

## 2. Introduction

### I Research aims and objectives

Effective prosecution of traffickers for the crimes they commit against trafficked persons is something that has eluded most countries to date. It was the main impetus for the adoption of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereafter Trafficking Protocol) supplementing the United Nations Convention Against Transnational Organized Crime (2000) (hereafter Transnational Crime Convention) under which ratifying States must establish trafficking as a criminal offence<sup>1</sup> under their domestic law. The Trafficking Protocol recognises 'protection and assistance to victims with full respect to their human rights'<sup>2</sup> as one of its stated objectives.

Programmes and policies of many governmental, inter-governmental and non-governmental bodies recognise that, in order to have a comprehensive strategy to tackle trafficking in persons, it is necessary to regard the protection of victims' rights as intrinsic to the process of effectively prosecuting traffickers. However, in recent times it is victim protection *per se* rather than protection of victims' human rights that has dominated. This has led the United Nations High Commissioner for Human Rights to issue some recommended principles and guidelines on human rights and human trafficking, which clearly set out the obligations of States to protect the human rights of trafficked persons, and that this should be at the core of any anti-trafficking strategy.<sup>3</sup> The benevolence of the term 'victim protection' is not to be assumed and there are systems of 'victim protection' in place concerning trafficked persons that do not protect their fundamental human rights, as Anti-Slavery International discovered in the course of this research. Over a two-year period, Anti-Slavery International investigated victim protection measures used in trafficking cases in ten countries in order to ascertain what impact such measures have on the process of prosecuting traffickers, and upon the human rights of those who have been trafficked.

The aims of this research were threefold:

1. To identify the obstacles to convictions and prosecutions of traffickers by examining laws used to prosecute traffickers in each country;

2. To assess victim and witness protection measures used in trafficking cases, in terms of their impact on trafficked persons' human rights;
3. To evaluate whether such victim and witness protection measures have the desired effect of encouraging prosecutions and securing convictions of traffickers.

The research findings are targeted at those who are developing laws and policies to deal with trafficking, as well as those who are actively involved in the process of prosecuting traffickers or assisting trafficked persons. The recommendations and findings are broad enough that they may be adapted within different legal systems. The research examines not only the laws and policies of each country related to trafficking but the actual implementation of those laws and policies, by closely analysing a few cases in each of the ten countries.

## **II Definitions of trafficking in international law and standards for victim protection**

Historically, provisions of many international treaties address the various human rights violations that take place in the context of trafficking. Some of the relevant instruments include the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination Against Women (1979), the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment (1984), the Convention on the Rights of the Child (1989), the Slavery Convention (1926), the Convention on the Protection of the Rights of All Migrant Workers and their Families (1990) [adopted by the General Assembly but not yet in force], the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) and various International Labour Organisation conventions.

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of Prostitution of Others (1949) (hereafter the 1949 Convention) consolidated previous treaties<sup>4</sup> regarding trafficking and exploitation of prostitution. However this treaty was not widely ratified and has been criticised for its lack of definition of trafficking, lack of enforcement mechanisms and for addressing trafficking as solely the cross-border movement of persons into prostitution<sup>5</sup>. Four out of the ten countries chosen

for this research (Belgium, Italy, Poland and Ukraine) have signed and ratified the 1949 Convention. In each of these countries, the laws adopted in line with the convention have focused on criminalising third party involvement in prostitution, such as procuring a person for prostitution, exploiting someone in prostitution (by taking money from him/her) and managing/running a brothel<sup>6</sup>. Due to this convention, 'trafficking' has often been conflated with (seen as one and the same as) exploitation of prostitution, and specific provisions against trafficking in persons were either absent or left undefined, and therefore unusable.

