

Conference Proceedings  
“Sexual Violence:  
Issues and Responses Across Europe”

By

**Rape Crisis Network Europe**

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**Rape Crisis Network Europe**

[www.rcne.com](http://www.rcne.com)

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## Acknowledgements

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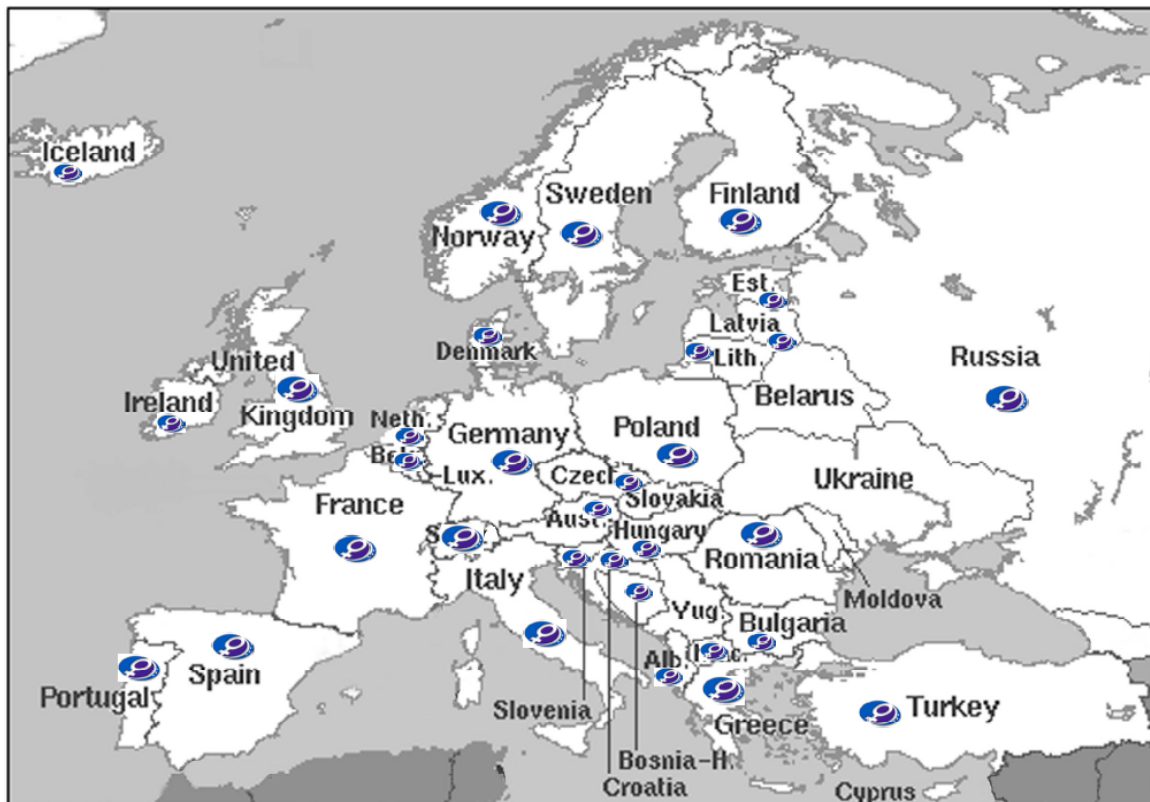
The RCNE would also like to acknowledge the support of the European Commission Daphne programme, which made its development and this conference possible.

For further information on the RCNE, please visit our website at:

[www.rcne.com](http://www.rcne.com)

For further information on the DAPHNE programme, please visit:

[europa.eu.int/comm/justice\\_home/funding/daphne/funding\\_daphne\\_en.htm](http://europa.eu.int/comm/justice_home/funding/daphne/funding_daphne_en.htm)



**Figure 1** The Rape Crisis Network Europe

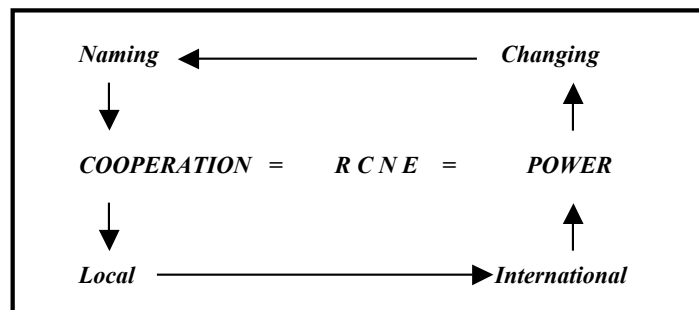
## Foreword

The Rape Crisis Network Europe is a coalition of voluntary organizations providing services to survivors/victims of sexual violence and lobbying for change in relation to societal attitudes to this issue. It comprises voluntary organizations from thirty-two European countries and is run in a collaborative, non-hierarchical way. The Rape Crisis Network Ireland acts as a central co-coordinator of the project, and manages it along with the Rape Crisis Federation Wales and England, the Child and Women Abuse Studies Unit in London Metropolitan University, and the Centre for Victims of Maltreatment and Exclusion, Greece.

The aim of the Rape Crisis Network Europe is to support members and women through campaigning, education and research and development work to eliminate sexual violence against women. This goal will be achieved through the sharing of information, experiences and best practice, by conducting research, developing policies, education strategies and delivering training in order to ensure that women who are sexually assaulted get an immediate and supportive response wherever they live in Europe.

The RCNE will work, as the diagram below illustrates, to ensure that rape is named, behaviours are changed and local and international responses are effective from a woman's perspective.

### **RCNE Transformation Challenge**



The **objectives** of RCNE are to:

1. Provide **information** through recording facts, exchanging experiences, disseminating results, awareness raising, educating, informing the development of support service and acting as a point of contact for survivors/victims and

- organisations;
2. Conduct **research** on EU-wide activities, on women's experiences, making international comparisons and exposing deficiencies and injustices;
  3. Influence **education** services through educators, policy makers and improving the curriculum;
  4. Provide **training** for volunteers, workers and professionals and improve delivery through networking to establish models of delivery, exchanging practices and materials, mentoring and developing guidelines;
  5. Operate **international linking** between groups for action through support and pressure, strategies to include all women, developing international best practice and informing and making an impact on EU policy; and
  6. **Lobby for change** in legal provisions, service coverage and standards, funding and resources for groups and organisations that work with victims/survivors and organising campaigns as necessary.

The following approaches are used in the work of the RCNE:

- Inclusiveness: we will ensure that practice is developed to include women from diverse ethnic origins, as well as disabled women, lesbian women, etc;
- Twinning, i.e. members will be teamed up to assist each other with specific projects, tasks etc;
- Working groups will be formed to progress specific areas of work;
- Mentoring will be organized to ensure that where specific expertise is gained, it is shared among the members;
- Members will work to keep survivor/victim-informed services the focus of all of their work;
- Review, monitor and evaluating tools will be utilised throughout; and
- Sustainability will be sought through securing resources, including the possibility of acquiring an office and staff.

The RCNE will work to influence European policy-making and seek to generate standards of service delivery, policy implementation and legislation through national RCNE member state governments, NGOs and the Human Rights agenda.

## NOTES ON CONTRIBUTORS

**Proinsias de Rossa**, Member of the European Parliament for Dublin and Vice-President of the European Parliament's Socialist Group

**Alessandra Fantini**, Daphne Project Coordinator, Rape Crisis Network Ireland.

**Liz O'Donnell**, T.D. for Dublin South and Progressive Democrat Chief Whip. She is a former Minister of State to the Government at the Department of Foreign Affairs with responsibility for overseas development assistance and human rights.

**Liz Kelly**, Professor of sexualised violence at London Metropolitan University, where she is also Director of the Child and Woman Abuse Studies Unit (CWASU).

CWASU has a national and international reputation for its research, training and consultancy work. The Unit has completed thirty-five research projects and are renowned for their issue linkages - between forms of gender violence, and between violence against women and child protection. As special advisors to the British Council CWASU undertakes considerable international work (in Africa, Asia, Europe and South America), providing consultancy and training on research and policy. Professor Kelly has been active in the field of violence against women and children for almost 30 years. She is the author of *Surviving Sexual Violence*, which established the concept of a 'continuum of violence' and over seventy book chapters and journal articles. Her most recent publications include: *Journeys of Jeopardy: A Review of Research on Trafficking of Women and Children in Europe* (IOM, 2002); *A Research Review on the Reporting, Investigation and Prosecution of Rape Cases* (HMCPSI, 2002); *Challenging Violence Against Women: The Canadian Experience* (co-author, Policy Press, 2001); *The VIP Guide: Vision, Innovation and Professionalism in Policing Violence Against Women and Children* (COE, 2000); *Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK* (co-author, Home Office, 2000).

**Jyoti Sanghera** is the adviser on trafficking to the High Commissioner for Human Rights as well as the manager of the Global Anti-Trafficking Programme at the Office of the High Commissioner for Human Rights in Geneva.

Ms. Sanghera has more than two decades of experience and knowledge on the issue of trafficking and related concerns including, human rights, migration, sexuality, and globalization; she has worked in diverse locations on these issues. With a PhD (University of California, Berkeley, USA) in trafficking and sexual labour in Asia, she taught for several years in Canada and has conducted research in this same field. Her interests are not confined to the fields of academia/intellectual enquiry; she continues to be a senior associate with the Centre for Feminist Legal Research in New Delhi, India, and has worked with several non governmental organisations in her specialist area. Since 1999, she has been associated more directly with the UN system in her capacity as senior consultant with UNDP's regional office for South and Southeast Asia, senior consultant with UNICEF in New York for the Yokohama Summit on Sexual Exploitation of Children and later UNICEF's Senior Adviser in India.

**Catherine Harper and Joan Skinner**, researchers/campaigners with Scottish Women Against Pornography.

**Catherine Harper** has a medical/nursing background. Working as a family planning nurse/counsellor at Brook Advisory, she specialised in women's sexual and reproductive health. She has also worked in the field of mental health, as a HIV/AIDS educator and as a street worker with the WHO carrying out a sero-prevalence study of injecting drug users in Edinburgh. Her particular interests are women's mental health, sex education and tackling gender inequality.

**Joan Skinner** has had a career in Scottish Social Work, including community development and, more recently, working with offenders within the criminal justice system. In the latter capacity she has been particularly interested in domestic violence and in the links between gender and offending. She has also campaigned on various women's issues throughout her adult life.

**Catherine Harper and Joan Skinner** are founder members of SWAP, a campaign against pornography which is supported by a network of women's organisations across Scotland.

They are members of the Scottish Parliamentary Cross-Party Group on Men's Violence Against Women and Children.

**Grainne Healy** is the Chairwoman of the European Women's Lobby Observatory on Violence against Women. Former Chairwoman of the National Women's Council of Ireland and Vice Chairwoman of the European Women's Lobby, Ms. Healy is a feminist activist who works as a trainer and facilitator with organisations working for social change.

**Gunilla Ekberg**, is the special advisor on issues of prostitution and trafficking in women at the Swedish Government's division for gender equality.

She was the coordinator of the Nordic Baltic campaign against trafficking in women. She is a lawyer and long time feminist activist against male violence towards women.

**Facilitators:**

**Fiona Neary**, National Coordinator, Rape Crisis Network Ireland.

**Kate Mulkerrins**, Barrister and Legal Consultant, Rape Crisis Network Ireland.

**Dr. Geraldine Moane**, MSc., PhD (California), College Lecturer: Dept. of Psychology, University College Dublin.

Dr. Moane specialises in life-span developmental psychology, gender and sexuality, post-colonial psychology, Irish personality and culture, feminist theory, and health care.

**Bernie Ryan**, Centre Manager and Counsellor and **Dr. Catherine White**, Clinical Director, from the St Mary's Sexual Assault Referral Centre, Manchester.

**Julie Brown**, Outreach Support Worker, Ruhama.

**Catherine Kenny**, researcher with the Irish Centre for Human Rights, NUI Galway (currently doing research on trafficking in Ireland).

## **PROCEEDINGS**

Fiona Neary, the national coordinator of the Rape Crisis Network Ireland opened the conference and chaired the morning session. She welcomed the delegates who represented twenty-three countries.

### ***The Daphne Programme***

#### **Proinsias de Rossa, MEP for Dublin and Vice President of the European Parliament Socialist group**

Mr. de Rossa gave a factual outline of the Daphne programme. It began in 1996 when the European Parliament decided to incorporate in its budget a programme for violence against women and children. This was an unusual step as such a programme had not been included in previous budgets. Between 1997 and 1999 thirteen million euro was allocated for this programme. Approximately one hundred and forty nine one-year projects were funded under this scheme, involving non-governmental organisations and voluntary agencies; it did not at this time include public authorities. The success of the Daphne programme meant that the budget was increased to twenty million euro, public authorities were now included and one hundred and forty groups received funding. These groups dealt with domestic violence, aiding and reintegration of victims of violence, the promotion of cooperation between groups and ran awareness campaigns. This round of Daphne funding is ending in November 2003, and Mr. de Rossa expressed his hope for a new, similar project to be running by mid 2004. The commission dealing with this recommended a continuation of the existing programme with an increased budget (fifty million euro) to allow for the increased size of the European Union to a total of twenty-five states next May. The European Parliament has approved the commission's proposals with some amendments; the increased budget was defeated by one vote. The main budget has not been voted on, so the increased funds for a Daphne-like programme are not ruled out yet. The amendments that have been approved by the parliament include:

- The acknowledgement of the threat of violence as well as its actuality.

- That particularly vulnerable groups should be targeted: ethnic minorities, women in remote areas, women in institutions, street children.
- That it should tackle the problem of human trafficking.
- To study the phenomena of domestic violence and ways of preventing it.
- Should include a wider range of non-governmental organisations that could play a role, for example sports organisations.
- Any product, study or educational package financed or co-financed should be available electronically, free of charge.
- It should support a European-wide database of missing persons.
- Consider establishing a European think-tank on domestic violence comprised of non-governmental organisations and MEP's from the relevant parliament committee.
- Establish a European Year against domestic violence.

