encouraging them to provide evidence against traffickers. Proposed measures to aid victims include special shelter, special witness protection, financial assistance, medical treatment, and counseling.

As already recognized in EU resolutions and the 1949 Convention, countries must enact measures, such as employment training and job assistance, that help victims with rehabilitation and reintegration into victims’ countries of origin. Such measures will help victims successfully reintegrate into their home countries and help ensure that they have the necessary job skills to prevent them from returning to prostitution. In addition, as urged in the 1989 and 1996 European Parliament Resolutions, the EU must expand upon its existing pilot program, La Strada, and organize awareness and prevention campaigns directed at women in all Eastern and Central European countries in

121 See Smith, supra note 19. Both the international community as well as the EU have recognized the importance of social measures. See, e.g., 1949 Convention, supra note 40, art. 16; 1996 European Parliament Resolution, supra note 4, arts. 8, 25–31.
122 See CEE STUDY, supra note 3, at 35.
123 Id. at 32.
124 AUSTRIA STUDY, supra note 25, at 25.
125 Id.
order to warn women adequately about traffickers and the laws against migrating to EU countries.\textsuperscript{128}

Finally, for these legal and non-legal measures to be effective, there must be close cooperation among Member States as well as between the EU and other countries.\textsuperscript{129} Effective prosecution requires coordination among different organizations within an individual Member State and also among law enforcement bodies of each Member State.\textsuperscript{130} To date, Belgium has one of the only coordinated law enforcement units created to combat this problem.\textsuperscript{151} The unit coordinates the efforts of the different Belgium organizations that are involved in combating the trafficking of women.\textsuperscript{132} As was urged at the 1996 Vienna Conference, each Member State needs to establish a body to coordinate its response to the problem.\textsuperscript{133} Such a body should include representatives from the judiciary, law enforcement, immigration and social services organizations.\textsuperscript{134} Similarly, there needs to be a coordinating body for the entire EU that disseminates information, oversees measures implemented by the individual Member States, and works with Eastern and Central European countries to penetrate trafficking networks.\textsuperscript{135} As part of this cooperative effort, such coordinating bodies need to work closely with similar entities that are fighting other elements of organized crime, for traffickers of women are often part of a larger network.\textsuperscript{136}

\section*{Conclusion}

The trafficking of women into the EU for prostitution has become a serious problem which the EU must address through comprehensive action. Within the EU, the ECHR, EU resolutions and joint actions, and laws of a few Member States exist which address this problem. Moreover, there are relevant international instruments designed to

\textsuperscript{128} 1989 European Parliament Resolution, \textit{supra} note 38, arts. 6, 7; 1996 European Parliament Resolution, \textit{supra} note 4, art. 10.
\textsuperscript{129} \textit{See}, \textit{e.g.}, 1997 Council of the European Union Joint Action, \textit{supra} note 8, at 5; 1996 European Parliament Resolution, \textit{supra} note 4, at 90--92.
\textsuperscript{130} \textit{See id.}
\textsuperscript{131} \textit{See CEE STUDY, supra} note 3, at 24. The unit is called The Central Unit Network on Illegal Immigration and Illegal Employment. \textit{Id.}
\textsuperscript{132} \textit{Id.}
\textsuperscript{133} \textit{See 1996 Vienna Conference, supra} note 2.
\textsuperscript{134} \textit{See id.}
\textsuperscript{135} \textit{See 1996 European Parliament Resolution, supra} note 4, art. 11.
\textsuperscript{136} 1996 European Parliament Resolution, \textit{supra} note 4, art. 20.
eradicate the trafficking of women for prostitution. Despite these instruments, however, trafficking of women for prostitution remains a wide-spread problem within the EU.

In order to combat this problem effectively, the EU must develop a comprehensive response that includes both legal and non-legal measures. In order to facilitate the prosecution of traffickers, Member States must pass laws which enable victims to bring claims against their perpetrators. In addition, law enforcement officials must cooperate by enforcing these laws.

With respect to non-legal measures, Member States must implement support programs in order to provide victims with incentives to press charges. It is also important that Member States develop programs that assist victims with rehabilitation and reintegration into victims’ countries of origin. Finally, for these legal measures to be effective there must be coordination among the different parties involved. International agreements and various EU instruments provide a framework in which active steps can be taken. The EU and Member States must now develop concrete measures which implement what these instruments call upon them to do.

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