As the scale of trafficking in persons increased and gained more attention in the 1990s, the lack of a clear definition of trafficking in persons in the 1949 Convention led various governmental and inter-governmental organisations to adopt their own definitions of trafficking. For example, the November 1996 European Commission Communication on Trafficking in Women for the Purpose of Sexual Exploitation defined trafficking for sexual exploitation as:

"Trafficking for the purpose of sexual exploitation covers women who have suffered intimidation and/or violence through trafficking. Initial consent may not be relevant, as some enter the trafficking chain knowing they will work as prostitutes, but who are then deprived of their basic human rights, in conditions which are akin to slavery."

The Communication pointed out that women entering the European Union both legally, as well as illegally, could be considered to have been trafficked.

A more recent December 1998 Communication from the European Commission<sup>7</sup> suggested that the definition should be made somewhat broader, "by including also women who are trafficked abroad and forced to perform other forms of commercialised sex than prostitution, as well as women who are forced into marriage for the purpose of sexual commercial exploitation".

The International Organization for Migration (IOM)<sup>8</sup> adopted its definition in May 1999. It considered that trafficking occurs when:

"a migrant is illicitly engaged (recruited, kidnapped, sold, etc) and/or moved, either within national or across international borders; [and] intermediaries (traffickers) during any part of this process obtain economic

or other profit by means of deception, coercion, and/or other forms of exploitation under conditions that violate the fundamental rights of migrants."

These definitions show a movement away from the 1949 Convention's approach focusing solely on prostitution, and indeed paved the way for the adoption of a new international standard, the Trafficking Protocol, in 2000.

Anti-Slavery International's current research uses the definition laid out in Article 3 of the Trafficking Protocol:

- (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.

The current research considers how anti-trafficking laws, and other laws used to prosecute traffickers, cover the various elements within the Trafficking Protocol definition. The Trafficking Protocol and the Transnational Crime Convention not only redefine the international standard of trafficking in persons, but also establish new standards with respect to protecting the rights of trafficked persons, especially those who act as witnesses.

Whilst a myriad of different international treaties contain provisions relevant to protecting the rights of trafficked persons, Anti-Slavery International was guided by the international community's latest decision in the Trafficking Protocol and Transnational Crime Convention and used their provisions as a baseline. These treaties are the most significant international treaties dealing with trafficking in persons to date, and they clearly set out measures to protect victims and witnesses. Whilst the provisions regarding protection are not binding on State Parties, nevertheless they set a minimum standard that States should follow.<sup>9</sup>

## 1. Transnational Crime Convention

Article 24 of the Convention addresses protection of witnesses:

1. Each State Party shall take appropriate measures within its means to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by this Convention and, as appropriate, for their relatives and other persons close to them.
2. The measures envisaged in paragraph 1 of this article may include, *inter alia*, without prejudice to the rights of the defendant, including the right to due process:
  - (a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity or whereabouts of such persons;
  - (b) Providing evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witness, such as permitting testimony to be given through the use of communications technology such as video links or other adequate means.
3. State Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.
4. The provisions of this article shall also apply to victims insofar as they are witnesses.

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Article 25 of the Convention covers assistance to and protection of victims:

1. Each State Party shall take appropriate measures within its means to provide assistance and protection to victims of offences covered by this Convention, in particular in cases of threat of retaliation or intimidation.
2. Each State Party shall establish appropriate procedures to provide access to compensation and restitution for victims of offences covered by this Convention.
3. Each State Party shall, subject to its domestic law, enable views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.

## 2. Trafficking Protocol

Article 6 of the Trafficking Protocol provides a clearer indication of what might be considered 'appropriate measures' under Article 25 (1) in the context of trafficking for the protection of victims:

1. In appropriate cases, and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.
2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:
  - (a) Information on relevant court and administrative proceedings;
  - (b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.
3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:
  - (a) Appropriate housing;
  - (b) Counselling and information, in particular as regards their legal

- rights, in a language that the victims of trafficking in persons can understand;
- (c) Medical, psychological and material assistance; and
- (d) Employment, education and training opportunities.
4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons...
  5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.
  6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.<sup>10</sup>

Article 7 covers the status of victims of trafficking in persons in receiving States:

1. In addition to taking measures pursuant to article 6 of this Protocol, each State Party 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.
2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

### **III Structure of this report**

In using the Trafficking Protocol and Transnational Crime Convention provisions above as our point of reference for protection of trafficked persons' rights, the report considers what kind of 'appropriate measures' have already been adopted in the different countries. Ten chapters on specific countries evaluate how the measures of protection under the Transnational Crime Convention and the Trafficking Protocol are being implemented, and how government policies and actions protect or violate trafficked persons' human rights. We also evaluate how these measures work in terms of securing convictions of traffickers. In order to achieve the aims of our research, Anti-Slavery International structured each country chapter to look at the following factors:

## I Legislation

1. **Criminal laws.** How are traffickers prosecuted in each country? Identification of relevant legislation used to prosecute traffickers, i.e. description of anti-trafficking provisions, other criminal laws used to prosecute traffickers.
2. **Other laws and policies affecting trafficked persons.** In relevant countries only, the report comments on laws and policies affecting trafficked persons, such as those providing a temporary or permanent permit of stay in Belgium, Italy, Netherlands, United Kingdom, United States, a Memorandum of Understanding in Thailand and repatriation procedures in Nigeria.

## II General analysis and comparison of cases

This looks at implementation in practice of laws and policies affecting trafficked persons, usually with reference to concrete cases.

1. **Investigation and prosecution of traffickers.** Does the prosecution of traffickers rely on witness testimony and in what form? What are the problems related to effective investigation and prosecution of traffickers? Conviction/prosecution rates if available. Who is convicted as a 'trafficker' under the law?
2. **Procedures affecting trafficked persons and measures of protection**
  - a) **Residency rights**<sup>11</sup> Especially temporary or permanent residency permits.
  - b) **Protection from reprisals and police protection**<sup>12</sup> What witness protection is available to trafficked persons? Also protection of families and others close to trafficked persons in country of origin.
  - c) **In-court evidentiary protection**<sup>13</sup> Evidentiary rules providing protection to witnesses giving testimony, confidentiality of proceedings, privacy and protection of identity.
  - d) **Right to information regarding court proceedings**<sup>14</sup>
3. **Support and assistance to trafficked persons**
  - a) **Right to lawyer/legal advocate in criminal proceedings**<sup>15</sup>
  - b) **Right to recovery (assistance measures)**<sup>16</sup> What victim assistance and support is available? Housing/shelter, information (especially concerning their legal rights) in a language the victim can understand,

legal assistance, medical assistance, psychological assistance/ counselling, material (financial) assistance, education/training opportunities, employment opportunities.

4. **Legal redress and compensation**<sup>17</sup> How is the right to compensation addressed in-country in trafficking cases?

Each country report looks with varying degrees of detail at the particular measures relevant or apparent in that country. For example, residency status is not considered in countries of origin since this is not relevant, and not considered in detail in countries that do not apply provisions enabling the trafficked person to acquire residency status.

The key findings and recommendations chapter acts as a synthesis and analysis of emerging themes under each of the subject areas. It indicates which countries dealt with each specific theme and whether this was in a positive or negative way. The recommendations point to solutions from countries that had overcome certain obstacles and illustrated good practice in the subject areas that could be useful for other countries. In addition each country report contains recommendations specific to the situation of that country.

#### IV Country selection

The ten countries chosen for the research were Belgium, Colombia, Italy, Netherlands, Nigeria, Poland, Thailand, Ukraine, United Kingdom and United States. A combination of countries of origin, transit and destination were chosen to show the treatment of trafficked persons in different contexts. Countries were selected on the basis of having established laws and policies of victim protection for trafficked persons (Belgium, Italy, Netherlands, Thailand and United States). The remaining countries were selected because there are attempts to prosecute traffickers in any case under various laws (Colombia, Poland, Ukraine and United Kingdom). Anti-Slavery International was interested in evaluating whether any attempts were made to protect trafficked persons involved in such cases. Nigeria was selected because a large number of Nigerian women are trafficked for prostitution to three other countries being studied, Belgium, Italy and Netherlands. We wanted to evaluate what happened to such women who return to Nigeria. Countries of origin were selected to evaluate what happens to trafficked persons who return from abroad, especially if they have testified abroad, and what kinds

of protection, if any, are available to them there (Colombia, Nigeria, Poland, Thailand and Ukraine).