These amendments are currently being examined by national civil servants in each of the member states and civil servants of the European Union. If the amendments are not accepted there will be face-to-face negotiations between a delegation of the parliament and the European Council. MEP's have until 20<sup>th</sup> October 2003 to adopt these amendments of which the budget is the most important. It is much needed in light of the fact that the commission admits only thirteen percent of eligible applications to the Daphne project could be funded. Mr. de Rossa encouraged people to lobby their ministers to vote with the increased budget. The Daphne project has moved domestic violence up the agenda, particularly in Ireland and the next few weeks will be crucial to its mandate continuing.

### *The Rape Crisis Network Europe*

#### **Alessandra Fantini, Daphne Project Co-Coordinator, Rape Crisis Network Ireland**

Ms. Fantini's presentation covered the background to the Daphne project, its activities, successes and recommendations.

This Daphne project is co-ordinated by the Rape Crisis Network in Ireland (2001-2003), and is a follow-on from 'Rape: the forgotten issue' (1999-2000) project. It has three main management partners; the Child and Women Abuse Studies Unit in the London Metropolitan University, the Rape Crisis Federation of Wales and England, and the Centre for Victims of Maltreatment and Exclusion in Greece. Ms. Fantini thanked these partners for their support and help. The aims of the project included the establishment and development of a European network of service providers in the area of rape and sexual violence against women, to obtain and divulge up-to-date research data in relation to sexual violence across Europe, and be a point of reference for sexual violence survivors throughout Europe. In response to these aims, the project has developed a network of service providers, incorporating thirty-two European countries, and developed a website ([www.rcne.com](http://www.rcne.com)). Two academic research papers from the Child and Women Abuse Studies Unit have been released; one on rape cases attrition rates across Europe, a follow-up report from 'Rape: the forgotten issue' project, and a review of forensic medical examinations procedures. Best practice guidelines for non-governmental organisations supporting women who have experienced sexual violence, models of training and accreditation strategies reports have also been released by the Rape Crisis Network Ireland. Ms. Fantini has noticed that diverse management teams (e.g. academics and service providers) facilitate working with multiple frameworks, that short-term funding does not lead to sustainable development of projects and that the European Union exclusivity has meant that those outside the union are ignored, despite violence against women having no borders, though the new budget will more inclusive. Ms. Fantini emphasised the fact that the Daphne programme should be about people and services, not politics and bureaucracy. The European Union needs long-term social policies to combat violence against women; these should be implemented by a centralised European Union agency. Ms. Fantini also found that the inflexibility of the European Union funding bureaucracy is unsuitable for non-

governmental organisations also the instability of this funding does not lead to sustainable development of projects. The recommendations for future projects centres around this development of sustainability, and also co-operation between the network and building on existing data, research and experience.

**Fiona Neary** praised Alessandra for her commitment to this project; it was through her determination that so many contacts were made across Europe. Ms. Neary also expressed her pleasure that the Irish justice minister, Mr. McDowell publicly recognised prostitution as super-structure of exploitation the previous day, before introducing Ms. Liz O' Donnell, one of his party colleagues, as the next speaker.

### **Official Opening of the Conference**

**Liz O' Donnell, T.D for Dublin South and Progressive Democrat Chief Whip**

Ms. O' Donnell expressed her delight at being present to officially launch the conference. This area is an important one for her, in light of her previous role as human rights and overseas development minister. Female empowerment was a central issue for Ms. O' Donnell during her time in that post. Human development is at the core of the Irish government's work in Africa and other developing countries. The government works with six African countries and non-governmental organisations in a wider context. Ms. O' Donnell believes that the gender aspect is particularly important; if women are excluded and disempowered; societies will be dysfunctional. Institutional and legislative change is essential (already there is a strong base in this area in Ireland), but women must also be empowered to not accept violence in the home and in their societies. Public awareness and support for women is very important for this change to be brought about. Ms. O' Donnell, supports Mr. McDowell's statement, and disagrees with "misdirected liberalism" that advocates the decriminalisation of prostitution; instead she views this as corruption and crime against womanhood.

Ms. O' Donnell hopes that the Daphne project, which Ireland is officially supporting, continues to the next phase. Sustainability is essential for this project's long-term success,

and co-operation is essential for the greater efficiency of services. As phase one ends, Ms. O' Donnell expressed her best wishes for the future.

**Attrition in Reported Rape Cases: A Forgotten Issue?**

**Professor Liz Kelly, CBE, Professor of Sexualised Violence and Director of the Child and Women Abuse Studies Unit (CWASU) at London Metropolitan University**  
([www.cwasu.org](http://www.cwasu.org))

Professor Kelly reported that rape, a forgotten issue, is the most feared crime for women; it is often considered a unique crime as it is gendered, and it is a physical violation of intimate boundaries. On the legal side rape and sexual assault are singled out for different treatment, these are crimes surrounded by misnomers and clichés. Despite widely held beliefs, it is not easy to report rape but it is easy to disprove. Generally corroboration (more evidence than the victim's<sup>1</sup> word against the alleged perpetrator) is required for cases to proceed. Beliefs surrounding this issue often lead to the victim's sexual history and character becoming part of the case. On a public discourse level no one would openly say that women invent the crime, but it is an underlying idea. 'Real rape' is a constructed idea of the perpetrator as a stranger using a weapon, causing injury, and the crime occurring outside with all women reacting the same way. In reality, rape is generally perpetrated by people familiar to the victim, without the use of weapon and without major injuries being caused.

For Professor Kelly's report released today, the justice ministries within the European Union were surveyed, as well as those in the accession countries. They were asked to supply the numbers of reported rapes, prosecutions and convictions in two time periods: 1977 to 1997 and 1997 to 2002. The attrition rate is the proportion of cases that do not proceed, or fail to result in prosecution or conviction. It must be borne in mind that only a small proportion of total rapes are reported (one in ten) those that are may go no further in the legal process if the attacker is unidentifiable or if the police do not believe the accuser or for a number of other reasons, attrition is a layered issue.

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<sup>1</sup> See Kelly's report on forensic medical examinations (2003) for an explanation of the reclaiming of the word 'victim' into feminist analysis.

In Belgium cases are dropped when the perpetrator is under the age of eighteen, the Belgian system will not prosecute youths for sex crimes. Not all of the Belgian data is available to demonstrate their attrition rates but it is known that the conviction rates have not risen to match the reporting of rape.

The following countries that Professor Kelly discusses were chosen because they gave the most comprehensive data, or because of the delegates present.

The attrition rate in England and Wales shows increased reporting and prosecutions but the latter still lags behind. There is virtually no alteration in the conviction rate over this same time period. Scotland follows the same pattern, but more prosecutions result in convictions there.

The attrition rate in Ireland is the highest in Europe. This is a contentious issue, but a fact when based on figures supplied by the justice department. The conviction rate in Ireland over the past five years has been between one and two percent.

The attrition rate in Sweden follows the same pattern; the reporting is (obviously) higher than the prosecutions, which is still above the conviction level. The conviction rate is six percent.

The attrition rate in Finland shows uneven levels of reporting, but once prosecuted, assailants tend to be convicted.

Greece produced only partial data. The attrition rate in Greece shows flat reporting, similar to a number of other countries.

The attrition rate in Austria demonstrates similar reporting patterns as Greece, but there are much more prosecutions than countries already discussed but three-quarters of these prosecutions do not result in convictions.

Germany's attrition rate operates differently to other European countries. The reporting rate is basically flat, but it is the only country with an increase in prosecutions and convictions are sustained. These rates move together very closely.

Switzerland shows basically flat reporting, and over time there is no change in conviction rate.

Hungary demonstrates a very different pattern. This pattern was followed for many of the other central and eastern European countries. There is a decline in reporting around the time of transition; the fall of the Soviet bloc. This could demonstrate that if women do not have confidence in state organisations they will not report rape. In 2000 and 2001 the

reporting rates are beginning to rise. Hungary prosecutes the majority of reported rapes, and these generally lead to convictions.

Poland's attrition rates are an enigma. In the past seven years it has more prosecutions than reports. Between a third and a half of prosecutions lead to convictions, but Poland's conviction rates are falling in this period.

The Czech Republic's attrition rates show that the majority of reported rapes are prosecuted but only a third result in conviction.

Slovenia shows a declining conviction rate despite increases in reporting in the past four years.

There are different reporting rates between similar countries, for example England and Wales have two thousand more reported rapes than Germany despite Germany's larger population. England and Wales had 11,400 reported rapes in 2002. Sweden has ten times more reported rapes than Greece despite roughly similar population sizes.

Western European countries show either significant increases in reporting, or flat reporting through the 1990's and then rising. The different prosecution rates (ranging from seventy five to ten percent of reported cases) are partially attributable to the differing legal systems, but a concern is the overall falling conviction rates in all European countries except Germany. The proportion of convictions in prosecuted cases has fallen from more than seventy percent to less than thirty percent. The countries with adversarial systems uniformly fall below the ten percent conviction rate, but this is also true for Sweden without such a system. Legal and procedural change is required to widen the definition of rape and remove some of the unique evidential requirements.

In England, only five to twenty-five percent of rapes are reported; proof of a culture of scepticism. The processes are tied to a 'stranger rape' model, this needs to be altered. The stereotypes of rape need to be dealt with so that 'different' rapes are reported.

A tiny proportion of rapes take place in the context of a date, despite it becoming easier to meet women as they are in the public sphere, there is no need to, for example, hide in parks. A new category may be required; already we have the 'stranger' rape model and the 'known perpetrator' model, but date rapes do not fall into these categories as the assailant is neither known nor entirely unknown.

The limited policy development needs to be addressed so that laws are based on the principle of sexual autonomy so that 'real' rapes are not ignored. This issue does not just

have a legal base, but rape must be discussed to allow for its complexity and messiness to be accepted and believed.

There has been success in getting women to come forward, but there have been failures in maintaining their dignity and integrity. This is a failure of due diligence to protect human rights violations. Rape must become a policy priority over the next decade and attrition rates must be addressed.

For full details, please read the report: *Rape: Still a Forgotten Issue* (2003).

**Fiona Neary** stated the continuation of Professor Kelly's research as imperative.

**Break**

### **Trafficking**

**Dr. Jyoti Sanghera Adviser on Trafficking and Programme Manager, Global Programme against Trafficking, UN Office of the High Commissioner for Human Rights**

Dr. Sanghera, whilst in Ireland wished to praise the work of Mary Robinson in the area of trafficking. In a more global context, she highlighted the fact that trafficking/migration are increasingly associated with terrorism; in this atmosphere it is difficult to build policies. The men currently running the world have a simple binary view of affairs; this has led to the United Nations crisis, which mirrors a similar situation in the human rights area at the moment. Trafficking needs to be placed in a larger global more complex context.

Instead of focussing on the problems, Ms. Sanghera wished to highlight the achievements in the anti-trafficking arena. Standards have been set in the United Nations in the areas of human rights and there has been a convention on trans-national organised crime, this has come into force (29<sup>th</sup> September 2003). This convention has two protocols, the protocol against trafficking and a protocol on migrant smuggling. The protocol on trafficking has not gotten sufficient ratification yet, so it has not come into force but it should be in place by the end of this year. The United Nations Office of the High Commissioner on Human Rights has produced a booklet on the recommend guidelines and principles on human rights

and human trafficking. This gives practitioners essential instruments to use the legislation on trafficking. In July the United Nations placed protection over migrant workers and their families, but this protection has only been ratified in the countries of origin, not the countries of destination. This makes it difficult to implement, but at least it supplies a tool to use. Aside from these successes there have been other more regional advances, for example South Asia now has a convention on trafficking. The European convention against trafficking sponsored by the Council of Europe is under discussion and will be finalised by the end of 2004. The drafting process is ongoing and Ms. Sanghera encourages people to get involved in this. This European convention intends to go beyond the Palermo protocol and have a more human rights content.

Other successes include an internationally accepted definition of trafficking enshrined in the protocol and also the recognition that trafficking is a chain, a cycle that includes three points – the process of recruitment, transportation and harbouring, as well as a perpetrator.

Two frameworks are in place to address trafficking, which is defined as a crime and a serious human rights violation. There are two players in trafficking: the perpetrators (traffickers) who need to be prosecuted and the victims (trafficked) who need a human rights framework to protect and assist them. Ms. Sanghera posed the question: how do we meld these frameworks, the criminal justice framework, and the human rights framework?

Anti-trafficking measures must not adversely affect the human rights and dignity of trafficked individuals. Trafficked persons should not be treated as criminals but protected and given legal and other required assistance. Safe and voluntary repatriation should be offered, but where this would be dangerous, the trafficked persons should possibly be offered permits to remain in their destination country. The factors that lead to trafficking must be dealt with, government interventions must address people's vulnerability to trafficking, including inequality, poverty and all forms of discrimination.

The traffickers need to be punished, states should freeze and confiscate the assets of individuals involved in trafficking and where possible these confiscated assets should be used to support and compensate victims of trafficking. Public sector involvement must not be tolerated. Trafficking and other related offences should be extraditable under national law and extradition treaties.

Unfortunately, so far there have been few prosecutions and the criminal justice framework has been centred, while the human rights framework has remained weak. Trafficking is a

‘perfect’ crime as it is difficult to prosecute; this is because often the trafficked person is willing up to a point. When a person seeks to move from a source country they are merely a seeker of a better livelihood. They have little knowledge of the public world, so they seek an agent. When they cross a border they are colluding, but are still a willing (though illegal) migrant. When they are confined, that is when trafficking has taken place; they are now even more difficult to access. It is difficult to put statistics on trafficking because of this access difficulty. The research and methodologies need to be developed to address this. In several sites non-governmental organisations and women’s organisations go into villages and source areas to try to determine how to protect these women. Often in spite of good intentions, they do harm. In their attempts to stop trafficking they are preventing the migration of women, their rights to mobility can be blocked. A human rights framework needs to be at the forefront of interventions.

