



EXCERPTS FROM AMNESTY INTERNATIONAL ANNUAL REPORT ON TRAFFICKING IN PERSONS

Released May 25, 2005 (about the year 2004)

SELECTED LIST OF COUNTRIES: Albania, Austria, Belgium, Bosnia-Herzegovina, Cambodia, China, Estonia, Greece, Guyana, Ireland, Italy, Latvia, Lithuania, Macedonia, Moldova, Mongolia, Mozambique, Romania, Russia, Serbia and Montenegro, Spain, Sweden, Tunisia, Ukraine.

ALBANIA

The trafficking of women and children for forced prostitution and cheap labour continued, although arrests and prosecutions for trafficking markedly increased.

The Committee [UN Human Rights Committee] also urged Albania to reinforce remedies against trafficking, domestic violence and the abuse and exploitation of children. The Committee further called for guarantees for the independence of the judiciary, and for protection of minority rights.

Poverty, lack of education, family breakdown and crime networks at home and abroad contributed to the continuing trafficking of women and children for sexual exploitation and cheap labour. In March a law on witness protection was adopted, although lack of supporting legislation and funding meant it could not be implemented. Most victims of trafficking did not report their traffickers for fear of reprisal.

In February a woman who claimed that she had been trafficked for forced prostitution at the age of 14 withdrew her previous testimony after being confronted with the defendant at his trial by Shkodër district court. He had reportedly earlier openly threatened her. She was immediately arrested in court and charged with perjury.

Nonetheless, prosecutions for the trafficking of women and children for forced prostitution, cheap labour or use as beggars, doubled by comparison with the previous year, and heavy sentences were imposed. Official zeal to obtain convictions may sometimes have resulted in police and courts using or condoning coercion or other illegal means to obtain evidence of trafficking.

In March Gjergj Bedulla was convicted by Korça district court of trafficking three children to Greece for cheap labour. However, before testifying in court, the children had reportedly been illegally detained by police for five days or longer and questioned without the presence of a lawyer or a guardian. The children subsequently withdrew their testimony, alleging they had given it under police coercion. In June the case was sent back for retrial on appeal.

AUSTRIA

In October, two human rights lawyers, Georg Bürstmayr and Nadja Lorenz, were charged with trafficking in human beings and incitement to break the law. However, the charges were withdrawn within days because of lack of evidence. At the time the charges were laid by officials of the Ministry of the Interior, Georg Bürstmayr was about to be re-appointed as head of the Commission of the Human Rights Advisory Board. The Minister of the Interior opposed the appointment, but gave no reasons for his objections. Following widespread protests, Georg Bürstmayr was reappointed.

BELGIUM

Trafficking in people, in particular women and girls for sexual purposes, continued to increase.

In July the UN Human Rights Committee expressed concerns relating to, among other things, reports of racist acts; police ill-treatment; failure to guarantee or fully respect the rights of asylum-seekers, unauthorized migrants, detainees, prisoners and the mentally ill; and insufficient assistance for victims of trafficking.

BOSNIA-HERZEGOVINA

In March the State Court imposed prison sentences of up to nine years on four members of an organized criminal network for trafficking women and girls who were forced into prostitution in a chain of nightclubs in Prijedor. The accused were convicted of organized crime and human trafficking. In July the State Court sentenced two men, including the owner of a nightclub in Kiseljak, near Sarajevo, to up to 15 months' imprisonment for offences related to the trafficking of women for forced prostitution.

CAMBODIA

In September Cambodia acceded to the Optional Protocol to the International Covenant on Civil and Political Rights and international conventions on migrant workers and trafficking.

Trafficking of women remained of concern although several high profile prosecutions of paedophiles involved in sex tourism marked a greater determination by the authorities and NGOs to address this issue.

CHINA

Noguchi Takashi, a Japanese NGO activist helping North Koreans in China flee to a third country, was deported in August after being detained in the Guangxi Zhuang Autonomous Region. He had been charged with human trafficking and sentenced to eight months' imprisonment and a 20,000 yuan fine (US\$2,400).

ESTONIA

Internal trafficking of women for forced sexual exploitation continued to be of considerable concern. The Commissioner for Human Rights reported that, according to the Estonian authorities, the number of women trafficked abroad for sexual exploitation had declined in recent years. However, no government statistics on the extent of trafficking existed. He stated that there was a clear need to conduct research and analysis in order to address the issue effectively. He also noted that the provision of protection and assistance for survivors of trafficking appeared insufficient. In response, the authorities reported that a national Round Table had been established, one of its tasks being to draft a National Action Plan against trafficking in human beings.