## V Diversity of legal systems

The research looked at countries with civil law (Belgium, Colombia, Italy, Netherlands, Poland and Ukraine), common law (Nigeria, United Kingdom and United States) and a country with a system that represents legal principles from both (Thailand). Within the civil law systems there were many differences between countries, particularly in terms of application of procedures in trafficking cases. Civil law and common law systems are very different in terms of their investigation and prosecution procedures. For example, the civil law system places more emphasis on the written procedures, statements and investigation, whereas the common law system generally places most emphasis on what is heard (i.e. said) at the actual trial. In general, the civil law system is more 'victim-friendly' than the common law system.

In all the civil law countries, trafficked persons as victims of crime have the possibility to 'join' themselves to the criminal action as an injured party, and thus have legal representation in the criminal proceedings. This gives the trafficked person's lawyer access to the prosecution's file, as well as opportunities to interject in the criminal proceedings by providing additional evidence and examining witnesses. This aims to ascertain the damage done to the victim by the defendant to assist in calculation of damages. In common law countries there is no such right to legal representation in the criminal proceedings, although damages may be awarded for certain crimes at the discretion of the judge.

The civil law system provides more 'protection' to the victim in terms of the actual trial procedure, not only because they have legal representation, but also various evidentiary procedures are in place to protect victims. For example, it is possible in most civil law jurisdictions to take a preliminary deposition of evidence from the victim, such as a sworn statement of the trafficked person in front of an instructing magistrate, which is admissible evidence at the trial (e.g. Poland, Belgium and Thailand). This protects the trafficked person from being confronted by the trafficker in person in court, and reduces the period in which a trafficked person may be threatened with reprisals for agreeing to give evidence. Another example with the same

objective, is the giving of evidence at pre-trial hearings that are closed to the public (though in the presence of the defence) and take place well before the actual trial, as in Italy. Such measures only have the desired effect if accompanied by adequate measures to continue to protect the trafficked persons' safety. It can have a negative effect, as we heard in Poland and Thailand, if judges use this measure simply to obtain evidence and then ensure swift deportation, potentially straight back into the hands of traffickers.

## **VI Research methodology**

This research was a qualitative study, based on information provided during in-depth interviews in each of the countries. The research used specific case studies in each country to highlight good and bad practices related to protecting rights of trafficked persons and prosecution of traffickers. An analysis of various written sources such as the legislation, policies, government and non-governmental (NGO) reports was undertaken, followed by interviews with people working on the ground to gain a complete picture of implementation.

In five of the ten countries, partner organisations or consultants located in that country conducted the research according to research guidelines and standard guide questions concerning six categories developed by Anti-Slavery International, with input from the partners. The research partners were Foundation for Women (Thailand), Payoke (Belgium), and La Strada (Poland). Two consultants were selected for two other countries, La Strada (Ukraine) and Fanny Polania Molina (Colombia). In these countries the researchers were entirely responsible for collecting information on relevant laws, cases and other details. The researchers prepared extensive reports for Anti-Slavery International, on the basis of which these chapters were written.<sup>18</sup>

In Italy, the Netherlands, Nigeria, United Kingdom and United States, Anti-Slavery International conducted the research itself, mostly with the assistance of local non-governmental organisations assisting trafficked persons. Anti-Slavery International's researcher spent approximately two weeks conducting interviews in each of the five countries. In all of the ten countries, a minimum of twelve interviews were conducted with people from the following categories:

- Law enforcement: police, prosecutors, judges, magistrates, and other court officials, especially those who judge cases (including investigative judges), immigration service officials (involved in law enforcement);
- Legal advisers/defenders (those who critique and look for ways to use/ improve the law): defence, asylum, immigration and criminal lawyers, legal academics;
- Officials of relevant government departments dealing with trafficking, State policy makers, consular officials e.g. Department of Immigration, Social Welfare, Labour, Equal Opportunities etc;
- Persons providing direct assistance to trafficked persons i.e. specialised non-governmental organizations, service providers, social/health care workers, persons working in shelters;
- Trafficked persons themselves;
- International and inter-governmental organizations directly involved in cases regarding issues of prosecution and victim protection.

The interviews were designed to provide a close analysis of the obstacles to effective prosecution and the measures of victim and witness protection from the various perspectives of law enforcement, immigration and victim's rights, with reference to specific cases. We wanted to ascertain the treatment of trafficked persons who testified throughout the process of investigation and prosecution and also in the long term; we asked what their needs were throughout the process and how these were met (or not met). We were particularly interested to learn what impact the process of testifying had upon witnesses, and how it could be made easier for them.

## VII Selection of cases

The research sought to look at the application of procedures in specific cases. Cases included were required to fit the following criteria:

- i) Trafficked persons were 18 years or older;<sup>19</sup>
- ii) Trafficked according to the UN Trafficking Protocol definition;
- iii) Trafficked persons who:
  - have acted as witnesses in cases prosecuting traffickers or are currently assisting criminal investigations/prosecution of traffickers or
  - who were unable or unwilling to testify, assist in the investigation

- and prosecution or report the trafficker;
- iv) Cases that illustrate the treatment of the trafficked person by the authorities, especially through the judicial process (preferably including positive and negative examples of treatment by authorities and in terms of impact on the victim's human rights)
- v) Cases should reflect trafficking for different purposes (where possible)
- vi) Cases occurring since 1996.

## VIII Working definitions for the purposes of this research

### 1. Trafficked persons

Any adult person i.e. person 18 years or older<sup>20</sup> who is trafficked according to the Trafficking Protocol definition.

### 2. Support and assistance to trafficked persons

As mentioned, the measures laid out in Article 6 (3) of the Trafficking Protocol.

### 3. Witness protection

A range of measures relating to the security of those who give testimony and those close to them. Any measures that make witnesses and those close to them feel safe before, during and after testifying or making statement about their experience. This ranges from formal witness protection such as police protection, confidentiality, anonymity, relocation and evidentiary measures in the courtroom as well as any informal measures such as separate waiting rooms and corridors in courts, panic alarms, mobile phones.

### 4. Victim protection

Victim protection covers both support and assistance to trafficked persons and witness protection.

### 5. Debt bondage

Article 1 of the United Nations Supplementary Convention on the abolition of slavery, the slave trade and institutions and practices similar to slavery (1956) defines debt bondage as, "The condition arising from a pledge by a debtor of his/her personal services or those of a person under his/her control as security for a debt. If the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length or nature of those services are not respectively limited or defined." Many trafficked persons find themselves in situations of debt bondage, where once they are in the destination country they have to work to pay back exorbitant amounts for travel and/or living expenses.<sup>21</sup> They may submit to these conditions, under the belief that they will eventually be able to pay back the debt,

however, often traffickers find new expenses, or if the debt is finally paid, sell the person again, or report them to the immigration authorities. See, for example; Nigerian women trafficked to Italy for prostitution.

## **IX Limitations of the research**

The research is limited in that it considered approximately 30 cases in total; these cases cannot be regarded as indicative of every situation of trafficking, but represent a range of situations and treatment of trafficked persons. Indeed since access to cases was through organisations supporting trafficked persons (and several cases through law enforcement officials), they are cases where people have been identified as 'trafficked' in the first place and thus received assistance in some form. In the same vein, it must be noted that those who agreed to be interviewed (especially prosecutors, police, immigration officials) were those who were to some degree already aware of the problems, and willing to speak about them. The attitudes, for example, of immigration officers who refused to be interviewed, citing a lack of cases of trafficking or lack of willingness to speak about certain cases, are not reflected here. It was outside of the scope of this report to collect information about the situation of trafficked persons who did not receive assistance. However, it became apparent during the course of the research that this is a key area for future investigation.