Ms. Sanghera then posed the question: how do we deal with these challenges? Legislation needs to be consistent with human rights. It must be investigated how to prevent this crime and to collect data on such statistics as the numbers of women who have been deported and how many prosecutions have taken place. Interventions on the ground demonstrate the hierarchy of the victim; when women are rescued and are willing to turn informer they are often given assistance, but if they are unwilling the assistance may not be forthcoming. They may not possess the ability to cooperate, they may not feel safe, they may fear for the safety of their families particularly if organised crime got them to their destination country. Women need to be seen as allies, and be protected and supported as such.

The most serious need that has to be addressed is how we can centre the rights of migrants who wish to move, and those who have been deported back to the conditions they wished to escape. When residency is not allowed, it becomes clear why they will not cooperate in prosecutions. Human rights are absent from this, something must be done to bridge this gap.

**Fiona Neary** then introduced the next two speakers.

## *Pornography*

### **Ms. Catherine Harper and Ms. Joan Skinner, Researchers/Campaigners, Scottish Women Against Pornography (SWAP)**

Ms. Harper spoke first and thanked those present on behalf of the many people of Scotland who have told SWAP that they do not want or like pornography and are increasingly concerned that it is invading their personal lives and communities. SWAP is not a single-issue campaign; they are against all forms of exploitation of women and children. SWAP sees pornography as playing a key role in creating and maintaining sex as a basis for discrimination. Pornography is not new, and neither are the attempts to silence those against it. Pornography is a disturbing reality for many women and the myths surrounding it (harmless fun) have become more credible than the voices of women.

Pornography is a universal backdrop to our lives. It has become like wallpaper due to television, the internet and its accessibility at the local corner shop. The choice of living in a pornography-free environment is being denied to all.

Ms. Harper wished to make it clear that fatalism about the harm of pornography is not acceptable, nor is it inevitable. SWAP believes, like many others they have encountered, that the harm of pornography needs to be more widely recognised, and placed at the heart of the debate on sexual violence against women and children across Europe.

The intention of this presentation is to address the following questions:

What is pornography and what does it do?

What is the harm of pornography?

Why are we silent about this harm?

What can be done?

SWAP's objection to pornography is not its sexual content or explicitness but its degradation of women and children. Erotica is acceptable as it perpetuates the ideals of equality and mutual respect, but pornography reinforces the values of subordination.

The definition of pornography:

Pornography is the graphic, sexually explicit subordination of women through pictures or words which also include one or more of the following elements:

### *It presents women*

- As dehumanised sexual objects, things, or commodities.
- As sexual objects enjoying pain or humiliation or rape.
- As sexual objects tied up, cut up, mutilated, bruised or physically hurt.
- As reduced to body parts, penetrated by objects or animals.
- In postures of sexual submission or servility or display.
- In scenarios of degradation, injury, torture, shown as filthy or inferior, bleeding, bruised, or hurt in a context that makes those conditions sexual.

Pornography ceases to be pictures, but is a practice. To demonstrate the reality of what pornography is the speaker read out and displayed captions on the covers of 'soft' pornographic magazines available in local corner shops freely accessible to be viewed by all. The speakers attended the 'Festival Erotique' in Edinburgh and managed to easily obtain a DVD called 'Daddy O' which made reference to child abuse as a sexual desire.

In essence, deviance is particularly harmful when it is seen as normal behaviour, it distorts people's views of relationships and sex, and research has shown that there is strong link between pornography and violence against women and children.

The pornography industry makes more money than either the music or film industries, it exploits the poorest people and perpetuates racist and sexist stereotypes for example the notion of Asian women as subservient dolls.

**Ms. Skinner** wished her presentation to challenge the myths surrounding pornography; that pornography causes no harm and can actually do some good. Social and psychological research demonstrates the effects of pornography in the real world. Clinical findings have found that men exposed to pornography show greater callousness and pornography undermines men's inhibitions (both personal and social) to initiating and carrying out rape, and desensitises consumers to the reality and seriousness of the rape act. Women are perceived as sexually available, they desire forced sex; this subtracts from the seriousness of rape. Pornography shows women enjoying rape towards the end of the assault, this predisposes men to abuse. It has also been noted that in the weeks prior to a sexual offence, offenders increase their use of pornography. A 1986 study prepared for the American Attorney General reported that 56% of the rapists and 42% of the child

molesters in the sample said that pornography played a role in their offences. The rates of availability of pornography and offences in various countries do demonstrate a link.

Young people are particularly targeted by the industry. Young boys are the primary users of pornography. Thirty five percent of young Canadian males showed an interest in seeing violent images such as rape and bondage. There have been similar recent findings in Australia. In France, a recent government sponsored survey showed that most eleven year olds have seen explicit films. The man who carried out this survey said that pornography has become young people's point of reference about sex. Michela Marzano, a philosopher and psychologist, said it was becoming increasingly difficult not to relate children's increasing exposure to pornography to the recent surge in cases of teenage collective rape in France.

Fred West had an extensive pornography collection and circulated videos of his crimes. Sarah Payne's murderer had a garage full of pornography. In the weeks preceding this conference, a man with a large pornography collection was found guilty of raping a thirteen month old girl. The judge highlighted the link between the two.

Ms. Skinner believes that pornography diminishes and damages women and children and we need to be more active in challenging it. People are too silent despite finding pornography offensive and disturbing.

'The Vagina Monologues' celebrates women's sexuality and strength and highlights the violations women endure. Eve Ensler, the play's author, noted whilst travelling with the production that behaviour that harms people is considered acceptable. People remain silent as they do not wish to be seen as prudish.

Ms. Skinner believes pornography is political; it reflects the imbalances of power and it impacts on violence against women. This is an urgent issue especially in light of its availability for young people.

**Ms. Harper** spoke on the actions that could be taken. SWAP does not advocate a ban on pornography, but wishes to inspire debate; SWAP has been successful in this by getting their opinions published in national newspapers. SWAP has held an 'Off the Shelf' postcard campaign, has helped people campaign against the licensing of sex shops in their areas, and has sent a petition to the Scottish parliament with 750 signatures demanding a harm-based definition of pornography.

The speaker encouraged people to look at pornographic magazines; to think about what is being said about men's relationships with women and children, to challenge the myth that pornography is harmless fun, and to incorporate it into the debate on violence against women. Governments run campaigns against smoking and other public health issues; Ms. Harper believes the same should be done for pornography to create awareness of the issue and to change attitudes.

### **Trafficking**

#### **Ms. Grainne Healy, Chairwoman of European Women's Lobby Observatory on Violence against Women and member of the Irish National Observatory on Violence against Women**

Due to time constraints Ms. Healy was only able to discuss excerpts from her original presentation, but has supplied us with her full account (Appendix I).

The European Women's Lobby is a forum for non-governmental organisations to strengthen their action within the European Community against violence towards women, as well as working on other women's issues. The lobby believes this violence is borne of the power base of men versus women; men are, generally, the perpetrators of violence.

The lobby is a feminist organisation and its principles are set within a feminist human rights framework. Rape, pornography, sexual assault, sexual harassment, prostitution and trafficking for sexual exploitation are all included in the lobby's mandate. The lobby has formed an Observatory on Violence against Women comprising experts in this field from each member state. As chairwoman of this group, Ms. Healy's role is to facilitate the experts to identify emerging trends in violence against women at the national and European level and allow an examination and comparison of data and experience.

The European Women's Lobby Observatory has published lobbying tools for non-governmental organisations relating to violence against women in the EU – one on male violence against women in intimate relationships and a second which is a set of proposed indicators for tracking progress on violence against women.

It has also formed a European Union level think tank on violence against women where senior European Union policy makers and programme managers meet up with lobby's observatory members, researchers and members of the European parliament to discuss how it might be possible to find/create a legal base so that the EU can address violence against women in an effective way.

The lobby, using money from the Daphne programme has started to support the development of national observatories on violence against women. The idea of the national observatories on violence against women is to collect data on agreed indicators so that we can best monitor government commitments to and progress in actually combating violence against women.

Ms. Healy wished to turn her attentions to trafficking. Trafficking can be seen in terms of two factors – push and pull/demand. The root cause of trafficking lies in the push factors. These push factors incorporate class, gender, ethnic origin, exclusion from education/training, poverty, unemployment, gendered cultural practices, and gendered based violence. The pull/demand factors include: globalisation, cheap female labour, the growth in the sex industry, restrictive legislation on immigration, and existing exploitation in the labour market. The problems with restrictive immigration policies are further compounded by the lack of regulation, the trade-offs between enforcement agencies and other public officials, which makes it a high-profit, low-risk venture.

Trafficking often occurs specifically for sexual exploitation; trafficked women often become prostitutes. Ms. Healy estimates that eight thousand Nigerian women and five thousand Albanian, Moldavian and Ukrainian women have been trafficked into street prostitution in Italy. Traffickers receive lesser penalties than those for drug crimes, but unlike drugs a woman's body is reusable.

Ireland is a country of transit and destination for trafficked people. Irish men are exploiting women who often have no English, for payment, when it's given. The Dublin-based non-governmental organisation, Ruhama, is working with prostitutes. They have observed a growing phenomenon in the trafficking trade but it is hard to quantify. They estimate that, in 1999, 300,000 women had been trafficked from Eastern Europe to Ireland for sexual exploitation. The European Women's Lobby Observatories at European Union and national levels all believe that combating trafficking must coincide with measures to combat prostitution and other forms of violence against women. Trafficking in Ireland means

women are smuggled into the country to work in lap-dancing clubs or brothels, or else they are moved onto other countries. At this point Ms. Healy gave an account of one trafficked woman from Eastern Europe who ended up in Ireland.

Ms. Healy believes that we must:

- Acknowledge that trafficking is happening in Ireland.
- Challenge the growth of the sex industry in Ireland.
- Pressure the state to alter the current situation where convictions are exclusively of those engaged in prostitution, not those buying/using these services.

### *Prostitution*

#### **Ms. Gunilla Ekberg, Special Advisor, Division for Gender Equality, Ministry of Industry Employment and Communications, Sweden**

Ms. Ekberg outlined her presentation by stating that she would be discussing the principles behind Sweden's handling of prostitution with a particular focus on legislation that prohibits the purchase, or attempted purchase, of sexual services. In Sweden, persons in prostitution are not criminalised, and are assisted to exit this lifestyle.

Sweden does not believe it is possible to have a democratic society while there is gender inequality and more specifically where a subclass of women and girls can be bought by men for sexual purposes. These women are excluded from the universal principles of human rights; the right to travel, dignity, right to your bodily integrity, right to live a life free of male violence.

Sweden defines prostitution as an extreme form of male sexual violence against women and children. The legislation prohibiting the purchase of sexual services was part of a package of legislation against male violence. This was done intentionally to create a basis for the continuing work in this area in Sweden. When prostitution is defined as male sexual violence instead of work or seen as a woman's choice, different policies are developed. Ms. Ekberg was later applauded for a similar point; that the definition of prostitution as work, or the legalisation of prostitution is one of the most serious present-day threats to gender equality and the rights of females to live their lives free of male violence. She posed the

question: what is the purpose of our work against male violence when men can purchase the right to perpetrate these very acts against women and children in prostitution?

Trafficked women are often coming from poverty-stricken countries which have few opportunities for women. Importantly, international studies show that the majority of prostituted women have experienced sexual and/or physical abuse prior to being drawn into prostitution. When an individual has experienced rape and has been sexually invaded daily and repeatedly, she will experience serious physical and psychological consequences.

When prostituted women do exit prostitution it may be difficult for them to get a job, employers may wish to know about previous employment. It is also difficult for them to get over the physical and psychological consequences.

Ms. Ekberg does not believe that trafficking and prostitution are separate issues, as the industry does not separate them. The overwhelming majority of traffickers traffic women within a country or over national borders for the precise purpose of exploiting women in prostitution. This area must be considered an industry, and one of male violence, it is not dominated by isolated perpetrators, rather today the industry is globalised and local pimps and networks are in most cases in contact and collaboration with organised crime networks in other countries. The questions must be posed: Who is connected to the brothel owners? What are the brothel owners' political connections? How do they operate?

A number of oppressive conditions increase the likelihood of women and girls being drawn into prostitution by pimps and traffickers, such as living in poverty, being homeless and being drug dependent, gender inequality, including lack of access to social, economic and political power, sex and racial discrimination as well as sexual, physical and psychological violence by male relatives, boy friends, husbands, pimps and others.

What is the root cause of prostitution? The real cause of prostitution is the fact that men are buying. The Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime ("Palermo Protocol") also includes an obligatory article (9.5) stating that States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking. Ms. Ekberg stressed that all forms of legalisation of prostitution activities or regulation of the prostitution industry must be opposed, e.g.

brothels, lap-dancing clubs, or the removal of procuring offences from the statute books, the creation of tolerance zones, etc.

Sweden held a seminar last year to investigate the issues behind the legalisation of prostitution activities in a number of countries around the world. The arguments supporting legalisation (e.g. violence against prostituted women will decrease making women safer, organised crime involvement will decrease, the number of trafficked women will decrease, etc) were refuted by research from other countries where prostitution has been legalised.

(See the website: <http://naring.regeringen.se/fragor/jamstalldeht/kvinnohandel/index.htm>)

Between 1847 and 1918 prostitution was regulated in Sweden. Even in this early period Swedish feminists proposed to focus on the men, and this is what eventually happened on January 1, 1999. In 1986 the National Association for Battered Women's Shelters presented for the first time a demand list to the parliamentarians to this affect. It became a cross-party proposal with almost a consensus, only one party stood against the idea to criminalise the men. Forty percent of the parliamentarians were women at this time which was heavily influential on its adoption. The law is currently worded as follows:

“A person who obtains casual sexual relations in exchange for payment shall be sentenced - unless the act is punishable under the Swedish Penal Code, for *the purchase of sexual services* to a fine or imprisonment for at most six months. Attempts to purchase sexual services is punishable under Chapter 23 of the Swedish Penal Code.