GREECE

In November, AI expressed concern about reports that 502 children, the majority from Albania, had gone missing between 1998 and 2002 from a state-run children's home in Athens, where they were being sheltered after being taken off the streets by police. Many of the children were apparently victims of traffickers who forced them to sell trinkets or beg. AI was concerned that the children had reportedly not been adequately protected at the home and that little or no effort was made by the Greek authorities to find them. Despite the intervention of several nongovernmental organizations and the Albanian Ombudsman, the Greek authorities had not undertaken a thorough and impartial judicial investigation into the case, although a preliminary police inquiry was launched in May.

GUYANA

Violence against women, including trafficking, was a significant problem.

A number of measures to address trafficking were announced. These included draft anti-trafficking legislation, with provisions for penalties, restitution and witness protection, and awareness campaigns. Human rights groups welcomed these but stressed that resources were needed for implementation. The Guyana Human Rights Association reported that Amerindian girls from mining communities were being trafficked for forced prostitution.

IRELAND

Voluntary organizations supporting victims of rape, sexual assault, domestic violence, and trafficking for sexual exploitation reported that they were seriously hampered by inadequate funding. There was also concern at the shortage of shelters for women and children leaving abusive situations, and at the vulnerability of immigrant women whose legal status prevented them from seeking help.

ITALY

Trafficking in people, in particular women and children, for sexual exploitation and forced labour remained a problem, despite government efforts to combat it.

LATVIA

Both the Committee [UN Committee on the Elimination of Discrimination against Women] and the Commissioner [Council of Europe's Commissioner for Human Rights], while recognizing the legislative and other measures that the government had already taken, expressed concern about the continued trafficking of women and girls for the purposes of sexual exploitation. The Committee called, among a number of other recommendations, for the full implementation and funding of a national strategy to combat trafficking in women and girls. It urged that Latvia take action towards improving the economic situation of women, to eliminate their vulnerability to traffickers, and introduce rehabilitation and reintegration measures for women and girl survivors of trafficking, including special shelters.

LITHUANIA

The Commissioner [Council of Europe's Commissioner for Human Rights] noted that Lithuania remained a country of origin, transit and destination for trafficked people, most of them women trafficked for sexual exploitation, but that it lacked a rehabilitation programme for women forced into prostitution. Although trafficking was criminalized under existing legislation, the law did not sufficiently address criminal networks. It did not identify precise means of compensating victims of trafficking, he reported, or the possibility of exempting them from legal responsibility for acts, such as illegal entry, that resulted from being trafficked. Nor could they remain in Lithuania for a period while deciding whether to cooperate with police action against their traffickers.

MACEDONIA

The trafficking of women and girls for forced prostitution continued, although some perpetrators were arrested and convicted.

Domestic violence against women remained widespread. Official figures released in November reported 98 criminal charges and 623 misdemeanour charges brought during the year for domestic violence. Changes to the Criminal Code in April raised minimum prison sentences for human trafficking from five to eight years. Despite police raids against traffickers, prosecutions and convictions were low. Statistics for 2003 published by a daily newspaper showed that in the Tetovo region, 80 police raids on suspected brothels with trafficked women found 95 people "without regulated residence in Macedonia". The raids resulted in 38 people being charged in connection with trafficking and forced prostitution but only one conviction. The newspaper stated that the Tetovo prosecution had difficulties in gathering evidence and that witnesses were often afraid to testify and were sometimes the subject of death threats. In December the police announced that in the previous nine months they had discovered 39 cases of trafficking involving 79 people.

MOLDOVA

Moldovan women continued to be trafficked abroad for sexual exploitation.

Moldova was a source country for women and girls trafficked for forced prostitution. Moldova continued to be one of the poorest countries in Europe, with a significant proportion of its population living below the poverty line. Out of a population of 4.3 million, up to one million people worked in other countries. The groups of women most vulnerable to being trafficked were women escaping domestic violence and children leaving institutional care. According to the International Organization for Migration, 80 per cent of the women and girls trafficked for forced prostitution from Moldova were victims of domestic violence before being trafficked and after their return. Most women and girls were trafficked to Turkey and Macedonia, but a rising number were trafficked to Pakistan and the Middle East. Article 165 of the Criminal Code establishes trafficking as an offence, defining it in line with Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Trafficking Protocol). The government set up a National Committee, but by the end of 2004 a National Plan of Action to combat trafficking was not yet in place. In particular, trafficked women and girls were not necessarily treated as victims of crime and were only exempted from criminal liability for acts that they may have committed as a result of being trafficked if they agreed to cooperate with law enforcement agencies. Preventive and support services were offered by non-governmental organizations and the International Organization for Migration, but there was no coherent national referral mechanism involving government bodies. Witness protection was hampered by lack of funding.