In some of the countries where Anti-Slavery International's staff conducted the research, especially in Italy and the Netherlands, due to issues of language we were reliant on interviews and informal translations by NGOs or by Anti-Slavery International staff because of the difficulty in obtaining official translations of all documentation.

In order to keep with the spirit of this research (i.e. protect rights of trafficked persons) strict confidentiality has been observed throughout the research. We have altered all the names used for cases in this report and, where necessary or requested, have omitted particular information that could be used to identify an individual who had been trafficked. Thus, there are few case citations or named defendants in this study. The case studies presented depend on information provided by our sources, although we have attempted to interview three different persons involved in each case in order to build up a more complete picture.

This also illustrates the great paradox regarding victim protection in terms of protection of people's safety, which is that the best protection measures are, in fact, the practices that are not reported here and that are entirely confidential. This is precisely because in cases that have 'worked' in terms of protecting and safeguarding trafficked persons, law enforcement officials are reluctant to disclose sensitive information about the case, which may then jeopardise the safety of the individuals concerned. For example, in regard to reprisals, we were often told that police did 'something' to stop the reprisals, and trafficked persons reported that the reprisals stopped, but police would not identify the nature of the action taken. Other unrecorded cases of best practices occur where trafficked persons have managed to 'disappear' and successfully integrate into a community so well, that they have not needed further support from service providers. These are some of the key issues to bear in mind when reading the report.



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## Endnotes

<sup>1</sup> Article 5 (criminalisation).

<sup>2</sup> Article 2.

<sup>3</sup> United Nations Economic and Social Council, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council, Addendum E/2002/68/Add.1, 20 May 2002.

<sup>4</sup> Such as the International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, and the International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age.

<sup>5</sup> United Nations Economic and Social Council, *Integration of the Human Rights of Women and the Gender Perspective: Report of the Special Rapporteur on Violence Against Women, its cause and its consequences, Ms Radhika Coomaraswamy, on trafficking in women, women's migration and violence against women, submitted in accordance with the Commission on Human Rights Resolution 1997/44, E/CN.4/2000/68*, February 2000.

<sup>6</sup> Article 1 and 2.

<sup>7</sup> Communication from the Commission to the Council and the European Parliament, *For Further Actions in the Fight Against Trafficking in Women*, COM (1998) 726, Brussels, 1998.

<sup>8</sup> *Trafficking in Migrants: Policy and Responses*, May 1999.

<sup>9</sup> The Trafficking Protocol and Transnational Crime Convention are not yet in force.

<sup>10</sup> Article 6 conditions such actions, however, by requiring such steps only in appropriate cases and to the extent possible under domestic law.

<sup>11</sup> Article 7(1) Trafficking Protocol.

<sup>12</sup> Article 24 and 25 Transnational Crime Convention.

<sup>13</sup> Article 24 (2) Transnational Crime Convention, Article 6(1) Trafficking Protocol.

<sup>14</sup> Article 6 (2)(a) Trafficking Protocol.

<sup>15</sup> Article 6 (2)(b).

<sup>16</sup> Article 6 (3).

<sup>17</sup> Article 25 (2) Transnational Crime Convention and Article 6 (6) Trafficking Protocol.

<sup>18</sup> The full reports are available from the organisations involved and from Anti-Slavery International upon request.

<sup>19</sup> This report does not focus on trafficking of children i.e. under 18 years of age.

<sup>20</sup> The standard laid down in Article 1 of the UN Convention on the Rights of the Child (1989).

<sup>21</sup> GAATW, *Human Rights and Trafficking in Persons: A Handbook*, GAATW, Bangkok, 2000, p.36.