The fines are day fines, which are based on a percentage of the offender's income.

Who are the men buying sexual services? A poster campaign was launched in 2002 to break the myths surrounding men who use women in prostitution. These men are not disabled or without any other sexual outlet. The most common buyer is a man in his forties, often with a female partner and children. Before the law came into force, it was estimated that thirteen percent of Swedish men have bought sexual services once or more. Therefore, one of the posters showed 11 'regular' men with the caption "One Man in Eight has Bought Sex". Another poster also showed how the Internet has developed to be one of the fastest growing markets for the prostitution industry, with the caption "More and More Swedish Men do their Shopping on the Internet".

The Swedish legislation has worked well, up to July 2003, five hundred men have been charged under the legislation, two-thirds of who were prosecuted and convicted, and one half of the remainder pleaded guilty, and therefore did not go to trial. This year there was a

three hundred percent increase in the convictions partially because the police and prosecutors who implement the legislation are becoming better trained. It is important to train the law enforcement agencies in order for them to better enforce the legislation. Eighty percent of the Swedish population support the principles behind the legislation as well as the legislation itself.

Ms. Ekberg stated that three things need to be done if legislation similar to the Swedish model is being introduced:

- 1) The establishment and funding of exit programmes for women and other persons in prostitution;
- 2) The education of police, prosecutors and judges on the principles behind the law as well as how it can be used effectively in e.g. procuring and trafficking in human being cases.
- 3) Public debate must occur.

**Break**

### *Forensic medical examinations forum*

**Facilitators: Dr. Cath White, Clinical Director, & Bernie Ryan, Centre Manager, St. Mary's Sexual Assault Referral Centre**

The forum began with everyone introducing themselves and it was decided that the scheduled discussion of forensic medical examinations would take place with a brief outline of the forensic nursing pilot programme towards the end of the allotted time.

The facilitators gave a presentation on their own institution and its work. St. Mary's Centre was started in 1986 as the first centre of its kind in the UK. Its aim is to be a one-stop service for anyone who has been sexually assaulted in the Greater Manchester area. The core services provided are:

- Forensic medical examinations.
- Emotional and practical support.
- One-to-one counselling for clients and supporters (persons such as boyfriends, husbands or parents who are also affected by the sexual assault).
- Post-coital contraception and pregnancy testing – it is possible to access termination services. Support is provided if the client continues with a pregnancy that is the result of the sexual assault.
- Screening for sexually transmitted infections and HIV counselling.
- 24 hour telephone support and information.
- Support through the criminal justice process.
- Training and consultancy services.

Since inception more than 8,700 clients have been seen. The Centre has been collecting data and is starting to publish some of that information. In Manchester, one in twelve rapes is reported, twenty percent of reported cases are prosecuted, and there is a nine percent conviction rate. The Centre does see men, comprising about seven percent of their clients. The age profile of all clients is lowering, the majority are between ages sixteen and twenty-four.

Clients come to the centre with the police or self-refer. Sexual assault takes away a victim's choice and control, self-referral gives some of that choice and control back to the

individual. The centre provides a full forensic examination and can store samples so that the client can make a later decision about filing a police report. A police officer is available to talk informally to a client about the prosecution process without placing pressure on the client. The staff at the centre may notice a pattern of a serial rapist and with a client's consent they can pass on anonymous data to the police about a particular sexual assault without the client filing a report.

The forensic physician or forensic nurse has a dual role: therapeutic and forensic. The therapeutic role includes checking for injury (fifty percent of the clients have no injury). In the cases where the client has severe injuries and is in another hospital, the centre doctor will travel to that client. Contraception is offered: the morning-after pill or a coil if a seventy-two hour period has passed since the assault. The centre has a sexually transmitted infection clinic once every two weeks, but if an infection is the result of the sexual assault it will not show up immediately.

Prior to a forensic examination the doctor or nurse will get:

- History from the police – this does not need to include details such as the colour of the car.
- Consent from the client – this may take time. The client needs to understand that the notes from the examination are admissible in court.
- A brief medical history – sensitive information is put on a different sheet of paper only admissible by a judge's order.
- History of drug and alcohol consumption - If this information is not taken, the doctor or nurse may be open to accusations later. The centre has seen an increase in the numbers of drug-assisted sexual assaults.
- A history of the assault – at this point the nurse or doctor can tell the client what the police have said and ask if that is accurate. Some clients do not tell the police everything that was done to them.
- The client chooses who will be present during the examination – the police are only present if the client chooses.

The forensic examination includes:

- Height and weight of client (naked).
- A top to toe examination – it is a mistake to only do a partial examination. The client may not know they have injuries such as scratch marks or hair missing. These injuries may support the account of the sexual assault.
- Note the demeanour of the client – clients are often calm and quiet. They may be in shock. There is a need to educate juries and barristers that that is a normal reaction.
- Take forensic swabs as appropriate around the body - Injuries need to be recorded. The processes are explained to the client and he/she is involved.
- Follow the same procedure each time.
- Palpate the scalp.
- Check inside the mouth.
- Check the eyes – petichial haemorrhages may be present.
- Check the fingernails.
- Look at the client's back.
- Note any signs of abnormal bruising.
- Do a digital pelvic examination.
- Anal examination – a client may not know or state that the sexual assault involved anal penetration. (Persistence of semen: one to two days in mouth, three days in anus, seven days in the vagina.)

Injuries should be documented – the type, size shape, swelling, tenderness, colour, signs of healing, the direction (the direction the skin is piled may support the client's account), the position from a fixed bony point. Centimetres should be used to describe the size, not fruit. Everything a client says is recorded, and they are given full information about their injuries to avoid any misunderstandings, for example if explaining that a laceration of the vaginal wall is present the client may believe she will not be able to have children when it is a two centimetre scratch.

The centre carry out medical examinations if a client requires it, even if there will no longer be available forensic evidence. The doctor or nurse cannot have any other commitments during on-call time; examinations can take up to two hours.

The forensic nurse pilot project was funded by the Home Office between 2000 and 2003. The Greater Manchester Police Department will continue to fund the project. There were mistakes made and many things learned during the project. They include:

- It is necessary to have the infrastructure and support in place.
- Training needs should be based on the trainees' requirements. Training needs to include court report writing and testifying; nurses would not have prior training for these.
- Supervision is important. The forensic nurse initially had no professional nursing support in the centre. The forensic nurse (to be replaced by two part-time nurses) is now accountable to the lead nurse in the hospital. The nurse must have an identified supervisor before entry into training. The Centre is considering forensic nursing accreditation, probably at Level II university.

#### Questions:

Is there judicial acceptance of the forensic nurse and her statements?

A nurse, like a doctor must prepare each case as if it is going to court. It is unknown which cases will continue to prosecution. The nurses and physicians documents and records provide an opinion; these are readily accepted by the court. New physicians also have a backup opinion provided by a more experienced doctor.

What information is considered sensitive and kept on a separate sheet?

Any vaginal deliveries or terminations within the past month could be relevant this information is on the first sheet. Information such as previous suicide attempts or other previous medical information is placed on the separate sheet. Its admissibility is decided by a judge.

Spanish delegates raised questions on the extent of injuries; in Spain approximately twenty percent of reporting victims have injuries, of which five to ten percent are serious. The centre defines injury as any abrasion, bruise or laceration. Very young and menopausal women are more likely to show injury. Injuries are also dependent on how quickly after the sexual assault the examination takes place. The centre deals with between six hundred and

seven hundred clients per year and just one client has been referred to a gynaecologist because of her injuries.

How long does the centre keep the forensic samples?

Samples are kept until a client chooses to report or requests that their samples are destroyed.

Is there any pressure by the police to get clients to make statements and follow through with the court process?

The centre has a lot of influence over the police training. The Centre provides training while police officers are probationers, when they join CID and when they attend rape awareness training. The centre is well-established and the police are used to the process. It is rare for there to be a complaint about the police behaviour.

Why are clients asked about mental health issues?

Only information on the previous four weeks is discussed, current drug use may be important. Clients are told what a doctor has to disclose so that they can make their own choices, a different level of confidentiality is available from the crisis worker.

Is there a license for a forensic doctor?

No, a doctor needs to be registered and the centre encourages her to get more qualifications.

Is it possible to have a medical exam without having a forensic exam?

Yes, once it is explained that seventy percent go on to have a forensic exam. About twenty percent of the centre's clients come for counselling only.

Why take sexual history?

Only recent sexual history which matters for a forensic examination is specifically asked required.

If the forensic examination shows no injuries, what is the likely court outcome?

It is more likely that cases will go to court if there are injuries. Once the case gets to court it does not seem to have too much influence.

If the statistics say that the clients who have injuries are more likely to end up with a case in court, why go through the same process if there are no injuries?

It is important not to be overprotective and to let clients make their own decisions throughout the process.

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### **Trafficking Forum**

**Facilitator: Catherine Kenny, Researcher with the Irish Centre for Human Rights, NUI Galway**

Catherine Kenny desired the forum to concentrate on three questions:

- 1) How to maintain the link between trafficking and prostitution. Ms. Kenny noted the earlier presentations highlighting this link.
- 2) What contribution non-governmental organisations can bring to the drafting of conventions on trafficking?
- 3) How can non-governmental organisations influence governments?

Paola Lattes representing Telefono Rosa, Italy (see Appendix II) spoke on the Italian case. In Italy the majority of street prostitutes are trafficked immigrants (particularly from Nigeria and Eastern Europe) who often pay to travel to Italy. Trafficked people are all potential prostitutes. They are often raped and sexually abused and can be treated as slaves. Two years ago an organization was discovered selling Ukrainian women for fifteen hundred euro. These women were confined for long periods in houses where they were

sexually assaulted. In August 2003 a new Italian law was passed according to the European Union framework to prevent trafficking. Previously Italian law had only related to immigrant trafficked women, now Italian women are included as there is trafficking from the south to the north of Italy. The help-line was only for use by immigrant women but now Italian women can also use it when they want to exit trafficking and prostitution. The new law is more closely linked to the idea of social protection. The victim is not requested to testify against abusers and victims are entitled to protection, psychological and material support. For immigrant women this means a six month renewable visa, and if they are Italian, programmes of reintegration and education. The affects of this law are too early to determine. Ms. Kenny highlighted the importance of this law, and the fact that immigrants are permitted to remain in Italy without having to testify against any organisations.

Dr. Sanghera stated that we can learn from the experiences of other countries, and questioned the need to move away from the 1945 convention. In the past, trafficking was mainly linked to prostitution; today there are other forms of slavery (children, domestic workers, men working for informal industry). Dr. Sanghera underlined the importance of inclusive legislation combating trafficking of women, not limited to prostitution, but also to other forms of slavery. Trafficking could alter in the future, but with inclusive legislation it may be possible to react efficiently.

A Bulgarian delegate stated that a new law on trafficking has been introduced in her country (2002). The law was formulated along the 'Palermo Protocol' framework against sexual exploitation. If a woman is forced into prostitution, this is recognised as a crime. Ms. Kenny noted the profitable inclusion in Bulgaria of a more articulated definition of trafficking.

Grainne Healy stated that the Italian case is a good example. It shows the importance of protecting women against the backdrop of other countries policies to punish women, this case is particularly important for Ireland. In Ireland, immigration law is anti-foreigner and tends to deport immigrants. In the past women have been trafficked to Ireland because there is a lack of regulation. Ireland is often a country of transit; women pass through on their

way to brothels in the United Kingdom. Ms. Healy believes that there is a lack of understanding of the link between trafficking and prostitution.

A Belgian delegate noted that the law has its victims too; many women who cooperate have stated that they felt used by the end of the process, and are often deported back to their countries of origin where they may be in danger. Lots of victims commit suicide when threatened with return to their countries of origin. Is there a way for international groups to put pressure at national level to protect victims? This question remained unanswered.

An Irish delegate noted the importance of recognizing that trafficking has mixed forms of exploitation. In Ireland it is difficult to get legal domestic workers. This may lead to employing illegal workers.

A Turkish delegate stressed the importance of cooperation of intervention. Turkey so far has been a country of destination of trafficked women from the former Soviet bloc countries. In some cities on the Black Sea there are separate neighbourhoods for trafficked women working as prostitutes, they suffer social exclusion and are not perceived as victims. These women are too frightened to speak to outsiders as they are controlled by the mafia who also deal in weapons and drugs. There is no law to prevent trafficking. Women who cooperate are sent to hospitals for medical examinations and are deported, where they can be exploited again. Thus for Turkey it is important to collaborate with the European Union, to become a full member is a first task. If the trafficking issue is within European law, Turkey will be forced to accept its legislation. There has been speculation on Turkish legislations against trafficking, but nothing has been solidified.

The Telefono Rosa delegate highlighted that the Italian successes are mainly attributable to lobbying; not necessarily that the government of Italy was previously committed to this cause. Other European countries could follow the Italian example in lobbying their governments. Ms. Healy praised the emphasis given to the women's lobby by the participant. For the case of Ireland this is especially relevant. Ireland has a small population; therefore women's organizations can get in contact directly with their local

council. There are instruments, such as web pages, direct lines, which the organization can use. The European Union framework has to be integrated into national laws.

Dr. Sanghera answered the question of why a European convention is needed at Brussels in September. She believes there is a need to go beyond the protocol against trafficking; a human rights focus is required, European Union cooperation against organized crimes, and finally to strengthen the victim convention. After the Brussels discussions they agreed that they did not want to change the existing human rights content. It was decided that a cooperating migrant would have to be granted a right of residence, or she might be kept in the country until prosecution and subsequently deported. Dr. Sanghera believes that non-governmental organisations are unable to police borders or enforce laws; instead non-governmental organisations should provide information on what mechanisms are effective in aiding trafficked women.