MONGOLIA

Media reports of women being trafficked to China increased, and the police apparently took little action to deal with such cases.

MOZAMBIQUE

Investigations into alleged people trafficking continued.

Government and civil society representatives debated the need for a law on people trafficking in response to reports of women and children being taken to South Africa for forced labour or prostitution. Investigations continued into reports of missing persons, violent deaths and mutilations in Nampula province which fuelled fears of trafficking in people and in human organs in 2003 and early 2004. The Attorney General published a report in February which criticized the work of local police and procurators but found no proof of such trafficking. A further report concluded in August was not published, reportedly because it contained details of individuals being prosecuted.

ROMANIA

A third of the population lived in poverty, which particularly affected children and the elderly. According to an official study published in July, 66,000 children were employed in conditions described as grave. Some children had been sold into bonded labour, others were trafficked abroad for sexual and other exploitation. Following a visit in September, the UN Special Rapporteur on the sale of children, child prostitution and child pornography stated that he was

shocked by the situation and that state mechanisms did not effectively protect the most vulnerable.

RUSSIA

Russia ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (known as the Palermo Protocol). Thousands of Russian women are reportedly trafficked to countries around the world each year for forced sexual exploitation. Russia also ratified the Optional Protocol to the UN Women's Convention.

SERBIA AND MONTENEGRO

Domestic violence and the trafficking of women and girls for forced prostitution remained widespread.

Serbia and Montenegro remained a source, transit and destination country for women and girls trafficked for forced prostitution. When those involved in trafficking were convicted, courts imposed lenient sentences.

On 5 March Belgrade District Court convicted Milovoje Zarubica and 12 others of involvement in trafficking women and girls from Moldova. They received sentences ranging from five months to three and a half years' imprisonment on charges which included rape. They were released from custody pending appeal. In June the US State Department report on trafficking noted continuing official corruption in Serbia, with off-duty police officers caught providing security at venues where trafficking victims were located. It stated that only one had been charged with a criminal offence. In Montenegro, the report stated that although 15 cases had been submitted for prosecution since 2002, there had been no convictions. In November the Organization for Security and Co-operation in Europe Mission in Kosovo expressed concern about the findings of a commission appointed by the Montenegrin government in April 2004 to investigate the actions of the Montenegrin police in a case involving a Moldovan woman. She had been trafficked into Montenegro for sexual exploitation and her statements had implicated a number of senior government officials. The commission's report denigrated the victim's character.

Trafficking of women and girls for forced prostitution remained a serious concern. Arrests and prosecutions of traffickers remained relatively low and measures to ensure witness protection had not yet been implemented. After three years' discussion, an Administrative Directive to implement provisions of the 2001 Trafficking Regulation and ensure support, protection and reparation for trafficking victims had not been agreed. Similarly, the Action Plan on Trafficking, due to be completed by the end of July, had not been finalized by the end of 2004.

SPAIN

In July the UN Committee on the Elimination of Discrimination against Women examined Spain's fifth periodic report and called on Spain to intensify its efforts to address the issues of domestic violence, discrimination against migrant women and the trafficking of women.

SWEDEN

Other concerns were the absence of legislative provisions setting out the maximum time adult asylum-seekers could be detained; the whereabouts of unaccompanied children – feared to have become victim to paedophile and trafficking networks – who had gone missing from the care of the Migration Service; and the insufficient assistance provided to victims of trafficking, including children.

TUNISIA

Changes to travel documents and measures to deal with criminal networks suspected of involvement in people trafficking were also introduced. Arrests of hundreds of migrants being trafficked to Europe were reported during the year. Scores of migrants also reportedly died during attempts to cross the Mediterranean to Europe.

UKRAINE

Trafficking for sexual exploitation remained a serious concern, with Turkey and Russia continuing to be the destination of most of the women and girls trafficked from Ukraine. The government has taken steps to address the problem and prosecutions increased after Article 149 of the Criminal Code – which establishes trafficking as an offence – was introduced in 1998. However, conviction rates remained low. Judges often lacked experience of the issue and witness protection was rarely offered to trafficked women and girls. Although a special department was established within the Ministry of the Interior to deal with trafficking, law enforcement officers often lacked resources and training.

UN definition of trafficking: *“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 purposes of 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.”*