A Belgium delegate stated her belief that many associations have very little power as their voices are unheard. Despite successes, it is difficult to stop trafficking immediately. Her question is what we do with the victims we work with in the interim? Do you have suggestions for us on how we can interfere with those who make laws? How can we empower the non-governmental organisations? An Irish delegate raised the point that even for people involved in this area it is difficult to stay abreast of conventions, this makes it difficult to lobby appropriately. Ms. Kenny suggested that there should be more networking between organizations, so that everyone has up-to-date information.

Ms. Healy believes that it is important to take advantage of the Irish European Union presidency. During the Italian presidency there has been a constructive discussion of the issue of violence against women and she wishes this could be repeated for the Irish presidency. She also affirms that it is important to work towards a European line application.

A Telefono Rosa delegate stated that female lobbying is very important. In Italy thirteen years ago three women formed her organization and today they are seeing results. They began with a lawyer and a psychologist, and they had a phone-line and focussed on

domestic violence. The issues expanded so they stretched their mandate to include other areas. It is important to speak to the press, to involve the media. That is all it takes to start and then to create a lobby, to apply pressure. It is important to support women in the European Union elections and in local elections, women who are sensitive to these issues. Ms. Kenny also recognized the importance of supporting sympathetic candidates.

### **Prostitution Forum**

**Facilitator: Julie Brown, Outreach Support Worker, Ruhama**

This forum focussed on attitudes to prostitution. The participants were divided into groups to answer the following questions:

1) Is prostitution work?

Society's experiences influence the perception of prostitution as work or not. The groups decided that prostitution was hard work and exploitative. It can be defined as work as it is a way for these women to make a living, and often they are providing for their families. The groups decided that the successful ban on prostitution in Sweden would lead to its increase in other countries. In Holland the legalisation of prostitution has led to its definition as paid work. Irrespective of legalisation, prostitutes will always be outcasts.

2) Would legalisation of prostitution benefit women?

The legalisation of prostitution could possibly encourage these women to seek help, but these groups came up with more negative responses to this question than positive. They drew the conclusion that legalising prostitution would mean the legalisation of rape, and the perpetuation of gender stereotypes disempowering women and making them victims of sexual abuse. The majority of prostitutes are not in this business by free will, legalisation would feed on this. Prostitution is not a lifestyle choice. Legalising prostitution would benefit men and possibly a small number of women. Legalisation was thought to be the easy option and would not alter society's attitudes to prostitution. If prostitution is

legalised, women are being told that exploitation by men is acceptable. The only legislation that was considered to work was the Swedish model to punish those purchasing favours.

### 3) Can women consent to prostitution?

The forum decided that women could not consent as prostitution is an industry surrounded by other industries. The prostitution industry has been normalised through lap-dancing, music, films and pornography. This normalisation has led to the conditions that prostitutes live under – marginalisation, violence, previous histories of abuse and a lack of options. The inability to escape has led to a survival mode.

It was decided that prostitution was an impossible industry to regulate and that normalisation would not lessen the issues surrounding it. Prostitutes themselves would agree to legalisation simply to make it easier to operate. For prostitutes themselves, there are no benefits for legalisation. They experience the same violence, damage and marginalisation as they would have without legalisation. Prostitutes who are raped can feel a sense of shame and guilt. Society's attitudes are such that it is impossible to conceive of what a prostitute may experience as rape. Nearly all women engaged in prostitution are traumatised.

### *Pornography Forum*

**Facilitator: Dr. Geraldine Moane, Department of Psychology, University College Dublin.**

All present introduced themselves. Dr. Moane praised the SWAP presentation, this sentiment was echoed around the room.

A definition of pornography was considered a good basis for the workshop. It was unanimously agreed that the definition given in the presentation was adequate, as it applies to everyday, readily available pornography. Dr. Moane decided it would be best to focus on the 'wallpaper' idea, not the harder edged pornography.

### Grounds for Concern:

The focus was mainly on harm-based arguments and association with violence against women.

### Why is it harmful?

It influences how young men see young girls and how young girls see their roles.

### What are the associated concerns?

- There are a generation of people already exposed to pornography. It is encouraged as a rite of passage for young males, leading to their perception of sex as abusive. The gap in sexual education in schools is being filled by pornography. A Portuguese delegate made the point that in the absence of sexual education in schools in her country, and with both parents in employment children are learning about sex from the media.

- The blatant and subtle use of pornography by advertising. It is normalised through television and easily accessible. Objections were raised to advertising of baby products using naked children, such as those for nappies. Young people have a confined view of pornography as the 'top shelf' magazines, but in fact it is more than that, it is videos, art and literature.

- Sex is sold as a commodity. It informs children what their sexuality is before they have explored it for themselves, within relationships they may be then pressured to perform pornographic acts.

- On a human rights basis it is an incitement to sexual hatred. A parallel was made with how racist material is banned.

A delegate from Northern Ireland made the point that religious emblems are banned in the work place, but posters of naked women are accepted.

- Its invasion into daily life makes it a daily assault on empowerment. It leads to a questioning of the individuals standards. Delegates admitted battling anger when they have seen this 'wallpaper' pornography, it has no outlet.

- Pornography should not be divided into hardcore and soft-core, as this dilutes its perception, instead pornography should just be seen as pornography without exception.

- Concern for women in the industry, these workers are a subclass of women, marginalised, exploited and expendable. Women are abused to abuse other women.

### What actions can we take?

Dr. Moane posed the question: what actions can we take on a personal level?

At this point the delegates were divided into groups to discuss this. They arrived at the following answers:

- A single-issue Irish organisation needs to be established to deal with pornography. A decision was taken to start this group after the workshop.
- We need to stop being silent, there is a need to generate an interest, particularly among women in positions of power. This movement will only gain strength with numbers and cooperation. The impetus will come from women and we must be prepared for labelling and criticism. We must also be prepared for the reaction that pornography is about choice. We must talk to the media, and not wait to be invited – lift the telephone, post comments on websites, complain about lenient convictions (Child pornography is not victimless).
- We need to know the law, child pornography is broken into five categories according to ages, this must be altered, a child is a child.
- We need to give a forum for discussion of the issues; to supply an open space and to encourage people to think. It must be publicly discussed, not just when a child pornographer makes the headlines.
- We need to gather data. We need to know what research has been done in this area. We need to start recording if pornography is a factor in rape crisis centres.
- We need to write to industries to inform them that economic power will be withheld if they continue to use pornography to sell their products. Letter campaigns to the advertising standards authorities should be organised. Shops that sell pornography should be boycotted, and informed of this decision.
- We need to be informed; we need to find out how much money is in this industry and who the powerful people in it are.
- We need to be prepared for women who wish to exit the pornography industry; we need to have resources in place. A delegate from Iceland mentioned that a helpline number was put on ordinary money, so lap-dancers received the number with their tips.
- We need to have pornography recognised as sexual violence.
- We must challenge male behaviour. School programmes should include classes on exploring masculinity.

- We must take responsibility for our children's behaviour and protect them from pornographic images.
- The link between pornography and sexual violence is the key to this issue and must be highlighted.

### **Question and Answer Session**

**Kate Mulkerrins, legal consultant, Rape Crisis Network Ireland** facilitated this session.

Dr. Geraldine Moane opened this session by announcing that a group were being formed to campaign against pornography rising out of her forum. She wished to invite people to join.

Professor Liz Kelly was asked two questions – *What are the top three things we can do to improve the attrition rate?*

Professor Kelly responded:

- 1) Address it and track it and demand our governments to pay attention.
- 2) Research what is going on to understand the attrition rates; this should enable us to see what is going wrong at each stage.
- 3) We need to be able to share what is discovered, cooperation is important. Professor Kelly's unit will be publishing work in 2004.

Professor Kelly was also asked - *do you have attrition rate for when the father is involved and a divorce procedures are in place?*

Professor Kelly admitted this as a problem, the victim is freer to speak when the abuser has left the home, but their credibility is shaken by bitter parental relationships. Professor Kelly does not have precise figures for this, but stated that the attrition rates she gave in her presentation would be much higher if child abusers convictions were not included.

Questions directed at Ms. Healy – *Whilst recognising valuable work done would Ms. Healy agree that funding for non-governmental organisations supplying frontline services is insufficient? What can be done about this?*

Ms. Healy concurred; there is a backlash to the issue of violence against women, once it was necessary to argue for the funds it is now necessary to also argue that it exists. There are suggestions that the funding should get split between services for men and women. While the speaker has great sympathy for male victims of violence, Ms. Healy believes that there are no jurisdictions in the world where the patriarchy is not dominant until this alters, and until violence is not predominantly perpetuated against women, women's organisations should be receiving the bulk of funding available. To obtain funding, Ms. Healy recommended networking above the level of service providers.

Ms. Healy was also asked: *what the European Women's Lobby were doing to help those who required funds from the Daphne project who are not getting funded.*

Ms. Healy recommended that a letter campaign be launched to lobby MEP's so that organisations in the applicant countries receive funding and the budget be increased. Ms. Healy recommended the websites [www.nwci.ie](http://www.nwci.ie) and [www.womenlobby.org](http://www.womenlobby.org). The European Women's lobby is also lobbying MEP's to ensure that the budget is increased. Ms. Healy also highlighted that a think tank is being set up by her group and research is being undertaken. 'Mr. Daphne' (Tousson) is being made aware of what is required and where the money is best spent. The European Women's Lobby is still campaigning for the last window of opportunity on 20<sup>th</sup> October – this is when the justice ministers from the member states will vote, and will be able to adopt the amendments including the budget enlargement. They will not do this unless they are forced; Ms. Healy encouraged the lobbying process. Ms. Healy also mentioned that her lobby group are trying to get the European Union to find a legal base for the funding of programmes on violence against women. The European Union is claiming there is no legal base, despite the European Women's Lobby legal team finding two or three bases.

Questions for Ms. Ekberg – *Is there research about how prior sexual abuse influences entrance into prostitution?*

Ms. Ekberg responded that sixty to eighty-five percent of prostitutes were previously abuse victims and the median age of first entry into prostitution is fourteen (research carried out in California on fifteen countries – [www.prostitutionresearch.com](http://www.prostitutionresearch.com)).

Ms. Ekberg was also asked: *does criminalising the problem drive it underground?*

Ms. Ekberg responded that prostitution is never underground; it is public knowledge how to access prostitutes. Police do not have enough resources to investigate the brothels despite knowing where they are. Swedish citizens are aware of the legislation and telephone the police when they become aware of brothels. Sixty percent of Stockholm's street-prostitutes have left this industry, the Swedish legislation is working. These women did not become 'invisible' prostitutes but used exit programmes.

Ms. Ekberg was also asked: *what could be done to prevent the legalisation of prostitution.*

Ms. Ekberg recommended getting your questions together for example, are women safer in brothels, do women consent, is trafficking minimised, and do organised crime rates go down? The answers to these questions will be no – as countries where legalisation has taken place will give testimony, e.g. Australia. Confront the arguments. At this point parliamentarians should be lobbied and information gathered on those who are supporting the legalisation argument; who are they connected to?

Questions for Ms. Harper and Ms. Skinner – *Have you been approached by right-wing groups to galvanise the issue? If so, how has that been handled?*

Ms. Harper responded that they had not but they had been approached by church organisations, they made them aware that they are coming from a feminist perspective, but they did agree on certain points.

Ms. Harper and Ms. Skinner were also asked: *did they think Anne Summers shops were a good or a bad thing.* Ms. Harper responded that these shops are not a good thing, there is an attempt at an acceptable face but they are a part of the main sex industry. Anne Summers shops are not about female sexuality. These shops sell an extensive range of pornography that conforms to all the usual stereotypes, for example the sale of nurses uniforms which belittle this admirable profession.

Questions for Dr. Sanghera – *What can we do to reduce trafficking numbers?*

Dr. Sanghera recommended prevention and awareness raising programmes. Shrinking economic opportunities lead to migration, seventy two percent of independent migrants are women seeking work. It is impossible to prevent their movement so safe migration and pre-

departure programmes must be put in place (have been successful in the Philippines and Sri Lanka). Destination countries should be researched and information packages handed out with text as well as audio tapes for the illiterate. This information should include accommodation information, lists of women's organisations, lists of employment agencies, lists of help-lines, and some training in domestic work; they may not know how to use domestic machinery. It is necessary to find out why they are moving, where they are moving to, and then ensure safe migration.

Dr. Sanghera was also asked: *what could be done to identify, help and support young women who are being trafficked.*

Dr. Sanghera responded that this refers to the processes. There is a poor linkage between kidnapping/abduction and trafficking. Most women trafficked are moved of their own volition. Migrants are generally, unlike us, under-privileged and vulnerable. They need to be supplied with information on how to migrate safely. Borders must become more porous; trade moves freely and so should people.

A delegate commented the European presidency is coming to Ireland maybe trafficking should be taken on board as 'the issue'. In response, Ms. Ekberg commended this suggestion but amended it by stating that prostitution should be linked to trafficking or else you are merely referring to transportation. Professor Kelly wished to remind people that rape cannot be forgotten.

Ms. Mulkerrins thanked all the speakers, facilitators, delegates, Mary D'Arcy, Administrator with the Rape Crisis Network Ireland, Riccardo Fantini, Technical Consultant, and particularly Alessandra Fantini, Daphne Project Coordinator with the Rape Crisis Network Ireland.

## **APPENDIX I**

### **Paper on Trafficking by Grainne Healy, Chairwoman of the European Women's Lobby Observatory on Violence against women and member of the Irish national Observatory on violence against women**

I would like to say a little about the European Women's Lobby (EWL) and its work on violence against women, in particular its views on trafficking in women; secondly, I'll define and speak about trafficking in general terms; thirdly, I want to share some facts and figures relating to trafficking in women and Ireland, the EU and wider afield; fourthly, I want to speak about some of the policy challenges that face us in trying to combat trafficking. Finally, I want to talk about what needs to be done and what we as NGO's should be doing to mobilise in combating all forms of violence against women, including sexual violence.

#### **EWL & its work on violence against women**

The NWC (National Women's Council of Ireland – the largest representative body of NGO's for women in Ireland) is the EWL co-ordination representing women's interests and issues in Ireland and at EU level to the EWL.

The EWL is a Brussels based organisation which represents over 3,000 women's NGO's across the EU. The lobby – as the name suggests lobbies the EU institutions (EU Commission, EU Parliament, The EU Council of Ministers etc) to ensure that women's rights are included in all areas of policy development at the EU level. It also has observer status and represents women of the EU or monitors governmental progress on women's rights at international fora such as United Nations' mechanisms for the advancement of women, i.e. Commission on the Status of Women (NY), and more recently is getting increasingly involved in the CEDAW process amongst others.

As part of the EWL's work a Policy Action Centre on Violence Against women was formed in 1996 which provides a forum for women's NGO's from across Europe to engage

with policy makers to strengthen the understanding of and commitment to action to combat all forms of violence against women within the European Union.<sup>2</sup>

The EWL takes as its starting point that ‘violence against women is a manifestation of the historically unequal power relations between men and women, which have led to the domination over and discrimination against women by men and to the prevention of women’s full advancement.’<sup>3</sup>

Violence against women is also described as gender based violence as studies world-wide provide evidence that the majority of perpetrators of ALL violent related crimes are men. Gender based violence remains endemic in the private and public spheres of women’s lives and is carried out in the majority of cases by men that are known to women.<sup>4</sup>

The EWL is a feminist organisation and the principles underpinning its work on violence against women are set within a feminist human rights framework which acknowledges the unequal power relations between women and men and sees women’s rights as human rights and violence against women in the context of it being a barrier to equality between women and men and an abuse of women’s fundamental freedom and human rights. Violence against women may include rape, sexual assault, sexual harassment, prostitution & pornography, trafficking for sexual exploitation among other acts.

In recent years the EWL has formed a EWL Observatory on Violence against Women. This is a group of experts on violence against women, one from each current member state. As chairwoman of this group my role is to facilitate the experts to identify emerging trends in violence against at the national and European and global level and allow an examination and comparison of data and experience. To date the EWL Observatory has published lobbying tools for NGO’s relating to violence against women in the EU – one on male violence against women in intimate relationships and a second which is a set of proposed indicators for tracking progress on violence against women.

It has also formed an EU level Think Tank on violence against women where senior EU policy makers and programme managers meet up with EWL observatory members,

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<sup>2</sup> Women Shaping the Future of Europe. Annual Report European Women’s Lobby. Brussels. 2002.

<sup>3</sup> Platform for Action and the Beijing Declaration. (Para 118) Fourth World Conference on Women, Beijing 4-15<sup>th</sup> September 1995. UN Dept of Public Information.

<sup>4</sup> Violence against Women as an Obstacle to Equality of Women and Women’s Participation in Society. A Briefing Document. European Women’s Lobby. Brussels, April 2003.

researchers and members of the EP to discuss how it might be possible to find/create a legal base so that the EU can address violence against women in an effective way.

The EWL, using money from the EU Daphne<sup>5</sup> programme has started to support the development of national observatories on violence against women. The idea of the national observatories on violence against women is to collect data on agreed indicators so that we can best monitor Government commitment to and progress in actually combating violence against women.

The Irish Observatory on violence against women, the first in Europe, was launched by NWCI and EWL in 2002 and the expert from Ireland Monica O'Connor is leading a process with other violence against women NGO's and researchers to produce the first Irish Observatory report on violence against women. As a member of that Observatory here in Ireland it will be possible for us to identify in detail the incidence, extent, effects of progress or lack of progress on violence against women while also making policy proposals for the protection of women from all forms of violence against women. For the purposes of today's conference, it will specifically enable us to work at an EU policy level to call for and influence greater support for service providers to victims of violence, including sexual assault.

#### Trafficking in women for sexual exploitation

Definition:

(a) 'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of or use of force or other forms of coercion, of abduction, of fraud, of deceptions, of the abuse of power or of a position of vulnerability or 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... practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation set forth .....shall be irrelevant ....'<sup>6</sup>

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<sup>5</sup> Daphne programme is funded by EU.

<sup>6</sup> UN Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime. December 2000. Palermo, Italy.

It is important to say that there is little binding international legislation on trafficking. The 1949 Convention exists, not ratified by Ireland. The new UN Protocol to Prevent, Suppress and Punish trafficking in Persons Especially Women and Children is not yet in force as not enough states have signed it yet. Ireland has signed it but not enough states have signed it to for it to be ratified. The new EU framework directive on trafficking is mainly an instrument for police-justice co-operation.

### Causes of trafficking

Root causes cited in many research papers include supply factors such as that women and children are vulnerable to trafficking, class, gender and ethnic concerns join together to clearly show the inter-sectionalism of this form of human rights abuse; exclusion from education and training; displacement as a result of natural or human made disasters; gendered cultural practices; gender discrimination and gender-based violence in families and communities.

On the demand side causes include globalisation that has fuelled the development of economic sectors with a woman –specific demand for cheap labour and the growth of the commercial sex industry; restrictive immigration policies; exploitation in the labour market- especially exploitation of illegal and unregulated migrant workers; economic and political trade offs between public officials and enforcement agencies that make trafficking a high profit low risk venture; consumerism, greed; and impoverishment of values resulting in the exploitation of the vulnerability of human beings to trafficking.<sup>7</sup>

### Incidence of trafficking for sexual exploitation globally

A great majority of these women are specifically trafficked for sexual exploitation into the sex industry. Many women who are trafficked for domestic labour end up being sexually exploited as well. It has been estimated that at least 8,000 Nigerian women have been trafficked into street prostitution in Italy. Another 5,000 Albanian, Moldavian and Ukrainian women have also been trafficked into Italy where they are made to prostitute out of rooms, apartments, small hotels, massage parlours and even exclusive clubs.<sup>8</sup>

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<sup>7</sup> Summary of UN Debate Report of the Secretary General to the Security Council on Women, peace and security, 16<sup>th</sup> October, 2002.

<sup>8</sup> Ibid 6

For the organisers of trafficking the profits are huge and up to now the penalties for being caught were far less than those meted out for drug trafficking and of course ‘unlike drugs, a woman’s body can be sold over and over and over.’<sup>9</sup>

### Wider European Focus

In the EU enlargement countries MEP Christina Prets<sup>10</sup> tells us that ‘the numbers of victims of trafficking in women has risen dramatically in Europe in the last few years. One of the main reasons for this form of organized exploitation and degradation is poverty. 78% of victims are exploited by organized criminal gangs in various forms of prostitution. In 2001 some 500,000 impoverished women from Central and Eastern European countries were smuggled into Western Europe by criminal human trafficking networks. The effects on the victims’ physical and psychological health are serious. They suffer the worst forms of sexual, physical and mental violence, including physical mutilation and social exclusion. Laws are needed in the CEEC to prevent and control trafficking in women.’

Prets goes on in her report<sup>11</sup> to chart the situation in each of the 11 EU applicant countries. In her report she cites the unemployment rate amongst women in that country and also any legislation supporting anti-trafficking measures.

She refers to countries in the EU and candidate countries where women have the right to abortion; though exercising the right still raises many problems. In Ireland where abortion is still illegal, yet we have one of the highest abortion rates in Europe.<sup>12</sup>

These gaps in women’s fundamental rights – the failure of states to protect women’s sexual and reproductive rights means that there are ‘naturally ‘ occurring gaps in the thinking of a state regarding full protection of women’s rights. Any gaps cause vulnerabilities, including for those women being smuggled into such countries where not all women’s rights are upheld and protected – thus groups of women and their rights are separated and some women and their rights can be seem as of lesser value than others – a dangerous situation and one which may provide succour and space in Ireland for those intent on abusing women’s rights in this jurisdiction.

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<sup>9</sup> ‘21<sup>st</sup> Century Slaves’ by Andrew Cockburn. National Geographic, September 2003.

<sup>10</sup> Prets, Christina. (MEP) Women’s Rights Policy and Enlargement. Position Paper. European Parliament, March 2002.

<sup>11</sup> Ibid 14.

<sup>12</sup> Pret 2002.

Like many other European countries Ireland is a country of transit and destination for trafficked women.

Many women globally are trafficked specifically for the purpose of sexual exploitation. Ireland is no different. In Ireland Irish men – sons, brothers, husbands and fathers pay money so that they can sexually exploit women. Many of these women speak no English, are frightened, carry no passport and arrived in Ireland with a view to getting a job in the 'entertainment' or domestic care business. Do Irish men really believe that it's ok because they pay money? Because the women are made available for them? Because they are foreign women? Or women with a drug habit? Do any of these reasons make it ok? Women don't think its ok – and many men know it's not ok. It's time to see this knowledge laid out in legislation which protects all women from men who are intent on sexual exploitation.

Workers with Ruhama are meeting the women who are sexually exploited by Irish men in Ireland. Ruhama is an NGO which works with women in prostitution. Maura Connolly, Director of Ruhama tells us that 'Modern slavery, and in particular the trade on women and children for sexual exploitation, is a growing phenomenon. This trade is no longer restricted to Asia, Africa and South America but is also happening in Europe and in Ireland. The illegal nature of trafficking means that it is hard to quantify but it is estimated that more than 300,000(1999 figs) women are trafficked from Eastern Europe for sexual exploitation each year.'<sup>13</sup>

The EWL Observatories at the EU and national level all understand that combating trafficking must go hand in hand with measures to combat prostitution and other forms of violence against women. In its 'Guide to New UN Trafficking Protocol'<sup>14</sup> in collaboration with a number of other organisations, the EWL states clearly that it supports and works towards the ratification of this protocol by all Governments. Significant measures have not been taken to suppress trafficking and protect its victims. Our laws need to be updated to ensure that victims of trafficking are protected and that it is the purchasers of women's bodies who are criminalised and punished.

The EWL believes trafficking and prostitution to be a violation of women's human rights.

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<sup>13</sup> Maura Connolly, Ruhama Paper to NWCI, 2000.

<sup>14</sup> Guide to the New UN Trafficking Protocol to Prevent, suppress and punish trafficking in persons especially women and children, supplementing the UN Convention against Transnational Organised Crime. Janice RAYMOND. Coalition against Trafficking in Women. MA, USA 2001.

## Trafficking in Ireland

In Ireland, Maura Connolly reminds us, ‘that trafficking n women for sexual exploitation is the practice whereby persons achieve sexual gratification or financial gain or advancement through the abuse of a person’s sexuality. It includes sexual harassment, rape, incest, battering, pornography and prostitution.’<sup>15</sup>

How does it happen in Ireland? Remarkably similar to the way it happens in other places – again Connolly tells us ‘women are brought or smuggled into the country through a variety of routes to ‘work’ primarily in lap dancing clubs or brothels. Some women spend only a little time in Ireland before being moved to another country,’<sup>16</sup>

Here is the story of EVA: again written by Maura Connolly of Ruhama:

Eva is Eastern European. After the fall of communism the day to day struggle for her family became very difficult. Eva heard that there were opportunities for young women to work in Ireland as nannies. Her plan was to send money back home to the family. A recruitment agency provided her with the necessary papers and arranged for a male companion to look after her on the journey and to help her when she arrived in Ireland. Her minder told her that it was important that she did not come to the attention of the authorities and that he would ensure that she would have no difficulties with her papers, obtaining work or finding accommodation. She was taken to an apartment directly from the airport and her nightmare began. Her papers were taken from her. Her ‘minder’ raped her, and then made her have sex with his friends. Every day men could come to the apartment and Eva was forced to have sex with them. She was not allowed out of the apartment and received no money. Her minder provided her food and clothes. One night, some months later, when her minder was asleep she managed to get his keys and leave. Bewildered and frightened with only a few words of English she wandered the streets of Dublin until the Ruhama outreach team spotted her. Going to the police was not an option for her as in her country the police is corrupt. Eva was lucky the Ruhama project was able to provide her with safe accommodation and over a period of time helped her to start a new life in Ireland. The project knows that there are many Eva’s in Ireland.<sup>17</sup>

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<sup>15</sup> Connolly, Maura, 2000

<sup>16</sup> Ibid 13

<sup>17</sup> Connolly, 2000.

Ruhama believes that the acknowledgement that trafficking of women for sexual exploitation is happening in Ireland, is an essential starting point. In this regard Ireland's signing of the UN Convention on Trans-national Organised Crime and its two accompanying Protocols is a welcome start by the state.<sup>18</sup>

Secondly, the growth of the sex industry in Ireland needs to be challenged. The proliferation of sex phone line ads, lap dancing clubs and escort agencies is evidence for all to see that the sex industry is thriving in Ireland. Recent clampdown by the Gardai are to be welcomed, but again we saw that in many instances it is the women victims themselves who are charged – not the purchasers and procurers of these women – this is the attitudinal and legal change that needs to take place. The men that abuse these women come from all strata of society. Society and the Gardai and judiciary in particular need to question why it is acceptable for men to use and abuse women in this way. It seems that it is acceptable according to the law when we see the low conviction rates under the relevant sections of the Criminal Law (sexual offences) Act 1993.

Section 6: Soliciting or importuning for purposes of commission of a sexual offence<sup>19</sup>

Convictions 1999 = 0

Convictions 2000= 34

Convictions 2001= 0

Section 7: Soliciting or importuning for purposes of prostitution

Convictions 1999=179

Convictions 2000= 341

Convictions 2001= 54

Section 8: Loitering for purposes of prostitution

Convictions 1999=71

Convictions 2000=235

Convictions 2001=17

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<sup>18</sup> Ireland' Fourth and Fifth Reports under the UN Convention on the Elimination of All Forms of Discrimination against Women. May 2003.

<sup>19</sup> Table Six. Ibid 21.

### Section 10: Living on earnings of prostitution

Convictions 1999=0

Convictions 2000= 0

Convictions 2001=98

### Section 11: Brothel keeping

Convictions 1999=0

Convictions 2000=0

Convictions 2001=4

What is interesting in these figures is a) the lack of a gender breakdown b) the fact is that the majority of convictions are being taken against those engaged in prostitution i.e. women and young men, rather than against those seeking and creating the demand for such sexual exploitation i.e. male purchasers.

What is worrying in the above document is to see that while Ireland is committed to ‘the active promotion of full observance of universal human rights standards , and opposes and seeks the elimination of practices such as trafficking in women and FORCED prostitution. Ireland is opposed to all acts and practices which degrade or exploit women.’ The use by an official government publication that it is ‘forced’ prostitution which is opposed is very worrying indeed.

Ireland has no legal provisions for supporting or legalising prostitution in any form and certainly no public debate has taken place nor any mandate been given for Irish representatives to be opposing only so called ‘forced’ prostitution. I call on the Government today to clarify that it opposes all ‘acts and practices which degrade or exploit women’.  
Full stop!

Numerous conferences, seminars and meetings both at EU and international levels all underline the importance of addressing this gross violation of human rights. However, low prosecution rates coupled with limited support for services to women and reluctance to adopt legal measures provides evidence that there is resistance.

### Governmental facilitation or opposition?

The fact is that Government policies in destination or receiving countries are facilitating the flow of women from sending or countries of origin. Either overtly or covertly: Let's look at the evidence of overt facilitation.

Donna Hughes speaks of this phenomenon as 'maintaining the flow of women to the sex industries'.<sup>20</sup> Hughes tells us, 'in destination countries, strategies are devised to protect the sex industries that generate hundreds of millions of dollars (or euro) per year for the state, where prostitution is legal (for example Netherlands has 2000 brothels and numerous escort services using some 30,000 women. Prostitution and related forms of sexual exploitation is a US\$1 billion a year industry making up 5 % of the Dutch economy.'<sup>21</sup>

She continues '60 to 70% of women in prostitution in Netherlands are not citizens of the Netherlands or other EU countries.' In one study, 79% of women in prostitution gave an indication that they were in prostitution due to some degree of force.<sup>22</sup>

### Covert method of facilitation:

In the USA many local and state government have a prohibitionist approach to prostitution. A federal ban on trafficking was imposed in 2000, yet within the US administration only those NGO's willing to work with pro-prostitution positions in countries of origin get US funding as NGO's! They promote policies and laws in the countries of origin which support the legalisation of prostitution.<sup>23</sup> Thus in Russia in the late 1990's an anti trafficking coalition working with victims of trafficking and promoting anti sex trade legalisation had their funding threatened and eventually in 2001 that group's funding was cut. Pro-sex industry comments include comments such as 'we are looking at legalizing prostitution in this area because the women concerned do not have entrepreneurial skills. We must look at all the alternatives to help them. Or 'it is better for the women if prostitution is legalized, then they can have access to health care or can join a trades union' of course this is called migrant sex work – the fact is that women's bodies are not for sale – not Irish women's bodies, not my black sister's body, not the poor Ukrainian women's body, not the

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<sup>20</sup> Hughes, Donna. 'The Corruption of Civil Society: Maintaining the Flow of Women to the Sex Industries'. Delivered, Spain, September, 2002.

<sup>21</sup> Hughes, 2001

<sup>22</sup> HP-De Tijd 16 February, 2001. Netherlands.

<sup>23</sup> Hughes, D. 2002.

uneducated Latvian woman – no woman’s body – whether sanctioned by the state or not – is for sale.

Ireland needs to decide whether it is going to be a country of destination for abused women covertly or overtly. Government policy in these matters states that it will put women’s human rights first. The alternative is that it puts the sexual gratification of men or possible revenue gains first!

Lack of clarity on this matter in Ireland is a further silencing of the victims a further abuse of these women’s human rights – in fact the debasement of all humanity when these abuses are allowed to continue. Let’s look, as I’m sure my colleague from Sweden will later, at real alternatives to challenging the sex industry. Let’s look at putting the pressure on the buyers of sex, those who create the demand and are almost invisible in the conviction stats for sexual offences – the men who buy sex and by doing so create the demand for others to traffic and enslave women.

#### Policy issues arising

EWL supports the Council of Europe’s recent recommendation 1610/2003<sup>24</sup> which acknowledges that as a result of the need for states to act together to combat the problems arising from the growth in trafficking of women and prostitution it will begin to formulate a European Convention on trafficking in human beings and to this end governments should begin discussions on views regarding prostitution in each member state. These two issues cannot be separated.

In particular it says that it is ‘a matter of urgency to elaborate an effective common European strategy which facilitates economic recovery policies, increases socio-economic and political stability in the countries of origin, decreases migration because of poverty and reduces supply factors of trafficking and demand factors of prostitution.’<sup>25</sup> This would include doing research to profile clients of trafficking in women. It also provides that governments should ‘co-operate with non-governmental organisations that provide expertise in women’s fundamental rights, labour rights and anti-trafficking activities.’<sup>26</sup>

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<sup>24</sup> Recommendation 1610 (2003) Migration connected with trafficking in women and prostitution. 2003

<sup>25</sup> Ibid 12. Sub para 6.

<sup>26</sup> Ibid 12. Sub para C.

It further recommends that all governments should move to sign the UN Convention against Trans-national Organised Crime and the additional Protocols.<sup>27</sup> Finally, in relation to protection of victims that states should ‘ensure that victims of trafficking are not held in immigration detention or other forms of custody.’<sup>28</sup>

There is huge resistance to the ending of trafficking. The profits are huge, the fact is that women and girl children are not cherished and their rights not vindicated in equal measure across the globe. The EWL believes that part of this resistance stems from the pressures being applied to legislators and policy makers regarding the debate on ‘freely chosen’ or ‘forced’ prostitution. This proposed differentiation weakens efforts to combat trafficking in women and children for the purposes of sexual exploitation. This in turn allows it to flourish and the sex industry to make millions of dollars and euros in profits at the expense of the human rights of women.

It is to be noted that in the EU, notably the Netherlands, where prostitution is legalised as a form of work, this has not had any alleviation of the numbers of women trafficked for the purpose of sexual exploitation. On the contrary, despite strict immigration laws and work permit regulations, trafficking in women continues.<sup>29</sup>

In contrast to this, inspectors investigating crimes linked to trafficking in Sweden, where the law has been changed to criminalise the buyer, state that the new law deters trafficking of women for sexual exploitation and have resulted in a greater awareness and willingness of police and prosecutors to investigate and prosecute pimps and traffickers.

There is no doubt that Ireland will have to decide, given how events are rolling out here in relation to trafficking, whether we want to be a country which facilitates the trafficking and sexual exploitation of women or do we want to be part of the growing number of countries who want to end sexual exploitation of women. We can do that by curtailing the demand and being serious about capturing and punishing the procurers/traffickers and the buyers.

Sweden leads the way, it looks like Finland may follow very soon and Ireland could join this group of countries who will not be fooled by clichéd notions of the happy whore or that men have sexual needs which women happily meet for money. Or even more patronizing and insulting, to any one who has ever seen the detail of the debasement in prostitution –

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<sup>27</sup> Ibid 12. Sub para D.

<sup>28</sup> Ibid. 12. Para E.

<sup>29</sup> Report from EWL to UN Special Rapporteur on Violence against Women. EWL. August 2002.

that this is ‘the oldest profession’. Such slick, sick dismissive notions merely justify and prop up the sex industry and its cause’s great harm to women engaged in prostitution. The New UN Trafficking Protocol is of great significance especially if our aim is to support the victims and prevent the trafficking and sexual exploitation.

### Conclusion

In conclusion there is not one country in the world where women are free from male violence. It is not an exceptional phenomenon, however even in countries where there is a high degree of equality between women and men its prevalence and multiple forms persist<sup>30</sup>.

The social acceptance of violence against women is still a reality in the EU and is worryingly, increasingly shared amongst young people.<sup>31</sup> Sexual violence is an integral part of the abuse women suffer. The intersectional of multiple forms of discrimination impacts on violence against women and it is therefore no accident that increasingly the numbers of women in sexual enslavement are enslaved in countries other than their birth places, that they are women who, due to poverty and inequality, go for so called offers of economic activity in another country.

Rape is key form of violence against women and is implicated in sexual exploitation and abuse, yet as we have already heard from Dr Liz Lelly, low reporting, low conviction rates are combining to make rape one of the most heinous crimes against women, yet one in which the chances of getting away with it are increasing.

Obviously, for trafficked women, the shame, the fear, the suspicion of authorities, the trauma of continuous sexual assault and abuse all combine to ensure that very few victims of trafficking will report or find justice for their sexual assault – in Europe or globally.

Kelly and Regan tell us in their research report of 1999<sup>32</sup> that in most western European countries between 1 in 8 and 1 in 10 reported rape cases result in conviction – in applicant countries of the EU rape is one of the most hidden criminal acts – in Hungary, sex crimes, as rape are not considered to be ‘public’ crimes and the behaviour of the survivor is

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<sup>30</sup> Violence against women in the EU and New Member States. Contribution to Women’s Rights Committee of EP at Hearing on Daphne Programme, May 2003.

<sup>31</sup> Zero Tolerance Trust, Cited by YWCA Policy & Campaigns: Briefing on domestic violence and young women. Issue 4. 2002

<sup>32</sup> Rape the Forgotten issue? A European research and network Project, Liz Kelly & Linda Regan. Daphne Project: JA!1999

considered a material element of the crime.<sup>33</sup> In Czech Republic 10% of women reported rape within domestic violence<sup>34</sup> while in Poland the only statistics regarding rape which are available refer to sentencing.<sup>35</sup>

All of these facts show how unaware the vast percentage of the population are regarding the truth of rape and sexual exploitation – and how further unaware they are regarding sexual exploitation in the context of trafficking. State responses - making prostitution, now increasingly populated with non national, trafficked women, legal – is making it a legally acceptable form of exploitation of women.<sup>36</sup> The average age of women entering prostitution and the sex industry is 13 or 14, and decreasing<sup>37</sup>. Is this an acceptable career path for your daughter?

If not, than neither is it suitable or acceptable for any other man or woman's daughter either. Let's get off the fence on this issue in Ireland – let's demand that this state protect the rights of all women and that no woman's body is for sale and those seeking such activity should be publicly shamed and named – stop hiding behind the veil of secrecy – the only ones benefiting are those profiting from the sex industry

The key worrying trends regarding violence against women European wide are fourfold and can be applied to all forms of violence against women – firstly, the issue is becoming depoliticised – violence against women is about unequal power relations and the institutionalization of these power relationships in all areas of public and private life. This is the basic fact that differentiates between male violence against women as a structural issue and the incidence of female violence against males. All of the societal structures that exist (the law, the state, medical profession, and the church) reflect the unequal power that exists between women and men. It is very worrying to see that groups which ignore these blatant facts are managing to get resources from the state to tackle women's violence against men by denying the reality of male violence against women.

2. Lack of data, gendered data is crucial. Indicators have been recognized but collation is difficult and co-ordination is lacking.

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<sup>33</sup> Women in the World: Laws and policies affecting their reproductive lives – East Central Europe. The center for reproductive Law and Policy. 2000

<sup>34</sup> Tooth, Olga. 'Representative Study of violence in the family' 1999, cited in Regan, Daphne Project. 1999.

<sup>35</sup> Nowakowska & Jablonska. Violence against Women. In Polish women in the 90's, 2000

<sup>36</sup> Ibid 31

<sup>37</sup> Yolande Geadah 'La Prostitution un métier comme un autre?' VLB editeur. 200

3. Lack of services and legislation. While legislation is a key indicator of the state's level of responsibility and willingness to act, most laws in member states have come about due to the actions of women's NGO's in the last 20 years. The lack of resources faced by NGO's working in the EU to combat violence against women is a crucial issue and it is deteriorating with states feeling more comfortable dealing with so-called de-politicised family violence or providing counselling in place of prosecution for perpetrators.

4. Finally there is no doubt that the development of pornography and its huge distribution, notably on the internet, plays an important role in the normalization of violence. The sex industry develops hard and trash images presenting more and more violent pictures perpetuating women as consumable objects and degrading treatment recipients.

Men's and boy's use of these images for masturbation, far from being 'harmless' actually does great harm to the boys and men, in terms of their own development of a healthy sexuality and to all the women in their lives – public and private space, because such learned responses in sexual gratification, give men permission to overlook the origins, age, willingness or abused status of their sexual objects. Indeed it allows them to overlook the humanity of these women. This carries through to justification for pornography, prostitution and even trafficking and it impacts on the rest of their lives.

Of course the harm done to women as a result of this obsession with male personal sexual gratification is enormous. 'Prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community.'<sup>38</sup>

#### To do?

- fund the NGO's working on violence against women
- Insist that Irish Government ratifies the relevant conventions and protocols to protect women's human rights
- Monitor and insist on Govt commitments being fulfilled i.e. CEDAW, BPFA, CSW, Conventions & Protocols (via new Women's Human Rights Alliance)
- Work with other women's NGO's and labour organizations who do not support legalisation of prostitution – [www.nwci.ie](http://www.nwci.ie)

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<sup>38</sup> UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. 1949.

- knowledge of the harm done to women from prostitution and sexual exploitation teaches us that there is no such thing as acceptable ‘sex work’
- Repeal the 8<sup>th</sup> Amendment to the Irish Constitution, protect all Irish women’s sexual and reproductive rights
- Visit EWL web site & Observatory web site:<http://www.womenlobby.org>
- Participate in 16 days of action against violence against women with Women’s Aid [www.womensaid.ie](http://www.womensaid.ie)
- Demand that the Irish Government actively seeks and helps to create a legal base for combating violence against women in the EU – make it an issue during Irish Presidency Jan-June 2004
- Work with EWL, through NWCi and its 150 affiliates to make violence against women a priority issue at EU Level
- Take part in the creation of a public debate in which Irish legislation and attitudes can change to promote an anti-trafficking and anti-prostitution legislation so that all women’s rights in this state can be protected.
- Let’s penalize the buyers.
- Support our colleagues working with immigrants to ensure that trafficking is seen as exploited migration, but trafficked women are not migration criminals.

Let’s really start the discussion on this issue in Ireland – let’s speak out for the 500,000 trafficked women of Europe and the millions world wide – let’s hear the voices of Irish women and men on this issue – let’s work to ensure that commercial sexual exploitation is actionable both when it happens to women who have been trafficked and when it happens to women within our own country.<sup>39</sup>

Thank you

Grainne Healy

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<sup>39</sup> Coalition against Trafficking in Women. 2001

## **APPENDIX II**

### **‘Associazione Telefono Rosa’, Italy** **Submission for the Trafficking Forum**

The National Volunteers Association, known as “Telefono Rosa”, is an ONLUSS created in Rome, in 1990, intent on fighting all forms of physical, sexual, psychological and economic violence against women and children. The association has fought many battles; to change the penal code, to enact a special law against sexual violence (1996) and to obtain greater dignity for women, often used to sell products, such as weekly magazines, cars, holidays etc. Information campaigns were also launched on women and children’s rights, in line with provisions recently introduced in the civil and penal code, as well as mass media campaigns aimed at problems of violence, particularly domestic violence. The association has also fought a harsh battle in favour of a law against sexual tourism; there are still special flights carrying men to countries where children prostitution is flourishing.

Presently, in Italy prostitution is not considered as a crime and is therefore not attacked or punished, however, a political campaign has been launched to remove prostitutes from the streets. Most of these prostitutes are very young; many of them come from foreign countries where poverty and hunger are widespread, where moral sense is overrun by primary needs, where parents sell their daughters and push their children to become prostitutes, in order to make “a better living”.

Thus, consecutive waves of very young prostitutes have reached our country, coming from Nigeria, Albania, Ukraine, and Romania. Each ethnic group is the victim of a different criminal organization. Nigerian women mostly refer to a national who advances their travel expenses; they come across the borders from France, attracted by the appeal of an easy life, to gain a few euro, which are for them a huge amount of money, to repay their travel expenses and regain their freedom, although they actually fail to achieve such goals.

Albanian girls similar to the others coming from eastern countries (e.g. Ukraine and Romania) are mostly attracted by the mirage of a job and they are even willing to pay for their travel to Italy; during their travel, they are often beaten and raped, confined in small dark closets and are obligated to have sex with many men. Albanian and Rumanian girls have often a “master” of their same ethnic group, whereas Ukraine girls are “bought” by Italian criminal organizations.

Besides female trafficking fuelling prostitution, child trafficking is also common. Children are often obliged to beg, or, even worse, used for the purpose of organ transplants. Moreover trafficking fuels the labour market with persons kept in conditions of real slavery: in 2001 an organization was discovered that sold at the trivial amount of €1500, Ukraine women, to be used as charwomen; needless to say that they were segregated in the houses in conditions of real, continuous slavery.

In 2003 (the law 11.8.2003 n.228) “Measures against the trafficking of persons” acknowledged that many women, young people and children are obliged to a life of sexual or work slavery by criminal organizations. There is a crime whenever the right of “ownership” is exerted over a person, or another one is brought and maintained in a state of continuous subjection by means of violence, threats or abuse of authority, so that the person is obligated to work/sexual performances/begging, or to any other form exploitation. According to the law, the author of a violent behaviour shall be punished by imprisonment from 8 to 20 years. If the crime is perpetrated against subjects under 18 years of age, for the exploitation of prostitution, or for organs trafficking of purposes, sanctions are increased by up to half the amount.

A few years ago, a toll-free number has been activated – 800290290 – at the Department of Equal Opportunities by the Italian Government to try and extract the victims from their tragic destiny; anyone who wishes to be set free from the state of subjection to which he/she has been submitted or has any information about persons kept in slavery, may call this number.

Victims of violence may enjoy a special assistance program that guarantees adequate lodging, food and health care. There is also another program for the social insertion and integration of victims. If they are foreign, they are also entitled to a special staying permit for reasons of social protection, for a renewable period of 6 months, granting them access to job finding lists, health care and schools. This staying permit for reasons of social protection depends on the “status” of victim of violence and does not entail any obligation to report to authorities the criminal organization they are trying to flee from. If they cooperate with justice and find themselves in danger for this reason, they may qualify for a further protection program, similar to that adopted for witnesses, but, again, collaboration with justice is not a sine qua non condition to be assisted in abandoning marginalization and violence.

The social and humanitarian aspect always prevails over the need for justice. The law provides special powers for the magistrates and law enforcement authorities dealing with cases of slavery: undercover operations are envisaged to infiltrate criminal organizations, as well as telephone and environmental wiring, etc.

During its many years of activity Telefono Rosa has witnessed deterioration in social and criminal behaviours. The law has been engaged in a painstaking effort to constantly adjust to these behaviours, and to fight against an increasingly serious social plague. Unfortunately, the existing gap between “rich” and “poor” countries is bound to increase and will produce further distortions in the behaviour of various societies; at any rate, we should create acceptable living conditions in poor countries, to stop or, at least, to decrease this migratory flow of desperate people and the resulting criminal actions against them.

## **The recent law 11.8.2003, n. 228. – Measures against trafficking of persons**

**Crime:** Anyone exerting over a person powers corresponding to those granted under the right of ownership, or anyone bringing or maintaining a person in a state of continuous subjection, obliging him/her to work, to sexual performances, to begging or to activities bordering exploitation shall be punished by imprisonment, for a period of 8 to 20 years (to be increased by up to half, if the crime is against children, for the purpose of prostitution or organ trafficking).

**Victims:** Bringing or maintaining a person in a state of subjection occurs when this conduct is implemented by resorting to violence, threats, treachery, abuse of ones' authority and when one takes advantage of a situation of physical and psychic inferiority, or of a state of necessity, or when one promises or actually offers sums of money, or any other benefit to anyone having authority over such person.

**Measures in favour of victims:** Victims are not obliged to cooperate with law enforcement authorities. They are entitled to a programme of social assistance and integration and, if they are foreigner, to a staying permit for reasons of social protection, for a renewable period of 6 months.

Assistance involves lodging, food and health care, for a transient period of time. If the victim cooperates with the law enforcement authorities and this entails a danger for his/her life, he/she may qualify for protection measures similar to those provided for witnesses.

### **APPENDIX III**

#### **List of Participants:**

<u>Name</u>	<u>Name of Organisation</u>
Eileen Brannigan	Amnesty International
Peggy Burns	Belfast Rape Crisis Centre
Eileen Calder	Belfast Rape Crisis Centre
Eileen Kelly	Belfast Rape Crisis Centre
Breda Hefferan	Cuan Saor Women's Refuge
Teena Hogan	Cuan Saor Women's Refuge
Nicola Murphy	Department of Justice, Equality and Law Reform
Noel Synnott	Department of Justice, Equality and Law Reform
Anne Scully	Doras Lumini
Breda Allen	Dublin Rape Crisis Centre
Muireann O'Briain	Dublin Rape Crisis Centre
Dolores Healy	Dundalk Rape Crisis Centre
Mairead Heaney	Dundalk Rape Crisis Centre
Mary McGinn	Dundalk Rape Crisis Centre
Rita Fagan	Family Resource Centre, Inchicore
Jo Kennedy	Family Resource Centre, Inchicore
Tanya O'Malley	Galway Rape Crisis Centre
Agnes Warren	Galway Rape Crisis Centre
Colm Dempsey	Garda
Hilkka Becker	Immigrant Council of Ireland
Anita Koppenhoffen	Inchicore VAW (Outreach Centre)
Nicola Jordan	Individual
Monica O'Connor	Individual
Lynda Price	Individual
Niamh Wilson	Individual
Jate Lambert	Inchicore VAW (Outreach Centre)

Alice Kavanagh	Kerry Rape Crisis Centre
Catherine Twomey	Kilkenny Rape Crisis Centre
Ann McHugh	Letterkenny General Hospital
Miriam Duffy	Limerick Rape Crisis Centre
Nicci Rowntree Carroll	Mayo Rape Crisis Centre
Jennifer Gleeson	Midland Health Board
Suzanne Knight	Midland Health Board
Katarina Schmidt	Ministry of Industry, Employment and Communications, Sweden
Michael Smith	North Eastern Health Board, Community Welfare
Pearl Grey	Open Door Housing Association
Angela Rice	Open Door Housing Association
Ann Mason	Red Ribbon Project
Emma Connors	Ruhama
Siobhan Flockton	SAOIRSE
Elaine Hanson	Sligo Rape Crisis Centre
Tina Horton	Sligo Rape Crisis Centre
Angela O'Shea	South Eastern Health Board
Daphne Hunt	South Leinster Rape Crisis Centre
Aine O'Horan	South Leinster Rape Crisis Centre
Eibhlin Fleming	Souther Health Board
Pauline Daly	SWAN (SAVE)
Ann Marie Murphy	SWAN (SAVE)
Anita Clancy	Tipperary Rape Crisis Centre
Elaine Keane	Tipperary Rape Crisis Centre
Dr. Evelyn Mahon	Trinity College Dublin, Dept of Sociology
Catherine Dooley	Tullamore Rape Crisis Centre
Jan O'Rourke	Wexford Rape Crisis Centre
Yvonne Pim	Wexford Rape Crisis Centre
Wendy Crampton	Women's Aid, Dublin
Felicity Kennedy	Women's Aid, Dublin
Rachel Mullen	Women's Aid, Dublin

Theresa Sweeney	Women's Aid, Dublin
Eileen Havern	Women's Aid, Newry
Maria McBride	Women's Aid, Newry
Jan McLeod	Women's Support Project, Scotland

**List of Participants from the Rape Crisis Network Europe:**

<u>Name</u>	<u>Name of Organisation</u>	<u>Country</u>
Alicja Coetzer	SOS Viol	Belgium
Catherine Haillez	SOS Viol	Belgium
Milena Stateva	Association Animus La Strada	Bulgaria
Djurdjica Kolarec	Centar Zena ROSA	Croatia
Cas Heron	Rape Crisis Federation	England Wales
Marcia Thorpe	Rape Crisis Federation	England Wales
Reet Hiimae	NPO Women Shelter	Estonia
Sirje Otsavel	NPO Women Shelter	Estonia
Hannaleena Kuukari	Tukinainen Rape Crisis Centre	Finland
Virve Virta	Tukinainen Rape Crisis Centre	Finland
Lise Parant	Collectif Feministe Contre le Viol	France
Patricia Rajabally	Collectif Feministe Contre le viol	France
Gabi Mehmel	Bundersverband Autonomer Frauennotrufe	Germany
Margarethe Wegenast	Bundersverband Autonomer Frauennotrufe	Germany
Evgenia Kokkevi	Centre for Victims of Maltreatment & Exclusion	Greece
Christiana Mitsi	Centre for Victims of Maltreatment & Exclusion	Greece
Judit Herman	NANE Association for Women's Rights	Hungary
Erika Kispeter	NANE Association for Women's Rights	Hungary
Bjorg Gisladdottir	Stigamot	Iceland
Dora Halldorsdottir	Stigamot	Iceland

Maria Gabriella Carnieri	Associazione Telefono Rosa	Italy
Paola Lattes	Associazione Telefono Rosa	Italy
Svetlana Milenkova	Union of Women's Organisations	Macedonia
Savka Todorovska	Union of Women's Organisations	Macedonia
Bert Groen	Regionaal Steunpunt Seksueel Geweld	The Netherlands
Simone Timman	Regionaal Steunpunt Seksueel Geweld	The Netherlands
Annik Eriksson	Nora Senteret	Norway
Marit Stemland	Norther Feminist University	Norway
Urzsula Nowakowska	Centrum Praw Kobiet	Poland
Maria Macedo	Associação de Mulheres Contra a Violência	Portugal
Catarina Caeiro	Associação de Mulheres Contra a Violência	Portugal
Natalia Khodyreva	Crisis Centre for Women	Russia
Sandy Brindley	Rape Crisis Scotland	Scotland
Jean Cuthbert	Rape Crisis Scotland	Scotland
Vesna Ignatov	Association SOS Helpline	Slovenia
Angeles Sepulveda	AMUVI	Spain
Pilar Sepulveda	AMUVI	Spain
Inger Grahn	BEDA Support Centre	Sweden
Annmarie Lofvenholm	BEDA Support Centre	Sweden
Fusun Taynac	Kadin 2000	Turkey
Liz Kelly	Child & Woman Abuse Studies Unit	UK
Linda Regan	Child and Woman Abuse Studies Unit	UK

### **Other RCNE Reports Available:**

1. *Good Practice in Medical Responses to Recently Reported Rape, Especially Forensic Examinations* – carried out by Prof. Liz Kelly and Linda Regan of the Child and Woman Abuse Studies Unit, London Metropolitan University.
2. *Rape: Still a Forgotten Issue* - Research report on rape cases attrition rates across Europe - carried out by Prof. Liz Kelly and Linda Regan of the Child and Woman Abuse Studies Unit, London Metropolitan University.
3. *Training models and Accreditation Strategies* – carried out by the RCNE and based on data from our European partners.
4. *Best Practice Guidelines for NGO's supporting women who have experienced sexual violence* – carried out by the RCNE and based on data from our European partners.
5. Country Reports from a number of members, namely: Czech Republic, Denmark, England and Wales, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Scotland, Sweden, Turkey.

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